



1

Tagairt... 6/8/36/22.

Files 1/D/365 and D.P. 3573 received from F.3 (8/36) - 1.A.  
— ... — returned to P.B. (Pensions) with  
Board's reports, 23<sup>rd</sup> 36.

2

Copy of D. of D. correspondence ——— 2.A.

3

A. F. 440 ————— 3.A.

Military Service  
Pensions Collection

For re-consideration under A.P. Act 1923 No. 2.

J. A.

A.F. 40

DEPARTMENT OF DEFENCE.

REPORT ON A CLAIM FOR AN ALLOWANCE OR GRATUITY.

Ref. No. 1/D/365

Ref. No. 6/SPB/22.

To the Army Pensions Board.

To the Minister for Defence.

I am directed by the Minister for Defence to transmit the accompanying claim for investigation and report in accordance with Section 7 of the Army Pensions Act, 1927, and the Regulations made thereunder. The report should take the form of replies to the questions set out herewith.

The following members of the Army Pensions Board attended:—

- Mr Michael Murray
- Mr J. O'Hagan
- Capt. H. Warden

The report of the Board on application for allowance or gratuity in respect of the death of

(a) J. O'Hagan  
 Date 8th October 1936  
 Claim of Miss Nora Flynn  
 Gortalea  
 Tralee  
 Co. Kerry

John Flynn

in respect of the death of

her brother  
 John Flynn

Date 10th July 1921

is as follows:—

(Where the findings of the Board are not unanimous, separate reports signed by the individual members of the Board should be furnished).

Signed M. Mac Buidé  
Chairman of the Board.

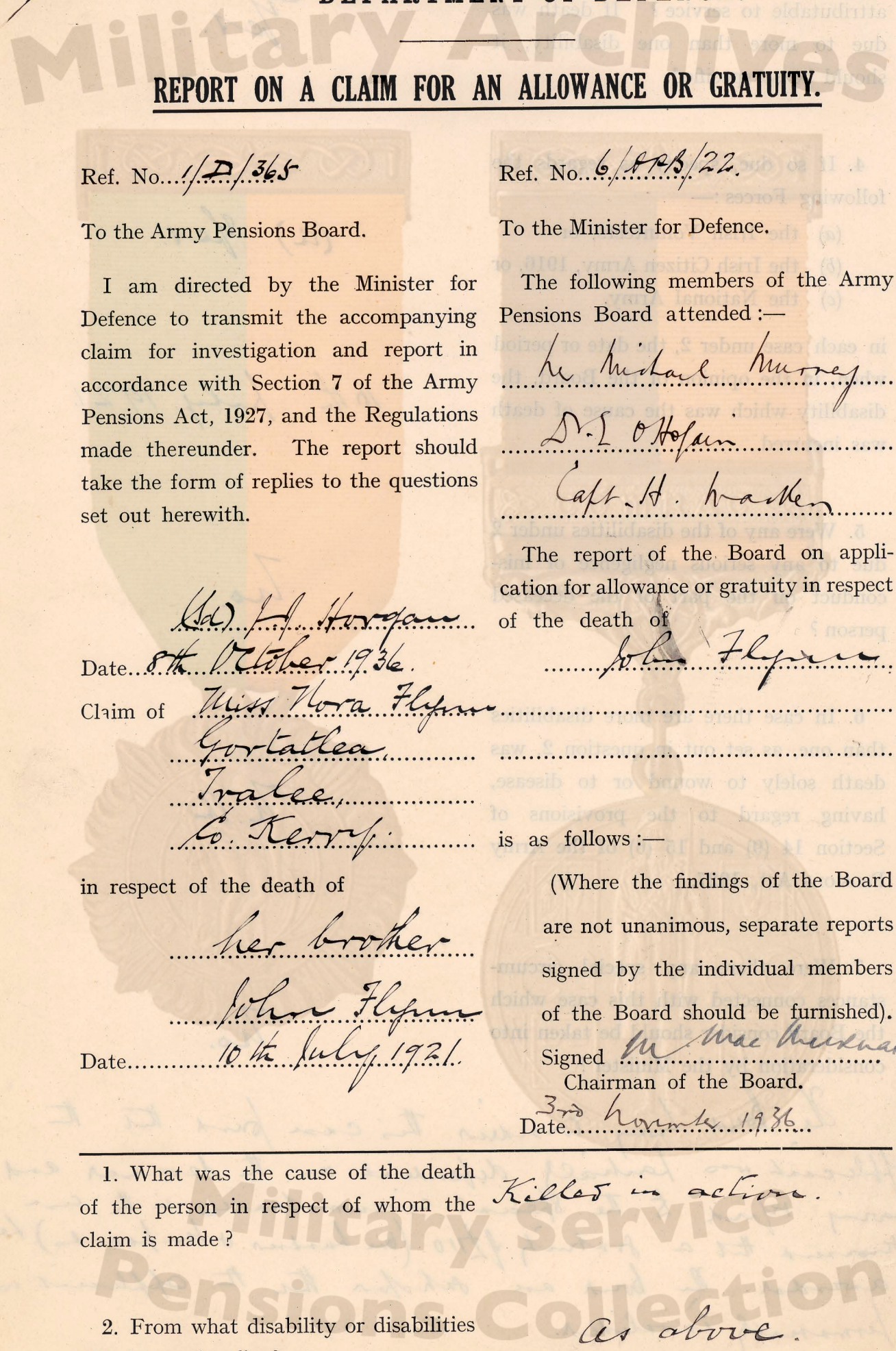
Date 3rd Nov 1936

1. What was the cause of the death of the person in respect of whom the claim is made?

Killed in action.

2. From what disability or disabilities did deceased suffer?

As above.



3. Was death due solely to such disability or disabilities, and was such attributable to service? If death was due to more than one disability, it should be so specified.

Yes.

4. If so due, specify as regards the following Forces:—

- (a) the Irish Volunteers, or
- (b) the Irish Citizen Army, 1916, or
- (c) the National Army.

(a) Yes.

in each case under 2, the date or period when, in the opinion of the Board, the disability which was the cause of death was incurred.

10th July 1921.

5. Were any of the disabilities under 2 due to any serious negligence or misconduct on the part of the deceased person?

No.

6. In case there are more disabilities than one, as set out in question 2, was death solely to wound or to disease, having regard to the provisions of Section 14 (9) and 15 (6) of the Army Pensions Act, 1927.

N.A.

7. Were there any special circumstances connected with this case which the Board consider should be taken into consideration by the Minister?

No.

The Board having considered this case found that the applicant was partially dependent on the deceased and having regard to the special circumstances in the case awarded the a gratuity of £110 (one hundred & ten pounds) to be awarded. The Board are satisfied that the applicant is permanently invalid.

Tagairt 52/APB/428.

# Military Archives

Mr. Horgan.

Miss Nora Flynn claimed on form A.P. 52 in respect of the death of her brother John, but while the claim was under investigation it was discovered that deceased's mother had previously been awarded a gratuity of £40 under the 1923 Act. Accordingly, as it has been the policy not to grant awards under the 1932 Act to dependents in cases where other dependents had received gratuities under the 1923 and 1927 Acts. Miss Flynn was informed that no further award could be made.

- 1. Representations were subsequently made on applicant's behalf and the case was again referred to the A.P. Board, who recommended the award of £72.10. 0. under Section 12 of the 1932 Act. (The position, however, seems to be - having regard to the decision in the Ward case - that the claim of Mrs. Flynn) "A" under the 1923 Act enures for the present applicant.)

Submitted, in the circumstances, that we again inform Miss Flynn that no further award can be made to her.

Signed. P. O Murchadha. 16.6.1936.

(Memo ; also inform T.D.  
P. o M - 16.6.36. )

Secretary.

- 3. The case was wrongly, I think, referred to the A.P.B. under the 1932 Act, because as recently advised the claim simply enures for the benefit of other persons mentioned in the Schedule under the 1923 Act. The only question to be decided, therefore, is whether we should continue our rejection of the claim for an increased gratuity or whether we should ask the A.P.B. to reconsider it under the 1923 Act.

Signed. J. O'Connell. 17.6.

A.F. O.

- 2. We dealt with this claim on as proper to the 1932 Act, but it appears from the legal opinion referred to at "A" that it is fact simply a continuation of the mother's claim under the 1923 Act. We must treat, therefore, as simply an appeal for a further grant under the Act (the maximum being £100). We have all along followed the procedure, however, of refusing further consideration of these old cases, and in only a few instances have we re-opened them and made increased awards. In this case we did as a matter of fact in Dec. 1934, refuse further consideration, but gave away in deference to the representations of Deputy McEllistram. I suggest we should refuse to make any further award.

Signed. J. J. H. 16.6.36.

A.F.O. In all the circumstances the case should be considered by the 1923 Act.

Signed. ? *Cham.* 22.6.36.