

**The original documents are located in Box 13, folder “1974/10/29 HR7768 Relief of Nolan Sharp (vetoed)” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.**

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THE WHITE HOUSE

ACTION

WASHINGTON

Last Day - October 29

October 25, 1974

MEMORANDUM FOR: THE PRESIDENT  
FROM: KEN COLE  
SUBJECT: Enrolled Bill H.R. 7768  
For the relief of  
Nolan Sharp

Attached for your consideration is House bill, H.R. 7768, sponsored by Representative Moorhead, which provides retroactive payment of certain Veterans Administration benefits to Nolan Sharp because of multiple sclerosis.

Roy Ash recommends veto of this bill and provides you with additional background information in his enrolled bill report (Tab A).

The Counsel's office (Chapman), Bill Timmons, and Domestic Council all recommend veto of the bill and approve the issuance of a veto message which Paul Theis has approved.

RECOMMENDATION

That you veto Senate bill, H.R. 7768 (Tab B) and approve the proposed Presidential veto message (Tab C).



VETOED  
10/29/74  
(Veto message delivered to Clerk of  
House of Representatives 5:25pm  
10/29/74)

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCT 23 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7768 - For the relief of  
Nolan Sharp  
Sponsor - Rep. Moorhead (R) California

Last Day for Action

October 29, 1974 - Tuesday

Purpose

Provides retroactive payment of certain Veterans Administration benefits to Nolan Sharp because of multiple sclerosis.

Agency Recommendations

Office of Management and Budget

Disapproval

Veterans Administration

Disapproval (Veto  
Message attached)

Discussion

Nolan Sharp served in the Army for approximately 6 months during World War II. In June, 1943, he was given a disability discharge because of hypochondriasis and anxiety state, severe.

In 1954, Mr. Sharp filed a claim for service-connected disability compensation on the basis of multiple sclerosis which he alleged he had had since 1943. At that time, the law allowed payment of such compensation for multiple sclerosis manifesting itself within 3 years after the date of separation from wartime service.

The first confirmed, medical diagnosis of multiple sclerosis in Mr. Sharp's case was made in 1949, 6 years after his discharge from the military. The only evidence of an



earlier diagnosis of the disease was presented in 1956 by a doctor who claimed he had treated Mr. Sharp in 1944 for symptoms which he believed were due to multiple sclerosis. His opinion was based completely on memory, however, as he had no records of such treatment. Mr. Sharp's claim received several adjudicative reviews and was the subject of appellate consideration four times within the Veterans Administration. On the basis of the available evidence, however, the Veterans Administration denied his claim for service-connected benefits for multiple sclerosis on each occasion.

A similar claim for non-service-connected disability pension was denied on the basis of three separate ratings in 1952, 1954 and 1955, which showed that he was not permanently and totally disabled as required by law. After a fourth rating in 1956, however, he was granted non-service-connected disability benefits from January 16, 1956.

Effective October 1, 1962, the statutory presumption of service-connection for multiple sclerosis manifesting itself after separation from wartime service was extended from 3 to 7 years. The liberalizing statute, however, specifically prohibited the payment of any retroactive benefits based on the new presumption. Accordingly, the Veterans Administration began paying Mr. Sharp service-connected benefits as of October 1, 1962.

Notwithstanding the statutory prohibition against such retroactive payments, the enrolled bill would require payment to Mr. Sharp of the amount he would have received from 1956, when he first began receiving non-service-connected benefits, to October 1, 1962, had he been entitled to service-connected disability compensation during that period, reduced by the amount he did receive in non-service-connected benefits from 1956 to 1962. If enacted, the bill would cost \$16,425.54.

In its report on H.R. 7768, the House Judiciary Committee states:

"The Veterans' Administration determined that he was permanently and totally disabled by reason of multiple sclerosis by a rating granted on March 19, 1956. On the basis of this determination, the Veterans' Administration paid him non-service-connected disability benefits from January 16, 1956



to October 1, 1962. After that date, he was paid service-connected benefits for the same disability. The committee has concluded that as an equitable matter, Mr. Sharp was entitled to service-connected disability compensation for the period he was determined to have been totally disabled by the Veterans' Administration. . . ."

The Senate Committee report simply adopted the House Committee report.

The Veterans Administration recommends disapproval of this bill. In its enrolled bill letter, the Veterans Administration states:

"We fail to find any rationale in the committee reports to support approval of the bill. The circumstances of this case have been carefully considered. There is no apparent reason why it should be singled out for special legislative treatment authorizing the payment of benefits from an earlier date than the law permits in this and similar cases. To do so would be discriminatory and precedential."

We agree with the Veterans Administration's objections to this legislation. As noted above, the law specifically prohibits the retroactive payment contemplated under this bill. In the absence of any extenuating circumstances that distinguish Mr. Sharp's situation from those of many other veterans, enactment of this legislation would be highly preferential and could serve as a precedent for similar claims, thus undermining the structure of such benefits programs.

We have revised slightly, with the Veterans Administration's concurrence, the proposed veto message from the Veterans Administration which is attached for your consideration.

  
Director

Enclosures





VETERANS ADMINISTRATION  
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS  
WASHINGTON, D.C. 20420

October 22, 1974

The Honorable  
Roy L. Ash  
Director, Office of  
Management and Budget  
Washington, D. C. 20503

Dear Mr. Ash:

We are pleased to respond to the request for a report on the enrolled enactment of H. R. 7768, 93d Congress, "An Act For the relief of Nolan Sharp."

The proposal would authorize payment by the Secretary of the Treasury to Nolan Sharp (Veterans Administration claim number C 3 281 237) the amount certified by the Administrator of Veterans Affairs as the amount of disability compensation to which the said Nolan Sharp would have been entitled for a service-connected disability if eligible therefor under the public law from January 16, 1956, to October 1, 1962, reduced by the total amounts paid him as non-service-connected disability pension payments in the same period.

The Veterans Administration reported on H. R. 7768, as introduced, to the Committee on the Judiciary, House of Representatives, on November 14, 1973. That report is incorporated in the report of that committee on H. R. 7768 (H. Rept. No. 93-1006) and in the report of the Senate Committee on the Judiciary (S. Rept. No. 93-1244). One copy of each committee report is enclosed for your ready reference. The bill was thereafter amended as set forth in the enrolled enactment. In such form, it provides for retroactive payment from January 16, 1956, instead of June 5, 1943, as originally proposed.



The Honorable Roy L. Ash

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, at which time he received a certificate of disability discharge because of hypochondriasis and anxiety state, severe.

Subsequent to discharge from service, Mr. Sharp was a professional heavy-weight boxer from July 1944 to April 1947. He was then employed as a truck driver until 1952. A statement was furnished in 1947 by Dr. Joseph Beber that he first treated Mr. Sharp for bronchitis in December 1944. The statement contained no mention of any symptoms or findings of a neurological disease. In 1956, Dr. Beber stated that he treated him for symptoms consistent with lateral sclerosis in 1943 and 1944 and expressed an opinion that such symptoms and findings in 1944 were due to lateral sclerosis. This statement, however, was given from memory, and Dr. Beber had no records of such treatment. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after discharge.

Mr. Sharp filed a claim for compensation or pension in July 1954, at which time he alleged "multiple sclerosis 1943." His claim for service connection received several adjudicative reviews and was the subject of appellate consideration on four occasions, each resulting in denial of service connection for multiple sclerosis.

Mr. Sharp's claim for non-service-connected disability pension was denied by ratings of October 2, 1952, August 25, 1954, and March 23, 1955, because the evidence did not show his disability to be both permanent and total. Pension was granted by rating of March 19, 1956, and benefits were paid from January 16, 1956, to October 1, 1962, at which time compensation was authorized.

Public Law 87-645, effective October 1, 1962, extended from 3 to 7 years the statutory presumption of service connection for multiple sclerosis manifesting itself following the date of



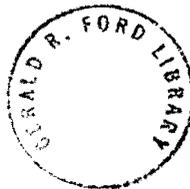
The Honorable Roy L. Ash

separation from wartime service. Under this provision, service connection for multiple sclerosis was granted and payments of disability compensation were made to Mr. Sharp from October 1, 1962. That law specifically provided that no payments based on the liberalized presumption would be made for any period prior to October 1, 1962.

H. R. 7768 proposes retroactive disability compensation for one individual for a disability which qualified for service connection solely by virtue of legislative extension of the presumptive period from 3 to 7 years and in direct contradiction of that legislative prohibition against compensation payments for periods prior to October 1, 1962, for disabilities service connected by virtue thereof.

Approval of the bill would result in payment by the Secretary of the Treasury of \$16,425.54 to Mr. Sharp. This amount represents the difference between disability compensation which would have been payable for total disability had he been eligible for such disability compensation from January 16, 1956, through September 30, 1962, (\$27,836.06) less the amount already paid him as non-service-connected disability pension.

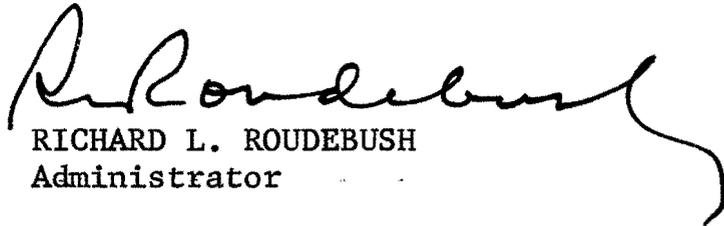
We fail to find any rationale in the committee reports to support approval of the bill. The circumstances of this case have been carefully considered. There is no apparent reason why it should be singled out for special legislative treatment authorizing the payment of benefits from an earlier date than the law permits in this and similar cases. To do so would be discriminatory and precedential. It is not believed that private bills of this nature should receive favorable consideration.



The Honorable Roy L. Ash

I recommend that the President withhold his approval of H. R. 7768. A draft of a proposed veto message is enclosed.

Sincerely,

  
RICHARD L. ROUDEBUSH  
Administrator

Enclosures



Last Day - October 29

October 25, 1974

MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill H.R. 7768  
For the relief of  
Nolan Sharp

Attached for your consideration is House bill, H.R. 7768, sponsored by Representative Moorhead, which provides retroactive payment of certain Veterans Administration benefits to Nolan Sharp because of multiple sclerosis.

Roy Ash recommends veto of this bill and provides you with additional background information in his enrolled bill report (Tab A).

The Counsel's office (Chapman), Bill Timmons, and Domestic Council all recommend veto of the bill and approve the issuance of a veto message which Paul Thais has approved.

RECOMMENDATION

That you veto Senate bill, H.R. 7768 (Tab B) and approve the proposed Presidential veto message (Tab C).



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 706

Date: October 24, 1974

Time: 9:30 a.m.

FOR ACTION:

✓ James Cavanaugh  
✓ NSC/S - no position  
✓ Phil Buchen - note comment on signing  
✓ Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones  
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 25, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 7768 - For the relief of Nolan Sharp

ACTION REQUESTED:

\_\_\_\_\_ For Necessary Action

XX For Your Recommendations

\_\_\_\_\_ Prepare Agenda and Brief

\_\_\_\_\_ Draft Reply

\_\_\_\_\_ For Your Comments

\_\_\_\_\_ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 706

Date: October 24, 1974

Time: 9:30 a.m.

FOR ACTION: ✓ James Cavanaugh  
NSC/S  
Phil Buchen  
Bill Timmons  
Paul Theis

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 25, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 7768 - For the relief of Nolan Sharp

ACTION REQUESTED:

\_\_\_ For Necessary Action

XX For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

*Veto*

Please return to Kathy Tindle - West Wing



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-----  
Warren K. Hendriks  
For the President

Date: October 24, 1974

Time: 9:30 a.m.

FOR ACTION: James Cavanaugh  
NSC/S  
Phil Buchen  
Bill Timmons  
✓ Paul Theis

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 25, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 7768 • For the relief of Nolan Sharp

PLEASE RETURN TO  
RESEARCH  
ROOM 121 F. O. B.

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

1974 OCT 24 PM 12 42



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

VETO MESSAGE - H. R. 7768

TO THE HOUSE OF REPRESENTATIVES:

I am withholding today my approval of H. R. 7768, a bill for the relief of Mr. Nolan Sharp. I am advised by the Attorney General and I have determined that the absence of my signature from this bill prevents it becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by the Congress to receive messages at this time.

H. R. 7768 would authorize retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962. Under the bill, these payments would have to be offset against certain non-service-connected benefits Mr. Sharp received during the same period.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, when he was discharged because of severe hypochondriasis and anxiety state. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after his discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.

Mr. Sharp's claim for service-connected benefits based on multiple sclerosis received several adjudicative reviews and was the subject of appellate consideration on four occasions. On the basis of available evidence, the Veterans Administration was unable to determine direct connection of multiple sclerosis with the veteran's military service as required by law. He was, however, granted non-service-connected disability pension, effective January 16, 1956.

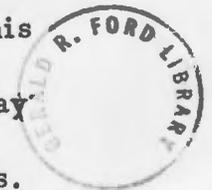
Effective October 1, 1962, the Congress extended the presumption of service connection for multiple sclerosis from three to seven years. The liberalizing statute, however, prohibited any retroactive payments based on the new presumption. Since Mr. Sharp qualified for service-connected benefits under the new statutory presumption, he has been receiving such payments since October 1, 1962.

Having carefully considered the circumstances of this case, I am unable / to find sufficient reasons for approving this legislation to pay

Mr. Sharp benefits from an earlier date than the law permits.

To make such a special award would seriously discriminate against similarly situated veterans.

Moreover, once the precedent for such special awards is established, it would be difficult to deny awards to other veterans



who have been prohibited from receiving retroactive benefits under the 1962 law or similar statutes. The inevitable result would be to undermine the integrity and impartiality essential to the administration of such veterans' benefits.

For these reasons, I am constrained to withhold my approval from H. R. 7768.



THE WHITE HOUSE  
WASHINGTON

10/23/74

TO: WARREN HENDRIKS

\_\_\_\_\_

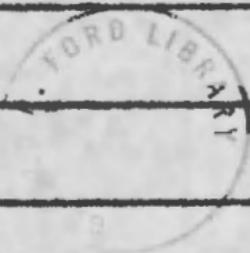
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*RDL*  
Robert D. Linder

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCT 23 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7768 - For the relief of  
Nolan Sharp  
Sponsor - Rep. Moorhead (R) California

Last Day for Action

October 29, 1974 - Tuesday

Purpose

Provides retroactive payment of certain Veterans Administration benefits to Nolan Sharp because of multiple sclerosis.

Agency Recommendations

Office of Management and Budget

Disapproval

Veterans Administration

Disapproval (Veto  
Message attached)

Discussion

Nolan Sharp served in the Army for approximately 6 months during World War II. In June, 1943, he was given a disability discharge because of hypochondriasis and anxiety state, severe.

In 1954, Mr. Sharp filed a claim for service-connected disability compensation on the basis of multiple sclerosis which he alleged he had had since 1943. At that time, the law allowed payment of such compensation for multiple sclerosis manifesting itself within 3 years after the date of separation from wartime service.

The first confirmed, medical diagnosis of multiple sclerosis in Mr. Sharp's case was made in 1949, 6 years after his discharge from the military. The only evidence of an



*10-23-74  
7:10 p.m.  
Harmon*

THE WHITE HOUSE

WASHINGTON

October 24, 1974

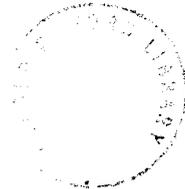
MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS *WT*

SUBJECT: Action Memorandum - Log No. 706  
Enrolled Bill H. R. 7768 - For the Relief  
of Nolan Sharp

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 706

Date: October 24, 1974

Time: 9:30 a.m.

FOR ACTION: James Cavanaugh  
NSC/S  
Phil Buchen  
Bill Timmons  
Paul Theis

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 25, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 7768 • For the relief of Nolan Sharp

PLEASE RETURN TO:  
RESEARCH  
ROOM 121 E. O. B.

ACTION REQUESTED:

\_\_\_ For Necessary Action

XX For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

1974 OCT 24 PM 12 42



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 706

Date: October 24, 1974

Time: 9:30 a.m.

FOR ACTION: James Cavanaugh  
 NSC/S  
 Phil Buchen  
 ✓ Bill Timmons  
 Paul Theis

cc (for information): Warren K. Hendriks  
 Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 25, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 7768 - For the relief of Nolan Sharp

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
 For the President

October 25, 1974

H. R. 7768 VETO MESSAGE  
TO THE HOUSE OF REPRESENTATIVES:

I am withholding today my approval of H. R. 7768, a bill for the relief of Mr. Nolan Sharp. I am advised by the Attorney General and I have determined that the absence of my signature from this bill prevents it becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by the Congress to receive messages at this time.

~~The bill~~ H. R. 7768 would authorize retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962. Under the bill, these payments would have to be offset ~~by~~ against certain non-service-connected benefits Mr. Sharp received during the same period.

Mr. Sharp had honorable Army service ~~from~~ from December 1, 1942, to June 5, 1943, when he was discharged because of/hypochondriasis and anxiety state. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after his discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.

*pick up on next page*



PLEASE RETURN TO:  
RESEARCH  
ROOM 121 E. O. B.

TO THE HOUSE OF REPRESENTATIVES:

7/22/74

*(withholding)*

I am ~~returning~~ today ~~without~~ my approval H.R. 7768,  
~~83rd~~ for the relief of Mr. Nolan Sharp. *Insert A*

The bill would authorize retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962. Under the bill, these payments would have to be offset against certain non-service-connected benefits Mr. Sharp received during that period.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, when he was discharged because of hypochondriasis and anxiety state, severe. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.

Mr. Sharp's claim for service-connected benefits based on multiple sclerosis received several adjudicative reviews and was the subject of appellate consideration on four occasions. On the basis of available evidence, the Veterans Administration was unable to determine direct connection of multiple sclerosis with the veteran's military service as required by law. He was, however, granted non-service-connected disability pension, effective January 16, 1956.

OMB memo

(pick up here)

11

I am advised by the Attorney  
General and I have determined that the absence of my signature from this bill prevents it from becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by Congress to receive messages at this time.

Insert  
A

Effective October 1, 1962, the Congress extended the presumption of service connection ~~relating to~~ <sup>for</sup> multiple sclerosis from three ~~years~~ <sup>or</sup> to seven years. The liberalizing statute, however, prohibited any retroactive payments based on the new presumption. Since Mr. Sharp qualified for service-connected benefits under the new statutory presumption, he has been receiving such payments since October 1, 1962.

~~I have~~ <sup>Having</sup> carefully considered the circumstances of this case and can find no reason for approving this legislation to pay Mr. Sharp benefits from an earlier date than the law permits. To make such a special award would seriously discriminate against similarly situation <sup>ed</sup> veterans.

Moreover, once the precedent for such special awards is established, it would be difficult to deny awards to other veterans who have been prohibited from receiving retroactive benefits under the 1962 law or similar statutes. The inevitable result would be to undermine the integrity and impartiality essential to the administration of such veterans' benefits.

For these reasons, I am constrained to withhold my approval from H.R. 7768.

THE WHITE HOUSE

October , 1974

Date: October 24, 1974

Time: 9:30 a.m.

FOR ACTION: James Cavanaugh  
 NSC/S  
 ✓ Phil Buchen  
 Bill Timmons  
 Paul Theis

cc (for information): Warren K. Hendriks  
 Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 25, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 7768 - For the relief of Nolan  
Sharp

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

Please return to Kathy Tindle - West Wing

- 1) Defers on the merits
- 2) Object to language in the veto message which would have the President say "I have carefully considered." This is manifestly not true & substitute language is suggested on p. 2 of the draft message.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
 For the President



TO THE HOUSE OF REPRESENTATIVE:

We assume that the form of this message including the title and the first paragraph, will be revised to conform with the approach taken in the veto message on H.R. 11541--the National Wildlife Refuge System, dated October 22, 1974.

I am returning today without my approval H.R. 7768, 93rd Congress, for the relief of Mr. Nolan Sharp.

The bill would authorize retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962. Under the bill, these payments would have to be offset against certain non-service-connected benefits Mr. Sharp received during that period.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, when he was discharged because of hypochondriasis and anxiety state, severe. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.

Mr. Sharp's claim for service-connected benefits based on multiple sclerosis received several adjudicative reviews and was the subject of appellate consideration on four occasions. On the basis of available evidence, the Veterans Administration was unable to determine direct connection of multiple sclerosis with the veteran's military service as required by law. He was, however, granted non-service-connected disability pension, effective January 16, 1956.

Effective October 1, 1962, the Congress extended the presumption of service connection relating to multiple sclerosis from three years to seven years. The liberalizing statute, however, prohibited any retroactive payments based on the new presumption. Since Mr. Sharp qualified for service-connected benefits under the new statutory presumption, he has been receiving such payments since October 1, 1962.

I ~~have~~ <sup>am advised that the Veterans Administration has</sup> carefully considered the circumstances of this case and can find no reason for approving this legislation to pay Mr. Sharp benefits from an earlier date than the law permits. To make such a special award would seriously discriminate against similarly situation<sup>ed</sup> ~~ion~~ veterans.

Moreover, once the precedent for such special awards is established, it would be difficult to deny awards to other veterans who have been prohibited from receiving retroactive benefits under the 1962 law or similar statutes. The inevitable result would be to undermine the integrity and impartiality essential to the administration of such veterans' benefits.

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October 25, 1974

VETO MESSAGE - H. R. 7768

TO THE HOUSE OF REPRESENTATIVES:

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Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, when he was discharged because of severe hypochondriasis and anxiety state. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after his discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.



Mr. Sharp's claim for service-connected benefits based on multiple sclerosis received several adjudicative reviews and was the subject of appellate consideration on four occasions. On the basis of available evidence, the Veterans Administration was unable to determine direct connection of multiple sclerosis with the veteran's military service as required by law. He was, however, granted non-service-connected disability pension, effective January 16, 1956.

Effective October 1, 1962, the Congress extended the presumption of service connection for multiple sclerosis from three to seven years. The liberalizing statute, however, prohibited any retroactive payments based on the new presumption. Since Mr. Sharp qualified for service-connected benefits under the new statutory presumption, he has been receiving such payments since October 1, 1962.

Having carefully considered the circumstances of this case, I am unable <sup>to find sufficient reasons</sup> for approving this legislation to pay Mr. Sharp benefits from an earlier date than the law permits. To make such a special award would seriously discriminate against similarly situated veterans.

Moreover, once the precedent for such special awards is established, it would be difficult to deny awards to other veterans

who have been prohibited from receiving retroactive benefits under the 1962 law or similar statutes. The inevitable result would be to undermine the integrity and impartiality essential to the administration of such veterans' benefits.

For these reasons, I am constrained to withhold my approval from H. R. 7768.



TO THE HOUSE OF REPRESENTATIVE:

We assume that the form of this message including the title and the first paragraph, will be revised to conform with the approach taken in the veto message on H.R. 11541--the National Wildlife Refuge System, dated October 22, 1974.

I am returning today without my approval H.R. 7768, 93rd Congress, for the relief of Mr. Nolan Sharp.

The bill would authorize retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962. Under the bill, these payments would have to be offset against certain non-service-connected benefits Mr. Sharp received during that period.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, when he was discharged because of hypochondriasis and anxiety state, severe. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.

Mr. Sharp's claim for service-connected benefits based on multiple sclerosis received several adjudicative reviews and was the subject of appellate consideration on four occasions. On the basis of available evidence, the Veterans Administration was unable to determine direct connection of multiple sclerosis with the veteran's military service as required by law. He was, however, granted non-service-connected disability pension, effective January 16, 1956.



Effective October 1, 1962, the Congress extended the presumption of service connection relating to multiple sclerosis from three years to seven years. The liberalizing statute, however, prohibited any retroactive payments based on the new presumption. Since Mr. Sharp qualified for service-connected benefits under the new statutory presumption, he has been receiving such payments since October 1, 1962.

I have carefully considered the circumstances of this case and can find no reason for approving this legislation to pay Mr. Sharp benefits from an earlier date than the law permits. To make such a special award would seriously discriminate against similarly situation veterans.

Moreover, once the precedent for such special awards is established, it would be difficult to deny awards to other veterans who have been prohibited from receiving retroactive benefits under the 1962 law or similar statutes. The inevitable result would be to undermine the integrity and impartiality essential to the administration of such veterans' benefits.

For these reasons, I am constrained to withhold my approval from H.R. 7768.

THE WHITE HOUSE

October , 1974



## NOLAN SHARP

APRIL 25, 1974.—Committed to the Committee of the Whole House and ordered  
to be printed

Mr. FROEHLICH, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 7768]



The Committee on the Judiciary, to whom was referred the bill (H.R. 7768) for the relief of Nolan Sharp, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 10: Strike "June 5, 1943" and insert January 16, 1956."

Page 2, lines 6 and 7: Strike "June 5, 1943, date of his discharge." and insert "January 16, 1956 to October 1, 1962 reduced by the total of any amounts paid him as nonservice-connected disability pension payments in the same period."

Page 2, after line 10, insert:

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### PURPOSE

The amended bill would authorize retroactive service-connected disability payments to Mr. Nolan Sharp because of multiple sclerosis for the period from January 16, 1956 to October 1, 1962.

#### STATEMENT

Mr. Sharp had honorable Army service from December 1, 1942 to June 5, 1943, at which time he received a certificate of disability discharge as described in the Veterans' Administration report which is set out following this report.

As is outlined in the Veterans' Administration report, subsequent to discharge from service, Mr. Sharp was a professional heavyweight boxer from July 1944 to April 1947. He was then employed as a truck driver until 1952. The Veterans' Administration states that a statement was furnished in 1947 by Dr. Joseph Beber that he first treated Mr. Sharp for bronchitis in December 1944. In 1956, Dr. Beber stated that he treated him for symptoms consistent with lateral sclerosis in 1943 and 1944 and expressed an opinion that such symptoms and findings in 1944 were due to lateral sclerosis. The Veterans' Administration observed that this statement was not based on the doctor's records and was given from memory. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after discharge.

Mr. Sharp filed a claim for compensation or pension in July 1954, at which time he alleged "multiple sclerosis 1943." His claim for service-connection received several adjudicative reviews and was the subject of appellate consideration on four occasions, each resulting in denial of *service-connection* for multiple sclerosis.

#### DISABILITY DETERMINATION BY VETERANS' ADMINISTRATION

Mr. Sharp's claim for non-service-connected disability pension was denied by ratings of Oct. 2, 1952, August 25, 1954, and March 23, 1955, because the evidence did not show him to be permanently and totally disabled. Finally, pension was granted by rating of March 19, 1956, and benefits were paid from January 16, 1956, to October 1, 1962, at which time service-connected compensation was authorized. The bill, as amended by the Committee, would permit an additional payment representing the difference between service connected benefits and non-service connected benefits for this same period.

#### CHANGE IN LAW—OCTOBER 1, 1962

Public Law 87-645, effective October 1, 1962, extended from three to seven years the statutory presumption of service-connection for multiple sclerosis manifesting itself following the date of separation from wartime service. Under this provision, service-connection for multiple sclerosis was granted and payments of disability compensation were made to Mr. Sharp from October 1, 1962. However, that law provided that no payments based on the liberalized presumption would be made for any period prior to October 1, 1962. Thus Mr. Sharp could not be paid service-connection benefits for the disability that had been the subject of Veterans' Administration recognition since 1956.

The Committee has been advised that in the period from January 16 1956 through September 30, 1962, Mr. Nolan Sharp was paid \$11,410.52 as non-service connected disability pension. Under the amended bill he would be entitled to the additional amount he would have received for service-connected disability payments for the same period. The committee has been further advised that had he originally been found to be entitled to service-connected benefits for the period January 16, 1956 through September 30, 1962, he would have been paid \$27,836.06.

This amount, reduced by the pension benefits he actually received for that period would therefore be \$16,425.54. The amended bill would have the effect of authorizing the payment of that reduced figure.

On the basis of the facts referred to above and explained in the Veterans' Administration report, the Committee has determined that this case merits legislative relief as provided in the amended bill.

The Veterans' Administration determined that he was permanently and totally disabled by reason of multiple sclerosis by a rating granted on March 19, 1956. On the basis of this determination, the Veterans' Administration paid him non-service-connected disability benefits from January 16, 1956 to October 1, 1962. After that date, he was paid service-connected benefits for the same disability. The committee has concluded that as an equitable matter, Mr. Sharp was entitled to service-connected disability compensation for the period he was determined to have been totally disabled by the Veterans' Administration. Accordingly, it is recommended that the amended bill be considered favorably.

VETERANS' ADMINISTRATION,  
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,  
Washington, D.C., November 14, 1973.

HON. PETER W. RODINO, JR.,  
Chairman, Committee on the Judiciary, House of Representatives,  
Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on H.R. 7768, 93d Congress, a bill for the relief of Nolan Sharp.

The purpose of the bill is to authorize retroactive service-connected-disability payments to Mr. Nolan Sharp, because of multiple sclerosis for the period from June 5, 1943, to October 1, 1962.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, at which time he received a certificate of disability discharge because of hypochondriasis and anxiety state, severe.

Subsequent to discharge from service, Mr. Sharp was a professional heavy-weight boxer from July 1944 to April 1947. He was then employed as a truck driver until 1952. A statement was furnished in 1947 by Dr. Joseph Beber that he first treated Mr. Sharp for bronchitis in December 1944. The statement contained no mention of any symptoms or findings of a neurological disease. In 1956, Dr. Beber stated that he treated him for symptoms consistent with lateral sclerosis in 1943 and 1944 and expressed an opinion that such symptoms and findings in 1944 were due to lateral sclerosis. This statement, however, was given from memory, and Dr. Beber had no records of such treatment. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after discharge.

Mr. Sharp filed a claim for compensation or pension in July 1954, at which time he alleged "multiple sclerosis 1943." His claim for service-connection received several adjudicative reviews and was the subject of appellate consideration on four occasions, each resulting in denial of service-connection for multiple sclerosis.

Mr. Sharp's claim for non-service-connected disability pension was denied by ratings of October 2, 1952, August 25, 1954, and March 23, 1955, because the evidence did not show him to be permanently and totally disabled. Pension was granted by rating of March 19, 1956, and benefits were paid from January 16, 1956, to October 1, 1962, at which time compensation was authorized.

Public Law 87-645, effective October 1, 1962, extended from 3 to 7 years the statutory presumption of service-connection for multiple sclerosis manifesting itself following the date of separation from wartime service. Under this provision, service-connection for multiple sclerosis was granted and payments of disability compensation were made to Mr. Sharp from October 1, 1962. That law specifically provided that no payments based on the liberalized presumption would be made for any period prior to October 1, 1962.

H.R. 7768 would provide for compensation payments from June 5, 1943, despite the fact that multiple sclerosis was not diagnosed until 1949 and notwithstanding the statutory prohibition of such payments.

No cost estimate can be furnished concerning this bill because the degree of disablement cannot be established for the period from June 5, 1943.

The circumstances of this case have been carefully considered. There is no apparent reason why it should be singled out for special legislative treatment authorizing the payment of benefits from an earlier date than the law permits in this and similar cases. To do so would be discriminatory and precedential. It is not believed that private bills of this nature should receive favorable consideration.

For the foregoing reasons, the Veterans' Administration opposes enactment of H.R. 7768.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD E. JOHNSON,  
*Administrator.*

## NOLAN SHARP

OCTOBER 8, 1974.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 7768]

The Committee on the Judiciary, to which was referred the bill (H.R. 7768) for the relief of Nolan Sharp, having considered the same, reports favorably thereon and recommends that the bill do pass.

#### PURPOSE

The bill would authorize retroactive service-connected disability payments to Mr. Nolan Sharp because of multiple sclerosis for the period from January 16, 1956, to October 1, 1962.

#### STATEMENT

The facts of the case as contained in House Report No. 93-1006 are as follows:

Mr. Sharp had honorable Army service from December 1, 1942 to June 5, 1943, at which time he received a certificate of disability discharge as described in the Veterans' Administration report which is set out following this report.

As is outlined in the Veterans' Administration report, subsequent to discharge from service, Mr. Sharp was a professional heavyweight boxer from July 1944 to April 1947. He was then employed as a truck driver until 1952. The Veterans' Administration states that a statement was furnished in 1947 by Dr. Joseph Beber that he first treated Mr. Sharp for bronchitis in December 1944. In 1956, Dr. Beber stated that he treated him for symptoms consistent with lateral sclerosis in 1943 and 1944 and expressed an opinion that such symptoms and findings in 1944 were due to lateral sclerosis. The Veterans Administration observed that this statement

was not based on the doctor's records and was given from memory. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after discharge.

Mr. Sharp filed a claim for compensation on pension in July 1954, at which time he alleged "multiple sclerosis 1943." His claim for service-connection received several adjudicative reviews and was the subject of appellate consideration on four occasions, each resulting in denial of *service-connection* for multiple sclerosis.

#### DISABILITY DETERMINATION BY VETERANS' ADMINISTRATION

Mr. Sharp's claim for non-service-connected disability pension was denied by ratings of Oct. 2, 1952, August 25, 1954, and March 23, 1955, because the evidence did not show him to be permanently and totally disabled. Finally, pension was granted by rating of March 19, 1956, and benefits were paid from January 16, 1956, to October 1, 1962, at which time service-connected compensation was authorized. The bill, as amended by the Committee, would permit an additional payment representing the difference between service connected benefits and non-service connected benefits for this same period.

#### CHANGE IN LAW—OCTOBER 1, 1962

Public Law 87-645, effective October 1, 1962, extended from three to seven years the statutory presumption of service-connection for multiple sclerosis manifesting itself following the date of separation from wartime service. Under this provision, service-connection for multiple sclerosis was granted and payments of disability compensation were made to Mr. Sharp from October 1, 1962. However, that law provided that no payments based on the liberalized presumption would be made for any period prior to October 1, 1962. Thus Mr. Sharp could not be paid service-connection benefits for the disability that had been the subject of Veterans' Administration recognition since 1956.

The Committee has been advised that in the period from January 16, 1956 through September 30, 1962, Mr. Nolan Sharp was paid \$11,410.52 as non-service connected disability pension. Under the amended bill he would be entitled to the additional amount he would have received for service-connected disability payments for the same period. The committee has been further advised that had he originally been found to be entitled to service-connected benefits for the period January 16, 1956 through September 30, 1962, he would have been paid \$27,836.06. This amount, reduced by the pension benefits he actually received for that period would therefore be \$16,425.54. The amended bill would have the effect of authorizing the payment of that reduced figure.

On the basis of the facts referred to above and explained in the Veterans' Administration report, the Committee has

determined that this case merits legislative relief as provided in the amended bill.

The Veterans' Administration determined that he was permanently and totally disabled by reason of multiple sclerosis by a rating granted on March 19, 1956. On the basis of this determination, the Veterans' Administration paid him non-service-connected disability benefits from January 16, 1956 to October 1, 1962. After that date, he was paid service-connected benefits for the same disability. The committee has concluded that as an equitable matter, Mr. Sharp was entitled to service-connected disability compensation for the period he was determined to have been totally disabled by the Veterans' Administration. Accordingly, it is recommended that the amended bill be considered favorably.

In agreement with the views of the House, the committee recommends the bill favorably.

Attached hereto and made a part hereof is the departmental report.

VETERANS' ADMINISTRATION,  
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,  
*Washington, D.C., November 14, 1973.*

HON. PETER W. RODINO, JR.,  
*Chairman, Committee on the Judiciary, House of Representatives,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on H.R. 7768, 93d Congress, a bill for the relief of Nolan Sharp.

The purpose of the bill is to authorize retroactive service-connected disability payments to Mr. Nolan Sharp, because of multiple sclerosis for the period from June 5, 1943, to October 1, 1962.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, at which time he received a certificate of disability discharge because of hypochondriasis and anxiety state, severe.

Subsequent to discharge from service, Mr. Sharp was a professional heavy-weight boxer from July 1944 to April 1947. He was then employed as a truck driver until 1952. A statement was furnished in 1947 by Dr. Joseph Beber that he first treated Mr. Sharp for bronchitis in December 1944. The statement contained no mention of any symptoms or findings of a neurological disease. In 1956, Dr. Beber stated that he treated him for symptoms consistent with lateral sclerosis in 1943 and 1944 and expressed an opinion that such symptoms and findings in 1944 were due to lateral sclerosis. This statement, however, was given from memory, and Dr. Beber had no records of such treatment. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after discharge.

Mr. Sharp filed a claim for compensation or pension in July 1954, at which time he alleged "multiple sclerosis 1943." His claim for service-connection received several adjudicative reviews and was the subject of appellate consideration on four occasions, each resulting in denial of service-connection for multiple sclerosis.

Mr. Sharp's claim for non-service-connected disability pension was denied by ratings of October 2, 1952, August 25, 1954, and March 23, 1955, because the evidence did not show him to be permanently and totally disabled. Pension was granted by rating of March 19, 1956, and benefits were paid from January 16, 1956, to October 1, 1962, at which time compensation was authorized.

Public Law 87-645, effective October 1, 1962, extended from 3 to 7 years the statutory presumption of service-connection for multiple sclerosis manifesting itself following the date of separation from war-time service. Under this provision, service-connection for multiple sclerosis was granted and payments of disability compensation were made to Mr. Sharp from October 1, 1962. That law specifically provided that no payments based on the liberalized presumption would be made for any period prior to October 1, 1962.

H.R. 7768 would provide for compensation payments from June 5, 1943, despite the fact that multiple sclerosis was not diagnosed until 1949 and notwithstanding the statutory prohibition of such payments.

No cost estimate can be furnished concerning this bill because the degree of disablement cannot be established for the period from June 5, 1943.

The circumstances of this case have been carefully considered. There is no apparent reason why it should be singled out for special legislative treatment authorizing the payment of benefits from an earlier date than the law permits in this and similar cases. To do so would be discriminatory and precedential. It is not believed that private bills of this nature should receive favorable consideration.

For the foregoing reasons, the Veterans' Administration opposes enactment of H.R. 7768.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD E. JOHNSON,  
*Administrator.*

○

# Ninety-third Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

### An Act

For the relief of Nolan Sharp.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nolan Sharp the amount certified by the Administrator of Veterans' Affairs as provided in section 2 of this Act in full settlement of the claims of the said Nolan Sharp (Veterans' Administration claim number C3 281 237) for retroactive service-connected disability payments for multiple sclerosis in the period from January 16, 1956 to October 1, 1962.

SEC. 2. The Administrator of Veterans' Affairs is authorized and directed to determine the amount of disability payments that the said Nolan Sharp would have been entitled to for a service-connected disability for multiple sclerosis had the Veterans' Administration recognized that disability and paid benefits in the period after January 16, 1956 to October 1, 1962 reduced by the total of any amounts paid him as non-service-connected disability pension payments in the same period.

The Administrator of Veterans' Affairs shall certify the amount so determined to the Secretary of the Treasury for payment as provided in section 1 of this Act.

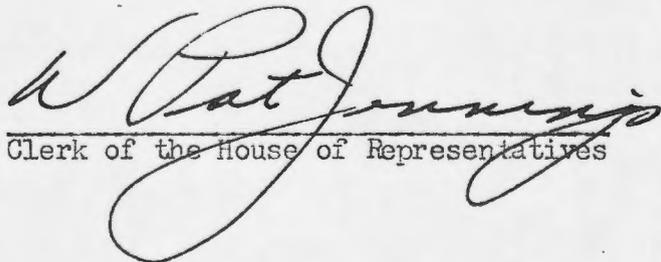
SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

October 29, 1974

Received from the White House a sealed envelope  
said to contain H. R. 7768, An Act for the relief of  
Nolan Sharp, and a veto message thereon.

  
Clerk of the House of Representatives

5:25 P.M.  
Time received



TO THE HOUSE OF REPRESENTATIVES:

I am withholding my approval of H.R. 7768, a bill for the relief of Mr. Nolan Sharp. I am advised by the Attorney General and I have determined that the absence of my signature from this bill prevents it becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by the Congress to receive messages at this time.

H.R. 7768 would authorize retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962. Under the bill, these payments would have to be offset against certain non-service-connected benefits Mr. Sharp received during the same period.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, when he was discharged because of severe hypochondriasis and anxiety state. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after his discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.

Mr. Sharp's claim for service-connected benefits based on multiple sclerosis received several adjudicative reviews and was the subject of appellate consideration on four occasions. On the basis of available evidence, the Veterans Administration was unable to determine direct connection of multiple sclerosis with the veteran's military service as required by law. He was, however, granted non-service-connected disability pension, effective January 16, 1956.



*Delivered to Clerk of House: 10/29/74 (5:25pm)*

*(Stencilled)*

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28M*

Effective October 1, 1962, the Congress extended the presumption of service connection for multiple sclerosis from three to seven years. The liberalizing statute, however, prohibited any retroactive payments based on the new presumption. Since Mr. Sharp qualified for service-connected benefits under the new statutory presumption, he has been receiving such payments since October 1, 1962.

Having carefully considered the circumstances of this case, I am unable to find sufficient reasons for approving this legislation to pay Mr. Sharp's benefits from an earlier date than the law permits. To make such a special award would seriously discriminate against similarly situated veterans.

Moreover, once the precedent for such special awards is established, it would be difficult to deny awards to other veterans who have been prohibited from receiving retroactive benefits under the 1962 law or similar statutes. The inevitable result would be to undermine the integrity and impartiality essential to the administration of such veterans' benefits.

For these reasons, I am constrained to withhold my approval from H.R. 7768.

*Gerald R. Ford*



THE WHITE HOUSE,

October 29, 1974.

October 29, 1974

## Office of the White House Press Secretary

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THE WHITE HOUSE

TO THE HOUSE OF REPRESENTATIVES:

I am withholding my approval of H.R. 7768, a bill for the relief of Mr. Nolan Sharp. I am advised by the Attorney General and I have determined that the absence of my signature from this bill prevents it becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by the Congress to receive messages at this time.

H.R. 7768 would authorize retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962. Under the bill, these payments would have to be offset against certain non-service-connected benefits Mr. Sharp received during the same period.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, when he was discharged because of severe hypochondriasis and anxiety state. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after his discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.

Mr. Sharp's claim for service-connected benefits based on multiple sclerosis received several adjudicative reviews and was the subject of appellate consideration on four occasions. On the basis of available evidence, the Veterans Administration was unable to determine direct connection of multiple sclerosis with the veteran's military service as required by law. He was, however, granted non-service-connected disability pension, effective January 16, 1956.

Effective October 1, 1962, the Congress extended the presumption of service connection for multiple sclerosis from three to seven years. The liberalizing statute, however, prohibited any retroactive payments based on the new presumption. Since Mr. Sharp qualified for service-connected benefits under the new statutory presumption, he has been receiving such payments since October 1, 1962.

Having carefully considered the circumstances of this case, I am unable to find sufficient reasons for approving this legislation to pay Mr. Sharp's benefits from an earlier date than the law permits. To make such a special award would seriously discriminate against similarly situated veterans.

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Moreover, once the precedent for such special awards is established, it would be difficult to deny awards to other veterans who have been prohibited from receiving retroactive benefits under the 1962 law or similar statutes. The inevitable result would be to undermine the integrity and impartiality essential to the administration of such veterans' benefits.

For these reasons, I am constrained to withhold my approval from H.R. 7768.

GERALD R. FORD

THE WHITE HOUSE,  
October 29, 1974

# # # #



October 17, 1974

Dear Mr. Director:

The following bills were received at the White House on October 17th:

S.J. Res. 236 ✓	S. 2840 ✓	H.R. 7768 ✓	H.R. 14225 ✓
S.J. Res. 250 ✓	S. 3007 ✓	H.R. 7780 ✓	H.R. 14597 ✓
S.J. Res. 251 ✓	S. 3234 ✓	H.R. 11221 ✓	H.R. 15148 ✓
S. 355 ✓	S. 3473 ✓	H.R. 11251 ✓	H.R. 15427 ✓
S. 605 ✓	S. 3698 ✓	H.R. 11452 ✓	H.R. 15540 ✓
S. 628 ✓	S. 3792 ✓	H.R. 11830 ✓	H.R. 15643 ✓
S. 1411 ✓	S. 3838 ✓	H.R. 12035 ✓	H.R. 16857 ✓
S. 1412 ✓	S. 3979 ✓	H.R. 12281 ✓	H.R. 17027 ✓
S. 1769 ✓	H.R. 6624 ✓	H.R. 13561 ✓	
S. 2348 ✓	H.R. 6642 ✓	H.R. 13631 ✓	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.