

MILTON MARION FENNER.

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JANUARY 3, 1923.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. KRAUS, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 1887.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 1887) for the relief of Milton M. Fenner, having had the same under consideration, report it to the House with the recommendation that the bill do pass.

The purpose of this legislation is to authorize the retirement of Milton Marion Fenner in the grade of ensign on account of physical disability incurred in line of duty while a midshipman at the United States Naval Academy.

Fenner entered the Naval Academy in 1907. In the winter of 1909-10 he suffered a severe attack of typhoid fever, incurred in the line of duty. While convalescing from this fever at the naval hospital, Annapolis, he contracted pneumonia, followed by phlebitis, which left him with varicose veins on the lower abdomen and thigh. These varicose veins are of so distressing and extended a character as to disqualify him for the service and incapacitate him for any serious physical exertion. At the hearing on this bill the question was raised as to whether during his illness Fenner had received proper care at the hospital, and the statement was made that varicose veins do not usually follow the phlebitis except in cases of neglect.

Facts of the case are reviewed in a memorandum of the Surgeon General of the Navy as follows:

MAY 15, 1920.

Memorandum: In relation to case of Fenner, Milton Marion, commissioned officer, United States Naval Reserve Force (inactive).

It appears that this officer entered the Naval Academy in 1907. In the winter of 1909-10 he had a severe case of typhoid fever, incurred in the line of duty, and as a result of this developed varicose veins on the lower abdomen and thigh, which disqualified him for the service. The records of the bureau indicate under date of January 6, 1912, that the Bureau of Navigation was informed by fifth indorsement—“by direction of the President, it is recommended that the disability in the case of Midshipman Fenner be waived to the extent of permitting him to take the two years' cruise (past midshipman cruise), it being believed that this may be done without material physical detriment to him with the understanding that the Government incurred no obligation whatever in the matter of subsequent commissioning, pension, or retirement and that the findings of a future medical board when properly approved will be final in his case.”