

69TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

{ REPORT
No. 1558

FANNIE KRAVITZ

JUNE 28, 1926.—Committed to the Committee of the Whole House and ordered to be printed

Mr. UNDERHILL, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 1595]

The Committee on Claims, to whom was referred the bill (H. R. 1595) for the relief of Fannie Kravitz, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$3,000 to Fannie Kravitz, of New Haven, Connecticut, in compensation for injuries sustained November 12, 1923, in the city of New Haven, Connecticut, when struck by a United States Navy motor vehicle.

STATEMENT OF FACTS

The claimant, Fannie Kravitz, was struck and seriously injured by an automobile truck belonging to and operated by the recruiting service of the United States Navy in New Haven, Conn., on November 12, 1923. The driver of the truck, an enlisted man of the United States Navy, lost control of the truck when the wheels caught in a railroad track, breaking the radius rod. The truck ran up on the sidewalk and struck Mrs. Kravitz, through no negligence on her part.

Affidavits from three reputable physicians who examined Mrs. Kravitz after the accident were submitted to the committee, all of which show that the accident, in addition to serious direct injuries, has so aggravated her previous malady of neurasthenia that she will be permanently and substantially handicapped in carrying on her work as a dressmaker.

The following report from the Navy Department recommending passage of the bill explains the case more in detail:

DEPARTMENT OF THE NAVY,
Washington, May 19, 1926.

The CHAIRMAN COMMITTEE ON CLAIMS,
House of Representatives.

MY DEAR MR. CHAIRMAN: Your attention is invited to a letter from this department under date of April 5, 1926, respecting the bill (H. R. 1595) for the relief of Fannie Kravitz. At that time and with the information before the department it was recommended that the bill be not enacted, this view having been concurred in by the Bureau of the Budget. There has since come to the knowledge of the department further information on the subject that leads me to request that the second paragraph of the letter mentioned be modified so as to read as follows:

"A driver attached to the recruiting service lost control of his truck because of its being caught in a railway track, breaking the radius rod. The truck ran over the sidewalk and struck Mrs. Kravitz. Copies of explanatory reports are attached.

"While this department realizes that there would be no legal obligation upon an individual to recognize the claim as it is here presented against the United States in compensation for injuries received, it is also believed that it would be proper that the Congress should grant ex gratia relief to Mrs. Kravitz, who was an innocent pedestrian on the sidewalk and who was injured by a Government motor vehicle without fault of her own. The sum claimed, \$10,000, is believed to be excessive. From information received since the previous submission of the case it appears that Mrs. Kravitz was suffering from neurasthenia at the time of the accident and that, because of the accident, this malady has been aggravated and made permanent. From the claimant's employment as a dressmaker it is believed that an ex gratia compensation of \$3,000 would be appropriate."

This modified view of the case has been submitted to the Bureau of the Budget with the information that the department contemplated submitting a new report to the committee recommending that \$3,000 be appropriated as indemnity to Mrs. Kravitz and, under date of May 15, 1926, the Navy Department was informed that this amended report would not be in conflict with the financial program of the President.

In view of the foregoing, the Navy Department now recommends that the bill H. R. 1595 be enacted with the following amendment:

In line 4 strike out the figures "\$10,000" and insert in lieu thereof "\$3,000."

Sincerely yours,

CURTIS D. WILBUR, *Secretary of the Navy.*

AFFIDAVIT OF FANNIE KRAVITZ

NEW HAVEN, April 19, 1924.

STATE OF CONNECTICUT,
County of New Haven, ss:

Fannie Kravitz, being first duly sworn, on oath deposes and says as follows:

My name is Fannie Kravitz and I reside at 117 Derby Avenue in the city of New Haven. I was 53 years old on the 15th of September, 1923. I have been twice married and have three children—a son about 32 years of age, a daughter 28 years of age, and a daughter 19 years of age, who, up to the time of the accident herein referred to, was employed in an electrical establishment where she was earning good pay.

My husband's business is that of vegetable peddler and he is in ill health and has been for several years. I have helped to maintain the family by engaging in the occupation of dressmaker and making up dresses, which I rented out for hire on different occasions to various people, and at the time of the accident hereinafter complained of was much occupied in my business and had several orders for dresses from various customers.

Up to the time of the accident I was able to conduct my business as above stated with profit to myself, and I was also able to look after my family in the household as housekeeper.

On the 12th of November, 1923, at about 3 o'clock in the afternoon, I was proceeding easterly on the south side of Chapel Street, walking in about the middle of the sidewalk and proceeding in a careful and reasonable manner at a moderate gait.

When I reached a point immediately in front of the residence of Dr. William P. Baldwin, a Ford truck belonging to the United States Navy and operated and managed by one of the enlisted men in the Navy Department, which was proceeding along the public highway on Chapel Street, suddenly left the highway and ran up, and on the sidewalk, crashing into me and pinning me underneath it and up against the stone steps that led into the front of Doctor Baldwin's house. The truck did not stop until it had gone up several steps on the stoop of the house. I was rendered unconscious and very severely injured and was pinned beneath the machine. After being extricated from this position I was removed, in the hospital ambulance, to Grace Hospital, which is located a short distance from the scene of the accident.

I remained in the hospital for about three and one-half weeks and was attended by Dr. Arthur R. Weed, who was near the scene of the accident. He rendered immediate aid. He likewise attended me at the hospital during my sojourn there, assisted by other attending physicians connected with the institution.

I was very seriously injured and suffered intense pain. I was bleeding profusely from injuries to my knee and head. I was badly bruised all over my body, particularly on the head, back, thigh, and limbs. I suffered extreme pain from my left hip and was unable to use my limbs. I had, and have continued to have for a long time, very severe abdominal and intestinal pains and disturbances.

My hearing became very much impaired, particularly on the left side, and this impairment still continues. I suffered and still suffer greatly from buzzing and peculiar noises in my head.

I was visited daily at the hospital by the physicians referred to. I left the hospital on the 6th day of December, 1923, and went to my home in the care of a professional nurse. In accordance with the direction of the physicians, I have been receiving special treatment at the department of the Grace Hospital institution conducted by Dr. Robert E. Peck, by whom I have been treated twice a week since December, 1923. I have also consulted a specialist, Dr. Samuel J. Goldberg, by whom I have been treated, and have been under his medical care and attention for the past two weeks.

Among the physicians and surgeons whom I have consulted subsequent to the accident was Dr. Nelson Amos Ludington, who has given me several treatments and upon whose advice I am continuing to receive physiotherapeutic treatments.

I was obliged to have the services of a professional nurse for five weeks after my return home, also to keep my daughter home from her employment, so that she could help take care of the house and assist in nursing me.

As a result of the accident, the clothing I had on at the time was ruined, including my outer coat, dress, and hat; and my eyeglasses rendered useless.

Besides the medical, surgical, and nursing expenses I incurred were laboratory disbursements, such as X-ray plates, etc.

I am still suffering very greatly from dizziness and headaches. I have severe pains in my back and neck, and my arms likewise cause me great distress and pain. I am very nervous and have lost weight. I am wholly unfit to do any work about the house and unfit to engage in any work in my occupation as dressmaker. As a result, I have lost all my customers and patrons, and my business has been practically ruined.

I am unable to move about owing to the condition of my limbs, being unsteady and not able to walk properly, and I suffer great pain in them; besides, they apparently refuse to support me. My ankles are weak and do not perform their proper function.

All these symptoms date from the time of the injury and I am in a very wretched and nervous state. The shock and terror of the accident has made a very strong mental impression upon me and I am frequently awakened during the night by terrifying dreams and many times awoken with a shock. My sleep is constantly interrupted.

I can not continue any active mental work, as I become tired and distressed and at times feel that I am a mental and physical wreck, all of which is apparently the result and outcome of this unfortunate and distressing accident.

FANNIE KRAVITZ.

Subscribed and sworn to before me this 19th day of April, 1924.

GRACE R. PASSELSKY, *Notary Public.*

AFFIDAVIT OF ROSE SARASON

NEW HAVEN, April 19, 1924.

STATE OF CONNECTICUT,

County of New Haven, ss:

Rose Sarason, being first duly sworn, on oath deposes and says as follows:
My name is Rose Sarason. I reside at 377 Central Avenue, Westville, Conn. I am the wife of Benjamin Sarason. My husband is engaged in the real estate business.

I know Mrs. Fannie Kravitz, with whom I have been acquainted about 25 years, although I have not come in contact with her very frequently.

On the 12th day of November, 1923, about 3 o'clock in the afternoon, I was proceeding along Chapel Street in a westerly direction on the south side of the street. When I arrived in about the middle of the block between Park and Howe Streets, I saw Mrs. Kravitz walking toward me on the same side of the street. At the same time I saw a truck suddenly leave the highway, rapidly proceed up on to the sidewalk and crash into Mrs. Kravitz, right in front of the home of Doctor Baldwin. She was pinned under the machine.

I saw it back off to the sidewalk again and I immediately rushed to the scene, where I saw Mrs. Kravitz lying on the steps that led to Doctor Baldwin's house. I saw that she was very seriously injured and rushed to obtain medical aid, but saw a crowd gathering and returned. I then observed that some one was already administering aid to her. When I saw her, she was unconscious and apparently in the hands of the medical authorities. I at once called up Mrs. Berman, a member of her family, and informed her of the accident. Mrs. Kravitz appeared to be very severely injured.

ROSE SARASON.

Subscribed and sworn to before me this 19th day of April, 1924.

[SEAL.]

JACOB P. GOODHART, Notary Public.

AFFIDAVIT OF DR. ARTHUR R. WEED

NEW HAVEN, May 20, 1924.

STATE OF CONNECTICUT,

County of New Haven, ss:

Dr. Arthur R. Weed, being first duly sworn, on oath deposes and says as follows:

My name is Arthur R. Weed. I reside at 66 Norton Street in the city of New Haven, and am a physician and surgeon of 12 years' practice. My office is at 1210 Chapel Street in said New Haven. I am a graduate of the University of Vermont, College of Medicine, class of 1912.

The accident in question took place within a block of my office and occurred on the 12th day of November, 1923. On the day in question I had just left my office and was proceeding in a westerly direction, approaching the corner of Howe and Chapel Streets, preparing to go in a southerly direction at Howe Street, when I observed a small Ford truck of the United States Navy, the truck being operated and managed by one of the enlisted personnel of the Navy Department.

The truck was approaching on the north side of Howe Street, and at the intersection of Chapel and Howe Streets turned eastward. As it was crossing Chapel Street, the operator apparently lost control of the truck, which was diagonally crossing the tracks, and the same became unmanageable, and instead of completing the turn, it proceeded forward onto the sidewalk. When it reached a point immediately in front of the residence of Dr. William Pitt Baldwin it ran in upon Mrs. Fannie Kravitz, who was proceeding easterly on the south side of Chapel Street, throwing her against the stone steps that led into the Baldwin house, pinning her beneath the machine.

I immediately went to her assistance. The truck, which was partially pinning Mrs. Kravitz underneath it, was lifted from her by bystanders. On being extricated, I observed that she was bleeding profusely from an injury to her left knee and from her scalp. She was semiconscious and showed evidence of considerable shock.

An ambulance was immediately called from the Grace Hospital, which is a short distance away, and she was removed at once to the hospital. I accompanied her in the ambulance. Upon arrival at the hospital she was subjected to a more careful and detailed examination and I found the following injuries from the first examination:

A deep transverse laceration extending across the left knee joint just below the patella. There was a smaller, more superficial laceration about 1 inch long just above the latter scar. There was a deep laceration 1 inch or more long on the middle of the top of the head. She was suffering from contusions about the lower back and several smaller contusions about the outer side of the left thigh. Over the calf of the left leg the contusions were more extensive.

She was in a highly nervous state, groaning and suffering from pain, and was in a hysterical condition. She was pale and her lips and finger tips somewhat cyanotic. She was apparently suffering greatly from shock. She was given the treatment that was indicated.

The following day the examination disclosed more definitely the area of contusions. There was a marked discoloration over the sacral region, accompanied with swelling, likewise the outer side of the thigh, calf of the leg, and ankle. The left hip joint was extremely painful from active or passive motion. It was impossible to move the knee joint, due to the laceration. The left ankle joint was swollen. On the outer left side of the head there was a large swollen, tender area resulting from a contusion. She was still in an excitable terrorized condition. She complained of abdominal symptoms, namely, distension and intestinal pain, and it was noted that there was rather a marked degree of abdominal distension. She complained of impaired hearing, particularly of the left ear, and suffered from head noises and buzzing.

Dr. George Blumer was consulted with reference to the abdominal condition.

The history of the case was then as follows:

She remained at Grace Hospital under care of a special nurse until December 6. During this time I gave her daily attention.

The acute symptoms gradually subsided; the wound of the knee healed slowly. She left the hospital and went home under care of a nurse and myself.

During her entire stay at the hospital her symptoms, as hereinbefore expressed, were manifest, also at her home where I attended her constantly until December 25. I then recommended that she be treated by physiotherapeutic measures as an out-patient at Grace Hospital under Dr. Robert Peck and specialists in that particular method of treatment.

Conclusion: I have observed Mrs. Kravitz since at my office and, in my opinion, she is suffering from the following:

She is in a highly nervous state, and is constantly alluding to the impression of seeing the truck over her. She sleeps poorly and is awakened frequently by unpleasant dreams, and she is incapable of any sustained mental activity.

She is suffering from a pain in the cervical region on the side to side motion of her head.

The contusions of the sacral region have not been completely absorbed and are still a source of pain.

Her hearing has been impaired and head noises persist. The wounds of the knee have healed, but are a source of considerable discomfort when walking or flexing the knee, due to adhesions and the deep scarring.

There is tenderness on the left side of the head in the region of the contusions.

My impression is that Mrs. Kravitz is, to a degree, permanently injured by reason of the nervous shock, resulting directly from the accident.

Her inability to continue her occupation as a dressmaker is impaired, and I doubt if she will ever be able to carry it on successfully.

[SEAL]

ARTHUR R. WEED, M. D.

Subscribed and sworn to before me this 20th day of May, 1924.

GRACE R. PASSELINSKY, Notary Public.

AFFIDAVIT OF DR. SAMUEL J. GOLDBERG

NEW HAVEN, June 3, 1924.

STATE OF CONNECTICUT,
County of New Haven, ss:

Dr. Samuel J. Goldberg, being first duly sworn, on oath deposes and says as follows:

My name is Samuel J. Goldberg. I reside at 508 Yale Avenue and have my office at 42 College Street in the city of New Haven. I am a graduate of the Yale Medical School, class of 1907, and have been continuously engaged in the practice of medicine since my graduation. I am a member of several medical societies and have been from time to time called upon to give testimony before judicial tribunals in the State of Connecticut. Also I am one of the attending physicians on the general staff of Grace Hospital in New Haven, Conn.

I am acquainted with Mrs. Fannie Kravitz, of 107 Derby Avenue, in the city of New Haven, and upon direction and request made a full examination for the purpose of furnishing information as to her existing physical condition on the 10th day of April, 1924.

I found her to be suffering from a symptom complex incident to profound neurasthenia, which I think, without doubt, is the end result of the injury which she claims to have sustained on the 12th day of November, 1923:

It is my opinion that a prolonged treatment with physiotherapy and rest and graded exercise will furnish the only hope of recovery to a normal state of health

S. J. GOLDBERG, M. D.

Subscribed and sworn to before me this 3d day of June, 1924.

JACOB P. GOODHART, Notary Public.

AFFIDAVIT OF DR. NELSON AMOS LUDINGTON

NEW HAVEN, May 20, 1924.

STATE OF CONNECTICUT,
County of New Haven ss:

Dr. Nelson Amos Ludington, being first duly sworn, on oath deposes and says as follows:

My name is Nelson Amos Ludington. I reside and have my office at 1252 Chapel Street, in the city of New Haven. I am a graduate of the Yale Medical School, class of 1901, and have been continuously engaged in the practice of medicine and surgery since my graduation. I am a member of several medical societies, and have frequently been called upon to give testimony before judicial tribunals in the State of Connecticut in cases of persons alleged to have suffered injury.

I am acquainted with Mrs. Fannie Kravitz, of New Haven, and was requested to make a thorough and complete examination of her condition.

Accordingly, I examined Mrs. Kravitz in my office on January 14, 1924, at 2.30 p. m. At that time she had the following injuries: There was a scar 1 inch long on the middle of the top of the head, in which two stitches had been placed. At this time it was healed. There was a tender area about $1\frac{1}{2}$ inches in diameter over the middle of the right side of the scalp. The right upper canine tooth was missing from a dental plate. There was a tenderness over the seventh cervical vertebra.

Active rotation—that is, turning the head from side to side—was painful and was limited in rotating to the right. The right shoulder was slightly higher than the left. The indications were that there was a traumatic arthritis of the joints in the lower part of the neck. This is a painful and bothersome affair and would be so for several months to come.

There was an area of tenderness over the upper portion of the sacrum and a diffuse tender swelling situated in the mid line over this region. There were two scars across the left knee. One, the shorter of the two, was 1 inch long, and located immediately below the knee cap. The other scar was crescentic and $3\frac{1}{2}$ inches long, crossing the knee in front 1 inch below the kneecap. Both of these scars are permanent.

There was an area of discoloration covering the major portion of the back of the calf of the right leg. The mottling showed that absorption was defective, due to impaired circulation. At the upper portion of this area was a small

lump the size of a walnut, which represented a clotting of one of the large veins of the leg. The extremity was colder than its mate, and the pulsation in the arteries was less than on the opposite side. There was an injury to the blood vessels of this leg, which would permanently impair the circulation in the leg. Weakness and intermittent pain will persist in this member for an indefinite period. In all, it will constitute a permanent impairment of the use of the leg as a whole.

The outer surface of the right thigh was slightly discolored, showing where it was bruised.

The left ankle was swollen and tender over the outer side. There was pain suffered in going downstairs and a limp in walking.

The patient is nervous, has lost 10 pounds in weight, suffers from poor sleep, loss of appetite, and bad dreams. Her reflexes were all increased. Blood pressure was 124 over 74, which is low for one of her age (53 years) and indicates general weakness. In addition to her duty as housewife she had been working as a dressmaker. In view of the severity of her injuries, her present very unstable nervous condition and general weakness, I estimated that it would be unwise for her to attempt to resume her occupation.

In conclusion, Mrs. Kravitz is suffering from a marked degree of traumatic neurasthenia, produced not only by the physical injuries but by the shock and mental impressions indelibly impressed by seeing this truck standing immediately over her when it had come to a stop.

The downward course of events, as indicated by her loss of weight, sleep, and inability for sustained effort, makes it seem probable that this condition will incapacitate her for an indefinite time in the future.

The arthritis in the neck and the inflammation of the vein, both the direct result of this injury, will probably be permanent to some degree. Recovery will never be complete. Just what degree of disability will remain can better be determined two years from now than at the present time.

NELSON A. LUDINGTON, M. D.

Subscribed and sworn to before me this 20th day of May, 1924.

JACOB P. GOODHART, *Notary Public.*

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