

ÉIRE.

PROCEDURE FOLLOWED IN RELATION TO ADJUDICATION OF CLAIMS FOR MILITARY SERVICE CERTIFICATES UNDER MILITARY SERVICE PENSIONS ACT, 1934.

1. Applications referred from the Department of Defence were given a number and sorted into Battalion Sub-Units of Brigades.
2. The files in a particular Brigade Area were referred to the Referee and Advisory Committee for examination.
3. The four members of the Advisory Committee worked on different Brigade applications examining the application forms, statements in support and references to ascertain if the service claimed came within reasonable range of the standard previously agreed upon by the Referee and Committee as a qualifying standard.
4. If the service claimed came within range of qualifying service, the application was marked "Call" and referred to the Secretary to have the applicant called to give evidence.
5. If the service claimed in the application form with supporting statements and references fell short of qualifying standard, the file was marked "Issue 28 days' notice to Brigade Committee," indicating that the Brigade Committee would receive 28 days' notice of intention to declare that the applicant had not qualifying service.
6. As all four members of the Advisory Committee worked in the same room, cases of doubt were the subject of combined consideration. If a unanimous decision was not reached the claim was held for verification by Brigade Committee.
7. (a) In the cases marked "Call" the Secretary to the Referee requested the attendance of the applicant at a named hour and date to give evidence. (b) Apart from the foregoing all applicants who requested to be called to give evidence were so called.
8. When the applicant attended before the Referee, he was sworn and directed to the Interviewing Officers (one I.R.A. man and one Civil Servant) by whom he was examined from his form in relation to his claim and on the service claimed on his behalf in such references as were furnished.
9. Up to 1941 the questions and answers were taken down verbatim. Subsequent to 1941 a summary of the service was typed and read out to the applicant who signified his concurrence before he left the building.
10. The files with the transcript of evidence and statements in support attached were again referred to the Referee and Advisory Committee for further examination.
11. On the further examination of these files the Committee worked in pairs (one I.R.A. man and one Civil Servant). One

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officer examined the files in a bundle from beginning to end. If the sworn evidence came up to or near qualifying standard, he marked the file "Call Verifying Officers." If it did not, he stamped the file "Act does not apply."

12. The whole bundle so marked was given to his colleague who went through them similarly. If he agreed he signified his concurrence by his signature. If he disagreed the claim became the subject of discussion and in most cases all four members of the Committee took part in the discussion. If there was not unanimity, the claim was marked "Hold for Verifying Officers."

13. In regard to the claims mentioned in No. 5 as being marked "Issue 28 days' notice to Brigade Committee," these were referred to the Secretary to the Referee who notified the Brigade Committee of the intention to reject.

14. If the Brigade Committee on receipt of this notice asked the Referee to hold certain cases for verification, they were so held.

15. If no representations were made by the Brigade Committee, the file was marked "Act does not apply" and signed by the two members of the Committee.

16. The signed file was then passed to the Referee, who, if he agreed, confirmed this opinion and passed it on to the Secretary to the Referee for the issue of the statutory twenty-one days' notice.

17. This disposed of all first decisions by the following categories:

- (1) Claims in which the evidence disclosed *prima facie* entitlement, which were held for verification.
- (2) Claims notified to Brigade Committees as non-qualifying in which no representations were made and in which twenty-one days' notices of intention to reject were issued.

18. The claims falling into 17 (1) were listed for hearing by the Referee on a day or days suitable to the Verifying Officers.

19. No specific time was allotted to each case but the Referee and Committee worked through the list of cases set down for decision.

20. In the early months of the operation of the Act the Referee sat with the Committee after which the Committee alone as a whole heard evidence, considered its decision and referred the recommendation with all papers to the Referee. During 1940 and 1941 the Referee sat with the Committee to hear evidence in the majority of cases. The case was called and the particular Verifying Officer gave evidence. The general service of a claimant (e.g. dispatches, roads, bridges, raids for arms, burning empty barracks, etc.) was not questioned, the applicant's evidence being accepted, but particular attention was paid to actual fighting service, i.e., part taken in barracks attacks, ambushes, attacks on R.I.C., Black and Tans, etc., and in cases of key service, i.e., Battalion or Higher Unit orderlies and dispatch riders, guards for Column, making of munitions, care of prisoners, care of arms, intelligence service, etc.

21. Notes of the evidence given by the Verifying Officer were taken. Each member took separate notes, those of three members being made in Note Books and the notes of the fourth on file.

These notes are in existence.

22. After the summer of 1941 and until 1943 the procedure was identical save that, instead of all four members with the Referee hearing the cases, two members of the Committee

carried out the same procedure. Two sessions for verification could then be heard at the same time, the Referee attending at either as he felt disposed. For some time in 1941 and 1942 the Referee was not present at verification sessions but the reports of the two members of the Committee were passed to him for his confirmation.

23. On the completion of the Sessions the four members (and, subsequent to 1941, the two members) adjudicated upon the cases consulting all the papers on the file, their own notes and the records of activities showing names of parties participating; reaching a decision; signing the appropriate form and passing to the Referee for confirmation.

24. The Referee, having confirmed the decision, passed the file to his Secretary who had the appropriate notice issued to the applicant indicating whether the decision was qualifying or non-qualifying and, if qualifying, the precise service awarded according to periods.

25. The foregoing indicates the manner in which first decisions were made. These decisions fall into the following classes:

- (a) non-qualifying notices of applicants not called for hearing where the papers revealed that the service did not reach the qualifying standard.
- (b) non-qualifying reports of applicants called for hearing where the service claimed did not reach the qualifying standard.
- (c) non-qualifying reports of applicants called for hearing or not called for hearing where the Verifying Officers had given evidence of service which was not of a standard sufficient to qualify.
- (d) qualifying reports.

26. Appeals against first decisions were made in between forty and fifty per cent. of the cases determined.

Appeals on
Twenty-one
Days' Notice

27. These appeals, with supporting documents, were attached to the respective files and again referred by Brigades to the Referee and Advisory Committee for examination.

28. As in the original examination the Advisory Committee worked in pairs (I.R.A. man and Civil Servant). Each officer examined the additional evidence marking the file as he considered warranted according to whether the evidence was new or additional or otherwise.

29. If it were new or additional evidence he marked the file "Hold for verification." If there was nothing new in the appeal, he marked the file "No change."

30. When completed, these were passed to his colleague who, if he agreed, signed the files accordingly.

31. In the event of disagreement, the two officers consulted and when all four worked in the same room all were brought into the discussion. After 1941, when the pairs were working separately, each pair sought the views of the other pair on any matter of disagreement.

32. The appeals, therefore, now fell into either of two categories:—

- (a) cases requiring further verification;
- (b) cases in which no change was recommended.

33. In the cases requiring further verification, a further verifying session was held at which officers from the Brigade Committees attended and gave evidence as in the original

application, each material point of service being discussed fully (e.g., position in ambush or attack, how armed, extent of other services, etc.).

34. These particulars were, as stated, recorded in the respective notebooks and on the file. The claims were again discussed in full, decisions reached, documents signed and passed to the Referee for his confirmation or otherwise. The procedure then followed was that, if the Referee agreed, the Secretary to the Referee was instructed to prepare reports to be forwarded to the Minister.

35. Where no change on appeal was proposed, a notification was sent to the Brigade Committee indicating that it was proposed, at the expiration of fourteen days, to report to the Minister that the cases were non-qualifying and that, if the Brigade Committee so requested, it was the intention of the Referee to hold these cases for further verification. Some Brigades acted very reasonably in this regard suggesting for further verification only such cases as might come within reasonable range of qualifying standard. Others asked to have the whole or a high proportion of the list held for verification. The Referee did not hold these latter cases for verification but a large number of cases were held for further verification where the Referee felt that the Brigade Committees were endeavouring to facilitate him in carrying out his duties.

36. Where no representations were made, the cases were reported to the Minister as non-qualifying.

37. Broadly speaking, therefore, the position was that in every case dealt with by the Referee and Advisory Committee the following procedure was adopted:—

- (1) Twenty-eight days' notice of intention to reject was issued to Brigade Committee.
- (2) Where no representations were made by the Brigade Committee the statutory notice giving the applicant twenty-one days' notice to appeal was issued.
- (3) Notice of all decisions giving the applicant twenty-one days' in which to make representations was issued.
- (4) In the claims referred to in Paragraph 35 fourteen days' notice of intention to reject was given in the early stages to all Brigade Committees and, at a later stage, to Brigade Committees where the Referee considered that the Committees had acted in accordance with the spirit of his intention.
- (5) If no representations were made, the cases were reported to the Minister.
- (6) The applicant was called to give evidence where the claim or any papers on the claim gave any indication that the service was likely to come within reasonable range of the qualifying standard.
- (7) Verifying Officers were called to give evidence in all cases where the Committee considered that the service as claimed came within reasonable range of the qualifying standard.
- (8) Every case was dealt with on its merits according to the information before the Committee.
- (9) No case was the subject of a report to the Minister that had not been signed beforehand by, at least, two officers of the Advisory Committee and the Referee.