

## TWENTY-FIRST ANNUAL REPORT

OF THE

UNITED STATES EMPLOYEES'  
COMPENSATION COMMISSION

JULY 1, 1936, TO JUNE 30, 1937

Mediation	19
Training	21
Office	22
Commission	23
Report	24
III. Operations under the Act of January 2, 1936	26
1. Civil Works Administration	26
Injuries reported	26
Cases on hand	28
Cases disposed of	28
Third-party liability	28
Summarization of cases	29
Cost of compensation and administrative expenses	29
2. Civilian Conservation Corps	30
Open cases	30
Closed cases	30
IV. COMMISSIONERS	41
JEWELL W. SWOFFORD, Chairman	41
JOHN M. MORIN      JOHN J. KEEGAN	42
V. District of Columbia	43
Florida Hurricane	47
Administrative Employees - Federal Emergency Relief Administration	48
VI. Operations under the Transportation and Harbor Workers Compensation Act and the District of Columbia Workers' Compensation Act	50
Insurance carriers	52
Review of cases	54
Amendments to the Act	56
1. Longshoremen	56
2. Transportation	56
3. Harbor Workers	56
Open cases	57
Cases disposed of	58
Accidents	59
Cause of accident	71
Cause of death	71
Transferred cases	72
Expense of administration	72
2. District of Columbia Act	73
Injuries reported	73
Cases disposed of	74
Trust Fund	77
Expense of administration	77
VII. Injuries reported and closed	80
1937	80
2. Injuries reported by January 1, 1938 to June 30, 1937	81



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1938



## CONTENTS

	Page
I. Jurisdiction of the Commission	1
II. Operations under the United States Employees' Act	4
Injuries reported	5
Cases on hand	8
Permanent disability cases	9
Fatal cases	11
Cases disposed of	14
Medical care and treatment	19
Third-party cases	21
Cause of injury	22
Cost of the compensation law	23
Recommendations for legislation	24
III. Operations under the act of February 15, 1934	26
1. Civil Works Administration	28
Injuries reported	28
Cases on hand	29
Cases disposed of	33
Third-party cases	35
Summarization of causes of injury	35
Cost of compensation and administrative expenses	36
2. Civilian Conservation Corps	37
Open cases	38
Cases disposed of	39
Third-party cases	41
Cause of injury	41
Special fund	42
3. Relief employees	43
Special fund, Relief Appropriation Act	46
4. Florida hurricane victims	47
5. Administrative Employees—Federal Emergency Relief Administration	49
IV. Operations under the Longshoremen's and Harbor Workers' Compensation Act and the District of Columbia workmen's compensation law	50
Insurance carriers	52
Review of court decisions	54
Amendments to the law	60
1. Longshoremen's Act	66
Injuries reported	66
Open cases	67
Cases disposed of	68
Accident prevention	71
Cause of accidents, longshoremen	71
Cause of accidents, repairmen	72
Trust fund account	73
Expense of administration	73
2. District of Columbia Act	73
Injuries reported	73
Cases disposed of	74
Trust-fund account	77
Expenses of administration	77
TABLES	
1. Injuries reported and claims received, September 7, 1916, to June 30, 1937	6
2. Injuries reported by establishments for 6-month periods, January 1, 1933 to June 30, 1937	7

	Page
3. Incomplete cases involving long-continued or permanent disability, showing duration and cost as of December 31, 1936-----	10
4. Awards, cessations, and active death cases, 1926-36-----	11
5. Awards in 179 fatal cases with dependents approved in 1936-----	12
6. Total monthly compensation and cost of all fatal cases active in 1936, by year of approval-----	13
7. Disapproved cases, 1933-36-----	14
8. Number of lost-time accidents causing temporary total disability closed during 1936, showing duration; medical and compensation costs-----	16
9. Numerical and percentage distribution of temporary total disability cases, according to number of days disabled in cases closed during calendar year, 1936, and cumulative experience September 7, 1916, to December 31, 1936, inclusive-----	17
10. Number of permanent partial disability cases closed during 1936, showing duration; medical and compensation costs-----	18
11. Number of permanent total disability cases closed during 1936, showing duration; medical and compensation costs-----	19
12. Summary of medical payments in nonfatal cases closed and fatal cases acted upon during 1936, and cumulative data September 7, 1916, to December 31, 1936-----	21
13. Disposition of cases examined for possible third-party liability, from January 1, 1936, to December 31, 1936-----	22
14. Benefits paid and estimated and damages recovered during 1936, in injury cases arising from negligence of third party-----	22
15. Comparative statement of expenditures from the employees' compensation fund, July 1, 1933, to June 30, 1937-----	24
16. Appropriations and expenditures, 1916-37-----	24
17. Injuries reported by States as of September 30, 1937-----	29
18. Cost of all Civil Works Administration nonfatal cases active on October 1, 1937, by States-----	30
19. Cost, by State, as of October 1, 1937 of all Civil Works Administration fatal cases reported-----	32
20. Ranking and percentage importance of chief causes of 152,713 approved Civil Works Administration injuries, October 1933 through September 1937-----	35
21. Classification of expenditures from Civil Works employees' compensation fund-----	37
22. Injuries reported and claims received from Civilian Conservation Corps, May 1933-September 1937, inclusive-----	38
23. Average and estimated total cost of 627 active fatal cases July 1937, by dependents-----	39
24. Cost of all closed nonfatal cases of enrollees in the Civilian Conservation Corps, May 1933 through September 30, 1937-----	40
25. Causes of injury to enrollees in Civilian Conservation Corps reported through September 30, 1937-----	42
26. Classification of expenditures from the Enrollees' Civilian Conservation fund-----	43
27. Classification of expenditures from the relief employees' fund-----	47
28. Cases reported by fiscal years 1928-37-----	67
29. Cost of compensation to dependents in 92 fatal cases approved during 1937-----	68
30. Cases closed during the fiscal year ended June 30, 1937-----	68
31. Number of lost-time cases closed and fatal cases approved, showing duration, extent of disability, and compensation costs, fiscal years 1928-37, inclusive-----	69
32. Injuries reported by the month for the 9 fiscal years 1929-37 under the District of Columbia Workmen's Compensation Act-----	74
33. Cases disposed of-----	75
34. Number of lost-time cases closed and fatal cases approved, showing duration, extent of disability, and compensation costs, fiscal years 1929-37, inclusive-----	76
35. Average weekly awards to defendants, and estimated total death compensation in 23 fatal cases approved during 1937-----	77

**TWENTY-FIRST ANNUAL REPORT**

OF THE

**UNITED STATES EMPLOYEES' COMPENSATION  
COMMISSION**

NOVEMBER 15, 1937.

*To the Senate and House of Representatives:*

Report of the operations of the United States Employees' Compensation Commission for the fiscal year ended June 30, 1937, is herewith submitted in conformity with section 33 of the act of September 7, 1916.

**I. JURISDICTION OF THE COMMISSION**

The United States Employees' Compensation Commission, created by the act of September 7, 1916, is charged with the duty of administering four laws providing workmen's compensation benefits for employees in certain employments within Federal jurisdiction, as follows:

1. The act approved September 7, 1916 (U. S. C., title 5, secs. 751-795), providing compensation for civil employees of the United States who suffer personal injury while in the performance of official duty.
2. The act approved March 4, 1927 (U. S. C., title 33, secs. 901-950), providing compensation for disability or death resulting from injury to certain employees in maritime employment upon the navigable waters of the United States.
3. The act approved May 17, 1928 (45 Stat. 600), providing compensation for disability or death resulting from injury to employees in certain employments within the District of Columbia.
4. The act approved February 15, 1934 (U. S. C., title 5, sec. 796), providing compensation for certain employees on Federal Emergency Work projects who suffer traumatic injury while in the performance of duty.

The compensation law referred to as the act of February 15, 1934, is an appropriation act in which was included statutory authority extending the provisions of the Federal Employees' Compensation Act of September 7, 1916, subject to certain conditions and limitations, to employees of the Civil Works Administration. The conditions and limitations so changed the basic law in its application to this emergency employment that the effect is the same as a new and different compensation law. It might appropriately be designated as the Federal Emergency Workmen's Compensation Law, especially in view of the fact that the provisions relating to compensation for disability and death have been made applicable to other emergency relief employments. This law is applicable to employees of the former Civil Works Administration, enrollees in the Civilian Conservation Corps, employees of the Works Progress Administration and other Federal agencies who receive security payments from funds provided

by the Federal Emergency Relief Appropriation Acts of 1935, 1936, and 1937 for services rendered as employees of the United States, and persons receiving payments from the United States for services rendered for the National Youth Administration. The provisions of this emergency compensation law were also extended to cases arising out of the injury or death of veterans and other persons assigned to the ill-fated veterans' work camps located on the Florida Keys which were destroyed in the hurricane of September 2, 1935. Similar benefits were extended to cases of death and permanent disability resulting from the injury of employees of the Federal Emergency Relief Administration in certain States during the period administration of the relief program was under the control of the Federal Administrator. The provisions of this law and the experience thereunder in respect to the several Federal relief programs are discussed in greater detail in a section of this report devoted to this subject.

The Federal Government more than 20 years ago recognized and accepted the principles of workmen's compensation legislation and by the enactment of a liberal compensation law extended to its own employees the protection afforded by such legislation. The Commission has pointed out repeatedly that the responsibility of the Government in this respect has not been met, however, with the enactment of legislation for the protection of Federal employees. It is the responsibility of the Federal Government also to provide similar protection for employees in all private employment subject to exclusive Federal jurisdiction. The first step toward the fulfillment of this obligation was the enactment of the Longshoremen's and Harbor Workers' Compensation Act, approved March 4, 1927. This law makes it mandatory for employers engaged in maritime employment upon the navigable waters of the United States to secure the payment of compensation for the injury or death of employees arising out of or in the course of such employment. This law was also made applicable to private employment in the District of Columbia by subsequent legislation approved May 17, 1928. This law, which is administered by the Commission, has been in effect more than 10 years and the success attending the administration of it throughout the United States and in the District of Columbia removes any grounds for doubt regarding the desirability of such legislation from a social or economic point of view or the advantages of the present form of administration from the viewpoint of efficiency and economy.

The act approved June 25, 1936, is a further advance in extending this form of protection to workmen in Federal jurisdiction. This legislation confers jurisdiction upon each of the several States to extend the provisions of their State workmen's compensation laws to private employments on Federal property and premises located within the respective States. The law does not in any respect modify or amend the Federal Employees' Compensation Act of September 7, 1916, and is applicable only to employment in private enterprise. It seems, however, to meet in a satisfactory manner the situation referred to in the Commission's nineteenth annual report and is a further advance toward complete workmen's compensation coverage for all employments within Federal jurisdiction. It does not, however, meet the needs of this situation as acceptably as a Federal compensation law such as the Longshoremen's and Harbor Workers' Compensation Act. The coverage under some State workmen's com-

pension laws is not all inclusive and in two States there are no workmen's compensation laws. In view of this the act of June 25, 1936, fails to provide protection for workmen in private employment while at work on Federal property or premises in such States.

There remain two large bodies of workmen in private employment subject only to Federal regulation that are without the protection of workmen's compensation legislation. These are comprised of workmen in the employ of common carriers engaged in interstate commerce and the officers and crews of vessels of American registry. In previous reports the Commission has pointed out that these large fields of commercial employment apparently cannot be brought within the purview of the State workmen's compensation laws and that the only remedy appears to be the enactment of appropriate legislation by the Federal Government. The Commission renews its previous recommendations for the enactment of legislation modeled on the Longshoremen's and Harbor Workers' Compensation Act to bring this employment under the protection of a workmen's compensation law. The administrative provisions of this law which have now been tested over a period of more than 10 years appear to be suitable in all respects for this purpose. The provisions of the law affecting the scale of benefits and other matters may be modified as necessary to best meet the needs peculiar to the respective employments. This would not present a difficult problem but, on the contrary, the existing law with the well defined statutory construction of its provisions seems to be the logical foundation on which to build a new law.

At each session of the Congress many private relief bills are introduced for the purpose of providing relief or the payment of damages on account of personal injury or death allegedly caused by the negligence of officers or employees of the Federal Government acting within the scope of their authority, or by defects in equipment or premises due to such negligence. The report of the committee on claims of the House of Representatives covering the work of the committee in the Seventy-fourth Congress lists several hundred bills of this kind introduced at that session of the Congress. Many of these bills propose the payment of small sums as reimbursement for medical care, or damages for disability, while others propose the payment of substantial sums that seem greatly in excess of the loss sustained. Occasionally such bills have been referred to the Commission for comment, particularly in respect to the reasonableness of the amount claimed as compared with the benefits that might be payable under the compensation law in a similar case. The Commission believes that the enactment of appropriate legislation to confer upon it authority to investigate and determine the merits of such claims and either make awards directly to claimants or certify such awards to the Congress for settlement would not only relieve the congressional committees on claims of the great burden which now rests upon the members of such committees but it would also provide the means for the expeditious and economical settlement of such claims. The Commission is the only Federal agency engaged constantly with the consideration of personal-injury claims, and its existing administrative facilities with slight expansion might readily undertake this additional work. The administrative cost of handling such claims in this manner would be far less than under any other method. The Commission therefore suggests that consideration be given to the advisability of enacting legislation for this purpose.

In its last annual report the Commission referred again to the importance of greater efforts for the prevention of industrial accidents in employments within Federal jurisdiction. Reference was made in that report to the increased interest in safety work and in this connection attention was invited to the decision of the Commission to publish a monthly safety bulletin showing the causes of accidents and suggesting means for preventing them. Reports received by the Commission from Federal officials and from private employers have more than justified the belief that there is a particular need for a publication of this kind. It has aroused the interest of employees regarding the causes of accidents and the cost they entail. This is the first step toward elimination of unsafe or careless working practices. The Commission feels justified in expressing the hope that the number of serious accidents may be materially reduced as a result of the continuation of safety programs inaugurated in the Federal Service during the past year and it will continue to cooperate with public officials and private employees in this endeavor.

Since the several laws administered by the Commission apply to different employments, it is not practicable to deal with the administrative features of each under one general heading. The most important of these are discussed briefly in connection with the report of operations under each law, including recommendations for legislation which the Commission deems necessary or desirable.

## **II. OPERATIONS UNDER THE UNITED STATES EMPLOYEES' COMPENSATION ACT OF SEPTEMBER 7, 1916**

It appears impracticable to obtain definite information regarding the number of employees within the purview of the Compensation Act of September 7, 1916, because of the difficulty of determining the proper classification of the employees in all emergency employments. While the provisions of the act approved February 15, 1934, relating to compensation for disability or death have been made applicable to enrollees in the Civilian Conservation Corps and persons employed as civil employees of the United States on work relief projects financed through funds provided by the Emergency Relief Appropriation Acts of 1935, 1936, and 1937, the limited benefits extended to these emergency employments are not applicable to administrative personnel engaged in administering these relief programs. The administrative and supervisory staff of the Civilian Conservation Corps, and administrative employees of the Works Progress Administration, the Resettlement Administration, and the National Youth Administration are eligible for the full benefits provided by the act of September 7, 1916. Personnel employed by other establishments of the Government, except relief beneficiaries receiving security payments, are likewise entitled to the full benefits of this law. It appears, however, from reports of the Civil Service Commission and other information that nearly 1,000,000 employees are within the purview of this law.

In providing for a special fund to be set aside from funds appropriated by the relief appropriation acts to cover the cost of compensation benefits extended to persons employed in connection with the relief program authorized by such acts, it may be presumed that it was the intention of the Congress to avoid any permanent obligation against the regular compensation fund on account of the emergency relief program. This end will not be achieved, however, and compensation benefits awarded on account of the disability or death of

persons employed in administrative and certain supervisory positions in connection with the relief program are an obligation against the regular compensation fund. The cost of compensation benefits awarded in such cases will be reflected in the annual appropriation for this fund for a number of years.

*Injuries reported.*—During the calendar year ended December 31, 1936, the Commission received reports of 38,510 new injuries, of which 38,119 were nonfatal and 391 fatal. This number does not include any cases involving injuries to emergency employees whose claims for compensation are within the purview of the act of February 15, 1934. The number of new cases reported in 1936 is the largest in the history of the law and, as can be seen by reference to table 1, represents an increase of nearly 16 percent over the number reported during 1935 and an increase of 50 percent over the average number of new cases reported annually during the 10-year period 1926 to 1935, inclusive. Although this increase may be accounted for partly by an increase in the number of employees in certain executive departments and establishments, this does not furnish a complete explanation. The number of injuries distributed according to the reporting offices is shown in table 2 for each 6-month period from January 1933 to June 30, 1937. Reference to this table shows that a number of departments reported a larger number of injuries during the calendar year 1936 than in the preceding year. The largest numerical increase occurred in the Post Office Department, which reported 1,344 more injuries in 1936 than in 1935. The largest percentage increase occurred in the Department of the Interior, which reported an increase of 1,059 cases in 1936 or 41 percent more than in 1935. An increase in the Post Office Department is shown for all classes of employees except special delivery messengers. The largest number of injuries and the largest numerical increase in such injuries among postal employees occurred in the City Delivery Service. It does not appear that this increase may be accounted for by an increase in the number of personnel exposed to injury, as the reports of the Civil Service Commission for January 1935 and January 1936 do not show any substantial changes in the number of such employees for the respective years. The increase in the number of cases reported from the Department of the Interior occurred almost wholly in the Bureau of Reclamation and the very substantial increase noted between the number of cases reported respectively during the first and second half of 1936, seems clearly to indicate new activities undertaken by that Bureau. The same observation may be made in respect to the increase reported from the War and Navy Departments.

TABLE 1.—INJURIES REPORTED AND CLAIMS RECEIVED, SEPT. 7, 1916, TO JUNE 30, 1937

Period covered	Injuries reported			Claims received for disability and death				
	Nonfatal	Fatal	Total	Percent change from previous year	Disability	Death	Total	Percent change from previous year
Sept. 7, 1916 to Dec. 31, 1917--	15,831	245	16,076	-----	6,429	227	6,656	-----
Year ending Dec. 31--								
1918-----	23,448	670	24,118	+50.00	12,183	433	12,621	+89.60
1919-----	25,203	610	25,813	+7.00	13,425	499	13,924	+10.30
1920-----	19,557	523	20,080	-22.21	10,505	427	10,932	-21.50
1921-----	18,023	362	18,390	-8.40	7,857	310	8,167	-25.30
1922-----	17,905	354	18,259	-7.71	6,804	282	7,086	-13.20
1923-----	17,713	270	17,992	-1.46	6,466	236	6,702	-5.40
1924-----	20,260	278	20,538	+14.15	6,890	224	7,114	+6.15
1925-----	20,377	314	20,691	+7.74	6,987	274	7,261	+2.07
1926-----	19,208	319	19,527	-5.63	6,830	274	7,104	-2.16
1927-----	20,190	357	20,547	+5.22	7,272	285	7,557	+6.38
1928-----	21,886	303	22,189	+7.99	7,928	259	8,187	+8.34
1929-----	25,376	314	25,690	+15.78	9,074	263	9,337	+14.05
1930-----	25,775	294	26,069	+1.48	9,077	206	9,285	-5.58
1931-----	28,176	262	28,438	+9.09	9,240	168	9,408	+1.35
1932-----	25,117	231	25,348	-10.87	7,639	190	7,829	-16.78
1933-----	24,920	230	25,150	-7.78	7,226	188	7,414	-5.30
1934-----	34,121	292	34,413	+36.83	10,124	238	10,362	+39.76
1935-----	32,906	307	33,213	-3.49	8,670	250	8,920	-13.92
1936								
January-----	2,872	31	2,903	-.85	674	51	725	-8.92
February-----	2,721	28	2,749	+7.80	557	16	573	-17.32
March-----	3,297	35	3,332	+18.24	828	25	853	+8.25
April-----	3,041	46	3,087	+20.44	675	31	706	-9.60
May-----	2,836	23	2,864	+9.52	607	18	625	-10.46
June-----	3,121	34	3,155	+21.72	513	27	540	-8.63
July-----	3,278	31	3,309	+7.40	604	28	632	-17.92
August-----	3,634	54	3,688	+9.96	726	32	758	-13.07
September-----	3,550	31	3,581	+37.31	610	22	632	-18.77
October-----	3,661	30	3,691	+20.86	724	23	747	-8.23
November-----	3,106	22	3,128	+19.53	619	24	643	-3.89
December-----	3,002	21	3,023	+24.87	574	16	590	-11.94
Total for 1936-----	38,119	391	38,510	+15.95	7,711	313	8,024	-10.04
1937								
January-----	3,000	30	3,030	+4.37	557	23	580	-20.00
February-----	2,595	23	2,618	-4.77	505	19	524	-8.55
March-----	2,938	29	2,967	-10.95	656	25	681	-20.16
April-----	2,987	18	3,005	-2.66	631	18	649	-8.07
May-----	2,969	29	2,998	+4.68	448	12	460	-26.40
June-----	3,121	15	3,136	-.60	542	15	557	+3.15
Total first half 1937-----	17,610	144	17,754	-1.86	3,339	112	3,451	-14.20
Total, Sept. 7, 1916, to June 30, 1937, inclusive-----	491,726	7,079	498,805	-----	171,676	5,663	177,339	-----

## TWENTY-FIRST ANNUAL REPORT

7

TABLE 2.—INJURIES REPORTED BY ESTABLISHMENTS FOR 6-MONTH PERIODS, JAN. 1, 1933-JUNE 30, 1937

Establishment	1933		1934		1935		1936		1937
	January to June	July to December	January to June						
<b>War Department:</b>									
Arsenals and armory-----	272	229	394	323	301	426	414	428	338
Other ordnance-----	95	77	81	69	60	50	51	84	80
Quartermaster-----	403	595	565	543	616	685	540	610	557
Engineers-----	1,801	2,474	2,480	2,636	1,650	1,907	1,726	2,598	1,643
Emergency Conservation Work-----	159	155	118	114	769	154	82	98	
Air Service-----	99	112	98	136	145	192	211	251	336
Federal barge lines-----	215	313	207	228	185	214	269	286	316
Other War-----	87	76	86	84	67	81	113	91	136
Total, War Department-----	2,972	4,035	4,066	4,135	3,138	4,324	3,478	4,430	3,504
<b>Department of the Navy:</b>									
Yards-----	307	288	344	400	320	317	446	505	533
Other Navy-----	165	223	196	210	168	195	169	231	231
Total, Navy Department-----	472	511	540	610	488	512	615	736	764
<b>Post Office Department:</b>									
City mail service (clerical and supervisory)-----	787	704	892	886	1,057	924	1,039	975	1,082
City mail service (carriers and collectors)-----	1,970	1,688	2,401	1,882	2,667	1,909	3,125	2,366	2,788
Special-delivery messengers-----	148	133	151	129	168	153	160	157	158
Rural mail delivery-----	102	81	88	50	142	91	158	97	148
Railway Mail Service-----	521	541	548	527	546	490	610	586	606
Motor-vehicle service-----	322	298	307	319	394	357	422	365	328
Custodial service-----	233	297	461	560	378	372	398	412	395
Total, Post Office Department-----	4,083	3,742	4,848	4,353	5,557	4,547	6,200	5,248	5,872
<b>Department of the Interior:</b>									
Indian Affairs-----	115	153	308	309	314	212	260	257	228
National Park Service-----	171	448	534	577	386	507	403	541	454
Reclamation Service-----	138	145	183	222	267	338	587	1,058	623
Alaska Road Commission-----	5	54	17	62	11	38	13	31	10
Emergency Conservation Work-----	6	12	69	148	51	88	61	84	
All other Interior-----	55	140	161	212	110	162	122	204	159
Total, Interior Department-----	484	946	1,035	1,451	1,236	1,328	1,473	2,152	1,558
<b>Department of the Treasury:</b>									
Internal Revenue-----	19	36	45	165	188	166	162	176	200
Procurement-----	7	26	43	77	77	84	70	60	
Engraving and Printing-----	40	42	37	51	35	31	55	69	79
Public Health Service-----	42	35	35	30	33	41	53	46	38
Custodial Service-----	178	155	26	8	5	1	6	7	8
Bureau of Customs-----	150	188	197	167	195	203	199	179	193
Mints-----	20	19	14	78	114	133	75	91	93
All other Treasury-----	77	106	128	110	105	131	136	170	122
Total, Treasury Department-----	526	588	508	652	752	783	770	808	793
<b>Department of Commerce:</b>									
Bureau of Lighthouses-----	227	152	153	178	161	144	183	194	182
Merchant Fleet Corporation-----	12	25	19	21	51	101	72	74	(1)
Bureau of Air Commerce-----	78	92	38	48	57	75	61	49	36
All other Commerce-----	317	269	316	368	386	411	378	403	278
<b>Department of Agriculture:</b>									
Agriculture Adjustment Administration-----	2	21	4	93	56	111	67	61	36
Soil Conservation Service-----			12	177	294	197	224	308	563
Emergency Conservation Work-----	1	92	27	142	215	165	230	159	181
Resettlement Administration-----			1	50	135	140	118	227	201
Bureau of Animal Industry-----	133	129	191	257	210	196	171	208	164
Forest Service-----	629	1,434	2,153	2,910	910	1,230	625	1,383	709
Bureau of Public Roads-----	68	164	229	282	157	261	128	196	88
Bureau of Plant Quarantine-----	61	226	304	136	251	278	77	142	71
All other Agriculture-----	184	257	280	372	171	167	192	246	247
Total, Agriculture Department-----	1,078	2,323	3,201	4,419	2,399	2,745	1,832	2,930	2,260

See footnotes at end of table.

TABLE 2.—INJURIES REPORTED BY ESTABLISHMENTS FOR 6-MONTH PERIODS, JAN. 1, 1933-JUNE 30, 1937—Continued

Establishment	1933		1934		1935		1936		1937
	Janu- ary to June	July to De- cem- ber	Janu- ary to June						
Department of Justice:									
Bureau of Investigation-----	187 23	84 28	51 20	18 47	53 18	49 25	42 21	27 29	35 31
All other Justice-----									
Total, Justice Department-----	210	112	71	65	71	74	63	56	66
Department of Labor-----	66	54	61	65	66	64	84	96	97
Department of State-----	2	1	6	6	5	2	16	15	3
International Boundary Commis- sion-----	4	10	60	129	116	86	20	59	56
Miscellaneous:									
Government Printing Office-----	19	19	21	17	26	28	25	18	22
Other legislative establishments-----	20	8	14	21	14	20	30	17	23
Public Buildings and Parks-----	82	(2)	(2)	(3)	(2)	(2)	(2)	(2)	(2)
U. S. Merchant Fleet Corpora- tion-----	27	30	(3)	(3)	(3)	(3)	(3)	(1)	(1)
U. S. Maritime Commission-----								24	29
Government of the District of Columbia-----	392	548	368	428	424	380	353	356	375
Architect of the Capitol-----	14	20	14	11	13	28	24	62	39
Veterans' Administration-----	478	428	259	351	280	342	262	294	319
Securities and Exchange Com- mission-----						2	12	7	6
Federal Communications Com- mission-----	1		1	1	2	2	1		3
National Advisory Committee for Aeronautics-----	3	3	1	4		5	11	8	4
Social Security Board-----								23	46
All other-----	46	72	57	65	59	39	47	50	59
Total, miscellaneous-----	1,082	1,128	735	898	818	846	765	859	925
Emergency groups:									
Reconstruction Finance Corpora- tion-----	11	14	15	8	10	16	14	7	11
Federal Farm Board-----	2								
Farm Credit Administration-----	19	36	50	34	28	21	40	23	31
Federal Home Loan Bank Board-----					1			1	
Home Owners' Loan Corpora- tion-----									
Federal Housing Administration-----									
Tennessee Valley Authority-----	33	492	995	799	1,033	539	731	544	
Federal Emergency Relief Ad- ministration-----									
National Recovery Administra- tion-----	7	3	3	15	8	17	12	3	
Public Works Administra- tion-----	3	13	6	13	5	4	1		
Emergency Conservation Work-----	1	3	28	29	86	66	103	66	
Civil Works Administra- tion-----	5	1		7		1		1	
Works Progress Administra- tion-----			3	4		66	1,537	1,564	709
National Emergency Council-----					1	3	1		
Rural Electrification Adminis- tration-----							2	9	
National Youth Administra- tion-----							7	7	9
All other emergency groups-----									43
Total, emergency groups-----	32	103	621	1,194	1,052	1,407	2,396	2,628	1,578
Grand total-----	11,328	13,822	16,068	18,345	16,084	17,129	18,090	20,420	17,754

<sup>1</sup> Transferred to U. S. Maritime Commission, Oct. 26, 1936.<sup>2</sup> Transferred to National Park Service, Aug. 11, 1933.<sup>3</sup> Transferred to Commerce Department, June 10, 1933.

**Cases on hand.**—Unlike most of the workmen's compensation laws applicable to employment in private enterprise, the compensation law of September 7, 1916, does not limit the payment of compensation for permanent disability to a scheduled period of time or as to the aggregate amount of compensation that may be paid. Compensation for

total disability is payable during the continuance thereof, and for partial disability, as long as there is a loss in wage-earning capacity due to such disability. Compensation for death awarded to the widows in fatal cases is payable during widowhood, and to certain other beneficiaries during the period of dependency. Payments to the latter are also limited to a statutory period of years. It is evident, therefore, that continuous examination of pending cases is necessary to determine whether additional compensation is payable and the rate at which it is to be paid. A sufficient examining force is necessary for this purpose, or delay in the payment of compensation will inevitably result. This should not be permitted to occur, for in many cases this compensation is the sole means for the support of the individual receiving it, and his family.

At the close of business on December 31, 1936, approximately 8,700 cases were open in the records of the Commission in which compensation was being paid currently or which were in various stages of adjudication. These cases may be divided into four general classes, namely, those in which the record is incomplete, or which are awaiting the action of the Commission, temporary disability cases of probable short duration, permanent and long-continuing disability cases, and fatal cases. Approximately 4,000 cases were included in the first and second classes, 2,097 in the third class, and 2,541 in the fourth class. Compensation for permanent disability and death is the largest expense paid from the compensation fund, and for this reason brief reference to these two classes of cases appears warranted.

*Permanent or long-continued disability cases.*—On December 31, 1936, compensation for disability was being paid in 2,097 cases in which it appeared that the disability was permanent or of long indefinite duration. In 486 cases the disability was classified as total and in 1,611 cases as partial. The number of cases in which compensation was being paid for total disability shows an increase of 30 as compared with the number at the close of the preceding year. The duration of disability and the cost of benefits paid and estimated in the 2,097 cases open as of December 31, 1936, is tabulated according to the year in which the injury occurred in table 3. In approximately 23 percent of these cases compensation is being paid on account of injuries that occurred 15 or more years prior to December 31, 1936, and in more than half of the cases compensation has been paid for 9 years or longer.

Compensation paid to injured employees in these cases to and including December 31, 1936, amounts to almost \$10,100,000. In addition to the compensation paid to injured beneficiaries the Commission expended \$1,343,330 for medical attention required on account of the injuries. The estimated value of future installments of compensation payable in these cases is approximately \$16,300,000. This estimate of the cost of future compensation takes into account the probable life expectancy of the beneficiary based on the actual experience for this class compiled from the records of the Commission. It represents future installments of compensation for disability only, and does not make any allowance for probable future changes in the compensation award nor include any allowance for medical care or other benefits such as additional compensation in certain cases of permanent total disability for the services of an attendant, transportation and allied costs. The crude death rate for this class of beneficiaries com-

puted on the basis of 8,400 years of exposure is 35.2 or more than double the normal rate for the same age distribution.

Additional compensation authorized by the amendment to section 6 of the Compensation Act approved May 13, 1936, is being paid in 42 cases of permanent total disability, in which it was found that the beneficiary was rendered so helpless from the effects of the injury as to require the constant services of an attendant. In 29 cases the beneficiary is totally blind, in 6 cases the disability involves loss or loss of use of 2 or more major members, and in the 7 remaining cases the disability is due to a variety of causes. The additional compensation in such cases paid during the year ended December 31, 1936, amounted to \$8,060. The estimated future cost of this additional compensation only is \$250,758.

TABLE 3.—INCOMPLETE CASES INVOLVING LONG-CONTINUED OR PERMANENT DISABILITY SHOWING DURATION AND COST AS OF DEC. 31, 1936

TOTAL DISABILITY					
Year injured	Number of cases	Duration (days)	Medical cost	Compensation to Dec. 31, 1936	Estimated future cost
Before 1916	6	18,353	\$52	\$34,356	\$48,925
1916	2	6,348	158	12,600	5,093
1917	12	65,733	11,285	138,125	106,649
1918	23	140,285	28,438	346,206	328,480
1919	39	203,655	47,979	512,066	507,964
1920	41	209,856	67,542	519,902	492,474
1921	26	125,607	28,180	301,903	299,195
1922	24	110,778	23,336	270,296	314,976
1923	31	126,567	25,080	299,259	434,977
1924	21	74,338	19,657	190,004	282,550
1925	25	84,385	27,299	217,714	321,780
1926	32	109,226	63,073	301,350	450,430
1927	20	56,967	24,979	162,436	302,779
1928	26	74,765	25,978	224,165	454,425
1929	29	70,341	42,504	188,478	513,112
1930	29	58,735	17,562	163,027	571,517
1931	25	48,949	11,507	139,892	499,055
1932	15	22,100	6,682	62,601	261,657
1933	15	18,839	5,614	47,833	294,993
1934	19	17,235	22,227	50,234	344,831
1935	20	9,804	7,688	24,589	346,174
1936	6	1,782	3,220	4,060	108,709
Total	486	1,654,698	510,040	4,211,096	7,290,745

PARTIAL DISABILITY

PARTIAL DISABILITY					
Year injured	Number of cases	Duration (days)	Medical cost	Compensation to Dec. 31, 1936	Estimated future cost
Before 1916	5	3,946		\$8,092	\$26,965
1916	6	10,721	\$1,568	22,006	19,934
1917	31	66,693	8,689	134,438	94,532
1918	63	147,025	27,894	347,306	308,483
1919	85	226,835	56,182	550,233	423,664
1920	78	189,432	39,240	496,291	393,570
1921	64	137,698	29,504	350,760	374,108
1922	57	122,247	33,433	305,338	333,758
1923	51	100,384	44,781	257,258	309,936
1924	71	135,110	41,260	357,093	484,519
1925	71	125,805	50,603	323,039	417,358
1926	66	106,021	35,170	280,298	390,871
1927	73	117,164	45,043	310,555	448,234
1928	90	144,279	64,394	380,921	596,440
1929	115	136,647	61,674	362,175	661,078
1930	109	124,258	67,688	340,798	603,807
1931	124	127,022	55,417	320,342	705,451
1932	90	79,951	32,017	203,788	479,791
1933	117	80,205	49,022	202,392	564,791
1934	112	61,846	45,194	158,561	577,288
1935	96	37,487	32,662	98,716	496,986
1936	37	10,013	11,855	25,271	276,617
Total	1,611	2,290,789	833,290	5,835,971	8,988,181
Grand total active Dec. 31, 1936	2,097	3,945,487	1,343,330	10,047,067	16,278,926

*Fatal cases.*—Compensation in the total amount of \$1,582,914 was paid during the year ended December 31, 1936, in the form of death benefits to 4,686 dependents of 2,663 deceased employees. Death benefits were awarded during the year in 179 new cases in which there were 426 dependents entitled to compensation. During the same period the award to 384 dependents terminated and 124 cases were closed. On December 31, 1936, compensation was being paid in 2,541 fatal cases to, or on the account of, 4,302 dependents of deceased employees. The dependents in these cases are 2,087 widows; 1,827 children; 49 dependents over 18 years of age incapable of self-support; 295 parents; 43 brothers, sisters, grandparents, or grandchildren; and 1 widower. The remarriage rate for widows receiving compensation, computed on the basis of 24,379 years of exposure, is only 1.89 per hundred years of exposure. Since only a relatively few of these widows remarry, most of them will continue on the compensation roll for life. This results in a cumulative increase in the number of fatal cases in which compensation is being paid as indicated in table 4 covering the period 1927 to 1936, inclusive:

TABLE 4.—AWARDS, CESSATIONS, AND ACTIVE DEATH CASES, 1926-36

Year	Active death cases at beginning of each year	Awards during the year	Cessa-tions during the year	Active death cases at end of year	Year	Active death cases at beginning of each year	Awards during the year	Cessa-tions during the year	Active death cases at end of year
1927-----	1,792	198	130	1,860	1932-----	2,241	144	87	2,298
1928-----	1,860	169	83	1,946	1933-----	2,298	138	103	2,333
1929-----	1,946	208	110	2,044	1934-----	2,333	188	106	2,415
1930-----	2,044	207	82	2,169	1935-----	2,415	199	128	2,486
1931-----	2,169	153	81	2,241	1936-----	2,486	179	124	2,541

The average monthly compensation award in 179 fatal cases with dependents, approved during the year ended December 31, 1936, is \$58.68. The average award in new cases approved during the 5 preceding years is, respectively, \$57.33 in 1935; \$54.17 in 1934; \$54.38 in 1933; \$56.74 in 1932; and \$54.68 in 1931. In addition to the compensation awarded to dependents in these cases, other benefits were authorized in the amount of \$49,533, distributed as follows: Burial expense, \$30,444; medical expense, \$8,832; disability compensation, \$10,257. Benefits amounting to \$17,985 were awarded in 32 additional cases in which there were no dependents entitled to compensation. The benefits authorized in these approved cases were burial expense, \$6,014; medical expense, \$7,101; and disability compensation, \$4,870. The compensation awards to dependents in fatal cases approved in 1936, distributed to show the various classes of dependents, the compensation award for each class, and the average monthly compensation, are shown in table 5.

TABLE 5.—AWARDS IN 179 FATAL CASES WITH DEPENDENTS APPROVED IN 1936

Relationship	Num- ber of depen- dents	Aver- age age	Total monthly compensa- tion	Total estimated value of award	Average	
					Monthly award	Estimat- ed value of award
Widows	148	39.4	\$7,205.06	\$1,889,766	\$48.68	\$12,769
Sons	130	8.9	1,476.56	151,274	11.36	1,164
Daughters	105	9.6	1,267.73	131,691	12.07	1,254
Brothers	2	9.0	19.81	979	9.91	490
Sisters	2	16.0	8.75	289	4.38	145
Fathers	13	61.3	164.20	15,287	12.63	1,176
Mothers	23	58.3	298.19	24,224	12.96	1,053
Daughter and 2 sisters over 18, and in- capable of self-support	3	43.0	63.50	12,067	21.17	4,022
Total	426	-----	10,503.80	2,225,577	-----	-----

Compensation costs in 2,663 cases in which payments were made during 1936 are shown in table 6. The cases included in this table are distributed according to the year in which the injury occurred, and it will be noted that in more than 21 percent of the cases, compensation is being paid for injuries that occurred 15 or more years before December 31, 1936. Over \$15,000,000 has been paid to the beneficiaries of deceased employees in these cases to and including December 31, 1936. The estimated value of future installments of compensation payable to these beneficiaries is \$25,074,599. Other benefits, in addition to death compensation, amounting to \$807,534 have been paid in these cases as follows: \$209,646 for medical care, \$232,034 for compensation on account of disability prior to death, and \$365,854 for burial expenses. The estimated total cost of these cases is \$40,994,504.

TABLE 6.—TOTAL MONTHLY COMPENSATION AND COST OF ALL FATAL CASES ACTIVE IN 1936, BY YEAR OF APPROVAL

Year	Number of cases active in 1936	Death compensation						Costs prior to death			Estimated total cost
		Number of dependents on roll, 1936	Monthly award	Cost in 1936	Cost to Dec. 31, 1936	Estimated future cost	Estimated total cost	Medical	Disability compensation	Burial	
1916-17	72	75	\$2,572.15	\$30,278	\$663,701	\$472,201	\$1,135,902	\$1,581	\$931	\$5,928	\$1,144,342
1918	69	77	2,727.46	30,728	641,076	446,279	1,087,355	650	789	4,749	1,093,542
1919	182	203	7,876.88	89,575	1,765,803	1,372,457	3,188,260	5,241	3,887	14,924	3,162,312
1920	130	152	5,901.79	68,423	1,217,829	1,008,819	2,226,648	6,380	9,770	11,897	2,254,695
1921	111	138	5,207.55	60,680	1,024,890	863,823	1,888,713	5,006	10,999	9,887	1,914,605
1922	109	152	5,445.83	62,886	1,018,913	917,880	1,936,793	5,840	13,339	10,138	1,966,110
1923	111	159	5,544.14	66,362	937,444	1,055,521	1,992,965	6,934	16,126	12,392	2,028,417
1924	105	161	5,483.01	61,309	831,897	939,246	1,771,143	21,114	19,208	11,048	1,822,513
1925	112	187	6,182,46	72,274	917,862	1,115,471	2,033,333	13,687	27,295	11,918	2,086,233
1926	106	198	6,065.50	70,356	795,125	1,088,068	1,883,193	10,393	7,541	11,363	1,912,490
1927	118	211	6,711.91	78,682	810,477	1,207,411	2,017,888	11,379	6,824	17,771	2,053,862
1928	122	221	7,182.98	81,623	811,666	1,251,793	2,063,459	7,997	7,141	21,619	2,100,216
1929	184	315	9,450.91	108,836	935,988	1,651,253	2,587,241	19,043	12,746	31,143	2,650,173
1930	183	328	9,637.86	113,207	799,932	1,721,058	2,520,990	22,737	21,950	31,939	2,597,616
1931	135	256	6,727.01	78,930	464,655	1,227,293	1,691,948	10,029	11,876	22,474	1,736,327
1932	132	267	7,293.32	84,129	424,543	1,280,921	1,705,464	9,795	13,054	20,080	1,748,393
1933	133	302	7,929.12	92,699	351,635	1,518,182	1,869,817	12,633	12,050	23,116	1,917,616
1934	176	397	9,723.98	114,406	327,698	1,783,393	2,111,091	14,899	16,666	30,361	2,173,017
1935	194	461	11,026.69	128,250	256,251	2,042,939	2,299,190	15,476	9,585	32,663	2,356,914
1936	179	426	10,503.80	89,281	114,986	2,110,591	2,225,577	8,832	10,257	30,444	2,275,110
Total	2,663	4,686	139,194.35	1,582,914	15,112,371	25,074,599	40,186,970	209,646	232,034	365,854	40,994,504
Cases closed in 1936	124	384	7,693.52	45,446	603,803	-----	603,803	10,268	10,524	15,280	-----

*Cases disposed of.*—During the year ended December 31, 1936, a total of 37,687 nonfatal cases were conditionally closed in the records of the Commission. It is to be expected, however, that an indeterminate but relatively small number of these will subsequently be reopened on account of the recurrence of disability and for consideration of applications for review by the Commission. The reasons for closing and the number of cases closed for each of the several reasons were: Compensation paid, 5,908; period of disability covered by leave with pay, 6,432; no time lost, 17,363; duration of disability 3 days or less, 4,624; disapproved by the Commission, 3,086; and no claim filed, 274. All of these cases necessitated some administrative action and the fact that compensation was not paid in a large number of cases does not indicate that such cases involved no expenditure of funds. More than 59 percent of the 17,363 cases in which disability did not cause loss in time from work involved expenditures for medical attention, thus necessitating an administrative examination of these cases to determine whether the compensation law was applicable and the injured person entitled to treatment or other benefits. Medical expense was incurred in approximately 53 percent of all approved noncompensated cases at a total cost of \$232,779. The total amount expended for medical treatment in all nonfatal cases reported as closed in this report is \$678,158. This amount does not take into account the value of medical treatment provided through Government facilities for which no payment was made by the Commission. The value of services rendered by United States medical officers and hospitals cannot be stated exactly, but from the information available, the Commission believes that this service may be estimated conservatively at about \$500,000.

The number of cases disapproved by the Commission in 1936 represents 8.5 percent of all cases disposed of during that year. The number of such cases is greater than in the preceding year when 8.2 percent of the cases disposed of were closed for this reason. The percentage of cases disapproved in 1934 was 6.7; in 1933, 8.8; in 1932, 6.6; and in 1931, 6.5. The number of cases disapproved by the Commission for the 4 years 1933 to 1936, inclusive, and the reason for disapproval is shown in table 7.

TABLE 7.—DISAPPROVED CASES, 1933-36

Reason for disapproval	1936		1935		1934		1933	
	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal	Fatal
Disability not due to injury	2,560	105	2,178	83	1,431	46	1,726	30
Injury not sustained while in performance of duty	220	25	192	31	256	11	257	18
Claim not filed within the statutory limit	72	4	52	2	51	2	52	0
Claimant not a civil employee	65	5	49	2	61	5	37	2
Accepted retirement, no compensation paid	2	0	0	0	5	0	13	0
Accepted compensation from Veterans' Administration	0	0	0	0	1	0	2	0
Intoxication proximate cause of injury	1	0	2	0	1	0	7	0
Injury due to willful misconduct	1	0	1	0	1	0	6	0
Miscellaneous and incomplete	165	2	185	0	373	0	69	0
Total	3,086	141	2,659	118	2,180	64	2,158	50

*Temporary total disability.*—In 16,962 time-lost cases closed during 1936, the injury caused temporary total disability resulting in 415,431 days loss in time from work. Approximately 29 percent of the loss of time, or 119,892 days was covered by leave of absence with pay. In 6,411 cases the entire period of temporary disability was covered by leave and no compensation was awarded for the 94,374 days lost due to disability. Although not reflected in compensation costs this loss in time from work, which is equivalent to an average work year of 261 days for about 460 employees, represents an additional cost to the Government for injuries to its employees. If this hidden cost is computed on the basis of a presumed annual wage of \$1,500, which is probably close to the average for this class, the cost to the Government for time lost on account of such injuries is nearly \$700,000, and this sum must be added to the amount actually paid to injured employees in the form of disability compensation to ascertain the total cost.

In 5,654 such cases the disability extended beyond the 3-day waiting period and resulted in 309,026 days lost time from work of which 21,835 days were covered by leave of absence with pay. Disability compensation awarded for lost time without pay in these cases amounted to \$735,611. The average duration of disability in compensated cases is 54.7 days, and the average compensation award amounted to \$130.10 per case. The average duration and compensation awarded in cases closed in 1936 is materially greater than in 1935, when the average duration was 48 days and the average award \$110. The average duration of disability in similar cases closed in 1934 is 38 days, and in 1933, 51 days. The average award in the respective years is \$75 and \$115. Table 8 shows the number of temporary disability cases by reporting offices, the duration of disability, and the amount of compensation paid. The numerical and percentage distribution of temporary total disability cases according to duration of disability covering all cases closed prior to January 1, 1937, is shown in table 9.

TABLE 8.—NUMBER OF LOST-TIME ACCIDENTS CAUSING TEMPORARY TOTAL DISABILITY CLOSED DURING 1936, SHOWING DURATION; MEDICAL AND COMPENSATION COSTS

Establishment	All cases				Compensated cases				Average	
	Number of cases	Duration (days)	Leave (days)	Average duration	Number of cases	Duration (days)	Leave (days)	Compensation		
								Duration	Compensation	
Agriculture	2,078	63,069	12,346	30.4	847	52,536	2,744	\$125,121	62.0	\$147,72
Commerce	253	7,219	2,621	28.5	63	4,799	276	11,590	76.2	183,97
Interior	1,367	35,916	6,459	26.3	602	30,290	1,730	69,921	50.3	116,15
Justice	50	1,706	874	34.1	5	1,015	190	2,613	203.0	522,60
Labor	69	1,751	763	25.4	5	985	13	3,144	197.0	628,80
Navy	922	25,130	6,553	27.3	357	19,462	1,655	54,191	54.5	151,80
Post Office	5,546	105,803	52,039	19.1	1,189	59,764	8,109	151,724	50.3	127,61
State	17	555	121	32.6	8	479	51	530	59.9	66,25
Treasury	724	13,476	7,289	18.6	96	7,190	1,194	17,287	74.9	180,07
War	3,475	102,744	17,619	29.6	1,492	86,122	2,980	196,234	57.7	131,52
International Boundary	46	742	114	16.1	22	584	—	1,219	26.5	55,41
Veterans' Administration	417	11,799	4,975	28.3	75	7,623	933	14,859	101.6	198,12
Maritime Commission	60	1,949	151	32.5	30	1,771	18	3,957	59.0	131,90
Tennessee Valley Authority	739	21,433	919	29.0	491	20,222	173	47,940	41.2	97,64
Other Federal	160	2,983	1,418	18.6	28	1,697	199	3,783	60.6	135,11
Works Progress Administration	499	8,959	1,926	18.0	191	7,132	430	16,016	37.3	83,85
Public Works Administration	50	639	442	12.8	7	263	85	500	37.6	71,43
Other emergency	211	4,163	1,715	19.7	51	2,994	597	6,661	58.7	130,61
District of Columbia	279	5,395	1,548	19.3	95	4,098	458	8,321	43.1	87,59
Total	16,962	1415,431	119,892	24.5	5,654	1309,026	21,885	735,611	54.7	130,10

Establishment	Compensated cases—Contd.				Noncompensated cases				Medical	
	Number of cases	Cost	Number of cases	Duration (days)	Leave (days)	Number of cases	Amount			
							Medical	Leave	Medical	
Agriculture	740	\$73,398	681	9,050	8,950	463	\$20,114			
Commerce	44	4,359	129	2,292	2,269	36	2,094			
Interior	424	38,590	333	4,376	4,336	146	7,479			
Justice	5	705	31	666	666	14	1,881			
Labor	4	1,232	43	719	717	19	859			
Navy	166	13,656	405	5,124	4,613	70	2,772			
Post Office	673	59,217	2,629	42,175	41,670	1,201	37,052			
State	6	343	5	68	68	4	327			
Treasury	47	5,463	398	5,825	5,713	120	9,930			
War	958	75,416	1,025	14,229	13,765	508	13,272			
International Boundary	19	684	7	97	95	5	30			
Veterans' Administration	12	1,386	240	3,856	3,826	16	1,019			
Maritime Commission	11	165	13	131	120	3	23			
Tennessee Valley Authority	248	14,952	56	705	684	26	1,182			
Other Federal	19	3,954	95	1,167	1,136	20	779			
Works Progress Administration	144	14,455	120	1,442	1,395	92	5,171			
Public Works Administration	5	1,121	20	344	337	9	652			
Other emergency	34	6,016	89	1,045	1,027	47	3,598			
District of Columbia	49	5,959	92	1,063	999	26	1,740			
Total	3,608	321,071	6,411	94,374	92,386	2,825	109,974			

1 Includes 25,627 days additional award.

TABLE 8.—NUMBER OF LOST-TIME ACCIDENTS CAUSING TEMPORARY TOTAL DISABILITY CLOSED DURING 1936, SHOWING DURATION; MEDICAL AND COMPENSATION COSTS—Continued

Establishment	Noncompensated cases—Continued									
	No claim filed					3 days or less				
	Number of cases	Duration (days)	Leave (days)	Medical Number of cases	Amount	Number of cases	Duration (days)	Leave (days)	Medical Number of cases	Amount
Agriculture	44	474	50	35	\$818	506	1,009	602	327	\$4,015
Commerce	2	14	—	1	10	59	114	76	20	210
Interior	45	424	—	26	442	387	826	393	170	2,194
Justice	1	4	—	1	2	13	21	18	1	13
Labor	1	9	—	1	6	20	38	33	4	102
Navy	11	197	42	5	247	149	347	243	17	123
Post Office	57	568	103	22	389	1,671	3,296	2,157	526	5,352
State	—	—	—	—	—	4	8	2	3	24
Treasury	1	5	—	—	—	229	456	382	37	510
War	61	636	25	27	408	897	1,757	849	504	6,416
International Boundary	4	31	—	4	26	13	30	19	8	61
Veterans' Administration	7	121	31	—	—	95	199	185	1	6
Maritime Commission	2	19	—	—	—	15	28	13	1	2
Tennessee Valley Authority	21	134	—	7	45	171	372	62	55	563
Other Federal	1	30	1	1	47	36	89	82	6	101
Works Progress Administration	5	39	—	4	98	183	346	101	153	2,448
Public Works Administration	—	—	—	—	—	23	32	20	8	104
Other emergency	1	7	—	—	—	70	117	91	19	209
District of Columbia	9	68	4	1	1	83	166	87	5	13
Total	273	2,780	256	135	2,539	4,624	9,251	5,415	1,865	22,466

TABLE 9.—NUMERICAL AND PERCENTAGE DISTRIBUTION OF TEMPORARY TOTAL DISABILITY CASES, ACCORDING TO NUMBER OF DAYS DISABLED IN CASES CLOSED DURING CALENDAR YEAR 1936, AND CUMULATIVE EXPERIENCE SEPT. 7, 1916, TO DEC. 31, 1936, INCLUSIVE

Number of days disabled	Sept. 7, 1916, to Dec. 31, 1936			1936			
	Number of cases	Percent of total number of cases	Cumulative percent	Number of cases	Duration (days)	Percent of total number of cases	Cumulative percent
1 to 3	60,680	21.11	21.11	4,624	9,251	27.26	27.26
4 to 7	60,165	20.94	42.05	3,612	19,267	21.30	48.56
8 to 14	59,451	20.69	62.74	3,133	33,417	18.47	67.03
15 to 21	31,004	10.79	73.53	1,471	26,145	8.67	75.70
22 to 28	17,991	6.26	79.79	893	22,222	5.27	80.97
29 to 35	13,163	4.57	84.36	660	20,996	3.89	84.86
36 to 42	8,794	3.06	87.42	445	17,330	2.62	87.48
43 to 49	6,926	2.41	89.83	367	16,871	2.16	89.64
50 to 56	5,144	1.79	91.62	262	13,896	1.54	91.18
57 to 63	4,225	1.47	93.09	265	15,977	1.56	92.74
64 to 70	3,075	1.07	94.16	198	13,199	1.17	93.91
71 to 77	2,270	.79	94.95	125	9,247	.74	94.65
78 to 84	1,839	.64	95.59	98	7,932	.58	95.23
85 to 91	1,552	.54	96.13	88	7,743	.52	95.75
92 to 98	1,236	.43	96.56	82	7,774	.48	96.23
99 to 105	1,006	.35	96.91	65	6,612	.38	96.61
106 to 112	805	.28	97.19	53	5,775	.31	96.92
113 to 119	690	.24	97.43	51	5,918	.30	97.22
120 to 126	680	.24	97.67	43	5,269	.25	97.47
127 to 133	546	.19	97.86	41	5,332	.24	97.71
134 to 140	460	.16	98.02	25	3,423	.15	97.86
141 to 147	402	.14	98.16	24	3,456	.14	98.00
148 to 154	374	.13	98.29	18	2,718	.11	98.11
155 to 161	345	.12	98.41	18	2,840	.11	98.22
162 to 168	269	.09	98.50	24	3,962	.14	98.36
169 to 175	249	.09	98.59	23	3,948	.14	98.50
176 to 182	201	.07	98.66	18	3,232	.11	98.61
183 to 365	2,586	.90	99.56	150	37,907	.88	99.49
366 to 547	632	.22	99.78	39	17,283	.23	99.72
548 to 730	259	.09	99.87	23	14,505	.14	99.86
Over 730	374	.13	100.00	24	26,357	.14	100.00
Total	287,393	100.00	100.00	16,962	389,804	100.00	100.00

*Permanent partial disability.*—Permanent partial disability cases closed during 1936 number 246 as compared with 303 closed during the preceding year. In 22 of these cases, no compensation was paid as the entire period of disability amounting to 744 days was covered by leave of absence with pay and the injured employee was able to resume his employment without loss in earning capacity. It cannot be stated that all of these cases have been finally closed, and it is reasonable to anticipate that some of them will probably be reopened because the injured employee will suffer a subsequent loss in earning capacity attributable to the permanent loss incurred. The duration of disability in the 224 compensated permanent disability cases is 124,594 full days, for which compensation was paid in the amount of \$329,731. In addition to the compensation paid to injured employees, the sum of \$62,436 was expended for medical treatment. This amount includes \$2,664 for such treatment in 13 of the 22 cases in which no compensation was paid. The average duration of disability in compensated cases closed during 1936 is 556 days as compared with 382 days in cases closed during 1935. The average award for the respective years is \$1,472 and \$1,056. Table 10 classifies these cases by reporting office and shows the number of cases, duration of disability, and the amount of compensation paid.

TABLE 10.—NUMBER OF PERMANENT PARTIAL DISABILITY CASES CLOSED DURING 1936, SHOWING DURATION; MEDICAL, AND COMPENSATION COSTS

Establishment	All cases			Compensated cases				Duration (Average number of days)
	Number of cases	Duration (days)	Average duration	Number of cases	Duration (days)	Leave (days)	Compensation	
Agriculture.....	32	9,642	301	27	9,526	232	\$25,749	353
Commerce.....	4	3,708	927	4	3,708	-----	8,107	927
Interior.....	24	9,186	383	22	9,125	53	28,145	415
Navy.....	34	15,753	463	33	15,691	277	50,571	475
Post Office.....	16	7,609	476	11	7,348	457	23,784	668
Treasury.....	8	8,831	1,104	7	8,822	202	19,100	1,260
War.....	86	55,616	647	81	55,438	275	138,379	684
Veterans' Administration.....	14	9,110	651	12	9,083	127	19,210	757
District of Columbia.....	2	498	249	2	498	-----	1,158	249
Tennessee Valley Authority.....	15	1,146	76	15	1,146	-----	3,088	76
Other emergency establishments.....	5	164	33	4	134	31	184	34
All other Federal.....	6	4,075	679	6	4,075	116	12,256	679
Total.....	246	125,338	510	224	124,594	1,770	329,731	556

Establishment	Compensated cases			Noncompensated cases			Medical	
	Compensation, average amount	Medical		Number of cases	Duration (days)	Leave (days)		
		Number of cases	Total amount					
Agriculture.....	\$953.67	26	\$9,313	5	116	116	3	\$447
Commerce.....	2,026.75	2	738	-----	-----	-----	-----	-----
Interior.....	1,279.32	14	4,144	2	61	61	1	59
Navy.....	1,532.45	24	9,848	1	62	62	-----	-----
Post Office.....	2,162.18	10	8,239	5	261	261	4	760
Treasury.....	2,728.57	5	1,142	1	9	9	-----	-----
War.....	1,708.38	70	21,498	5	178	125	4	56
Veterans' Administration.....	1,600.83	9	1,211	2	27	27	-----	-----
District of Columbia.....	579.00	1	951	-----	-----	-----	-----	-----
Tennessee Valley Authority.....	205.87	6	677	-----	-----	-----	-----	-----
Other emergency establishments.....	46.00	3	765	1	30	30	1	1,342
All other Federal.....	2,042.67	5	1,246	-----	-----	-----	-----	-----
Total.....	1,472.01	175	59,772	22	744	691	13	2,664

*Permanent total disability.*—Compensation was terminated during 1936 in 30 cases in which the disability had been classified as permanent total disability. In 27 such cases the beneficiary died and final payment has been made. In one case the beneficiary, notwithstanding his physical handicaps, was able to resume gainful employment, and in the two other cases the beneficiary was reported as recovered. It is not improbable that additional benefits may be paid in these cases at some future date.

The total compensation paid in these 30 cases is \$253,909 and in addition to this, \$17,824 was expended for medical care on account of the injury. The average time these cases were carried on the compensation roll is over 11 years. In one of the cases, terminated in 1936, the injury occurred in 1917 and the injured employee received \$13,006 in compensation. In 4 such cases the injury for which compensation was paid occurred in 1918, and in 10 of the 30 cases the injury occurred during the first 5 years following the approval of the compensation law on September 7, 1916. The average cost of all compensation benefits in these cases is \$9,058. The average cost of such cases considered by year of injury ranges from \$1,815 for one case occurring in 1934 to \$17,567 for one case occurring in 1920. These cases are shown by year of injury and by reporting office in table 11.

TABLE 11.—NUMBER OF PERMANENT TOTAL DISABILITY CASES CLOSED DURING 1936, SHOWING DURATION; MEDICAL, AND COMPENSATION COSTS

Year of injury	Number of cases	Duration (days)	Leave (days)	Compensation	Medical cost
1917	1	3,421	75	\$13,006	\$677
1918	4	16,886	80	42,238	632
1919	1	5,971	7	13,733	80
1920	1	5,859	—	16,860	707
1921	3	14,826	41	33,480	3,892
1922	2	8,499	36	18,301	1,048
1923	1	4,815	—	10,144	428
1924	3	10,166	64	17,556	852
1925	1	4,107	—	12,225	1,476
1926	1	2,404	—	9,339	439
1927	1	3,328	50	11,212	310
1928	2	3,454	24	11,216	321
1929	3	6,419	—	17,058	5,330
1930	4	8,662	64	20,510	1,270
1932	1	1,510	1	5,453	66
1934	1	768	—	1,569	246
Total	30	101,095	442	253,909	17,824
ESTABLISHMENT					
Agriculture	4	10,853	3	28,915	9,778
Interior	1	4,107	—	12,225	1,476
Labor	1	1,229	48	3,440	465
Navy	2	7,481	8	19,186	146
Post Office	3	12,863	62	34,585	996
Treasury	2	5,382	50	16,844	906
War	10	40,627	119	92,723	3,471
Veterans' Administration	3	8,694	72	14,963	52
U. S. Maritime Commission	1	1,893	—	3,667	16
Special act	3	7,966	80	27,361	518
Total	30	101,095	442	253,909	17,824

*Medical and surgical care and treatment.*—When civil employees of the United States are injured while in performance of their duties they are entitled to reasonable medical and hospital services and supplies needed as a result of the injury. The law provides that where practicable such services shall be furnished by the United

States medical officers and hospitals. For this purpose the hospitals and dispensaries of the United States Public Health Service are available without cost, and to a limited extent also hospitals under the control of the Army, Navy, Veterans' Administration, and the Bureau of Indian Affairs. The Veterans' Administration, by special arrangement with the director in each case, furnishes treatment to beneficiaries without cost. The Army and Navy hospitals are generally used only for the treatment of their own civilian employees and are reimbursed from the compensation fund on the rate established for such service. In localities where the services of United States medical officers are not available, medical treatment is furnished by private physicians designated by the Commission, of which some 4,000 have been selected throughout the United States. These physicians are paid a reasonable fee by the Commission for services actually rendered.

Expenditures from the compensation fund during the fiscal year ended June 30, 1937, for medical treatment and transportation for the purpose of securing the same, are as follows:

Physician or surgeon	\$392, 579. 06
Hospital	207, 492. 95
Appliances	17, 983. 06
Nurse	26, 847. 91
Transportation	32, 071. 60
Miscellaneous	36, 456. 70
Grand total	713, 431. 28

Payments made from the compensation fund for medical treatment in 3,783 of the 5,878 compensated nonfatal cases closed in 1936 amount to \$427,334 or \$112.96 per case. The expense for this service in 15,158 noncompensated nonfatal cases out of a total of 28,693 amounts to \$232,779 or \$15.36 per case. The average cost in such cases closed during 1936 is almost identical with the average cost computed on the basis of the cumulative experience under the compensation act. Medical treatment furnished in 77 of 211 fatal cases approved in 1936 cost \$15,933 or \$206.92 per case. Expenditures from the compensation fund for medical treatment in 219,875 out of a total of 471,977 cases tabulated prior to December 31, 1936, amount to \$8,235,899 or an average of \$37.46 per case.

These costs do not include payments for medical treatment in nonfatal cases which are still active. Expenditures to December 31, 1936, for medical treatment in 486 permanent or prolonged total disability cases still open on that date amount to \$510,040, or \$1,050 per case, and in 1,611 incomplete permanent-partial disability cases expenditures for this purpose amount to \$833,290, or \$517 per case. In many of these permanent disability cases the injured employees are still in hospitals, or under medical treatment. So far as practicable these cases are hospitalized in institutions operated by the Government. Medical payments in cases closed during 1936, together with the amount paid in all cases tabulated prior to December 31, 1936, are shown in table 12.

TABLE 12.—SUMMARY OF MEDICAL PAYMENTS IN NONFATAL<sup>1</sup> CASES CLOSED AND FATAL CASES ACTED UPON DURING 1936, AND CUMULATIVE DATA SEPT. 7, 1916, TO DEC. 31, 1936

	1936			Sept. 7, 1916, to Dec. 31, 1936		
	Number of cases including no time lost	Number with medical payments	Total medical cost	Number of cases including no time lost	Number with medical payments	Total medical cost
Compensated cases:						
Temporary total disability-----	5,654	3,608	\$367,562	137,464	72,099	\$4,536,188
Permanent partial disability-----	224	175	59,772	6,162	4,389	974,805
Total-----	5,878	3,783	427,334	143,626	76,488	5,510,993
Noncompensated cases:						
Covered by leave:						
Temporary total disability-----	6,411	2,825	109,974	75,244	27,378	944,506
Permanent partial disability-----	21	12	2,658	666	326	41,972
Total-----	6,432	2,837	112,632	75,910	27,704	986,478
No claim filed:						
Temporary total disability-----	273	135	2,539	14,005	3,847	62,970
Permanent partial disability-----	1	1	6	99	25	1,464
Total-----	274	136	2,545	14,104	3,872	64,434
No time lost: Total-----	17,363	10,320	95,136	146,772	79,862	713,414
3 days or less:						
Temporary total disability-----	4,624	1,865	22,466	60,680	20,657	265,716
Permanent partial disability-----				98	45	1,510
Total-----	4,624	1,865	22,466	60,778	20,702	267,226
Total noncompensated cases-----	28,693	15,158	232,779	297,564	132,140	2,031,552
Fatal cases approved during 1936-----	211	77	15,933	5,415	1,829	377,555
All other (disapproved cases)-----	3,227	714	18,045	25,372	9,418	315,789
Grand total-----	38,009	19,732	694,091	471,977	219,875	8,235,899

<sup>1</sup> Data for closed permanent total cases not included. See table 11.

*Third-party cases.*—Recoveries were made during 1936 in 417 cases in which the injury occurred under circumstances creating a legal liability upon a third party for the payment of damages. In 15 fatal cases the gross value of the recovery is \$76,100 and the net value after deducting attorneys' fees and other costs of collection is \$53,143, of which \$37,404 represents the estimated net saving in compensation costs. This saving is 22 percent of the total benefits paid and estimated to be paid in these fatal cases. In 402 nonfatal injury cases, the gross value of the recovery is \$292,682 and the net value is \$202,365 of which \$64,058 is a direct saving in compensation costs. This saving is 85 percent of the total benefits paid and estimated to be paid in these cases. The total saving through recoveries made from third parties during the year is \$101,462, of which \$52,635 was actually refunded to the Commission, and the balance charged against future payments of compensation on account of the same injuries. At the close of business on December 31, 1936, there were 40 fatal and 725 nonfatal cases listed on the third-party docket; most of these were in the hands of designated attorneys and in the process of settlement. The number of cases examined for third-party liability and the disposition of such cases are shown in tables 13 and 14.

TABLE 13.—DISPOSITION OF CASES EXAMINED FOR POSSIBLE THIRD-PARTY LIABILITY, FROM JAN. 1, 1936, TO DEC. 31, 1936

Establishments	Cases pending Jan. 1, 1936	New cases received 1936	Cases closed during calendar year 1936				Pending cases, Dec. 31, 1936		
			Closed, no liability	Closed for other reasons	Completed cases where recovery was made		Fatal	Non-fatal	
					Fatal	Non-fatal			
Agriculture	59	87	13	49	2	25	7	50	
Interior	19	37	4	27	—	3	3	19	
Navy	3	10	—	3	—	3	1	6	
Post Office:									
City Mail Service	397	506	59	331	—	176	6	331	
Railway Mail Service	58	122	12	44	—	53	2	69	
Rural Free Delivery	13	29	13	12	1	5	—	11	
Motor Vehicle Service	32	17	—	12	1	13	—	23	
Other Post Office employees	24	47	3	7	2	40	—	19	
Total, Post Office	524	721	87	406	4	287	8	453	
Treasury	56	74	14	38	1	26	1	50	
War	40	38	16	24	1	10	6	21	
Emergency	(1)	(1)	29	89	1	33	10	84	
Other establishments	96	268	8	43	6	15	4	42	
Total, Federal	797	1,235	171	679	15	402	40	725	

<sup>1</sup> Included with other establishments.

TABLE 14.—BENEFITS PAID AND ESTIMATED, AND DAMAGES RECOVERED DURING 1936, IN INJURY CASES ARISING FROM NEGLIGENCE OF THIRD PARTY

Disability	Total number third-party cases open during year	Court costs paid	Recoveries				Refunds received by Commission	Net credit to Government		
			Number of cases	Amount approved		Benefits paid and estimated				
				Gross	Net					
Fatal	98	\$62	15	\$76,100	\$53,143	\$170,695	\$14,224	\$37,404		
Nonfatal	1,934	293	402	292,682	202,365	75,188	38,411	64,058		
Total	2,032	355	417	368,782	255,508	245,883	52,635	101,462		

*Cause of injury.*—The Commission has, from time to time, in previous reports, called attention to the need for accident-prevention efforts in the Government service. The Commission believes that a properly directed safety program should be put into effect in all Federal establishments, particularly those engaged in manufacturing or construction work. In furtherance of this the Commission has worked in cooperation with the several Federal establishments in which safety departments have been established and has prepared special statistical reports for the use of these departments in the prevention of accidents.

The monthly Safety Bulletin, issued by the Commission, has served to stimulate accident-prevention activities in the Federal service, and is used as a medium for the distribution of factual information concerning the causes of injuries. An analysis of all fatal and nonfatal injuries to Federal employees is published monthly together with other material designed to help reduce the number of injuries in this employment.

The tabulation of causes of nonfatal injuries heretofore included in the annual report of the Commission was published in the issue of the Safety Bulletin for the month of June 1937 and for that reason is omitted from this report. An analysis of the causes of the 37,687 nonfatal injury cases closed during the calendar year 1936 discloses that approximately 40 percent of such cases fall within two main causes of accidents: "Handling objects," and "Falls of persons." Handling objects constitutes the principal cause of such injuries, accounting for 8,094 cases or 21.5 percent of the total nonfatal cases closed. Falls of persons was second as the cause of 7,307 injuries or 19.4 percent. For detailed analysis of these causes, the issues of the Safety Bulletin referred to above should be consulted.

Other chief causes which together with handling objects and falls of persons account for three-quarters of the cases surveyed are distributed in the order of their importance as follows: Striking against objects, 2,937 injuries or 7.8 percent of the total surveyed; struck by objects, 2,602 injuries or 6.9 percent; stepping in or on objects, 2,334 injuries or 6.2 percent; hand tools, 2,095 injuries or 5.6 percent; falling objects, 1,816 injuries or 4.8 percent; and vehicles, 1,538 injuries or 4.1 percent.

The remaining 23.7 percent of causes of nonfatal injuries, are distributed in the following order: Dogs and draft animals, 4.1 percent; dusts, gases, and chemicals, 3.0 percent; mechanical injuries, 2.7 percent; hot substances, 1.1 percent; and 12.8 percent are of a widely distributed and miscellaneous character.

Causes of 373 of the 391 fatal injuries reported to the Commission in 1936 are presented in detailed tabular form and analyzed in the issue of the Safety Bulletin for the month of April 1937. The principal accident cause of these fatalities is vehicles, accounting for 100 fatal injuries or 26.8 percent of the total surveyed. Falls of persons is second and accounts for 51 deaths or 13.7 percent of the total, and falling objects caused 26 deaths or 7.0 percent.

The causes of the majority of the remaining deaths are distributed as follows: Handling objects, 3.8 percent; dusts, gases, and chemicals, 3.2 percent; machinery, 2.7 percent; weapons and alleged overwork, each 2.9 percent; explosives, and railroads, each 2.4 percent; and the other 32.2 percent are of a miscellaneous nature of which approximately 70 percent have been disapproved.

*Cost of compensation law.*—An analysis of expenditures from the compensation fund showing the amount expended for the different classes of benefits during the 5 fiscal years, 1933-37, inclusive, is shown in table 15. The administrative expense connected with this law cannot be stated exactly, as part of the general overhead is properly chargeable to each of the several laws administered by the Commission. The Commission expended \$528,283 for administrative purposes during the fiscal year 1937 and it is estimated that \$235,156 of this amount fairly represents the cost of administering this particular law. Expenditures for compensation benefits during the same fiscal year amounted to \$4,429,058 and therefore the administrative expense for this law is only about 5 percent of the total cost. Table 16 furnishes a comparative statement of annual appropriations and expenditures for administrative expenses and compensation benefits respectively for each fiscal year since the Commission was organized.

TABLE 15.—COMPARATIVE STATEMENT OF EXPENDITURES FROM THE EMPLOYEES COMPENSATION FUND, JULY 1, 1933, TO JUNE 30, 1937

	Fiscal year 1933	Fiscal year 1934	Fiscal year 1935	Fiscal year 1936	Fiscal year 1937
Employees compensation fund:					
Injury compensation	\$1,852,380	\$1,612,570	\$2,017,136	\$1,943,430	\$1,968,735
Lump-sum awards (injury)	1,693	1,919	447		9,883
Medical treatment and supplies	592,642	453,208	654,955	621,568	721,555
Transportation (sec. 9)	40,048	32,402	35,599	39,701	31,876
Death compensation	1,441,745	1,296,929	1,494,019	1,610,351	1,658,788
Lump-sum awards (death)		270	5,229		
Burial expenses	24,065	24,930	28,669	33,725	33,258
Embalming and transportation (sec. 11)	2,422	2,177	3,384	3,602	3,797
Court costs	2,033	758	548	1,994	1,166
Total	13,957,028	23,425,163	4,239,986	4,254,371	4,429,058

<sup>1</sup> Savings on account of legislative reduction in compensation under the act of Mar. 20, 1933, amounting to \$62,154 impounded and returned to the Treasury are not included in this statement.

<sup>2</sup> Compensation shown is net amount paid after deducting legislative reductions amounting to \$456,544.

TABLE 16.—APPROPRIATIONS AND EXPENDITURES, 1916-37

	Salaries and expenses		Compensation fund	
	Total appropriations	Net expenditures, including estimated outstanding liabilities at the end of fiscal year	Total appropriations <sup>1</sup>	Net expenditures
Mar. 26 to June 30, 1917	\$50,000.00	\$27,394.79	\$500,000	\$122,806.07
Fiscal year ending June 30:				
1918	287,000.00	79,421.86	500,000	706,257.92
1919	145,810.17	129,149.28	1,300,000	1,399,757.13
1920	144,656.02	140,898.09	2,100,000	2,057,365.58
1921	171,940.00	166,627.75	2,500,000	2,303,346.69
1922	160,751.66	156,860.75	2,400,000	2,627,170.08
1923	159,740.00	156,729.89	2,975,000	2,726,530.83
1924	149,080.00	147,844.00	2,300,000	2,333,526.82
1925	152,100.00	148,202.66	2,500,000	2,463,162.77
1926	153,900.00	147,239.63	2,375,000	2,581,379.17
1927	144,540.00	145,872.73	2,600,000	2,616,581.82
1928	148,240.00	146,601.05	3,250,000	3,370,390.41
1929	555,010.00	189,420.76	3,550,000	3,552,399.38
1930	540,326.00	196,479.01	4,000,000	4,005,170.88
1931	573,000.00	210,405.07	4,200,000	4,190,198.14
1932	593,980.00	200,937.00	4,200,000	4,210,199.75
1933	493,000.00	158,757.00	4,450,000	3,957,028.00
1934	404,857.00	146,266.00	3,820,000	3,425,163.00
1935	416,510.00	171,720.00	3,987,900	4,239,986.00
1936	522,300.00	183,363.00	74,250,000	4,254,371.00
1937	516,250.00	235,156.00	74,750,000	4,429,058.00

<sup>1</sup> Prior to 1924 appropriations for compensation were continuing.

<sup>2</sup> Includes \$7,000 allotted from President's fund for expenses in France.

<sup>3</sup> Includes \$50,000 allotted from President's fund.

<sup>4</sup> Includes deficiency appropriations of \$1,900 available for expenditures during fiscal year 1927.

<sup>5</sup> Separate appropriations for administration of Federal Employees' Act not made. Appropriation shown was made covering administration of the 3 compensation acts administered by the Commission and includes all appropriations for administrative purposes.

<sup>6</sup> Estimated amount expended for administration of Federal Employees' Act.

<sup>7</sup> No direct appropriation was made for 1936. The amount shown was made available by transfer or from the special fund established in the Treasury for compensation benefits for employees of the Civil Works Administration.

*Recommendations for legislation.*—The history of nearly all workmen's compensation laws is marked by frequent amending legislation designed to meet ever changing conditions affecting employment, to correct defects in administrative procedure and to liberalize the provisions of such laws to more effectively achieve the objectives for which they were conceived. The Federal Employees' Compensa-

tion Act of September 7, 1916, is somewhat of an exception in this respect for there have been relatively few amendments to this law in the 20 years since its enactment. This is a tribute to the foresight and wisdom of its authors for it has operated during these years in a manner that might generally be described as satisfactory. There has been but one essential amendment to liberalize its benefits, namely the amendment approved February 12, 1927, which increased the maximum and minimum compensation rates which prior to that date were wholly inadequate.

It is the opinion of the Commission, however, that amendments should be enacted to correct certain inequities in the law which operate unfairly to the disadvantage of certain beneficiaries, to extend the benefits of law to certain classes not now entitled thereto and to strengthen certain administrative features. Some of the recommendations made herein have been proposed heretofore. They are again renewed with the conviction that their enactment is essential in the interest of justice and efficient administration. These amendments are submitted in the order of the section of the law to which they relate and without regard to their relative importance:

SECTION 7. This section provides that as long as an employee is in receipt of compensation under the Compensation Act he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed. The only exception is pensions for services in the Army and Navy of the United States. There have been instances in which this section has seemingly operated unjustly because of the strict interpretations of the word "pension" by the Comptroller General of the United States. Thus a person receiving retainer pay from the Navy is not entitled to compensation for disability resulting from an injury while in the performance of duty as a civil employee of the United States while he continues to receive retainer pay. The receipt of retainer pay does not preclude the employment of the recipient in a civil capacity in the Federal service or payment of salary or wages for such services. Since disability compensation is paid for loss of wage due to disability resulting from injury, payment of such compensation should be permitted in cases of this kind provided the retainer pay or other allowance is not increased by reason of the same or related disability. In other words an injured person entitled to receive retainer pay should be compensated for his loss in wage on account of injury just as any other employee in the same employment. The Commission believes section 7 should be amended to correct this injustice.

SECTION 10. Under section 10 of the existing law the compensation awarded to dependent parents is limited to a term of 8 years, and in view of the generous provisions made for the payment of compensation to widows of deceased employees, this limitation appears discriminatory and unnecessarily harsh. The law recognizes the obligation of providing compensation for parents dependent for their support upon a deceased employee at the time of his death. The Commission is unable to find any sound reason that would justify discontinuance of this compensation after a term of 8 years. If the need for assistance in such cases existed at the time of an employee's death it is reasonable to assume that this need would become greater with the passing years. In some instances the termination of the compensation award to an aged parent has left that beneficiary destitute and without any hope of relief except the charity of friends or aid from institutions in the community in which he or she resides. The Commission, therefore, strongly recommends modification of this section of the law so as to provide for the payment of compensation to dependent parents until the beneficiary dies, marries, or ceases to be dependent.

SECTION 11. Under the provisions of section 11 of the compensation law the remains of an employee whose death occurs away from his home office or outside of the United States may be transported to the home of the employee, provided death results from the injury within 6 years. It is the practice of the Commission to utilize the facilities of United States hospitals for the examination and treatment of injured employees. In some instances the death of a beneficiary from causes not related to an injury has occurred while the beneficiary was absent from home for the purpose of undergoing a medical examination or receiving treatment under orders of the Commission. Under such circumstances the Com-

mission is without authority to pay the cost of returning the remains of the beneficiary to his home or to assume the cost of burial at the place where the death occurred. Instances of this kind are relatively few, but because of the difficult situation that develops when they occur, the Commission believes it would be in the public interest to amend the compensation law to permit the transportation of remains under such circumstances.

SECT. 27. Subparagraph (a) of this section provides that where a beneficiary who has been paid compensation under this act recovers money or other property in satisfaction of the liability of a third person to pay damages for the injury "he shall refund to the United States" the amount of compensation paid by the Commission on account of such injury. There is no penalty, however, for failure to make such refund. This is a defect in the law which should be corrected and the Commission recommends an appropriate amendment for this purpose.

SECT. 40. The word "employee" as used in this act is defined in section 40 to include "All civil employees of the United States and of the Panama Railroad." The Attorney General of the United States in an opinion dated November 22, 1917, held that a distinction must be made between "officer" and "employee" and that the benefits of the Compensation Act do not extend to officers of the Federal Government. The number of the latter has increased materially since the compensation law was enacted and in many instances those within this category receive salaries below that received by persons in the Federal service classified as employees. The risks of injury incidental to employment is as great in the case of an officer as it is in the case of an employee engaged in work of the same general classification and there appears to be no logical grounds for discrimination between the two. The Commission accordingly recommends an amendment to bring officers of the United States within the purview of this law.

### III. OPERATION UNDER THE ACT OF FEBRUARY 15, 1934

The act approved February 15, 1934 (U. S. C., title 5, sec. 796), making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, and for continuation of the Civil Works program, extended the provisions of the United States Employees' Compensation Act of September 7, 1916, to employees of the Civil Works Administration, subject to certain conditions and limitations. As has been previously stated, these conditions and limitations modified the provisions of the basic law in its application to this employment to such an extent that the effect is substantially the same as if a different compensation law had been enacted. The principal changes in the basic law were explained in the nineteenth annual report but, in view of the interest in this law, some of these are summarized here.

The term "injury" as defined in the Federal Employees' Compensation Act of September 7, 1916, includes in addition to injury by accident "disease proximately caused by the employment." This definition is not applicable, however, in cases involving employees of the Civil Works Administration, enrollees in the Civilian Conservation Corps, persons other than administrative employees paid from funds provided by Emergency Relief Appropriations of 1935, 1936, and 1937, and certain other beneficiaries specified in such acts. The benefits of the compensation law have been extended to these emergency employments only for disability or death resulting from a "traumatic injury" which is defined by law as "only injury by accident causing damage or harm to the physical structure of the body and shall not include a disease in any form except as it shall naturally result from the injury." This restriction confines the type of injury for which compensation may be paid to a field much more limited than most workmen's compensation laws. In view of the emergency character of these employments some limitation such as this is probably necessary in the public interest, and aside perhaps from a relatively small number of

cases of disability or death resulting from disease among enrollees in the Civilian Conservation Corps, it does not appear that the restrictive limitation has been unnecessarily harsh.

The act of February 15, 1934, limits the measure of benefits that may be extended on account of disability or death. The total amount that may be paid in any case is limited to \$3,500 and the rate at which compensation may be paid is limited to \$30 per month. Both limits are exclusive of the cost of medical care. In view of the low monthly compensation rate in these cases the limitation on the aggregate amount that may be paid in any case does not present a problem for immediate concern as the limitation affects only serious cases in which the award may extend over a period of 9 years or more. The question of liberalizing this limitation may be deferred without injustice until the time the awards are about to terminate. The adequacy of the monthly compensation rate is of more pressing concern. The maximum rate was increased from \$25 to \$30 per month, effective June 29, 1937, by an amendment included in the Emergency Relief Appropriation Act of 1937, approved that date. The increase, which is applicable to all payments accruing on or after June 29, 1937, alleviates only to a slight degree the harsh effects of the low limitation on the compensation rate for this employment. The maximum established for this employment is clearly inadequate for the support of an injured employee while incapacitated from the effects of his injury or to provide for the needs of the dependents of a deceased workman who, because of their circumstances, are incapable of providing for themselves. The maximum established for this employment is far below that found in any workmen's compensation law applicable to private employment. In view of this, the Commission feels that consideration may properly be given to the question of further increasing the present maximum, even though the limitation of \$3,500 on the aggregate payment in any case is retained.

It apparently was the intention of the Congress that the cost of all compensation benefits extended to these emergency employments should be paid out of the relief appropriation through which the respective emergency work programs were made possible. To accomplish this purpose provision was made to set aside from funds provided by the relief appropriation acts such sums as the Commission with the approval of the President estimated and certified to the Secretary of the Treasury as necessary for administrative expenses and the payment of compensation. Pursuant to this authority five special funds have been established in the Treasury to cover the cost of compensation benefits in connection, respectively, with the Civil Works program, the Civilian Conservation Corps, and the works program authorized by the Federal Emergency Relief Appropriation Acts of 1935, 1936, and 1937. These funds are administered by the Commission for the purpose indicated and are available annually in such amounts as may be specified in the annual appropriation acts.

There appears to be no necessity for maintaining separate accounts for the funds set aside from the several emergency relief appropriations and in fact the handling of these accounts may be greatly simplified by consolidating them. Moreover, since the funds have been set aside for a specific purpose and expenditures therefrom are subject to annual authorization by the Congress, it does not appear that they should retain their identity as general relief funds. If necessary the

funds should be given by statutory enactment the status of a permanent appropriation.

In addition to the employments above referred to, the benefits authorized by the provisions of the act of February 15, 1934, relating to compensation for disability and death have been extended to (1) persons receiving payments from the United States for services rendered under the National Youth Administration, (2) persons employed and paid by the United States in those States in which the Federal Relief Administrator assumed control under section 3 (b) of the Federal Emergency Relief Act of 1933, and (3) veterans of the World War and other persons attached to veterans' camps 1, 3, and 5, at the time the camps were destroyed by the hurricane which struck the Florida keys on September 2, 1935. Appropriate reference to the action taken in respect to each class of cases within the purview of the act of February 15, 1934, will be found under separate headings.

#### 1. CIVIL WORKS ADMINISTRATION EMPLOYEES

The records of the Commission show that 166,703 cases of alleged injury to employees were reported from the Civil Works program. This program to provide employment on a Nation-wide scale for millions of unemployed, operated for less than 6 months but during this period provided approximately 1,193 million man-hours of employment. Considering the conditions under which the program was put into operation and the procedure followed in respect to the placement of workers, the accident record for this employment is not as serious as might reasonably have been anticipated. These injuries, however, will probably involve an ultimate total cost of between \$5,000,000 and \$6,000,000 to the Federal Government, based on the existing scale of compensation benefits.

The adjudication of claims from this employment has been completed except for the payment of future installments of compensation in 336 nonfatal and 277 fatal cases. Another exception should be noted, namely, the necessity of handling inquiries from interested parties regarding such claims and considering requests for the reopening of closed cases. Aside from these activities the record relating to this program may be considered closed.

*Injuries reported.*—The records of the Commission show that of the 166,703 cases of alleged injury reported, there were 786 fatalities. Of this number of fatalities, approximately 40 percent were reported from the following States: Ohio, 7.5 percent; Pennsylvania and Texas, each 6.2 percent; California, 5.1 percent; Wisconsin, 4.9 percent; Illinois and Michigan, each 4.8 percent. Almost half of the 165,917 nonfatal cases were reported by the following States: New York, 10.9 percent; Ohio, 8.9 percent; California, 7.3 percent; Illinois, 6.9 percent; Pennsylvania, 6.2 percent; and Wisconsin, 5.8 percent. Nonfatal and fatal injuries, classified to show the State from which the injury was reported, are shown in table 17.

TABLE 17.—INJURIES REPORTED BY STATES AS OF SEPT. 30, 1937

States	Nonfatal	Fatal	States	Nonfatal	Fatal
Alabama	3,228	21	New Hampshire	460	2
Arizona	1,100	2	New Jersey	4,413	21
Arkansas	1,483	23	New Mexico	240	3
California	12,125	40	New York	18,159	36
Colorado	1,601	13	North Carolina	1,596	5
Connecticut	3,702	10	North Dakota	795	6
Delaware	204	1	Ohio	14,704	59
District of Columbia	482	1	Oklahoma	3,478	16
Florida	1,451	11	Oregon	1,508	4
Georgia	1,660	20	Pennsylvania	10,241	49
Idaho	971	5	Rhode Island	779	1
Illinois	11,508	38	South Carolina	553	4
Iowa	4,846	25	South Dakota	791	9
Kansas	1,880	23	Tennessee	1,196	7
Indiana	4,790	21	Texas	4,348	49
Kentucky	1,614	9	Utah	856	9
Louisiana	2,215	9	Vermont	552	2
Maine	826	9	Virginia	1,423	9
Maryland	1,035	8	Washington	2,761	16
Massachusetts	7,779	32	West Virginia	2,037	10
Michigan	8,031	38	Wisconsin	9,552	39
Minnesota	3,278	24	Wyoming	416	—
Mississippi	1,091	5	Alaska	87	—
Missouri	5,185	21	Hawaii	1	—
Montana	1,406	7	Total	165,917	786
Nebraska	1,171	10			
Nevada	219	2			

*Cases on hand.*—On October 1, 1937, there were 613 cases open on the active-claim register in which final payment of compensation had not been made. Of this number, 277 were fatal cases in which compensation is being paid to the dependents of deceased employees, 268 cases were classified by formal award as permanent partial disabilities, 36 cases were similarly classified as permanent total disabilities, and only 32 nonfatal cases remained in which a final award had not been made. These 32 cases are carried under the classification of temporary total disability, but it is not improbable in view of the nature and extent of disability that in nearly all of these an award will be made for injuries of a permanent nature.

There were 32 cases tentatively classified as temporary total disability still open on the docket of the Commission on October 1, 1937, in which \$30,848 had been paid in compensation and \$15,773 for medical treatment. The future cost of disability compensation in such cases is estimated at \$53,974, which, together with the amount paid, results in an estimated total cost of \$100,595, or \$3,144 per case for these cases. This estimate does not make any allowance for future medical costs or other expense incident to the injury.

There were 268 permanent partial cases still open on the docket of the Commission, in which \$265,181 has been paid in compensation, \$111,096 for medical treatment, and \$140,115 has been estimated as future compensation for the permanent disability. This results in an estimated total cost of \$516,392, or \$1,927 per case for these cases. The estimated cost makes no allowance for future medical or other costs such as prosthetic appliances which may have to be replaced from time to time or for increase in the degree of disability due to the injury.

Of the 36 permanent total cases, all are open on the records of the Commission. For such cases the Commission already has expended \$37,079 in compensation, has furnished medical aid to the extent of \$16,451, and estimates the cost of future compensation at \$88,921.

The estimated total cost of such cases is \$142,451, or \$3,957 per open case of a permanent total nature.

The paid and estimated costs for the 336 nonfatal cases referred to above are shown by States in table 18.

TABLE 18.—COST OF ALL CIVIL WORKS ADMINISTRATION NONFATAL CASES ACTIVE ON OCTOBER 1, 1937, BY STATES

State	Total number of active cases	Temporary total			
		Number of cases	Cost to July 1, 1937	Estimated future compensation	
			Compensation	Medical cost	
Alabama	11				
Arkansas	10	2	\$2,062	\$801	\$4,170
California	8	1	995	1,433	2,564
Colorado	6	2	2,106	220	4,020
Connecticut	4	1	1,005	1,191	2,495
District of Columbia	1				
Florida	7	1			259
Georgia	4	1	861	810	2,639
Idaho	1	1	1,062	333	251
Illinois	17	3	3,195	805	5,113
Indiana	11	2	2,038	1,083	2,693
Iowa	10	3	2,945	1,254	7,555
Kansas	4				
Kentucky	3				
Louisiana	3				
Maine	3				
Maryland	4				
Massachusetts	11	2	1,911	589	3,127
Michigan	19	1	1,067	793	2,433
Minnesota	18	1	1,063	397	257
Mississippi	2				
Missouri	3				
Montana	6	1	1,106	1,558	1,115
Nebraska	3				
Nevada	1				
New Hampshire	2				
New Jersey	6				
New Mexico	1	1	1,009	193	2,491
New York	24	2	1,886	672	261
North Carolina	6				
North Dakota	4				
Ohio	16				
Oklahoma	16				
Oregon	2	1	879	708	2,621
Pennsylvania	23	2	1,935	304	1,893
Rhode Island	3				
South Carolina	2				
South Dakota	3	1	1,005	1,065	235
Tennessee	5				
Texas	15	2	1,886	1,050	5,114
Utah	1				
Vermont	2				
Virginia	4				
Washington	7	1	832	514	2,668
West Virginia	7				
Wisconsin	16				
Wyoming	1				
Total	336	32	30,848	15,773	53,974

TABLE 18.—COST OF ALL CIVIL WORKS ADMINISTRATION NONFATAL CASES ACTIVE ON OCTOBER 1, 1937, BY STATES—Continued

State	Permanent partial			Permanent total			Total paid and estimated cost		
	Number of cases	Cost to July 1, 1937		Number of cases	Cost to July 1, 1937				
		Compensation	Medi- cal cost		Compensation	Medi- cal cost			
Alabama	8	\$7,663	\$2,585	\$4,580	3	\$3,065	\$1,689	\$7,435	\$27,017
Arkansas	7	6,947	2,056	3,660	1	1,052	122	2,448	23,318
California	7	7,237	4,667	5,321					22,217
Colorado	4	4,172	1,338	4,167					16,023
Connecticut	3	2,975	1,951	1,808					11,425
District of Columbia	1	971	30	385					1,336
Florida	6	6,120	1,570	3,099					11,048
Georgia	2	2,179	465	1,827	1	1,056	37	2,444	12,318
Idaho									1,646
Illinois	11	11,106	2,874	6,382	3	3,127	856	7,373	40,831
Indiana	9	9,015	2,780	3,644					21,253
Iowa	7	7,048	3,230	6,037					28,069
Kansas	4	3,960	751	1,941					6,652
Kentucky	3	2,006	607	605					3,218
Louisiana	3	2,633	658	551					3,842
Maine	2	1,773	451	1,735	1	984	296	2,516	7,755
Maryland	4	3,823	256	2,361					6,440
Massachusetts	8	7,613	3,820	4,697	1	1,020	463	2,480	25,720
Michigan	17	16,872	9,201	8,686	1	1,008	1,365	2,492	43,917
Minnesota	16	16,460	10,795	7,266	1	1,071	96	2,429	39,834
Mississippi	2	1,681	561	160					2,402
Missouri	2	1,658	695	1,839	1	1,061	545	2,439	8,237
Montana	4	4,124	1,274	776	1	1,075	38	2,425	13,491
Nebraska	3	2,891	1,853	1,204					5,948
Nevada	1	983	255	1,398					2,636
New Hampshire	2	2,069	1,661	1,890					5,620
New Jersey	5	4,568	4,107	2,137	1	996	865	2,504	15,177
New Mexico									3,693
New York	16	15,980	7,365	6,549	6	5,925	1,068	15,075	54,781
North Carolina	6	5,651	1,939	2,125					9,715
North Dakota	3	2,981	489	509	1	1,050	2,050	2,450	9,529
Ohio	13	12,670	4,802	6,664	3	3,065	1,237	7,435	35,873
Oklahoma	13	13,603	7,269	8,654	3	3,138	685	7,362	40,711
Oregon	1	898	143	887					6,136
Pennsylvania	20	19,592	4,840	11,929	1	1,064	1,021	2,436	45,014
Rhode Island	2	2,018	996	337	1	1,024	753	2,476	7,604
South Carolina	2	1,487	4,299	173					5,959
South Dakota	2	2,093	1,211	1,017					6,626
Tennessee	3	2,469	513	1,075	2	2,087	474	4,913	11,531
Texas	13	13,150	3,328	9,055					33,583
Utah	1	1,048	21	470					1,539
Vermont	2	2,083	458	956					3,497
Virginia	4	4,197	1,925	1,648					7,770
Washington	5	5,122	2,329	2,439	1	1,084	559	2,416	17,963
West Virginia	7	7,006	2,959	2,602					12,567
Wisconsin	13	13,494	4,846	3,419	3	3,127	2,232	7,373	34,491
Wyoming	1	1,092	873	1,451					3,416
Total	268	265,181	111,096	140,115	36	37,079	16,451	88,921	759,438

*Fatal injuries.*—A total of 786 fatal cases was reported of which 433 are disapproved and 353 approved. Of the approved cases, 46 cases were found to be without dependents, and the remaining 307 fatally injured employees were survived by 826 dependent relatives. Of these 307 cases with dependents, 30 cases, or approximately 10 percent, have been closed, leaving 277 fatal cases open representing 786 dependents to whom compensation payments are being made as of October 1, 1937.

Ultimate total cost of all fatal cases reported is estimated at nearly a million dollars, of which \$346,113 or 35 percent already has been expended. Estimated average ultimate cost per approved fatal case with dependents is \$2,910, of which amount \$1,063 has been expended.

Approximately 65 percent of the estimated compensation awarded to dependents in the 277 cases open on October 1, 1937, will be paid in installments over future years.

The paid and estimated costs in all fatal cases reported from this work program is shown by States in table 19. The compensated cases, as shown in this table, include 30 cases involving 40 dependents closed during the fiscal year 1937.

TABLE 19.—COST, BY STATE, AS OF OCT. 1, 1937, OF ALL CIVIL WORKS ADMINISTRATION FATAL CASES REPORTED

State	Approved cases with dependents										
	Total number of cases	Number of cases	Number of dependents	Death compensation				Other benefits			Estimated total cost
				Monthly award	Cost to July 1, 1937	Estimated future cost	Total compensation	Medical cost	Compensation before death	Burial cost	
Alabama	21	5	14	\$88.62	\$3,936	\$10,119	\$14,055	\$39	-----	\$742	\$14,836
Arizona	2	1	4	19.89	834	1,165	1,999	-----	-----	132	2,131
Arkansas	23	9	24	224.16	8,246	19,430	27,676	371	-----	1,195	29,242
California	40	6	16	150.94	5,471	12,773	18,244	668	-----	1,110	20,022
Colorado	13	9	27	214.87	7,615	13,468	21,083	12	-----	1,785	22,880
Connecticut	10	3	4	59.15	2,413	4,645	7,058	301	-----	600	7,959
Delaware	1	1	2	38.34	980	2,320	3,300	28	-----	200	3,528
District of Columbia	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Florida	11	3	12	61.85	2,250	5,489	7,739	48	\$262	225	8,274
Georgia	20	9	17	185.35	5,257	15,555	20,812	732	-----	798	22,342
Idaho	5	4	22	120.50	4,097	8,590	12,687	210	-----	793	13,690
Illinois	38	14	31	321.41	10,921	22,367	33,288	508	-----	2,704	36,500
Indiana	25	10	20	236.80	8,454	18,727	27,181	1,181	11	1,676	30,049
Iowa	23	10	25	230.11	9,337	21,567	30,904	1,252	161	1,948	34,265
Kansas	21	7	23	136.68	5,550	8,234	13,784	151	-----	1,326	15,261
Kentucky	9	3	12	42.26	1,714	4,735	6,449	327	-----	427	7,203
Louisiana	9	4	8	69.33	2,573	7,891	10,464	444	-----	661	11,569
Maine	9	8	20	154.54	6,360	14,586	20,940	223	-----	1,431	22,594
Maryland	8	5	5	54.41	2,948	8,267	11,215	24	-----	783	12,022
Massachusetts	32	10	23	228.25	7,603	19,563	27,166	237	-----	1,571	28,974
Michigan	38	20	58	417.55	13,659	32,170	45,829	2,627	69	3,494	52,019
Minnesota	24	10	30	260.40	8,847	22,208	31,055	2,009	649	1,995	35,708
Mississippi	5	1	5	10.73	513	2,827	3,340	175	-----	160	3,675
Missouri	21	7	14	126.03	4,507	10,252	14,759	220	-----	1,394	16,373
Montana	7	2	2	40.95	1,227	4,425	5,652	1,748	531	317	8,248
Nebraska	10	2	4	55.00	1,013	2,287	3,300	180	-----	200	3,680
Nevada	2	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
New Hampshire	2	2	8	50.48	1,970	4,691	6,661	5	-----	339	7,005
New Jersey	21	5	10	109.21	3,466	5,154	8,620	365	405	970	10,360
New Mexico	3	1	6	30.00	1,032	2,351	3,383	46	-----	117	3,546
New York	36	10	21	213.93	8,217	19,564	27,781	1,269	-----	1,620	30,670
North Carolina	5	3	10	58.93	1,897	3,447	5,344	41	-----	592	5,977
North Dakota	6	4	9	87.85	3,399	5,994	9,393	664	-----	635	10,692
Ohio	59	24	51	576.81	21,191	46,261	67,452	1,711	452	4,390	74,005
Oklahoma	16	8	27	187.13	6,051	17,686	23,737	422	-----	1,496	25,655
Oregon	4	2	9	74.42	1,782	4,755	6,537	100	127	336	7,100
Pennsylvania	49	15	32	333.88	12,364	29,189	41,553	1,085	104	2,978	45,720
Rhode Island	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
South Carolina	4	3	16	66.73	2,306	7,854	10,160	139	-----	340	10,639
South Dakota	9	5	21	157.35	5,175	11,132	16,307	102	-----	885	17,294
Tennessee	7	5	14	118.38	3,619	8,908	12,527	19	-----	966	13,506
Texas	49	23	62	434.35	15,357	36,592	51,949	715	733	3,239	56,636
Utah	9	5	6	70.95	4,774	11,830	16,604	64	-----	896	17,564
Vermont	2	2	18	69.10	1,432	3,644	5,076	5	-----	360	5,441
Virginia	9	2	11	50.48	2,078	3,481	5,559	571	-----	400	6,530
Washington	16	7	17	210.98	6,578	13,480	20,058	968	504	1,333	22,863
West Virginia	10	5	15	142.66	5,274	11,385	16,659	428	-----	841	17,928
Wisconsin	39	12	40	317.84	10,778	23,846	34,624	595	-----	2,373	37,592
Wyoming	2	1	1	25.03	1,033	2,279	3,312	159	-----	188	3,659
Total	786	307	826	6,934.61	246,098	567,177	813,275	23,188	4,008	52,955	893,426

the 1990s. Between 1990 and 1995, the number of people aged 15 to 24 years who had ever used an illegal drug increased by 88.6% to 1,082,000. The number of people aged 15 to 24 years who had ever used an illegal drug increased by 88.6% to 1,082,000.

TABLE 19.—COST, BY STATE, AS OF OCT. 1, 1937, OF ALL CIVIL WORKS ADMINISTRATION FATAL CASES REPORTED—Continued

State	No dependents				Disapproved cases			Total cost
	Number of cases	Medi- cal cost	Com- pen- sation before death	Burial cost	Number of cases	Medi- cal cost	Com- pen- sation before death	
Alabama					16	\$133		\$14,969
Arizona					1			2,131
Arkansas					14	115		29,357
California	2	\$69		\$275	32	763		21,129
Colorado	3			600	1			23,480
Connecticut					7	15		7,974
Delaware								3,528
District of Columbia					1			
Florida	2	226		80	6	332		8,912
Georgia					11	339	\$22	22,703
Idaho					1	10		13,700
Illinois	3	8		600	21	487		37,595
Indiana	1			200	14	72		30,321
Iowa	1	432		200	12	89		34,986
Kansas	1	28		200	13	262		15,751
Kentucky					6			7,203
Louisiana	1			163	4	132		11,864
Maine					1			22,594
Maryland	1			200	2	5		12,227
Massachusetts	4	1,758	\$190	795	18	340		32,057
Michigan					18	57		52,076
Minnesota	2	8		335	12	16		38,067
Mississippi					4	435		4,110
Missouri	1	39		200	13	98	6	16,716
Montana	1	88		180	4	234		8,750
Nebraska	1			200	7	30		3,910
Nevada	1	29		200	1			229
New Hampshire								7,005
New Jersey					16	235		10,595
New Mexico					2	3		3,549
New York	1	8		200	25	479		31,357
North Carolina					2	3		5,980
North Dakota					2	5		10,697
Ohio	4	178		618	31	676		75,477
Oklahoma	1	35		200	7	138		26,028
Oregon					2			7,100
Pennsylvania	8	774	107	1,571	26	207		48,379
Rhode Island					1	71		71
South Carolina					1			10,639
South Dakota	1	12		180	3	336		17,822
Tennessee					2	9		13,515
Texas	2	56		282	24	440	67	57,481
Utah					4			17,564
Vermont								5,441
Virginia					7	101		6,631
Washington	1	19		200	8			23,082
West Virginia					5	149		18,077
Wisconsin	2	50		400	25	560		38,602
Wyoming	1			200				3,859
Total	46	3,817	297	8,279	433	7,376	95	913,290

*Cases disposed of.*—The records of the Commission indicate that 166,090 of the 166,703 cases reported from this employment have been closed, of which number 165,581 are nonfatal and 509 fatal. Of this total of closed nonfatal cases, 13,175 cases were disapproved by the Commission. The remainder is composed of 104,037 cases involving minor injuries which did not cause a loss in time from work, 46,991 injuries classified as temporary total in nature, and 1,378 cases in which formal award was made for permanent partial disability.

Of the total of closed fatal cases, 433 cases were disapproved, 46 of the 353 approved fatal cases were found to be without dependents, and 30 more of the latter were closed by the final payment of compensation or by reason of a third-party recovery.

*No-lost-time injuries.*—The number of no-lost-time injuries is 104,037 or 62.4 percent of all injuries reported. Although many of these were first-aid cases, involving no expense chargeable directly to the injury, 93,686 cases involved expenditures for medical attention amounting to \$563,555. Such expenditure reflects an average cost of \$6.02 per case requiring medical attention, or \$5.42 per no-lost-time injury reported.

*Lost-time injuries.*—A total of 61,880 lost-time injuries was reported from the beginning of the work program through September 30, 1937, of which 48,705, or 78.7 percent, were approved by the Commission. Of the total number of approved lost-time cases, 47,023 cases have been classified as temporary disability and 1,682 cases as permanent disability. There were 13,175 disapproved lost-time cases.

Of the approved cases in which injury is classified as temporary, there are 16,477 cases in which the disability did not extend beyond the 3-day waiting period. Although compensation payments were not made in this latter type of case, expense for medical services rendered was incurred to the extent of \$101,954, or an average of \$6.19 per case of this kind reported.

The remaining 30,546 approved temporary total cases are those in which disability of the injured employee extended beyond the 3-day waiting period. In 30,514 closed cases of this kind, disability extended for a total of 1,246,211 days, or an average of 41 days per closed approved temporary case. Compensation payments in such cases aggregate \$984,468, or an average of \$32.26 per case, in addition to medical expense of \$946,692, or \$31.02 per case. The average total cost of such closed cases is \$63.28 per case.

Of the 1,682 approved cases in which injury is classified as permanent in nature, there are 1,646 permanent partial and 36 permanent total cases. There are 1,378 closed permanent partial cases in which disability extended for a total of 783,983 days, or an average of 569 days per case. The duration in such cases represents the period for which compensation was paid under the specific schedule of awards applicable to such cases. Compensation payments in such cases aggregate \$635,587, or an average of \$461.24 per case, in addition to medical expense of \$193,069, or \$140.11 per case. The average total cost of such closed cases is \$601.34. The average duration and average cost per case for all cases of this class of disability will be increased with the closing of 268 incomplete cases in which compensation was being paid on September 30, 1937.

Only 76 of the 353 approved fatal cases were closed prior to October 1, 1937. In 46 such cases the deceased employee was not survived by dependents entitled to compensation and the record in such cases was closed with the payment of burial expenses and certain other benefits accrued prior to the death. The total benefits paid in these 46 cases is \$12,393, distributed as follows: Burial expense, \$8,279; medical treatment for injury, \$3,817; disability compensation, \$297. The average cost per case for benefits awarded in these fatal cases is approximately \$270.

In 22 approved fatal cases the awards terminated for the following reasons: Death of beneficiary, 13 cases; marriage of beneficiary, 8 cases; elected to receive veteran's benefits, 1 case. The total cost of benefits awarded in these cases is \$14,685, or approximately \$668 per case. This cost includes \$9,761 death compensation, \$4,122 burial expense, and \$802 medical expense. The beneficiaries in these cases

were 17 widows, of whom 9 died, 7 remarried, and 1 elected to receive veteran's benefits; 4 dependent parents, all of whom died; 3 children, of whom 1 died, 1 married, and 1 was included in a widow's election to receive veteran's benefits.

In eight approved fatal cases the injury resulting in the death occurred under circumstances creating a legal liability on a third party to pay damages therefor. There were 16 surviving dependents in these cases who may be recognized as entitled to compensation for the death; namely, 4 widows, 8 children, 3 dependent parents, and 1 dependent brother. However, in view of the receipt by these dependents of damages from a third party in excess of probable compensation benefits, no payments were made by the Commission in these cases.

*Third-party cases.*—The provisions of sections 26 and 27 of the Federal Employees' Compensation Act relating to the recovery of damages in cases in which an injury is sustained under circumstances creating a legal liability on a third party are applicable to cases arising out of the injury of employees of the Civil Works Administration. Recoveries from a third party have been made in 282 cases.

In 12 fatal cases the gross value of the recovery is \$34,950, and the net value after deducting attorneys' fees and other costs of collection is \$24,184, of which \$15,813 represents the estimated net saving in compensation costs. This saving is approximately 80 percent of the total benefits paid and to be paid in these 12 cases.

In 270 nonfatal cases the gross value of the recovery is \$163,501 and the net value \$118,919, of which \$28,965 is a direct saving in compensation costs. The total saving through recoveries made in third-party cases is \$44,778, of which \$21,074 was actually refunded to the Commission. The difference between these amounts is charged against future payments of compensation on account of the same injuries. In addition to these 282 cases in which recoveries have been made, there were at the close of the fiscal year 6 fatal and 55 nonfatal cases still pending and in the process of settlement.

*Summarization of causes of injury.*—Reference to table 20 affords a ready résumé of the chief causes of injury in 152,713 cases reported from this employment, ranking these causes as to their force in accident causation, and presenting their percentage importance. The cases reviewed include "no lost time" injuries but exclude disapproved cases.

TABLE 20.—RANKING AND PERCENTAGE IMPORTANCE OF CHIEF CAUSES OF 152,713 APPROVED CIVIL WORKS ADMINISTRATION INJURIES

Classification of injury	Percent surveyed to total cases in each class		Handling objects	Struck by objects	Hand tools	Falls of persons	Falling objects	Struck against objects	Vehicles
	Rank	Percent of total class							
No lost time	75	1	24	14	3	9	6	11	2
Temporary	80	1	24	11	3	17	4.5	6	26
Permanent	81	2	17	21	5	15	4	6	
Fatal	86	4	7	3	3	17	1	33	
All	76	1	24	13	3	11	5.5	8	

*No-lost-time injuries.*—A study of the cause of injury in the 104,037 no-lost-time cases shows that over two-thirds, or 68 percent, are attributable to 5 principal causes. "Handling objects" is the cause of the largest number and accounts for 24,655 cases, or 24 percent of the no-lost-time injuries. "Struck by objects" is second, causing 14,911 injuries or 14 percent. "Hand tools" is responsible for 12,620 or 12 percent; "Falls of persons" is the cause of 9,495 or 9 percent; and "Striking against objects" is the cause of 9,024 or approximately 9 percent of the total.

*Temporary total disability.*—Approximately 75 percent of the 46,991 closed temporary disability closed cases, including 3-day or less cases, fall within 5 main causes of accidents. "Handling objects" is the principal cause of injury, being responsible for 11,201 or 24 percent of temporary disability injuries. "Falls of persons" is the cause of the next largest number of injuries; namely, 7,758, or nearly 17 percent of the total. In 5,532 cases, or 12 percent of the total, the cause of injury is "Hand tools"; in 5,286 injuries, or 11 percent, "Struck by objects"; and in 5,138, or 11 percent, "Falling objects."

*Permanent disability.*—An analysis of the cause of injury in 1,378 approved permanent disability cases shows that 75 percent, or 1,032 injuries, fall within 5 major causes of accidents; namely, "Struck by objects," 288, or approximately 21 percent of the total; "Handling objects," 227, or 17 percent; "Falls of persons," 208, or 15 percent; "Falling objects," 165, or 12 percent; and "Hand tools," 144, or 10 percent.

*Fatal cases.*—Four main causes of accidents account for 251, or 82 percent, of the 307 approved fatal cases with dependents. "Falling objects" is the cause of 101 fatalities, or 32 percent of the total. "Vehicles" ranks next with 79 fatal injuries, or 26 percent of the total. "Falls of persons" is the cause of 51 fatal injuries, or 17 percent, and "Handling objects" accounts for 20, or 7 percent.

*Cost of compensation and administrative expenses.*—A special fund was set aside in the Treasury in pursuance of the provisions of the act of February 15, 1934, for the payment of compensation and the administrative expenses of the Commission in administering the compensation benefits extended to employees of the Civil Works Administration. The funds reserved for this purpose were set aside from funds appropriated by the act above referred to. The status of this fund, as of June 30, 1937, follows:

Original allocation	\$25,000,000
Allotments rescinded	13,000,000
Revised total allocation	12,000,000
Transferred to other funds	5,218,250
Available for obligation	6,781,750
Expenditures to June 30, 1937	4,793,398
Unexpended balance June 30, 1937	1,988,352

Expenditures from this fund, showing the object of expenditures are shown by fiscal years in table 21. The expenditures from this fund include benefits and administrative expense in connection with cases involving the injury or death of veterans and other persons in the hurricane which on September 2, 1935, destroyed certain veterans' work camps located in Florida. Upon reference to table 21 it will be noted that \$4,325,288 was expended for compensation benefits as

compared with \$468,110 for administrative expenses. The overhead for administration is less than 10 percent of the total expenditure.

TABLE 21.—CLASSIFICATION OF EXPENDITURES FROM CIVIL WORKS EMPLOYEES' COMPENSATION FUND

	1935 and prior fiscal years	1936 fiscal year	1937 fiscal year
Compensation benefits:			
Disability compensation.....	\$1,398,832	\$328,209	\$164,641
Medical treatment.....	2,018,223	41,883	10,509
Transportation of beneficiaries.....	25,996	13,242	4,280
Death compensation.....	112,678	75,967	75,407
Burial expenses.....	51,783	1,756	200
Miscellaneous.....	731	788	158
Total.....	3,608,243	461,850	255,195
Administrative expenses:			
Personal services.....	278,177	79,686	13,908
Supplies and materials.....	4,526	471	33
Communication services.....	2,392	507	39
Travel expenses.....	3,041	824	
Rent.....	5,465	4,916	862
Equipment.....	11,916	866	121
Printing and binding.....	23,389	2,044	19
Miscellaneous.....	472	1,232	
Transfer to other departments.....	20,279	12,925	
Total.....	349,657	103,471	14,982
Total benefits and administrative expenses.....	3,957,900	565,321	270,177

## 2. ENROLLEES—CIVILIAN CONSERVATION CORPS

Under the provisions of section 3 of the act entitled "An act for the relief of unemployment through the performance of useful public work, and for other purposes," approved March 31, 1933, the provisions of the United States Employees' Compensation Act of September 7, 1916, were extended to enrollees in the Civilian Conservation Corps and other persons given employment under that emergency legislation. This section was repealed by the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934, insofar as it applied to enrollees in the Civilian Conservation Corps, and the conditions and limitations in the act of February 15, 1934, relating to compensation for employees of the Civil Works Administration, were made applicable to such enrollees. These restrictions relating to compensation for disability or death are continued in effect under the terms of the act approved June 28, 1937, entitled "An act to establish a Civilian Conservation Corps."

Provision has been made for a special fund to cover administrative expenses and the payment of compensation awarded to enrollees. The Commission, with the approval of the Director of the Budget, estimated and certified to the Secretary of the Treasury that \$5,550,000 would be required for this purpose, and this amount was set aside from the appropriation for emergency conservation work to be administered by the Commission for the purposes indicated. It is necessary to point out that this estimate does not reflect the true cost to the Government for injuries arising out of this employment, since medical attention necessary on account of injury is generally furnished to enrollees during the term of their enrollment by the Civilian Conservation Corps, and no charge for such treatment is made against the compensation fund. Moreover, it is estimated that

only a small amount of compensation will be paid for temporary total disability in cases involving incapacity of short duration.

Under the practice prevailing in the Civilian Conservation Corps the pay and allowances of enrollees is not suspended during periods of physical incapacity where such incapacity is not the result of misconduct. In view of this, no compensation is payable to enrollees during the term of enrollment and in order to avoid unnecessary administrative expenses the Commission has not required the submission of reports of injuries involving temporary disability for less than 15 days. Regulations concerning the application of the compensation law to this employment require reports to be filed with the Commission in all fatal cases, irrespective of the cause of death, and in non-fatal cases in which disability lasts 15 days or longer, or in which the injury may be expected to cause some permanent disability. The Commission, therefore, does not have a complete report of all injuries arising out of this employment, but only the more serious cases.

The records of the Commission show that from May 1, 1933, through September 30, 1937, reports had been received in 38,598 cases, of which 4,124 were fatal cases. Cases reported from this employment to September 30, 1937, are shown for each 6-month period in table 22.

TABLE 22.—INJURIES REPORTED AND CLAIMS RECEIVED FROM CIVILIAN CONSERVATION CORPS, MAY 1933-SEPTEMBER 1937, INCLUSIVE

Period	Injuries reported			Claims filed		
	Nonfatal	Fatal	Total	Nonfatal	Fatal	Total
1933:						
May and June	32	1	33			
July-December	3,024	309	3,333	90	64	154
1934:						
January-June	3,610	338	3,948	404	81	485
July-December	3,876	429	4,305	581	96	677
1935:						
January-June	4,158	494	4,652	754	117	871
July-December	4,786	615	5,401	867	122	989
1936:						
January-June	5,638	679	6,317	1,059	86	1,145
July-December	5,125	527	5,652	830	85	915
1937:						
January-June	5,753	527	6,280	681	77	758
July-September	2,596	205	2,801	310	43	353
Total, May 1933-September 1937, inclusive	38,598	4,124	42,722	5,576	771	6,347

*Open cases.*—On October 1, 1937, there were 1,728 nonfatal and 1,039 fatal cases on hand in which compensation was being paid or which were incomplete at that time.

The nonfatal cases included 555 cases in which compensation was being paid for permanent or long-continuing disability. The remaining 1,173 cases represent incomplete cases in which awards had not been made and minor-disability injury claims in which the disability appeared to be only of short duration.

The fatal cases include 627 cases in which compensation awards were made prior to June 30, 1937. The remaining 412 cases include some in which awards were made subsequent to that date but too late to include in this analysis and other cases which were incomplete. In the 627 cases in which awards had been made, compensation was being paid to or on account of 1,826 beneficiaries. The classification of the

dependents in these cases as of June 30, 1937, and the number of each is shown in table 23, together with other information relating to the death awards.

TABLE 23.—AVERAGE AND ESTIMATED TOTAL COST OF 627 ACTIVE FATAL CASES, JULY 1937, BY DEPENDENTS

Dependents	Number	Monthly award	Estimated total cost	Average		
				Age	Monthly award	Estimated total cost
Widows	47	\$729.58	\$126,956	36.5	\$15.52	\$2,701
Children under 18	82	399.74	46,981	6.8	4.87	573
Over 18, incapable of self-support	6	25.20	2,480	23.3	4.20	413
Brothers and sisters under 18	844	2,972.37	227,467	10.6	3.52	270
Fathers	325	2,366.88	213,760	53.6	7.28	658
Mothers	512	4,167.01	378,215	48.6	8.14	739
Grandparents	10	71.40	5,415	72.5	7.14	542
Total	1,826	10,732.18	1,001,274			

The total paid and estimated cost of these fatal cases is \$1,002,558. This sum includes \$862 paid as disability compensation; \$197 expended for medical care of deceased enrollees; and \$225 burial expense. The small expenditures from the compensation fund for medical care and burial expenses in these cases is explained by the practice of the Civilian Conservation Corps in providing this service from its own funds. The amount expended by the corps for this purpose is not known to the Commission but it unquestionably represents a considerable sum and if charged as a part of the compensation costs in these 627 cases would probably have the effect of increasing the total of such costs as much as 5 percent. The average cost of death compensation in these cases, based on awards made prior to July 1, 1937, is nearly \$1,600 per case. This low average cost is due to two causes, namely, the low compensation rate for this employment and the fact that nearly 93 percent of the dependents are parents and brothers or sisters. This class of dependents are entitled to compensation for a maximum period of only 8 years. In only 47 out of 627 cases was there a surviving widow of the deceased enrollee.

*Cases disposed of.*—A total of 36,870 nonfatal cases reported from this employment were closed prior to October 1, 1937, as shown in table 24. About 33 percent of these cases, or 12,253 cases, were disapproved by the Commission. This unusually high percentage of disapproved cases is explained by the fact that reports were filed with the Commission in many cases in which the disability was caused by disease. Such cases are excluded from the benefits of the compensation law under the statutory definition of traumatic injury. In 1,447 cases no time was lost from work, but in 393 such cases \$8,148 was expended from the compensation fund for medical services.

TABLE 24.—COST OF ALL CLOSED NONFATAL CASES OF ENROLLEES IN THE CIVILIAN CONSERVATION CORPS, MAY 1933 THROUGH SEPT. 30, 1937

	Number of cases	Days duration	Days covered by leave	Compensation paid	Medical expense	
					Number of cases	Cost
Regular corps:						
No time lost	1,432				391	\$8,122
Disability covered by leave	19,334	773,336	773,335		396	10,148
Compensation paid:						
Temporary total disability	2,287	239,121	67,750	\$137,604	655	24,613
Permanent partial disability	1,322	466,724	84,580	310,640	420	15,558
Indian corps:						
No time lost	15				2	26
Disability covered by leave	116	2,593	2,589		11	559
Compensation paid:						
Temporary total disability	97	7,102	1,774	4,148	19	1,152
Permanent partial disability	14	9,386	525	7,306	7	917
Total approved cases	24,617	1,498,262	930,553	459,698	1,901	61,095
Total disapproved cases	12,253				70	1,733
Total cases closed	36,870	1,489,262	930,553	459,698	1,971	62,828

*Temporary disability.*—Reference has been made to the practice in the Civilian Conservation Corps of continuing the pay of enrollees during the periods of disability due to injury as a result of which claims for compensation in cases involving temporary total disability are almost completely eliminated. The reports filed in cases closed prior to October 1, 1937, show that in 53 percent of the closed cases the injured enrollees received full pay while disabled. In 19,450 such cases the injury caused disability for 775,929 days. This is an average of almost 40 days per case. In 407 such cases the Commission expended the sum of \$10,707 for medical attention, or an average of \$26.31 per case. While the report of the Commission shows no compensation paid in these 19,450 cases, the cost to the Government on account of the wages paid to enrollees while disabled for work amounts to at least \$40 per case or probably more than \$1 per day for each day of disability. This cost is exclusive of medical care. The cost of medical care on account of these injuries is not known to the Commission, as this service is furnished almost wholly through the facilities of the corps, and no report of the cost thereof is filed with the Commission. Compensation in the amount of \$141,752 and medical treatment for which the Commission expended \$25,765 was awarded in 2,384 cases involving temporary total disability closed prior to October 1, 1937. The duration of disability in these cases is 246,223 days, or an average of 103 days per case. The average compensation award in these cases is \$59.46 per case. The compensation award in these cases does not take into account 69,524 days of disability during which the enrollee received full pay as a member of the corps. If the wage paid to enrollees during periods of disability in these 2,384 cases is added to the compensation paid by the Commission for the loss in time without pay, the average cost per case would be increased nearly 50 percent. Using an average wage of \$1 per day for this purpose, the total added cost would amount to \$69,524, or an average of \$29.16 per case.

*Permanent partial disability.*—In 1,336 cases in which the injury resulted in permanent partial disability the compensation awarded by the Commission was terminated by final payment. The duration of disability in these cases is 476,110 days, or an average of 365 days per

case. The duration of disability is computed as the period for which compensation is paid under the administrative schedule of awards applicable to cases within the purview of the act of February 15, 1934. The total compensation award in these cases is \$317,946, or an average of \$238 per case. The compensation award does not take into account the wages received by the injured enrollees from the corps for 85,105 days of disability. If the amount paid as wages is added to the compensation paid by the Commission in these 1,336 cases, the total cost to the Government for permanent partial disability would be increased in the amount of \$85,105, and the average cost per case would be increased about 27 percent. This estimated increase has been computed on the basis of a wage of \$1 per day. The medical expense paid by the Commission in these cases amounts to \$2,298. This, however, represents only a negligible part of the medical cost, nearly all of which is assumed by the corps.

*Fatal cases.*—In 102 fatal cases approved by the Commission it was found that there were no dependents entitled to compensation and no expense was incurred in these cases for benefits under the compensation law. The expense of medical care in these cases prior to the death of the enrollee and for the transportation and burial of the remains was paid by the corps. The Commission is not informed as to the amounts expended for this purpose.

In 19 cases the award to dependents was terminated and such cases have been closed. In 6 cases the award terminated because of the death of the beneficiary and in 3 cases because of marriage. The total compensation paid by the Commission in these 19 cases is \$2,287, or an average of \$120 per case. In 6 cases the net damages recovered from a third party responsible for the death exceeded the value of compensation benefits payable by the Commission, and under the provisions of sections 26 and 27 of the Compensation Act no further installments of compensation may be paid in such cases. The amount previously paid has been refunded to the Commission and the record in these cases has been closed. The estimated value of the award in such cases is \$7,516 or an average of \$1,253 per case.

*Third-party cases.*—The provisions of sections 26 and 27 of the Federal Employees' Compensation Act relating to the recovery of damages in cases in which an injury is sustained under circumstances creating a legal liability on a third party are also applicable to cases arising out of the injury of enrollees in the Civilian Conservation Corps. Recoveries from a third party have been made during the calendar year 1936 in 17 approved cases. In 4 fatal cases the gross value of the recovery is \$10,050 and the net value after deducting attorneys' fees and other costs of collection is \$6,550, of which \$1,758 represents the estimated net saving in compensation costs. In 13 nonfatal cases the gross value of the recovery is \$33,690 and the net value \$28,846, of which \$3,211 is a direct saving in compensation costs. This saving covers the total estimated cost of compensation payable in these cases. The total saving through recoveries made in these cases is \$4,969. In addition to these 17 cases in which recoveries were made there are 47 cases still pending in the hands of attorneys and in the process of settlement.

*Cause of injury.*—A short classification of the cause of injury in all cases reported to the Commission from this employment to September 30, 1937, is shown in table 25. All fatal cases are reported to the Commission irrespective of the cause or circumstances connected

with the death. This explains the high percentage of fatal cases included under the cause classification "disease." No compensation may be paid in such cases. Accidents involving the use of motor vehicles accounted for more than 46 percent of all fatal cases due to accidental causes. Many of these accidents occurred while enrollees were absent from camp on leave of absence, and therefore did not come within the purview of the compensation law. More than 11 percent of the fatal accidents occurred as a result of accidents in camp as distinguished from accidents at work. Accidents while at work caused nearly 65 percent of all nonfatal accidental cases, and motor vehicles, 13.9 percent.

TABLE 25.—CAUSES OF INJURY TO ENROLLEES IN CIVILIAN CONSERVATION CORPS,  
REPORTED THROUGH SEPT. 30, 1937

Cause of injury	Fatals	Nonfatals	Total
<b>Accidents at work:</b>			
Falls of persons.....	83	4,794	4,877
Struck by falling objects.....	158	2,209	2,367
Struck by flying objects.....	19	1,768	1,787
Injured by hand tool.....	8	3,795	3,803
Handling objects:			
(a) Causing hernia.....	12	5,542	5,554
(b) All other.....	9	2,407	2,416
Blasting accidents.....	30	157	187
All other.....	105	3,579	3,684
Total.....	424	24,251	24,675
Railroad accidents.....	94	93	187
<b>Automobile and motorcycle accidents:</b>			
While riding or driving.....	683	3,783	4,466
While boarding or leaving.....	13	345	358
Struck by.....	160	505	665
All other.....	57	417	474
Total.....	913	5,050	5,963
<b>Camp accidents:</b>			
Recreational.....	77	2,894	2,971
Horseplay and fights.....	92	1,176	1,268
All other.....	53	411	464
Total.....	222	4,481	4,703
Illnesses.....	2,157	2,179	4,336
Miscellaneous.....	314	2,544	2,858
<b>Grand total.....</b>	<b>4,124</b>	<b>38,598</b>	<b>42,722</b>

*Special fund.*—The sum of \$5,550,000 was set aside in the Treasury from funds provided in the Emergency Appropriation Act, fiscal year 1935, to cover administrative expenses and the payment of compensation in respect to this employment. This special fund is administered by the Commission for the purpose indicated and it is available for expenditure annually in such amounts as may be specified in the annual appropriation acts. The status of this fund as of June 30, 1937, is as follows:

Total allocation.....	\$5,550,000
Expenditures to June 30, 1937.....	1,166,786

Unexpended balance on June 30, 1937..... 3,383,214

Expenditures from this fund are shown in table 26, by object of expense according to fiscal years. It will be noted that this report shows an increase annually in expenditures for compensation benefits.

This is to be expected for an indefinite period in the absence of any material change in the present strength of the corps or other unforeseen change affecting compensation benefits.

TABLE 26.—CLASSIFICATION OF EXPENDITURES

Item	1935 and prior fiscal years	1936 fiscal year	1937 fiscal year
Compensation benefits:			
Disability compensation.....	\$195,136.85	\$252,026.03	\$268,231.04
Medical treatment.....	24,670.36	23,475.51	17,442.55
Transportation of beneficiaries.....	4,875.67	7,824.19	6,279.12
Death compensation.....	52,928.64	103,052.63	120,385.49
Burial.....		608.50	260.00
Miscellaneous.....		10.00	-----
Total.....	277,611.52	386,996.86	412,598.20
Administrative expenses:			
Personal services.....	17,239.00	35,782.60	28,689.58
Supplies and materials.....	696.00	1,575.24	99.07
Communication services.....	14.00	202.13	.33
Travel expense.....	46.00	212.00	12.50
Printing and binding.....	1,940.00	1,008.99	514.42
Equipment.....	1,161.00	219.01	-----
Miscellaneous.....	35.00	132.38	-----
Total.....	21,131.00	39,132.35	29,315.99
Total benefits and administrative expenses.....	298,742.52	426,129.21	441,914.10

### 3. RELIEF EMPLOYEES—EMERGENCY RELIEF APPROPRIATION ACTS OF 1935, 1936, AND 1937

Under the provisions of section 2 of the Emergency Relief Appropriation Act of 1935 (Public Res. No. 11, 74th Cong.) the provisions of the act of February 15, 1934, relating to disability or death compensation and benefits are made applicable to persons receiving from that appropriation "for services rendered as employees of the United States security payments in accordance with schedules established by the President." This section of the law also provides that such sum as the Commission, with the approval of the President, estimates and certifies to the Secretary of the Treasury will be necessary for the payment of compensation and administrative expenses, shall be set aside from the relief appropriation in a special fund to be administered by the Commission for such purposes. After June 30, 1936, this fund is available for these purposes annually in such amounts as may be specified therefor in the annual appropriation act.

The Emergency Relief Appropriation Acts of 1936 and 1937 contain substantially the same provisions in respect to compensation for the disability and death of beneficiaries of unemployment relief work financed with funds provided by such acts. The major part of employment of this kind has been on projects under the jurisdiction of the Works Progress Administration, and the funds provided by the 1936 and 1937 relief appropriations apparently were intended and have been used to continue work started with funds provided in the appropriation for 1935. For all practical purposes the workmen's compensation benefits authorized by the respective acts may be treated as one program. It has been so treated by the Commission, although three separate funds have been established in the Treasury to defray compensation costs for injuries arising out of employment provided by the respective appropriations. The Commission recommends the

consolidation of the three special funds in the interest of simplified handling of accounts.

The effect of this legislation is to extend the protection of the Federal employees' compensation law, subject to certain conditions and limitations, to the several million persons given employment through funds provided by the Emergency Relief Appropriation Acts of 1935, 1936, and 1937. The conditions and limitations under which compensation benefits are extended to this employment are the same as those applied to employees of the Civil Works Administration and enrollees in the Civilian Conservation Corps. Under the provisions of section 2 of the 1935 Appropriation Act the restrictions on the payment of compensation are applicable to persons receiving "security payments" in accordance with schedules established by the President in return for services rendered as employees of the United States. The term "security payments" as used in this section of the act is not found or defined in any other part of the act, nor is the term used in the Executive order of the President establishing a schedule of monthly earnings on projects financed in whole or in part from funds appropriated by the said act. The absence of a legal definition of this term has made it difficult to determine the application of the compensation law to certain employments, particularly those under the jurisdiction of the executive departments and establishments of the Government created through funds allocated from the 1935 Relief Appropriation Act.

In general all civilians in the employ of the United States are entitled to the benefits of the Federal Employees' Compensation Act of September 7, 1916. In view of the extreme difference between the scale of benefits authorized by that act in the case of regular employees of the United States as compared with the restricted benefits extended to beneficiaries of relief employment, it is important to distinguish between the two classes of employment. In a number of instances funds from the Emergency Relief Appropriation Act have been allocated to executive departments for the continuation or expansion of activities normally carried on under the jurisdiction of such departments. In such circumstances regular employees of the Government are employed in connection with projects prosecuted with funds from the relief appropriation. This, and the absence of a uniform wage scale applicable to all relief employment, has increased the difficulty of defining the term "security payment." The Commission has interpreted the use of the term "security payment" in this legislation as an intention on the part of the Congress to limit the liability of the Government for the payment of compensation to persons provided with employment as a relief measure. In view of this the Commission believes that the fundamental distinction to be made in determining the status of employees on projects financed by funds allocated from this Relief Appropriation Act is that between those persons for whose ultimate benefit the act was intended and the persons occupying administrative positions engaged in carrying out the purpose of the act. Under this policy the former are recognized as relief employees and therefore are subject to the conditions and limitations in the act of February 15, 1934. The latter are recognized as civil employees of the United States within the meaning of the Federal Employees' Compensation Act of September 7, 1916, and as such are entitled to the full benefits authorized by that act.

The 1936 and 1937 Appropriation Acts make the same restrictive limitations apply to all persons (except administrative employees) receiving payments from the appropriation for services rendered as employees of the United States. This change in language tends to further enlarge the classes of employees to which the limitations apply.

There are certain other limitations in the Relief Appropriation Acts which, in the opinion of the Commission, should not be made applicable to the special funds set aside for employees' compensation. One of these is the limitation in the Emergency Relief Appropriation Act of 1935 which provides that such appropriation "shall be available for use only in the United States and its Territories and possessions." In a small number of cases arising out of the death of workmen on relief projects, this provision has operated to prevent payment of the compensation authorized by law to surviving dependents of the deceased employee. In two such cases the deceased employee was survived by a widow who at the time of death was residing in the United States. Compensation was awarded by the Commission to the dependents. This compensation was insufficient for the support of the beneficiaries who, because of this, elected to leave the United States for the purpose of returning to their former homes abroad. Upon the departure of these beneficiaries from the United States the Commission, in view of the statutory limitations cited above, was required to suspend payment of further installments of compensation to them. The Commission believes the limitation was not intended to apply to situations such as this and that the condition should be corrected by appropriate legislation.

In the interest of economy and simplicity these special funds should be given the status of a permanent appropriation and subject to the same accounting procedure and limitation relating to the expenditure of funds made available to the Commission through annual appropriations. The administration of workmen's compensation benefits extended to relief employees is only incidental to the relief program and should be distinguished from that program. It involves merely an extension of the regular functions of the Commission, and the accounting and fiscal procedure should be in accordance with the practices relating to the regular funds of the Commission.

The records of the Commission as of September 30, 1937, show that 446,400 cases of alleged injury had been reported from employment created by the Emergency Relief Appropriation Acts of 1935, 1936, and 1937. These cases have been handled currently as they were received in the office of the Commission, and more than 90 percent of the cases received to September 30, 1937, have been examined and acted upon. As was expected, a very large proportion of the cases reported involved only minor injuries and in such cases final adjudication has been made. Complete statistical studies of these cases have not as yet been made and only more or less general information regarding them is available at this time. Statistical studies of the extent and costs of all injuries reported through June 30, 1936, as having occurred in the 6 months ended December 31, 1935, are presented in tabular and textual form in the Commission's Safety Bulletin. Fatal injuries numbering 274 are analyzed in the issue for the month of August 1937 and a study of 56,629 nonfatal injuries is presented in the issue for the month of September 1937.

These studies indicate that about 60 percent of the injuries reported involve no time loss, but do cost the Commission, on an average, \$6.33

per case reported, for medical treatment to which the injured employee is entitled under the act. An additional 7 percent are cases where disability lasts no longer than 3 calendar days. Although these cases do not involve payment of disability compensation, injured employees receive, under provisions of the act, medical treatment costing the Commission an average of \$6.53 per case of this kind.

Approved temporary total cases, according to all statistical evidence to date in the Commission's possession, account for 23 percent of all cases reported, average 36 days in duration, and cost \$60 per case, \$33 of which represents medical expense. Approved permanent injuries represent 1 percent of all cases reported, and cost, if partial in nature, an average of \$590 per case, of which \$149 is medical expense; whereas a permanent total injury generally costs in compensation the maximum amount of \$3,500 allowed by the provisions of the act, plus an average medical bill of \$580, making the average total cost of such total disability cases about \$4,200. Fatal cases occur in approximately one-half of 1 percent of all cases reported and involve an average total cost per approved case of \$2,660. About 9 percent of all cases reported are disapproved. The averages here quoted are presented as a broad picture of expenses. For a more detailed statistical analysis the reader is again referred to the above-mentioned issues of the Commission's Safety Bulletin.

Cumulative expenditures for compensation payments from the beginning of the works program through September 30, 1937, amount to \$8,500,000. Six States, or approximately 13 percent of all the States, account for about \$3,317,000, or 40 percent of the cumulative expenditures, as follows: New York, \$861,000; Pennsylvania \$634,000; California, \$491,000; Ohio, \$490,000; Massachusetts, \$444,000; and Illinois, \$397,000.

*Special fund, Relief Appropriation Act.*—Transactions involving the special funds set aside in the Treasury from the Emergency Relief Appropriation Acts of 1935, 1936, and 1937 for compensation costs are as follows:

Allotment from 1935 appropriation	\$28,000,000
Rescission to Sept. 1, 1937	14,200,000
Adjusted allotment, 1935 fund	13,800,000
Allotment from 1936 appropriation	14,000,000
Rescission to Sept. 1, 1937	7,800,000
Adjusted allotment, 1936 fund	6,200,000
Allotment from 1937 appropriation	10,925,000
Total allotment as of Sept. 1, 1937	30,925,000
1935 fund adjusted allotment	13,800,000
Expenditures to June 30, 1937	7,224,889
Allotted to States for local payments	1,606,000
Total obligated to June 30, 1937	8,830,889
Balance 1935 fund June 30, 1937	4,969,111
1936 fund adjusted allotment	6,200,000
1937 fund	10,925,000
Total available as of June 30, 1937	22,094,111
Expenditures from these funds are shown by fiscal years in table 27.	

TABLE 27.—CLASSIFICATION OF EXPENDITURES

Item	1935 and 1936 fiscal years	1937 fiscal year
Compensation benefits:		
Disability compensation.....	\$309,535.00	\$982,431.68
Medical treatment.....	1,741,768.41	3,341,272.68
Transportation of beneficiaries.....	1,865.65	21,124.85
Death compensation.....	22,164.16	148,141.36
Burial expenses.....	25,148.32	72,019.14
Miscellaneous.....	50.00	424.56
Total.....	<sup>1</sup> 2,100,531.54	1 4,565,414.27
Administrative expenses:		
Personal services.....	85,469.00	344,723.34
Supplies and materials.....	2,160.06	5,398.79
Communication services.....	1,403.62	1,792.95
Travel expenses.....	243.00	978.48
Rent.....	1,500.00	10,161.98
Equipment.....	15,301.96	10,699.49
Printing and binding.....	41,687.97	16,631.14
Miscellaneous.....	4,366.94	16,424.47
Total.....	152,132.55	406,810.64
Total benefits and administrative expenses.....	<sup>1</sup> 2,252,664.09	1 4,972,224.91

<sup>1</sup> Does not include \$817,546 paid from beginning of act through June 30, 1937, by local offices for temporary disability compensation.

Under the administrative regulations promulgated by the Commission for the handling of claims arising out of this employment, all cases involving the injury of employees of the Works Progress Administration and Resettlement Administration are reported through the office of the respective State administrators of the former. The compensation officer on the staff of each State administrator is authorized to arrange for the local payment of initial installments of compensation in cases in which there is no doubt concerning the right of the injured person to receive such benefits. The amount that may be paid locally is limited to \$30 and all compensation in excess of that amount is paid from the office of the Commission, as are all payments for other benefits. Compensation paid locally to June 30, 1937, amounted to \$817,546. Compensation and other benefits paid directly by the Commission to that date is \$6,665,946. Payments by the Commission include 65,807 installments of compensation to injured employees, 11,279 installments of death compensation to beneficiaries, and 435,319 payments to individual physicians, nurses, hospitals, and others for services rendered in connection with the medical treatment of injured employees.

#### 4. WORLD WAR VETERANS AND OTHER VICTIMS OF THE FLORIDA HURRICANE

Under the provisions of title V of the act approved June 29, 1936 (49 Stat. 2035), the benefits of the Compensation Act of September 7, 1916, subject to the conditions and limitations prescribed for employees of the Civil Works Administration, were extended to "any veteran of the World War or other person attached to camps known as Veterans' Camps Nos. 1, 3, and 5" injured as direct result of the hurricane which struck the coast of Florida, September 2, 1935. The special fund established for the payment of compensation costs arising out of the Civil Works program is made available for the payment of compensation awarded to this class of beneficiaries. This legislation affects only a relatively small number of individuals totaling probably less than 700.

The law extending compensation benefits to these victims of the hurricane of September 2, 1935, did not provide for an extension of the statutory period for filing claim which, under the Compensation Act of September 7, 1916, is limited to 1 year from the date of injury, or in fatal cases 1 year from the date of death. The statutory period in these cases expired September 2, 1936, thus allowing claimants slightly more than 2 months within which to file claim. Efforts were made by the Commission immediately following the approval of the act of June 29, 1936, to communicate with all persons attached to the camps at the time they were destroyed and with the relatives of persons reported dead or missing, in order to apprise such persons of the provisions of the law relating to the time for filing claim. Information in this respect was also sent through the facilities of the Veterans' Administration, various veterans' societies, and public relief agencies. Notwithstanding these efforts, some claims were not filed within the statutory period and in the interest of justice it appears desirable to enact further legislation to extend the time for filing claims in these cases. The bill (H. R. 4098) introduced in the first session of the Seventy-fifth Congress, if enacted into law, will extend the time for filing claim to July 1, 1937, and would confer jurisdiction upon the Commission to consider and determine claims filed prior to that date. The Commission recommends the enactment of this proposed legislation modified to extend the date for filing claim.

There is still some uncertainty regarding the exact number of persons attached to these veterans' camps who were killed or injured as a result of the hurricane which destroyed the camps. The total population of the camps 2 days prior to the hurricane is reported to have been 690 men. The Commission has a record of 520 cases of injury or death, including some cases in which no claim for compensation is involved. The records include 260 nonfatal and 260 fatal cases. Claim for compensation has been received in 414 cases. In 33 nonfatal and 5 fatal cases (see p. 21), the claim was not filed within the statutory limit and the Commission is without authority to consider or act upon such claims.

In 157 nonfatal cases in which claim for compensation was filed within the statutory period the Commission found that the claimant was not entitled to compensation for disability resulting from injury. These cases were accordingly closed without payment of compensation, the only expense involved being \$64 for medical examinations. In 11 nonfatal cases it was found that the claimant was entitled to compensation for temporary disability and final payment has been made in 10 such cases. Compensation in the amount of \$2,703 and medical expense amounting to \$102 was paid in the 10 closed cases. One case involving temporary total disability is incomplete and installments of compensation were being paid on October 1, 1937. In 5 nonfatal cases the injury resulted in permanent partial disability and compensation was being paid in such cases as of October 1, 1937. The estimated total cost of compensation in such cases is \$2,090.

Claim for compensation was filed in 203 fatal cases. In 110 fatal cases in which claim was duly filed the claim was disapproved by the Commission for various reasons, including 101 cases in which the persons claiming compensation were not shown to have been dependent upon the deceased veteran at the time of death. Compensation was awarded to 161 dependents in 93 fatal cases. On October 1, 1937,

compensation was being paid in 88 such cases, 5 cases having been closed by reason of the death or marriage of the beneficiary. The estimated total cost of compensation benefits in the 93 approved fatal cases is \$179,995. The average cost of compensation in such cases is \$2,010 per case.

The compensation benefits awarded in cases arising out of the Florida hurricane are payable from the special fund established for the payment of compensation to employees of the Civil Works Administration. Payments made on account of the awards in the cases referred to above are included in the report of expenditures from this special fund shown in table 21.

##### **5. ADMINISTRATIVE EMPLOYEES—FEDERAL EMERGENCY RELIEF ADMINISTRATION**

The act of June 22, 1936, extends the provisions of the act of February 15, 1934, relating to compensation for disability or death to cases of permanent disability or death resulting from the injuries sustained by persons employed and paid by the United States in those States in which the Federal Relief Administrator assumed control under section 3 (b) of the Federal Emergency Relief Act of 1933. The benefits of the Federal Compensation Act do not apply, however, to any case within the purview of a State workmen's compensation law, or in which the claimant received or was entitled to receive similar benefits for injury or death. In view of these limitations this legislation appears to affect only cases arising in four States, namely; Massachusetts, Ohio, Oklahoma, and Georgia.

The records of the Commission show receipt of 328 cases involving the injury or death of employees in these four States. The reports include 290 cases of alleged permanent disability and 38 fatal cases.

Compensation was awarded in 101 nonfatal cases and the claim in 189 such cases was disapproved. The record in 75 approved nonfatal cases has been closed by the payment of compensation for the permanent disability in the amount of \$7,980 and medical benefits costing \$647. The average cost of such cases is \$115 per case. The average duration of disability computed on the basis of the duration of the award is 163 days per case. The sum of \$936 was expended for medical examinations in 108 of the 189 disapproved nonfatal cases. On October 1, 1937, there were 26 nonfatal cases in which additional installments of compensation were payable. The compensation paid in such cases to July 1, 1937, amounted to \$6,434 and the estimated value of future installments of compensation in the same cases amounted to \$13,250. In nearly all such cases the medical treatment for the injury was completed before the Commission acquired jurisdiction over the case and only \$103 had been expended to July 1, 1937, for medical care in these cases. The estimated total cost of the 26 cases is \$19,787, or an average of \$723 per case.

In 22 of the 38 fatal cases it was found that the death occurred under circumstances bringing it within the purview of the Federal law. In two such cases, however, there were no dependents entitled to compensation for the death and these cases were closed without any expenditure. Compensation was awarded in 20 cases, to or on account of 57 dependents. The estimated total cost of such cases is \$56,920, or an average of \$2,846 per case. In 16 fatal cases the claim for compensation was disapproved by the Commission.

The cost of benefits extended to this class of beneficiaries is payable from the special fund established for the payment of compensation

to employees of the Civil Works Administration. Expenditures for this purpose are included in the report of expenditures from the special fund shown in table 21.

#### IV. OPERATIONS UNDER THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND THE DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION LAW

The Longshoremen's and Harbor Workers' Compensation Act, approved March 4, 1927, as amended (U. S. C., title 33, ch. 18, secs. 901 et seq.), providing compensation for employees of private employers for injury or death occurring while engaged in maritime employment upon the navigable waters of the United States, including any drydock, is administered by the Commission through deputy commissioners in 12 compensation districts comprising the United States and the Territories of Hawaii and Alaska. The largest class of employees subject to this law is longshoremen and the next largest class is repairmen, who, in the course of their work of loading, unloading, or repairing vessels, are in maritime employment outside of the jurisdiction of State workmen's compensation commissions or boards. The law also extends to service men, mechanics, and other employees engaged in maritime employment upon navigable waters, except a master or member of a crew of any vessel, and any person engaged by the master to load or unload or repair any small vessel under 18 tons net, and employees of the United States or of any State or foreign government. There is no definition in the act of the term "maritime employment" as used therein, and there has been no comprehensive judicial definition of this term as so used. It seems clear, however, that Congress manifested an intention that the Longshoremen's Act should extend upon the navigable waters to all situations to which the admiralty and maritime jurisdiction of the United States extends.

The District of Columbia Workmen's Compensation Act, approved May 17, 1928 (45 Stat. 600; D. C. Code, title 19, ch. 2), made applicable to private employment in the District of Columbia the provisions of the Longshoremen's Act. This act applies to all employers carrying on any employment in the District of Columbia, excepting (1) a master or member of a crew of any vessel; (2) an employee of a common carrier by railroad; (3) an employee of the United States; and (4) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer. It is administered by the Commission through a deputy commissioner.

Compensation payable under either act for injury or death is limited to the maximum sum of \$7,500. The provisions relating to medical services and supplies, compensation for disability and death, and the procedure in respect of claims are the same under both acts. The provision relating to medical services and supplies requires the employer to "furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require." The obligation to furnish medical treatment, etc., is unlimited either as to time or amount. Where the employer has not provided necessary medical care, the employee, after request therefor of the employer, may secure such treatment or care at the expense of the employer; but no claim for medical or surgical treatment

so obtained is valid and enforceable as against the employer unless the physician or surgeon giving such treatment furnishes to the employer and the deputy commissioner, within 20 days following the first treatment, a report thereof on a form prescribed by the Commission. This provision of law is frequently overlooked by both physicians and employees, resulting in inability to enforce against the employer an otherwise valid claim for medical services. Any employee who unreasonably refuses to submit to medical examination or to medical or surgical treatment may have his compensation suspended by the deputy commissioner during the period of such refusal. Compensation for disability may not exceed \$25 per week, nor be less than \$8 per week, except that where the employee's wages at time of injury are less than \$8 per week he receives his full weekly wages if wholly disabled. Compensation for temporary total, temporary partial, permanent total, and permanent partial disability is provided for, with a schedule of weekly payments covering loss or loss of use of a member of the body. Death benefits, in addition to funeral expenses not to exceed \$200, are payable in the following percentages of the employee's average weekly wages, to the following classes of beneficiaries: Widow, 35 percent; widow with surviving child or children, 35 percent for herself and 10 percent for each child under 18 years of age up to maximum for all persons of 66% percent; children under 18 years of age where there is no widow, 15 percent, but not to exceed 66% percent for all; dependent grandchildren, brothers, and sisters under 18 years, 15 percent; and dependent parents or dependent grandparents, 25 percent. In computing death benefits, the average weekly wages of the deceased shall be considered to have been not more than \$37.50 nor less than \$12, but total weekly benefits may not exceed the weekly wages of deceased.

Notice of injury must be given in writing to the deputy commissioner and employer within 30 days after injury, but failure to give such written notice may be excused by the deputy commissioner in acting upon a claim, under conditions fixed in the law. Claim for compensation must be filed with the deputy commissioner within 1 year after injury or death. Claims are handled by the deputy commissioner for the compensation district in which the injury occurred, and hearings are provided for where requested by any party in interest or deemed necessary by the deputy commissioner. A compensation order awarding compensation or rejecting a claim becomes final after 30 days from the filing of such order by the deputy commissioner. Within certain limitations, that is, on the ground of a change in conditions or on the ground of a mistake in a determination of fact, a deputy commissioner may review a compensation case at any time prior to 1 year after the date of the last payment of compensation, whether or not a compensation order has been issued.

No review by the Commission of the action of the deputy commissioner upon a claim is provided for in either act. The scope of these acts and the administrative procedure thereunder have been more fully set forth in previous reports, and reference is made to pages 36 and 56 of the Commission's sixteenth annual report for such information. Condensed statistical information, however, is given separately herein for each act.

## INSURANCE CARRIERS AND SELF-INSURERS

Under each of these laws all employers subject to the provisions thereof are required to secure the payment of compensation and the performance of other obligations imposed thereby, either by qualifying as self-insurers or by providing insurance with some insurance carrier authorized by the Commission. Failure of an employer to secure payment of compensation to employees within the purview of the act constitutes a misdemeanor, punishable by a fine of not more than \$1,000, or by imprisonment for not more than 1 year, or both.

During the fiscal year 1937, 11 insurance carriers were granted authority to write insurance under the Longshoremen's Act, and at the end of the fiscal year there were 185 companies with authority to write such insurance.

During the year 1 insurance company was granted authorization to write insurance under the District of Columbia workmen's compensation law, the authority of 2 companies previously so authorized was terminated, and at the end of the fiscal year there were 55 companies with authority to write such insurance.

During the year 23 employers were granted authority to act as self-insurers under the Longshoremen's Act, 23 employers previously so authorized surrendered that privilege, either because of taking out insurance policies or because of discontinuing operations under the act, or for other reasons, and at the end of the fiscal year there were 347 authorized self-insurers under this act.

During the year 3 employers were granted authority to act as self-insurers under the District of Columbia workmen's compensation law, 5 such privileges were terminated during the year, and at the end of the fiscal year there were 68 authorized self-insurers in the District of Columbia.

*Obligations of employers.*—Security for the payment of compensation either by insuring and keeping insured or by furnishing satisfactory proof of financial ability to pay such compensation, with deposit of securities or indemnity bond, is mandatory upon every employer under these acts. Where the employer is a subcontractor, the contractor becomes liable for the payment of compensation to employees of the subcontractor unless the latter has secured such payment. The liability of the employer under the act is exclusive and in place of all other liability, except that if an employer fails to secure the payment of compensation as required by the act, the employee, or his legal representative in case of death, may elect to claim compensation under the act or to maintain an action for damages against the employer, in which case negligence of a fellow servant, assumption of risk, or contributory negligence may not be pleaded as a defense thereto. Where an insurance carrier fails, the obligation of the employer to pay compensation still remains, but no right of action against the employer, as indicated above, accrues.

*Obligations of insurance carriers.*—The Commission believes that every employer engaged in a legitimate activity coming under either act may reasonably expect to have his workmen's compensation risk covered by one of the duly authorized insurance carriers, upon payment of the proper premium. In granting or extending the authorization of any carrier the Commission will take into account the disposition of such carrier to deny its obligation to render such service fairly.

The authorized insurance carriers in the District of Columbia, who are members of the National Council on Compensation Insurance, participate in a "voluntary plan for granting coverage to uninsured risks." Cooperation along somewhat similar lines by authorized insurance carriers under the Longshoremen's Act, in most of the States, brought about by the National Council at the suggestion of the Commission, so that an employer under either of the acts who has been unable to obtain for himself coverage for his employees may as a rule have his risk assigned to one of the carriers participating in the plan, which is intended to take care of employers who have been unable to place their risks. The plan provides for the distribution of such risks upon an equitable basis among the participants in the plan.

The Commission also expects each duly authorized carrier to pay compensation promptly either where payment is due without an award or pursuant to an award in a compensation order. Unwarranted delay or failure to make prompt payments by an insurance carrier, in violation of the law and of its agreement with the Commission, except where payments have been stayed by proper order of a court having jurisdiction to order such stay, will be considered in connection with the application of such insurance carrier for continuance of its authorization.

The standard workmen's compensation policy contains a provision for cancelation by either party, but under the law and regulations as well as by the terms of the Commission's prescribed endorsement, such cancelation cannot become effective except after 30 days' notice in writing. The chief purpose of this provision is to afford the employer sufficient time to secure other coverage. Notice of cancelation when given in due form in accordance with this provision is accepted and given effect by the deputy commissioner. The Commission has recognized as good ground for cancelation nonpayment of premium and refusal to provide and use reasonable safety devices and practices in hazardous occupations.

The Commission has taken the position, however, that when an authorized carrier has written a policy and accepted payment of premium thereon the insured employer may reasonably expect that the insurance contract will be performed and the risk carried during the policy term. The Commission would therefore regard as unsuitable to participate in the writing of such insurance any company which after writing a policy and receiving the premium thereon insists upon canceling it during its term simply because the insured refuses to give it other lines of insurance, or because it may after writing the policy conclude that the risk is undesirable.

The receipt by a deputy commissioner of the prescribed card notice of the issuance of a policy binds the insurance carrier whether or not the policy has been delivered or premium paid, and the 30 days' notice of cancelation required by the law and regulations must be given.

*Security required of self-insurers.*—The rules governing self-insurance under these acts require as a condition precedent to the granting of such privilege that security be given. Such security may be given either in the form of an indemnity bond or by depositing approved negotiable securities with the proper Federal Reserve bank (in connection with the Longshoremen's Act) or with the Treasurer of the United States (in connection with the District of Columbia Act). The amount of security to be required depends upon several elements, chiefly the amount of pay-roll exposure, the degree of hazard of the

employment as indicated by the reported accident experience, and the financial standing of the applicant. The minimum amount of security usually accepted from a self-insurer under the Longshoremen's Act is \$10,000. Under the District of Columbia workmen's compensation law the minimum indemnity bond accepted is \$15,000 and the minimum deposit of approved negotiable securities is \$10,000.

#### REVIEW OF DECISIONS BY THE COURT

Any party in interest in a proceeding before the deputy commissioner may apply to the United States district court for the judicial district in which the injury occurred for judicial review of a compensation order. If an order is found to be not in accordance with law, the court may, by injunction, suspend or set aside such compensation order, in whole or in part.

If such proceedings for review are not instituted before the expiration of the thirtieth day after the compensation order is filed by a deputy commissioner, such order becomes final and is not thereafter subject to judicial review.

Payment of compensation during the pendency of a proceeding for review may not be stayed unless upon application for an interlocutory injunction the court, on hearing, after not less than 3 days' notice to the parties in interest and the deputy commissioner, allows the stay of such payments in whole or in part, by order, in accordance with the provisions of the act, where irreparable damage would otherwise ensue to the employer.

The mere filing of an application for judicial review does not warrant an employer or carrier in refusing to pay compensation promptly when due under an award. If compensation is not paid within 10 days after it becomes due under an award, the employer becomes liable under section 14 (f) for an additional payment of compensation in the amount of 20 percent of the compensation so in default under the award, notwithstanding the filing of an application for judicial review, unless within that time the employer secures an interlocutory injunction in the manner prescribed in section 21 (b) of the act, as indicated above.

Since the effective date of the Longshoremen's Act (July 1, 1927) there have been some 512 cases filed under section 21 (b) of the Longshoremen's Act; under the District of Columbia workmen's compensation law (which became effective July 1, 1928) there have been 188 such cases.

On July 1, 1936, there were pending 42<sup>1</sup> cases in which review of compensation orders was sought in United States district courts under the Longshoremen's Act. During the fiscal year 49 new cases were filed and 48 cases disposed of. On June 30, 1937, 43 cases were pending and undecided in the district courts.

During the fiscal year 13 cases were appealed to United States circuit courts of appeals, 10 cases disposed of, and 11 cases remained undecided on June 30, 1937. Of the 10 cases disposed of during the fiscal year 2 were appealed during that year and 8<sup>2</sup> cases were carried over from the prior fiscal year.

<sup>1</sup> In its twentieth annual report the Commission reported 43 cases as pending in the district courts on June 30, 1936. One of these cases has been dropped as information received subsequent to the preparation of that report shows that it had been terminated in the prior fiscal year.

<sup>2</sup> In its twentieth annual report the Commission reported nine cases as pending in the United States Circuit Courts of Appeals. One of these cases has been dropped as information received subsequent to the preparation of that report shows that it had been terminated in the prior fiscal year.

On July 1, 1936, nine cases were pending in the District Court of the United States for the District of Columbia. During the fiscal year 17 new cases were filed and 16 cases disposed of, leaving 10 cases pending on June 30, 1937.

On July 1, 1936, seven cases were pending in the United States Court of Appeals for the District of Columbia. During the fiscal year four cases were appealed and nine cases disposed of, leaving two cases pending on June 30, 1937.

In its administration of the Longshoremen's Act, both in its primary application to persons throughout the country in maritime employment on the navigable waters of the United States and also in its application as the workmen's compensation law of the District of Columbia, the Commission has constantly endeavored to secure uniformity both of administrative action by its deputy commissioners and also of judicial interpretation and construction in the review under section 21 (b) of compensation orders issued. It has at the same time aimed to secure such liberality of interpretation and action, both administrative and judicial, as to assure to the beneficiaries of the law the benefits provided by it. The courts generally, including the Supreme Court of the United States, have expressed a similar liberal attitude and purpose.

While the Commission's legal staff is small, it has endeavored to maintain contact with the development of workmen's compensation law in its broad aspects, and especially to preserve current and constant contact with judicial opinion on all points directly involved in the several laws for the administration of which the Commission is responsible. The office of its chief counsel, as a clearing house for the accumulation and distribution of such information, gives advice and guidance to deputy commissioners in administering the law and makes available to United States attorneys all information in its possession.

The act of May 4, 1928 (45 Stat. 490), makes it the duty of the United States district attorney in the judicial district in which any case in which the Commission or deputy commissioner may be interested as party or otherwise to appear as attorney or counsel for the Commission or such deputy commissioner in such case. The Commission through its chief counsel endeavors to give all possible assistance to the United States attorneys in the performance of this duty by making all necessary researches into the law of the case, preparing memoranda in the nature of briefs and drafting pleadings when requested, and also participating in the argument to the court when desired by the United States attorney. In view of the Commission's experience in this highly specialized field of the law, it is believed that the assistance thus given has been of great value to United States attorneys, whose cooperation and success in the handling of such cases has been a source of gratification to the Commission.

Among the cases pending and decisions handed down in United States district courts, circuit courts of appeals, and the United States Court of Appeals for the District of Columbia during the fiscal year, the following are of particular interest:

In the case of *Candado Stevedoring Corporation v. Lowe and Pietro Angelo*, 85 Fed. (2d) 119 (C. C. A. 2), the court held that the provision of section 14 (f) of the Longshoremen's Act requiring payment of 20 percent additional compensation where compensation is not paid within 10 days after it becomes due under an award cannot be avoided

by an employer merely by filing application for review under section 21 (b) of the act, but that an interlocutory injunction obtained under the conditions prescribed in section 21 (b) is necessary to prevent the attaching of liability for such additional compensation.

In the same case the same court sustained the finding of the deputy commissioner that the employer had not been prejudiced by the claimant's discontinuance of his damage action against a third party responsible for the injury. The employer in this case sought a writ of certiorari from the United States Supreme Court, but the writ was denied on November 9, 1936 (299 U. S. 588).

The Circuit Court of Appeals for the Ninth Circuit sustained a similar construction of section 14 (f) in the case of *Arrow Stevedore Co. et al. v. Pillsbury* (the *George Max case*), 88 Fed. (2d) 446, citing with approval the decision in the *Angelo case*.

In the case of *American Mutual Liability Insurance Co. of Boston et al. v. Lowe and Liberatore Zagami*, 85 Fed. (2d) 625 (C. C. A. 3), the court held that an informal unsigned memorandum of a former deputy commissioner relative to the so-called settlement of a claim for compensation by payment of a stated sum is not a compensation order or a final order disposing of a compensation claim. It was held that employee's application for review of his case under section 22 was timely filed within the 1-year limitation in that section and that the compensation order complained of was validly filed even though filed after the year limitation in section 22 had run. The court further held that in view of the provision in section 15 of the Longshoremen's Act, invalidating settlements outside of the act, the alleged "final settlement" of the claim in accordance with the deputy commissioner's memorandum was of no effect.

In *Pillsbury v. Alaska Packers Association* (the *Frank Weidemann case*), 85 Fed. (2d) 758 (C. C. A. 9), the court held that the jurisdictional question of employment, settled by the first compensation order filed in the case, could not be raised again upon judicial review of a subsequent supplementary compensation order disposing of an application for modification of the award. The compensation order, which contained jurisdictional findings, fixed the rights of the parties and had been filed more than 18 months prior to this supplementary order, was held not subject to judicial review in the proceeding, in view of the provisions of section 21 of the Longshoremen's Act. The review, on the ground of a change in conditions, authorized by section 22 of the act, was held to apply to a change in the physical condition of the employee.

The employer in this case applied to the Supreme Court for review of the decision of the circuit court of appeals, among other things, on the procedural question which arose in this case and had been decided adversely to the employer (78 Fed. (2d) 587); namely, whether under the admiralty rules in the ninth judicial circuit it is necessary for the appellant to obtain allowance of the appeal by the district court, or whether such appeal may be taken as a matter of right. The Supreme Court reversed the circuit court of appeals (301 U. S. 174) on the ground that allowance of an appeal by the district court was necessary under section 8 (c) of the act of February 13, 1925 (c. 229, 43 Stat. 936; 28 U. S. C., sec. 230). This reversal does not affect the reasoning of the circuit court of appeals upon the question involving procedure under the Longshoremen's Act, as that feature of the case was not reviewed by the Supreme Court.

In the case of *James L. Richards et al., trustees, v. Monahan* (the *Henry S. Landolt case*), 17 Fed. Supp. 252 (D. C. Mass.), the court dismissed a libel attacking, on jurisdictional grounds, an award for fatal injury sustained on account of employee's fall to a wharf from a ladder which he was ascending to go aboard a vessel.

In *Employers Liability Assurance Corporation, Ltd., v. Monahan* (the *Thomas Garcin case*), 1937 American Maritime Cases, 282 (D. C. Mass.), the court held that where a widow survived an employee, who died as the result of an industrial accident, but failed to file claim for death benefits within the year limitation prescribed by the Longshoremen's Act, there being no other dependents, the employer was required to make payment of \$1,000 into the special fund established under section 44 of the Longshoremen's Act, because "there was no person entitled \* \* \* to compensation for such death." Upon appeal the circuit court of appeals for the first circuit sustained the district court, 91 Fed. (2d) 130.

In *Angela Diomede et al. v. Lowe et al.*, 87 Fed. (2d) 296 (C. C. A. 2), the circuit court of appeals sustained the decision of the district court setting aside the deputy commissioner's rejection of a claim for death benefits by the dependents of a so-called barge captain who had accidentally fallen overboard and been drowned while accompanying his barge or scow which was then carrying ashes, mud, and refuse from the piers within the harbor of New York to dumping grounds beyond the harbor limits. The court had to consider the meaning of the term "master or member of a crew of any vessel" as used in the excepting provisions of the Longshoremen's Act. The court held that the employee was not the "master" of a vessel, nor a "member of a crew," the latter term being considered as signifying one of a "ship's company." The court in effect regarded the deceased as a harbor worker.

The application of the employer for a writ of certiorari was denied by the Supreme Court (57 S. C. R. 783).

In the case of *Edward E. Taylor, etc., et al. v. McManigal and Ellice Watkins*, 89 Fed. (2d) 583, the Circuit Court of Appeals for the Sixth Circuit had before it a question involving the status of an employee employed in seasonal "fit-out" work upon a steamer, preparatory to the spring resumption of navigation in the Great Lakes. It was contended by the employer that as most of the "fit-out" employees might expect to become members of the crew of the vessel, when it was ready to sail, the "fit-out" crew came within the provisions of the Longshoremen's Act excepting members of the crew of a vessel. The court, however, took a contrary view.

In the case of *New Amsterdam Casualty Co. et al. v. McManigal* (the *James P. Maloney case*), 87 Fed. (2d) 332 (C. C. A. 2), the employee was employed as a carpenter and at time of injury was engaged in the construction of a lighthouse for the United States in Lake Ontario. The court regarded the employment in the erection of the lighthouse as nonmaritime and local, and therefore subject to the workmen's compensation law of the State and not within the purview of the Longshoremen's Act.

In the case of *West Penn Sand and Gravel Co. et al. v. Norton and Rose Delle Donne*, 1937 American Maritime Cases, 797 (D. C. Pa.), the court sustained an award of death benefits in a case involving so-called "horseplay." The employee in this case was knocked into the waters of the Ohio River by a coemployee as the result of a

friendly scuffle initiated by the latter during waiting time while both employees were at work. The court held that the death was the result of risk involved in or incidental to the decedent's employment. An appeal by the employer from the decree of the district court is pending.

In the case of *International Mercantile Marine Co. v. Lowe and Margaret Maloney*, 19 Fed. Supp. 907 (D. C. N. Y.), the question was whether under section 14 (m) of the Longshoremen's Act, in cases where injury results in a long period of disability followed by death, the maximum limitation of \$7,500 compensation applies to both disability and death awards together, or whether it applies separately to each. The court in sustaining the award of the deputy commissioner held that this section should be interpreted as reading "The total compensation payable under this chapter for *either* injury or death shall in no event exceed the sum of \$7,500," and sustained the award of death benefits to the widow, subject to the said limitation without regard to or credit for prior payment of disability compensation to the deceased employee. The employer has taken an appeal from the decree of the district court sustaining the award of the deputy commissioner.

In the case of *Liberty Stevedoring Co. et al. v. Cardillo and Antonio Caracciolo*, 18 Fed. Supp. 729 (D. C. N. Y.), the court construed the term "previous disability", as used in section 8 (f) of the Longshoremen's Act, as referring to disability which had occurred as the result of a prior unrelated injury and not as the consequence of disability from prior natural causes or functional defects. The court also held that issues not raised before the deputy commissioner cannot be raised for the first time in review proceedings before the court.

In the case of *Grace McNeelly v. Sheppheard et al.*, 1937 American Maritime cases 1032, the Circuit Court of Appeals for the Fifth Circuit sustained a rejection of claim for death benefits in the case of an employee who died from pneumonia alleged to have been contracted on account of a chill while at work due to having become overheated. The question in this case in substance was one of fact.

The United States Court of Appeals for the District of Columbia handed down decisions in the following cited cases during the fiscal year, all of which arose under the District of Columbia workmen's compensation law:

In the case of *Leo Shugard v. Hoage*, 89 Fed. (2d) 796, which arose prior to the amendment of May 26, 1934, to section 22 of the compensation law, the employee sought to have his case reopened for review by the deputy commissioner and upon denial of his application for such review he appealed to the courts. The appellate court, sustaining the lower court, held that as the employee's application had not been timely filed pursuant to the provisions of section 22 of the compensation law, as it then existed, the deputy commissioner had no authority to consider the case, stating "The right which the appellant seeks is of statutory origin and definition, and the granting of it is limited and restricted by statutory rules."

In *Metropolitan Casualty Insurance Co. v. Hoage* (the *Charles Parker case*), 89 Fed. (2d) 798, the insurance carrier, to avoid payment of \$1,000 into the special fund established under section 44 of the compensation law, contested a determination by the deputy commissioner that there was no person entitled to compensation on account of the death of the employee, an alleged dependent father having

failed to establish dependency upon the deceased. In the bill of complaint the carrier set forth that the deceased employee was survived by a dependent father who was entitled to compensation and whose claim it did not oppose. The lower court, upon this ground, remanded the case to the deputy commissioner for determination of the admitted dependent father's claim, and thereupon the deputy commissioner awarded death benefits to said father. The insurance carrier then contested this award on two grounds; namely, (1) because a third-party settlement had been made by the father without the employer's approval thereof in writing, and (2) because the amount recovered from the third party had been credited by reducing the employer's maximum liability for compensation (from \$7,500 to \$5,500 in this case) instead of crediting the sum recovered against accrued and current compensation until such sum should be exhausted. The court denied the contention on both grounds, holding that the insurance carrier should have raised the first ground of contest prior to the admission of liability to pay compensation to the father; and as to the second ground of contest that the application of the credit arising from the third-party recovery as made by the deputy commissioner was proper.

In the case of *Paul R. Wimmer v. Roage et al.*, 90 Fed. (2d) 373, the employee, an automobile salesman, sought to have set aside the rejection of his claim for compensation due to an assault alleged to have arisen out of and in the course of his employment. The court in sustaining the rejection of the claim pointed out from the facts in the case that when the employee in a state of intoxication left his automobile to obtain cigarettes, for which purpose he walked around the back of the car where he was assaulted by several strangers, there was wholly lacking a causal connection between the conditions of the employment and the injury.

The case of *R. J. Hoage and James Rennie v. Royal Indemnity Co. et al.*, 90 Fed. (2d) 387, is of unusual interest. The employee, one Rennie, was employed as an insurance adjuster and his employer, over a period of 9 months, so increased his work that Rennie was forced to stay late at the office and frequently to work evenings as well as Sundays at his home. The employer's complaints relative to the condition of the adjuster's work were a constant source of worry. The extended overtime work and conditions of employment provoking nervous tension were too much for the employee, whose physical strength could not stand the strain, and he collapsed from a heart attack while using the office telephone.

The insurance carrier contended that the adjuster did not suffer an "accidental injury" within the meaning of section 2 (2) of the compensation law. The court, however, held that the collapse following the strain of excessive hours of labor and mental worry constituted an accidental injury within the purview of the statute. His case was compared by the court with that of a manual laborer whose heart collapses as the result of continued physical strain.

The employer and insurance carrier in September 1937 applied to the Supreme Court for writ of certiorari in this case.

In the case of *Sarah Young v. Hoage et al.*, 90 Fed. (2d) 395, the claimant, a widow, failed to file claim for death benefits within the year limit for the filing of claim. Section 13 fixing a 1-year limitation for filing claim was held to be mandatory and jurisdictional. The

claimant relied upon a letter sent to the deputy commissioner within the year following the death, such letter containing, however, only a notice of the death. The court held that while such letter satisfied section 12 of the act it was insufficient to prevent the bar of the limitation in section 13 as it did not contain language claiming compensation.

The court in the case of *Edward M. Monahan v. Hoage et al.*, 90 Fed. (2d) 419, held that under the facts in that case the employee had exposed himself to an extreme risk without the knowledge or consent of his employer, in a manner wholly foreign and unrelated to any of the duties of his employment, in that after going to the roof of the building in which he was employed for the purpose of eating his lunch he had crawled upon a wire mesh screen over a roofed ventilator shaft to protect himself from rain while eating, and in doing so fell through the screen to the floor below. The court held that the employee's conduct had the effect of interrupting and suspending his relation as an employee for the time being, sustaining the finding of the deputy commissioner that the injury did not arise out of the employment.

In *Employers Liability Assurance Corporation, Ltd., v. Hoage* (the *Jacob B. Hardesty case*), 91 Fed. (2d) 318, the court sustained an award of death benefits in a case in which the employee, a butcher, died as the result of peritonitis and terminal pneumonia following a tussle with a calf. Two hypotheses were advanced as the cause of death (1) the claimant's, that in the struggle with the calf the exertion caused a small lesion in the intestinal wall permitting colon bacilli to escape and invade adjoining tissue, and, later, to spread to other parts of the body, and (2) the carrier's, that the invasion of the abdominal cavity by the colon bacilli occurred as the result of normal migration of such bacilli. The facts of a struggle with a calf and the occurrence of an injury at that time were established by the evidence.

The only case arising under the Longshoremen's Act in which certiorari was allowed and decision was rendered during the year by the United States Supreme Court was that of *Alaska Packers Association v. Pillsbury* (the *Frank Weidemann case*), 301 U. S. 174, which is commented upon above. But as will be noted from the summary of the case, the decision did not involve interpretation of the Longshoremen's Act.

#### AMENDMENTS TO THE LAW

On May 8, 1935, the Commission submitted to the chairmen of the Committees on the Judiciary of the Senate and House of Representatives, respectively, a proposed draft of a bill embodying amendments to the Longshoremen's Act which the Commission had suggested in its eighteenth annual report. The measure as introduced in the Senate became Senate bill 2791, and in the House, House bill 8293. The text of the draft of amendments as proposed by the Commission will be found in its nineteenth annual report, pages 47 to 50. In its eighteenth annual report, pages 35 to 38, the Commission has stated its reasons for the suggested amendments. Several other bills (H. R. 9165, H. R. 9166, H. R. 9276, and S. 4033) were introduced during the same year which were intended to amend section 33 of the Longshoremen's Act. The Seventy-fourth Congress adjourned, however, without enacting any of the measures designed to amend the act.

On February 24, 1937, the Commission again submitted to the chairmen of the Committees on the Judiciary of the Senate and House, respectively, draft of a bill to amend the Longshoremen's Act. This new draft is substantially identical with the earlier draft. The measure was introduced in the House and is House bill 5690. The proposed amendment of a new subdivision (h) of section 8 has been redrafted. New amendments proposed would change subdivision (g) of section 19, add a new subdivision (f) to section 30, and add further penal provisions to section 38. These changes and additions, as embodied in House bill 5690, are set forth below, followed in each case by the reasons therefor as stated by the Commission in submitting the same to the committee:

SECTION 8. (h) The wage-earning capacity of an injured employee in cases of partial disability under subdivision (c) (21) of this section or under subdivision (e) of this section shall be determined by his actual earnings if such actual earnings fairly and reasonably represent his wage-earning capacity: *Provided, however,* That if the employee has no actual earnings or his actual earnings do not fairly and reasonably represent his wage-earning capacity, the deputy commissioner may, in the interest of justice, fix such wage-earning capacity as shall be reasonable, having due regard to the nature of his injury, the degree of physical impairment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition, including the effect of disability as it may naturally extend into the future.

The proposed amendment adding subdivision (h) to section 8 is to clarify the interpretation to be placed upon the words "wage-earning capacity" used in the act in connection with partial-disability cases. The absence of clarity in the Longshoremen's Act in this respect has been productive of wasteful litigation which has not resulted in settling the complex question of the proper factors to be considered in connection with the determination of an employee's wage-earning capacity after injury. A provision to accomplish the same general purpose was added to the New York workmen's compensation law in 1930, which will be found as subdivision 5-a of section 15 of the New York act. The proposed amendment is constructed partly after the New York provision, with an addition thereto incorporating, for clearness and for assistance to the deputy commissioners and others, a general reference to the factors to be considered in determining an employee's wage-earning capacity. It also provides for consideration of the effects of an injury, causing permanent partial disability, upon the employee's future ability to earn. The proposed changes have been made with the view to having wage-earning capacity determined upon considerations which the courts have found to be just and proper. Often an employee returns to work earning for the time being the same wages as he earned prior to injury, although still in a disabled condition and with his opportunity to secure gainful employment definitely limited. For instance, an employee may have an industrial hernia, retainable by a truss but not operable, but his old employer might be willing to continue him on in employment at the rate of pay at time of injury notwithstanding his impaired condition, particularly where the job does not require able-bodied labor. It is clear that in such a case the employee's ability to compete in the labor market has been definitely affected, and though at present the employee is paid his former full-time earnings he suffers permanent partial disability which should be compensable under the Longshoremen's Act, considering not only the present effect of the disability on the employee's wage-earning capacity, but also the future

consequences of such disability on the employee's capacity to earn as it naturally extends into the future. The Longshoremen's Act should provide that the deputy commissioner may consider all of the factors which the more recent trend of decisions indicates are the logical and proper factors in the determination of wage-earning capacity. In a case such as that referred to above where the employee returns to employment without apparent wage loss, notwithstanding impairment of physical condition and probable impairment of future wage-earning capacity, an unscrupulous employer might with profit to himself continue the original wages, particularly if low, until the limitations in the act with respect to the filing of claim for compensation and right of review of the case (sec. 22) had run, after which time the employee's right to compensation would be barred and the employee if then cast adrift would become and remain an object of charity. It can be seen that an unscrupulous employer might thus defeat the beneficent provisions of the Longshoremen's Act. Court decisions recognizing factors other than actual wages paid after injury are: *Dragons case*, 161 N. E. 816 (Mass.); *Roller v. Warren*, 129 Atl. 158 (Vt.); *Postal Telegraph Cable Co. v. Industrial Accident Commission of California*, 3 Pac. (2d) 6; *Hartford Accident & Indemnity Co. v. Hoage*, 85 Fed. (2d) 420.

SECTION 19 (g) At any time after a claim has been filed with him, the deputy commissioner may, with the approval of the Commission, trans'er such case to any other deputy commissioner for the purpose of making investigation, taking testimony, making physical examinations or taking such other necessary action therein as may be directed.

The recommended changes in subdivision (g) of section 19 are designed to afford greater flexibility in the provision for the transfer of a case from one deputy commissioner to another. Under the provision as it now reads, such transfer cannot be made until after a compensation order has been issued. Cases have been brought to the attention of the Commission in which the claimant or his principal witnesses reside at great distances from the compensation district in which the injury occurred and the absence of an adequate provision authorizing transfer of a case has made it very difficult and expensive for claimants to obtain and present their evidence. As an illustration, a case was recently brought to the Commission's attention by its deputy commissioner in San Francisco, who had pending before him a claim for death benefits filed by the widow of a deceased employee. She lived near Boston, Mass. The employee's death occurred in California and under the Longshoremen's Act the claim had to be adjudicated there. The Commission has a deputy commissioner in Boston, but under the law the case could not be transferred to him to take the widow's testimony on the proof of marriage, cause of separation, identification of her husband, etc., which were necessary to complete her claim, as a compensation order had not been issued, and could not be issued in that case until evidence on the merits of the case sufficient to support a compensation order had been received by the deputy commissioner in San Francisco, who had to make the decision. The widow was therefore compelled to present her evidence by depositions, at considerable expense and without the guidance of the deputy commissioner. There would appear to be good reason why it should be possible to transfer a case from one deputy commissioner to another, when the circumstances justify and the Commission approves such action, for the purposes indicated in the proposed amendment.

SECTION 30. (f) Where the employer or the carrier has been given notice, or the employer (or his agent in charge of the business in the place where the injury occurred) or the carrier has knowledge, of any injury or death of an employee and fails, neglects, or refuses to file report thereof as required by the provisions of subdivision (a) of this section, the limitations in subdivision (a) of section 13 of this act shall not begin to run against the claim of the injured employee or his dependents entitled to compensation, or in favor of either the employer or the carrier, until such report shall have been furnished as required by the provisions of subdivision (a) of this section.

It has sometimes happened that reports of injuries have not been transmitted to the deputy commissioner as required by the Longshoremen's Act and subsequently when the injured workman has filed claim for compensation after the time limitation fixed in the act has expired, this delay, rather than any lack of merit in the claim, has been relied on to avoid payment of compensation. No doubt in some cases the delay in filing claim has been due to ignorance on the part of the employee, which would have been remedied if the procedures under the act had been set in motion by the filing of the report of injury. It may be that in some cases the report of injury has been withheld by the employer with the intention of defeating the employee's claim through the delay which might thus result. In some cases other payments, or payments as of wages, have been made during the year limitation, thus diverting the attention of the employee from the necessity to file claim, and shortly after the expiration of the year such payments have been stopped and the limitation pleaded in bar of the claim. The purpose of this amendment is to remove any possible motive to withhold such reports of injury by making the bar of the limitation upon the right to file a claim begin to run only after such report of injury has been filed, in all cases in which the employer or insurance carrier in fact possessed the information upon which to make the report.

SECTION 38. (a) Any employer required to secure the payment of compensation under this act who fails to secure such compensation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment; and in any case where such employer is a corporation, the president, secretary, and treasurer thereof shall be also severally liable to imprisonment as herein provided for the failure of such corporation to secure the payment of compensation; and such president, secretary, and treasurer shall be severally personally liable, jointly with such corporation, for any compensation or other benefit which may accrue under the said act in respect to any injury which may occur to any employee of such corporation while it shall so fail to secure the payment of compensation as required by section 32 of this act.

(b) Any employer who knowingly transfers, sells, encumbers, assigns, or in any manner disposes of, conceals, secretes, or destroys any property belonging to such employer, after one of his employees has been injured within the purview of this act, and with intent to avoid the payment of compensation under this act to such employee or his dependents, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment; and in any case where such employer is a corporation, the president, secretary, and treasurer thereof shall be also severally liable to such penalty of imprisonment as well as jointly liable with such corporation for such fine.

It is proposed to amend section 38 of the Longshoremen's Act, which deals with the penalty for failure to secure payment of compensation, both by increasing the penal consequences of such failure and also by making the officers of a corporation personally liable for such failure by the corporation.

It is proposed to make the president, secretary, and treasurer of a corporation subject to the penalty provided in that section for failing to secure the payment of compensation, to the same extent as other employers. A similar provision was added to the New York workmen's compensation law in 1926 and apparently it has proved effective. The New York Department of Labor has successfully prosecuted and secured the imprisonment of an officer of a corporation which failed to secure the payment of compensation and willfully refused to pay compensation awarded to an injured employee of the corporation. This Commission has had a similar experience recently in a case compensable under the Longshoremen's Act wherein the employer was a corporation and the officers thereof refused to pay death benefits to the widow of an employee killed by an industrial accident. The corporation had failed to secure the payment of compensation and its assets could not be located. The death benefit in the case referred to may amount to the maximum of \$7,500, and while the corporation may be liable to pay a fine, such punishment would not be adequate and would leave the employer less likely to pay compensation. No doubt the mere prospect of a fine without imprisonment does not act as a sufficient deterrent in the cases of the few recalcitrant uninsured corporate employers having employees within the purview of the compensation law. Since a corporation cannot be imprisoned, it has been necessary, following the pattern of the New York law, to recommend that the officers of a corporation, whose duty it is to see that the compensation law is complied with by that corporation, be made personally liable to such imprisonment.

In subdivision (a) of this section, as proposed in this amendment, it is also provided that the president, secretary, and treasurer of a corporation shall be personally liable for the payment of compensation for injury or death of any employees of their respective organizations, when they have failed to secure the payment of compensation as required by section 32. The Commission recommends this added personal liability on the part of these officers as a further incentive for compliance with the law. Cases arise occasionally where unscrupulous employers have sought to avoid the law and at the same time to arrange corporate property so as to make it practically impossible to reach such property by any process of law. The Commission has in mind particularly one case of a corporation, whose employee was injured, in which the corporation was a mere shell and had no tangible or attachable property, although each of the officers of the corporation personally owned property which was used in the corporate enterprise. The amendment suggested would enable the Commission to reach behind the artful dodges of the unscrupulous employers to make certain that the employee who is injured shall receive compensation for his injury as provided by the law.

Subdivision (b) is intended to discourage any attempt by an employer to transfer, conceal, or secrete his assets with the intention of defrauding an injured employee, or other beneficiary of the act, of compensation payable under the Longshoremen's Act. The Commission has in mind particularly a case that arose before it in which an employer after injury of the employee divested himself of his holdings in real property in order to avoid payment of compensation to the employee who had lost his right arm through an industrial accident.

The Commission finds that the great majority of the employers within the purview of the Longshoremen's Act willingly and promptly

provide for the payment of compensation to their employees. The cases that the Commission is endeavoring to reach by this much needed amendment are those in which the employer fails, refuses, or neglects to secure the payment of compensation to his employees, particularly where injury or death occurs to an employee of such an uninsured employer who will not pay compensation on account thereof. Fortunately, there have been few flagrant cases of law violations in this respect; although several death cases have occurred, and are on record, in which the deceased employee's dependents would no doubt now be receiving compensation if provisions such as those here proposed had been in the law.

The subcommittee of the House Judiciary Committee to which was referred the bill carrying the Longshoremen's Act amendments (H. R. 5690) held a hearing thereon on April 30, 1937, but the Commission is not advised of any further action having been taken thereon prior to the adjournment of the first session of the Seventy-fifth Congress. It developed at the hearing on April 30, 1937, however, that there was no particular opposition to the measure, but in fact rather general agreement in approval thereof.

The Senate Judiciary Committee apparently has not as yet acted upon the recommendation in the Commission's letter of February 24, 1937. It appears that the only measure pending before that committee at the close of the first session of the Seventy-fifth Congress, proposing to amend the Longshoremen's Act, is the bill (S. 2035) introduced by Senator Sheppard, which proposes to amend section 5 and section 33 of the Longshoremen's Act.

In previous annual reports the Commission has recommended, and now renews its recommendation, that the District of Columbia workmen's compensation law be so amended as to relieve patriotic and fraternal societies and similar organizations, not organized for profit, from the necessity of carrying workmen's compensation insurance by reason of having members of the organization employed only part time in connection with the business of the society or organization.

The act of May 17, 1928, made the provisions of the Longshoremen's Act applicable to private employment in the District of Columbia without change in the administrative procedure prescribed therein. Under the Longshoremen's Act claims are handled by deputy commissioners throughout the country, and no doubt because of the great distances sometimes involved no provision was made for any administrative review by the Commission prior to the review of compensation orders by United States district courts on questions of law. The application of this procedure in the District of Columbia, under which the decision of the deputy commissioner is reviewed directly by the Supreme Court of the District of Columbia without any previous administrative review by the Commission, differs from the procedure usually established in State workmen's compensation laws, under which the action of the local administrative officer having original jurisdiction of the case is subject to review by the general administrative authority or commission, before the case is reviewable by the courts. The Commission believes that a similar procedure in the District of Columbia would be in the interest of proper administration of this law, and probably save much expense of litigation both to the interested parties and to the Government, by giving opportunity for an administrative review by the Commission upon the application, of an interested party, on both the facts and the law, prior to the

review by the court upon questions of law. The Commission recommends that the law be amended accordingly.

#### 1. LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

*Injuries reported.*—The number of nonfatal injuries reported under this law in the 12 compensation districts during the year ended June 30, 1937, is the largest in the history of the law. The increase in such injuries has been general and relatively large in all except one district. It should be noted in this connection that this increase occurred notwithstanding the temporary suspension of practically all shipping in certain important ports during the year as a result of labor troubles affecting the stevedoring industry. The numerical and percentage increase in new cases was naturally less in the districts on the Pacific coast where shipping was affected more seriously by unsettled labor problems. The largest percentage increase noted was in the fourth compensation district which includes the port of Baltimore. New injuries reported in that district increased 81 percent or from 1,150 in 1936 to 2,083 in 1937. The largest numerical increase and second largest percentage increase was in the second compensation district which includes the port of New York. New cases reported in that district increased from 7,397 in 1936 to 12,370 in 1937, or 67 percent. The increase for all districts is approximately 30 percent over the preceding year.

A distribution of these cases by geographical regions shows 54 percent were reported from operations on the Atlantic coast, 26.2 percent from the Gulf coast, 15.8 percent from the Pacific coast, and 4 percent from the Great Lakes and inland waters. The number of fatal cases reported during the same year also shows an increase over the preceding year and represents the largest number reported since 1931. The increase in the number of new cases is attributed primarily to the improvement in business and the consequent increase in the employment in the industries within the purview of this law. The number of nonfatal and fatal injuries reported each fiscal year from July 1, 1927, to June 30, 1937, is shown according to fiscal years for each compensation district in table 28.

TABLE 28.—CASES REPORTED BY FISCAL YEARS 1928-37

District	Nonfatal									
	1937	1936	1935	1934	1933	1932	1931	1930	1929	1928
1. Boston-----	2,399	2,168	1,519	1,300	1,358	1,536	2,432	4,024	3,176	2,681
2. New York-----	12,370	7,397	5,457	6,012	5,007	6,584	9,307	13,574	13,370	10,789
3. Philadelphia-----	1,301	1,114	1,118	1,423	1,093	1,386	1,583	1,926	1,781	1,302
4. Baltimore-----	2,083	1,150	881	2,897	662	805	1,240	1,910	2,271	1,805
5. Norfolk-----	1,685	1,572	1,923	2,268	1,217	3,133	1,419	1,491	1,396	1,341
6. Savannah-----	2,188	2,003	1,747	1,828	1,188	1,173	1,199	1,508	1,240	1,115
7. New Orleans-----	8,062	4,975	4,839	6,149	3,340	4,908	3,356	4,278	3,416	2,427
8. Galveston-----	2,652	3,548	2,074	2,116	1,763	2,457	1,779	2,331	2,763	2,576
9. Cleveland-----	1,096	912	629	771	484	637	789	1,034	1,009	688
10. Chicago-----	533	401	329	385	316	391	455	435	521	401
13. San Francisco-----	3,421	3,169	2,897	2,325	1,496	1,892	2,406	3,432	3,241	3,156
14. Seattle-----	3,056	3,044	2,775	2,231	1,627	2,074	2,742	3,697	3,685	3,529
Total-----	40,846	31,453	26,188	29,705	19,551	25,206	28,707	39,640	37,869	31,810

  

District	Fatal										Total		Grand total
	1937	1936	1935	1934	1933	1932	1931	1930	1929	1928	Non-fatal	Fatal	
1. Boston-----	12	11	8	12	7	6	3	12	15	12	22,643	98	22,741
2. New York-----	67	46	37	36	24	28	46	65	50	46	89,867	445	90,312
3. Philadelphia-----	13	9	5	14	7	10	13	16	10	8	14,027	105	14,132
4. Baltimore-----	6	2	8	4	6	8	6	14	13	14	15,704	81	15,785
5. Norfolk-----	5	8	7	8	5	3	8	6	7	6	15,625	63	15,688
6. Savannah-----	6	10	12	7	5	10	10	13	11	10	15,189	94	15,283
7. New Orleans-----	22	11	12	14	10	16	20	16	23	18	45,750	182	45,912
8. Galveston-----	7	15	4	9	8	5	6	4	5	6	24,059	69	24,128
9. Cleveland-----	12	6	9	11	4	19	11	19	9	16	8,049	116	8,165
10. Chicago-----	3	6	7	10	3	6	8	8	10	3	4,167	64	4,231
13. San Francisco-----	16	13	13	8	7	14	12	18	11	16	27,435	128	27,563
14. Seattle-----	18	15	18	9	9	6	13	19	19	23	28,460	149	28,609
Total-----	187	152	140	142	95	131	156	210	183	178	310,975	1,574	312,549

<sup>1</sup> Includes reopened cases.

*Open cases.*—On June 30, 1937, there were 4,428 nonfatal and 700 fatal cases open in the offices of the 12 compensation districts. In 1,979 nonfatal and 544 fatal cases compensation was being paid on account of injury and death respectively. The remaining cases were in various stages of adjudication. In the *nonfatal cases* in which payments were being made, the compensation paid to beneficiaries to June 30, 1937, amounted to \$1,689,578. The future compensation payable in such cases is estimated at \$1,554,437, thus indicating an estimated total cost of \$3,244,015, for these cases or an average of \$1,639 per case.

The 544 *fatal cases* in which payments were being made on June 30 1937, included 92 new cases in which compensation payments were started during the fiscal year 1937. The total compensation paid and estimated to be paid in these 544 cases is \$3,859,999. The estimated cost of death benefits to 203 dependents in the 92 new cases in which payments commenced in 1937 is \$582,965. This amount includes \$561,156 estimated as the compensation to be paid to dependents of the deceased employees, \$16,700 burial expenses, and \$5,109 disability compensation. The average cost per case for the new fatal injuries is \$6,337. The classes of dependents in these cases and the number of each, the weekly compensation award and other information regarding such cases are shown in table 29.

TABLE 29.—COST OF COMPENSATION TO DEPENDENTS IN 92 FATAL CASES APPROVED DURING 1937

Dependents	Number of dependents	Weekly award	Total cost	Average		
				Age	Weekly award	Cost
Widows	76	\$646.94	\$437,939	43.5	\$8.51	\$5,762
Sons under 18 years	49	105.48	33,224	10.9	2.15	678
Daughters under 18	51	105.26	31,320	10.5	2.06	614
Fathers	8	41.99	22,822	63.3	5.27	2,853
Mothers	16	74.80	34,586	65.8	4.68	2,162
Grandchildren	3	9.17	1,265	15.3	3.06	422
Total	203	983.64	561,156	—	—	—

*Cases disposed of.*—During the fiscal year ended June 30, 1937, action was taken under which 41,245 cases were closed in the records of the Commission. Approximately 26 percent of the nonfatal cases were closed by the final payment of compensation. The number of cases which did not involve a loss in time and those in which the period of disability did not extend beyond the waiting period represented respectively 61 and 11 percent of the total nonfatal cases closed during the year. During the same period 125 fatal cases were closed. In 62 such cases, it was found that death did not occur under the circumstances bringing it within the scope of the law, in 45 cases compensation was paid in full, and in 18 cases there were no dependents entitled to compensation for death. Cases closed during the year and the reasons therefor are shown for each compensation district in table 30.

TABLE 30.—CASES CLOSED<sup>1</sup> DURING THE FISCAL YEAR ENDED JUNE 30, 1937

District	No time lost	Nonfatal			Fatal			
		7 days and under	No jurisdiction, etc.	Compensation paid	No jurisdiction, etc.	\$1,000 paid	Lump sum	Compensation paid
1. Boston	1,620	148	22	673	2	2	1	1
2. New York	7,964	939	390	2,696	16	6	4	8
3. Philadelphia	594	160	29	606	2	1	1	4
4. Baltimore	1,327	215	39	558	3	—	—	3
5. Norfolk	888	248	20	482	1	—	—	4
6. Savannah	506	482	61	1,056	7	2	—	—
7. New Orleans	6,277	549	46	1,229	2	2	—	1
8. Galveston	1,457	324	23	921	5	—	—	3
9. Cleveland	578	186	28	330	4	—	1	3
10. Chicago	215	98	44	195	4	1	—	2
13. San Francisco	1,899	549	52	1,112	6	2	2	2
14. Seattle	1,775	493	53	964	10	2	1	4
Total for 1937	25,100	4,391	807	10,822	62	18	10	35
1936	17,099	3,946	905	10,021	60	17	6	25
1935	13,916	3,119	840	9,110	55	21	2	20
1934	16,955	3,200	949	8,805	61	12	6	18
1933	9,916	2,321	765	7,397	38	5	10	11
1932	12,751	3,128	1,103	9,731	53	28	5	12
1931	13,261	4,067	1,279	11,776	67	22	10	4
1930	18,729	6,358	1,528	14,382	60	29	11	2
1929	16,498	6,449	1,412	14,556	80	20	6	4
1928	11,034	4,958	1,279	11,212	39	6	1	0
Total, 1928-37 inclusive	155,259	41,937	10,867	107,812	575	178	67	131

<sup>1</sup> Includes reopened cases.

*Nonfatal cases.*—The total compensation paid in nonfatal cases closed during the fiscal year 1937 is \$1,867,467. This amount does not include \$11,910 paid for serious facial disfigurement in 81 cases. The amount reported as paid does not represent payments made during the fiscal year 1937 but includes all payments in this and prior years in the cases closed during the year.

In compensated temporary disability cases involving longshoremen, the average duration of disability is 55.9 days for cases closed in 1933, 48.8 in 1934, 48.5 in 1935, 51.2 in 1936, and 49.6 in 1937. The average compensation award for the same cases is \$111.61 for 1933, \$85.94 for 1934, \$85.98 for 1935, \$97.39 for 1936, and \$96.38 for 1937. The average amount paid as compensation for each day of disability is \$2 for 1933, \$1.76 for 1934, \$1.77 for 1935, \$1.90 for 1936, and \$1.94 for 1937.

The average duration of disability for permanent partial disability in closed cases involving injuries to the same class of workmen is 405 days for 1933, 406 for 1934, 357 for 1935, 367 for 1936, and 385 for 1937. The average award in these cases is \$1,019.26 for 1933, \$877.45 for 1934, \$763.33 for 1935, \$794.31 for 1936, and \$876.46 for 1937.

Table 31 shows the extent and duration of disability and compensation costs in all time-lost cases closed during the fiscal year 1937 and the totals for each fiscal year from 1928 to 1937, inclusive.

TABLE 31.—NUMBER OF LOST TIME CASES CLOSED AND FATAL CASES APPROVED, SHOWING DURATION, EXTENT OF DISABILITY, AND COMPENSATION COSTS, FISCAL YEARS 1928-37, INCLUSIVE

Fiscal year and occupation	All cases, number	Nonfatal cases					
		Total number of nonfatal cases	Total compensation	Number of cases of 7 days or less	Temporary total disability		
					Number	Days duration	Compensation
1937:							
Longshoremen	11,407	11,345	\$1,398,488	3,099	7,472	370,908	\$720,177
Foremen	120	115	33,576	39	59	3,735	9,653
Total	11,527	11,460	1,432,064	3,138	7,531	374,643	729,830
Repairmen	2,229	2,210	302,792	862	1,146	60,836	124,804
Others	1,060	1,036	132,611	332	593	29,806	58,672
Total for 1937	14,816	14,706	1,867,467	4,332	9,270	465,285	913,306
Totals for previous years:							
1936	13,671	13,578	\$1,575,811	3,877	8,805	452,267	859,419
1935	11,928	11,863	1,453,787	3,114	7,830	398,236	729,832
1934	11,374	11,287	1,475,150	2,996	7,442	369,840	665,460
1933	9,423	9,331	1,777,794	2,202	6,186	352,277	716,120
1932	12,167	12,073	2,319,750	2,859	8,140	461,848	1,068,248
1931	15,105	15,026	2,365,433	3,777	10,166	540,621	1,289,860
1930	19,610	19,478	2,202,568	5,773	12,649	579,980	1,366,107
1929	19,505	19,384	1,644,363	5,966	12,799	533,035	1,244,846
1928	14,919	14,857	870,421	4,508	10,071	336,467	751,540
Total, 1928-37, inclusive	142,518	141,583	17,552,544	39,404	93,358	4,489,856	9,604,738

TABLE 31.—NUMBER OF LOST TIME CASES CLOSED AND FATAL CASES APPROVED, SHOWING DURATION, EXTENT OF DISABILITY, AND COMPENSATION COSTS, FISCAL YEARS 1928-37, INCLUSIVE—Continued

Fiscal year and occupation	Nonfatal cases—Continued			Fatal cases			
	Permanent disability			Total number of cases	Number with dependents	Weekly award	Estimated total cost
	Number	Days duration	Compensation				
1937:							
Longshoremen	774	298,350	\$678,311	62	53	\$560.06	\$343,380
Foremen	17	7,133	23,923	5	3	39.55	24,700
Total	791	305,483	702,234	67	56	599.61	368,080
Repairmen	202	83,363	177,988	19	17	202.66	123,716
Others	111	32,461	73,939	24	19	181.37	111,413
Total for 1937	1,104	421,307	954,161	110	92	983.64	603,209
Totals for previous years:							
1936	896	329,595	716,392	93	73	681.47	458,130
1935	919	326,536	723,955	65	50	478.75	323,384
1934	849	354,427	809,690	87	75	665.89	457,835
1933	943	408,615	1,061,674	92	72	670.59	428,926
1932	1,074	453,709	1,251,502	94	67	730.81	424,893
1931	1,083	382,559	1,075,573	79	71	869.09	479,761
1930	1,056	301,681	836,461	132	109	1,421.54	721,396
1929	619	141,356	399,517	121	91	1,112.45	545,434
1928	278	41,463	118,881	62	56	770.97	367,907
Total, 1928-37, inclusive	8,821	3,161,248	7,947,806	935	756	8,385.20	4,810,875

Compensation for facial disfigurement was awarded in 81 disability cases closed during the year. The total awards in such cases is \$11,910. In 8 cases in which the injury did not cause a loss in time the sum of \$1,150 was awarded for facial disfigurement, and in 33 cases in which the disability did not extend beyond the 7-day waiting period the sum of \$3,398 was awarded for the same reason. In 40 compensated cases involving the payment of \$15,661 for disability, additional compensation amounting to \$7,362 was awarded for disfigurements.

*Fatal cases.*—In 18 of the 125 fatal cases closed during the year there were no dependents entitled to compensation for death and such cases were closed by the payment of \$1,000 into the special fund created by section 44 of the Compensation Act. In 13 such cases payment of the \$1,000 had been made prior to the close of the fiscal year. Burial expenses incurred in these 18 cases amounted to \$2,244 and the total cost of such cases is \$20,244. This results in an average cost of \$1,125 per case.

Final payment of compensation was made in 45 other fatal cases during the year. In 19 such cases the accrued payments to beneficiaries reached the maximum \$7,500 payment authorized by law, in 16 cases final payment was made because of a change in the status of the beneficiary and in 10 cases the future installments of compensation were commuted and paid in a lump sum. In the 35 cases in which the installments were paid out, the total payments amounted to \$176,933. This included \$169,103 paid to beneficiaries of the deceased employee, \$6,459 for burial expense, and \$1,371 as compensation prior to death. The average compensation to dependents in these fatal cases is \$5,055.

The 10 fatal cases closed by payment of a lump sum include 7 cases in which the beneficiaries were aliens residing outside the United States.

Application for the commutation of the award in these 7 cases was made by the employer or insurance carrier in accordance with the provisions of section 9 (g) of the Compensation Act. The gross value of future installments of compensation in such cases amounted to \$41,275 at the time the commutation was approved. This liability was discharged by the payment of \$8,082 in lump sum payments in the several cases. The net compensation paid to dependents in such cases including accrued instalments prior to the commutation amounted to \$11,515 or an average of \$1,645 per case.

*Accident prevention.*—The Commission has continued its studies and investigations with respect to the causes of injuries and means of preventing accidents in maritime employments within the purview of the Longshoremen's and Harbor Workers' Compensation Act. The safety engineer of the Commission has made surveys of operations in all the larger ports to determine the main causes of injuries to workmen, the accident prevention measures now being employed by the industry, and the line of endeavor on the part of the Commission which might be of greatest value to the industry in reducing the hazards of injury to employees.

The monthly safety bulletin issued by the Commission is utilized so far as practicable for the promotion of safety in this employment. Each issue of the bulletin carries a report of the number and causes of injuries to longshoremen and repairmen. Investigations are made of the circumstances connected with all fatal and other serious accidents as they occur. A brief résumé of the results of such investigations is published each month and other efforts are made to direct the attention of employers and employees to the needless waste of life and the large increase in operating costs resulting from the failure to use reasonable and proper means for the prevention of accidents.

*Causes of accidents.*—An analysis of the cause of injury in all cases reported under this law in published monthly in the Safety Bulletin and in the interests of economy the statistical tables which heretofore have appeared in the annual report have been omitted this year. The results of these analyses are summarized in the paragraphs below. Injuries to longshoremen are analyzed apart from other harbor workers.

*Longshoremen.*—A comparison of the total number of lost-time non-fatal injuries to longshoremen in cases closed during 1937, with totals for the preceding year, shows an increase of 739 cases to a total of 11,460. Fatal injuries number 67 for the year 1937, compared with 54 for 1936.

As usual, four general causes account for the greater part of all non-fatal injuries reported and comprise 83.4 percent of the total for 1937.

Handling objects leads the list of causes with 3,743, or 32.7 percent, of all nonfatal injuries. Under this heading injuries caused by being caught between objects handled is first. Strain and sprain from handling heavy objects, and dropping objects while handling rank in the order named. These cases average 43.6 days' disability.

Falling objects ranks second as a major cause and accounts for 2,643, or 23.1 percent, of all nonfatal injuries. Cargo falling from pile, materials falling from sling loads, and the falling of hatchbeams and hatch covers are the main individual causes of injury under this heading. These cases average 79.5 days' disability.

Being struck by moving objects caused 1,765 nonfatal injuries, or 15.4 percent of the total. Sling loads in motion is the largest in-

dividual cause of injury under this heading. Struck by or caught while steadyng or landing sling loads and miscellaneous objects rank in the order named. These cases average 78.6 days' disability per case.

Falls of persons caused 1,394 nonfatal injuries, or 12.2 percent of the total. Under this heading falls while carrying or handling cargo, falling or stumbling on level, slipping or falling between cargo, and falling into open hatches and manholes rank in the order named. These cases average 90.5 days' disability.

Hand tools rank fifth as a cause of accidents with 490, or 4.3 percent, of the nonfatal injuries. These cases average 29.3 days' disability per case.

Injuries to longshoremen caused a total of 67 deaths in 1937. Falls of persons caused 25 fatal injuries, or 37 percent, of all fatalities. Open hatches and manholes are responsible for 9 of these fatalities and falls from craft to water or dock account for 5 such cases. Moving objects caused 14 fatal injuries, or 21 percent. Sling loads in motion are responsible for 10 fatal injuries and 1 was caused by being struck by or caught while steadyng or landing sling loads. Thus falls of persons and moving objects account for 58 percent of the fatal injuries to longshoremen for 1937.

Falling objects caused 14, or 21 percent, of the fatal injuries reported in 1937. Under this heading material falling from sling loads caused two fatalities.

Three fatal injuries are listed as due to miscellaneous causes and one to exposure. Of the remaining 10 fatal cases, handling objects accounts for 2 and vehicles is the cause of 2.

*Repairmen.*—An analysis of the detailed causes of injuries to repairmen and others shows a total of 3,246 nonfatal lost-time injuries for 1937. Comparison of this total with the total for the preceding year shows an increase of 389 nonfatal injuries. Fatal injuries in 1937 number 43, as compared with 39 for 1936.

The average disability period per lost-time injury is 65.1 days, compared with 58 days for 1936. Permanent-partial-disability cases number 313, or 78 more than the preceding year. Temporary disability injuries number 2,933 and show an increase of 301, or 11.4 percent.

Four main causes account for 2,046 cases, or 63 percent of the total nonfatal injuries to repairmen in 1937.

Falls of persons constitute the greatest hazard of repairmen. Injuries from this cause account for 723 nonfatal injuries, or 22.3 percent of the total, and resulted in an average disability of 112 days per case. Falls from scaffolds and stagings account for 114 injuries, falling or stumbling on the level account for 112, and falls from ladders account for 69 injuries, making a total of 295 nonfatal injuries, or 40.8 percent of the total injuries caused by falls of persons.

Nonfatal cases arising out of handling objects number 657, or 20.2 percent of the total, and resulted in 51 days' disability per case. Under this heading strain or sprain from handling heavy objects and caught between objects handled are the principal contributory causes and account for 24.7 percent of this type of injury.

Falling objects and flying objects rank as causes of nonfatal injuries. Falling objects caused 344 nonfatal injuries, or 10.6 percent, and resulted in 61 days' disability per case. Collapse of lumber piles and

cargo falling from pile are the largest contributors to injuries caused by falling objects. Flying objects caused 322 nonfatal injuries, or 9.9 percent, and resulted in 56 days' disability per case. Chipping and caulking and splinters caused 50 percent of the injuries due to flying objects.

Fatal injuries to repairmen caused a total of 43 deaths. Falls of persons account for 30 fatal cases, or 70 percent of the total fatalities to repairmen for the fiscal year 1937.

*Trust-fund account.*—The status, as of June 30, 1937, of the special fund created by section 44 of this law, and receipts and expenditures during the year ended that date are as follows:

Balance July 1, 1936		\$148,457.26
Cash	\$23,433.16	
Investments	125,024.10	
Receipts during fiscal year 1937		17,734.54
Payments under sec. 44 (c) (1)	13,000.00	
Interest on investments	4,734.54	
 Total		166,191.80
Expenditures		8,534.63
Compensation, sec. 8 (f)	3,424.29	
Compensation, sec. 8 (g)	3,247.92	
Prosthetic appliances, sec. 39 (c)	1,123.15	
Tuition and supplies, sec. 39 (c)	739.27	
 Balance June 30, 1937		157,657.17
Cash	17,656.12	
Investments	140,001.05	

*Expense of administration.*—The appropriation for administrative expenses of the Commission covers the cost of administration of three laws, and therefore, the cost of administration of this law cannot be determined with exactness. A number of employees in the office of the Commission have duties connected with the administration of each law and the proportion of the salaries paid to these employees which may be properly chargeable to the Longshoremen's and Harbor Workers' Compensation Act can only be approximated. It is estimated that the expense of administering this law during the fiscal year 1937 was \$229,700. The largest single item of expense was for the payment of the salary of employees engaged in the administration of the law, the sum of \$187,359 having been charged to this purpose. Other large expenditures charged to the administration of this law were \$7,316 for medical examinations ordered by deputy commissioners, \$15,245 for contract reporting service for reporting hearings, \$11,468 for traveling expenses of personnel, \$2,292 for rents, and \$3,248 for communication service.

## 2. DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

*Injuries reported.*—During the fiscal year ended June 30, 1937, there were 26,937 nonfatal injuries and 57 fatal injuries reported to the office of the deputy commissioner. This is an increase of 2,730 cases over the total number reported in 1936. The number of fatal cases reported during 1937 is, however, the lowest in 2 preceding years and the rate of fatal to total cases is the lowest in any year since this law has been in operation, averaging only about 2 fatalities to each 1,000 cases reported.

The number of nonfatal injuries reported during 1937 is larger than in any prior year, representing an increase of 11 percent over

the number reported in 1936 and approximately 27 percent over the number reported in 1935.

A total of 185,910 injuries have been reported to the Commission under this law during the 9 years it has been in operation. Table 32 shows by months the number of injuries reported for the 9 years 1929 to 1937, inclusive.

TABLE 32.—INJURIES REPORTED BY THE MONTH FOR THE 9 FISCAL YEARS 1929-37 UNDER THE DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

Month of fiscal year	Nonfatal								
	1937	1936	1935	1934	1933	1932	1931	1930	1929
July	2,292	2,243	1,894	1,887	1,491	2,094	1,735	1,656	731
August	2,533	2,292	1,988	2,142	1,699	1,892	1,969	1,739	1,222
September	2,399	1,712	1,765	1,880	1,619	1,870	1,888	1,431	1,169
October	2,377	2,236	2,039	1,753	1,649	2,028	1,938	1,768	1,288
November	2,018	1,932	1,875	1,749	1,539	1,655	1,509	1,512	1,215
December	2,257	1,769	1,505	1,334	1,695	1,627	1,452	1,424	1,183
January	1,895	1,909	1,728	1,496	1,674	1,694	1,420	1,487	1,081
February	1,975	1,780	1,498	1,415	1,412	1,361	1,185	1,265	992
March	2,151	1,806	1,701	1,496	1,622	1,704	1,403	1,409	1,090
April	2,219	1,942	1,607	1,536	1,535	1,700	1,512	1,500	1,315
May	2,234	2,167	1,735	1,661	1,719	1,525	1,657	1,521	1,405
June	2,587	2,406	1,850	1,808	2,088	1,766	1,908	1,727	1,545
Total	26,937	24,194	21,185	20,157	19,742	20,916	19,576	18,439	14,236

Month of fiscal year	Fatal									
	1937	1936	1935	1934	1933	1932	1931	1930	1929	Grand total
July	4	11	3	5	0	5	7	3	0	16,061
August	3	8	5	3	4	9	6	8	5	17,527
September	4	1	7	5	1	7	3	0	4	15,765
October	6	4	6	6	4	5	7	5	7	17,126
November	3	5	4	3	6	6	6	3	7	15,047
December	10	6	3	2	5	2	5	5	6	14,290
January	6	0	5	6	9	5	10	10	3	14,438
February	8	5	7	2	5	4	6	1	3	12,924
March	4	11	9	3	2	4	6	3	5	14,429
April	3	8	4	3	2	5	3	7	7	14,908
May	3	5	4	3	5	4	6	5	6	15,665
June	3	6	7	2	5	0	6	10	6	17,730
Total	57	70	64	43	48	56	71	60	59	185,910

*Cases disposed of.*—During this fiscal year 27,721 nonfatal and 39 fatal cases were closed in the office of the Commission. In a very large percentage of the nonfatal cases closed during the year, the injury did not cause a loss in time from work or the disability did not extend beyond the 7-day waiting period for which no compensation is payable. Moreover, 381 of the nonfatal, and 2 of the fatal cases were rejected because they did not come within the scope of the law. Cases disposed of and the reasons therefor are shown in table 33.

TABLE 33.—CASES DISPOSED OF

Reason for closing	Fiscal year								
	1936-37	1935-36	1934-35	1934	1933	1932	1931	1930	1929
<b>NONFATAL</b>									
No time lost-----	18,004	15,790	13,804	13,225	12,628	12,718	11,431	9,653	6,518
7 days or less-----	4,410	4,096	3,645	3,278	3,349	4,103	3,982	4,583	3,720
No jurisdiction-----	381	363	384	361	451	547	686	721	476
Compensation paid without award-----	3,956	3,718	3,333	3,380	3,468	3,808	3,507	3,902	2,878
Award of compensation-----	127	141	115	182	111	146	125	128	43
Miscellaneous-----	843	769	686	645	514	439	255	244	117
<b>Total</b> -----	<b>27,721</b>	<b>24,877</b>	<b>21,967</b>	<b>21,071</b>	<b>20,521</b>	<b>21,761</b>	<b>19,986</b>	<b>19,231</b>	<b>13,752</b>
<b>FATAL</b>									
No jurisdiction-----	2	2	10	6	6	18	18	2	7
No dependents (\$1,000 paid)-----	4	9	3	7	3	7	10	3	2
Payments completed-----	6	9	5	5	1	2	-----	1	-----
Miscellaneous-----	27	27	15	21	12	5	19	16	4
<b>Total</b> -----	<b>39</b>	<b>47</b>	<b>33</b>	<b>39</b>	<b>22</b>	<b>32</b>	<b>47</b>	<b>22</b>	<b>13</b>

On June 30, 1937, there were 1,840 open cases upon which final action had not been taken. Included in this number were 703 non-fatal and 181 fatal cases in which compensation was being paid respectively to injured employees and dependents of those who died as a result of injury. The remaining cases were incomplete and in various stages of adjudication.

*Lost-time cases closed.*—An analysis of approved nonfatal cases, in which the injury caused lost time, closed during the year is given in table 34 according to the type of industry. There were 8,272 such cases involving total compensation costs of \$586,779, of which the construction industry is responsible for slightly more than 25 percent of the number of injuries and 37 percent of the cost. These amounts do not include expenditures by employers or their insurance carriers for medical care furnished injured employees; nor do they include \$2,450 paid for nine cases of serious facial disfigurement.

TABLE 34.—NUMBER OF LOST-TIME CASES CLOSED AND FATAL CASES APPROVED, SHOWING DURATION, EXTENT OF DISABILITY, AND COMPENSATION COSTS, FISCAL YEARS 1929-37, INCLUSIVE

Fiscal year and industry	Total number of cases	Nonfatal cases closed					
		Number of nonfatal cases	Total compensation	Temporary total disability			
				Number under 8 days	Number	Duration in days	Amount of compensation
<b>1937:</b>							
Clerical and personal service	1,613	1,611	\$76,887	849	717	21,387	\$34,203
Construction	2,101	2,092	215,655	1,016	998	44,267	103,523
Manufacturing	1,057	1,056	124,132	560	462	14,102	74,621
Trade	2,666	2,659	119,187	1,470	1,122	36,115	65,003
Transportation and public utilities	858	854	50,918	433	395	13,822	26,728
<b>Total for 1937:</b>	<b>8,295</b>	<b>8,272</b>	<b>586,779</b>	<b>4,328</b>	<b>3,694</b>	<b>129,693</b>	<b>304,078</b>
<b>Totals for previous years:</b>							
1936	7,789	7,749	418,804	4,016	3,531	121,487	220,283
1935	6,866	6,837	384,145	3,511	3,166	111,122	203,083
1934	6,626	6,592	436,043	3,145	3,239	116,088	214,291
1933	6,717	6,699	435,674	3,230	3,279	115,933	222,732
1932	7,812	7,775	393,610	3,986	3,623	115,502	227,529
1931	7,477	7,432	339,871	3,913	3,390	106,000	210,320
1930	8,461	8,442	298,243	4,532	3,781	112,729	227,199
1929	6,355	6,312	135,169	3,574	2,696	65,890	121,758
<b>Total, 1929-37, inclusive...</b>	<b>66,378</b>	<b>66,110</b>	<b>3,428,338</b>	<b>34,235</b>	<b>30,399</b>	<b>994,444</b>	<b>1,951,273</b>
<b>Nonfatal cases closed</b>							
<b>Fatal cases approved</b>							
Fiscal year and industry	Permanent partial disability			Number	With dependents	Amount of weekly compensation	Total estimated cost
	Number	Duration in days	Amount of compensation				
				Total			
<b>1937:</b>							
Clerical and personal service	45	17,624	\$42,684	2	1	\$15.00	\$9,220
Construction	78	37,965	112,132	9	8	86.81	48,707
Manufacturing	34	18,376	49,511	1	1	18.77	7,500
Trade	67	24,509	54,184	7	5	42.96	30,617
Transportation and public utilities	26	10,145	24,190	4	4	50.92	29,409
<b>Total for 1937:</b>	<b>250</b>	<b>108,619</b>	<b>282,701</b>	<b>23</b>	<b>19</b>	<b>214.46</b>	<b>125,453</b>
<b>Totals for previous years:</b>							
1936	202	82,083	198,521	40	32	415.32	226,372
1935	160	71,972	181,062	29	26	340.68	184,715
1934	208	84,139	221,752	34	25	282.48	184,407
1933	190	82,444	212,942	18	17	163.63	109,786
1932	166	65,069	166,081	37	29	371.59	209,804
1931	129	45,080	129,551	45	35	428.04	227,633
1930	129	26,990	71,044	19	15	229.14	103,528
1929	42	5,153	13,411	23	21	269.32	140,373
<b>Total, 1929-37, inclusive...</b>	<b>1,476</b>	<b>571,549</b>	<b>1,477,065</b>	<b>268</b>	<b>219</b>	<b>2,714.66</b>	<b>1,512,074</b>

There were 250 such cases in which the injured employee sustained permanent partial disability, and 8,022 cases of temporary disability. Of the 8,022 cases of temporary disability, 3,694 were compensated while 4,328 had a duration of less than 8 days.

Fatal cases approved in the fiscal year 1937 number 23, of which 9 were from the construction industry, and 8 in the industry classified as trade. The number of approvals of fatal cases during 1937 is the lowest in the 3 years immediately preceding this fiscal year, and 8 approvals less than the average of 31 per annum evidenced during the past 8 years.

Weekly compensation on these 23 approved fatal cases is \$214.46, and the estimated total cost is \$125,453. The latter figure includes a total of \$4,000 paid into the special fund on 4 cases in which there was no person entitled to compensation, \$4,365 paid for burial expenses in the 23 cases, and \$260 expended as compensation for disability prior to death, leaving \$116,828 as the estimated total payment to dependents. The distribution of the weekly cost and the total cost for each class of dependents is shown in table 35.

TABLE 35.—AVERAGE WEEKLY AWARDS TO DEPENDENTS, AND ESTIMATED TOTAL DEATH COMPENSATION IN 23 FATAL CASES APPROVED DURING 1937

Dependents	Number	Weekly award	Estimated valuation	Average		
				Age	Weekly award	Value of award
Widows.....	16	\$132.86	\$81,111	43.0	\$8.37	\$5,069
Children under 18.....	25	65.60	28,417	7.0	2.62	1,137
Fathers.....	1	7.50	3,650	61.0	7.50	3,650
Mothers.....	1	7.50	3,650	57.0	7.50	3,650
no Total.....	43	214.46	116,828	-----	-----	-----

Total costs to employers of all cases closed and open on the records of the Commission covering the period from the beginning of the act through June 30, 1937, are estimated at \$6,001,887. Of this amount, \$3,428,338 has already been expended on 31,875 of the 66,110 closed nonfatal cases. Future expenditures for disability compensation on 1,594 incomplete nonfatal cases are estimated to be \$357,932, in addition to \$659,203 already expended. These amounts do not include \$26,029 awarded for serious facial disfigurement, nor do they take into account amounts expended by employers on their insurance carriers for medical care furnished injured employees. The total cost of benefits paid and estimated to be paid in 268 fatal cases approved from the beginning of the act through June 30, 1937, is \$1,556,414.

*Trust-fund account.*—Transactions for the fiscal year 1937 involving the special fund, created by section 44, are shown in the following tabulation:

*District of Columbia trust-fund account for fiscal year 1937*

Balance July 1, 1936		\$35,398.73
Cash	\$15,691.79	
Investment	19,706.94	
Receipts during fiscal year 1937		4,617.50
Payments under sec. 44 (c)	\$4,000.00	
Interest on investments	617.50	
Total		40,016.23
Expenditures		6,525.59
Compensation sec. 8 (f)	\$1,361.50	
Compensation sec. 8 (g)	2,738.21	
Prosthetic appliances	2,425.88	
Balance June 30, 1937		33,490.64
Cash	\$13,811.20	
Investments	19,679.44	

*Expenses of administration.*—The expense of administering this law is paid from funds provided for the purpose in the annual appropriation for the government of the District of Columbia and transferred to the Commission for expenditure. A total of \$53,300 was appropriated for the fiscal year 1937 and the estimated cost of administration during that year is \$55,744. The amount expended includes \$47,723 for personal services, \$4,578 for contract reporting services, and \$510 for special medical examinations ordered by the deputy commissioner.

*Changes in personnel of the Commission.*—Since the last annual report was submitted, Mr. John J. Keegan was appointed a member of the Commission for a term of 6 years commencing March 15, 1937, to succeed Mr. Harry W. Bassett, whose term expired on that date. The appointment of Mr. Keegan was confirmed by the Senate on May 28, 1937.

Respectfully submitted.

JEWELL W. SWOFFORD,  
JOHN M. MORIN,  
JOHN J. KEEGAN,  
*Commissioners.*