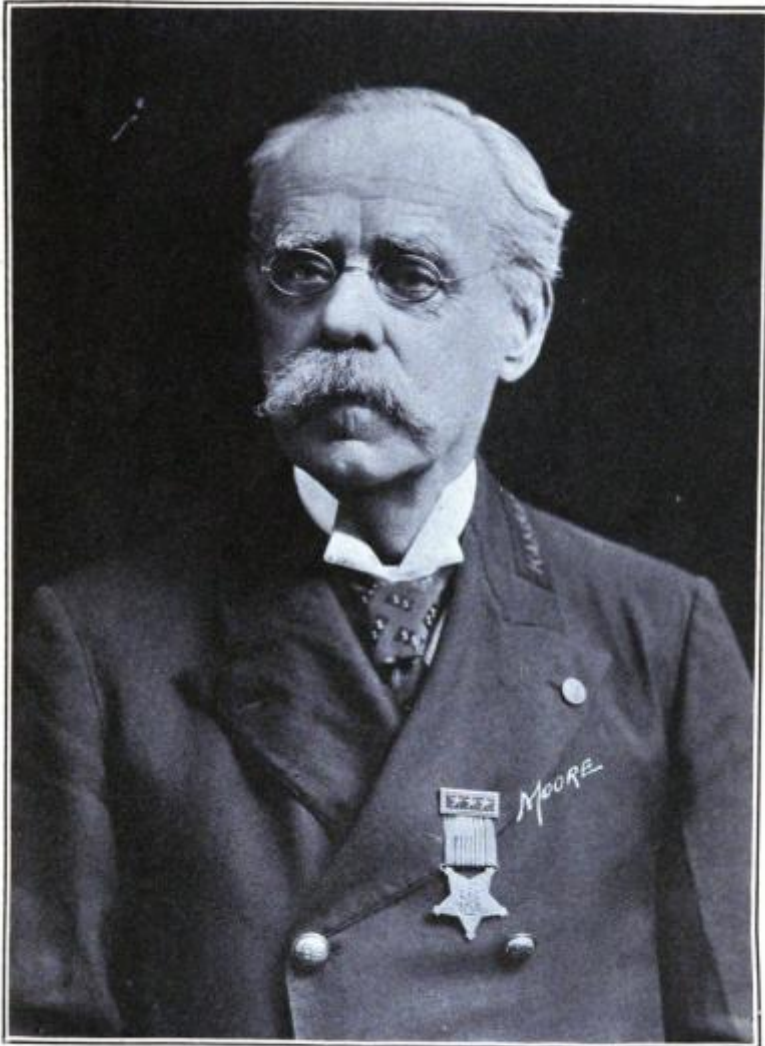


William H. Wormstead 1916



WILLIAM H. WORMSTEAD,
Senior Vice Commander in Chief.

Note: William Wormstead was elected commander of the Department of Missouri in May 1916. In 1916, the National Encampment was held in Kansas City and Wormstead was elected Senior Vice Commander of the National G.A.R. He resigned 18 Sep 1916 to perform the duties of that job and Alex McCandless, SVC – MO, took his place. Since he did not serve out his term, even though ascending to higher office, Wormstead is not given past department commander honors for his service in Missouri.

William Haskell Wormstead was born 4 Jul 1844 in Marblehead, MA. According to the records, Wormstead was a private in Co. C, 32nd Massachusetts Infantry. He was a member of the Gen. George H. Thomas Post No. 8 in Kansas City. He lived at 1009 Prospect Ave in Kansas City in 1866 and at the time was a member of the First Congregational Church there.

He married Harriet Gilbert Manning (1834-1918) and had two children Mary and Samuel, who both only survived him by one year. He returned to the eastern seaboard apparently around the

time of his service at National G.A.R. headquarters and attended the 1938 Gettysburg Reunion. He died shortly thereafter on 16 Aug 1938 at Marblehead, MA and is buried at Waterside Cemetery there (Lot 313).

From the Pension files of Edward Varney (b. 1843) a letter from fellow soldier William H Wormstead originally from Marblehead, Massachusetts reads:

" Kansas City Oct. 28th 1889

Sir _

I was with E. D. Varney of Co. C. 32nd Mass Regiment when, on the 3rd day of June, 1864 [fighting at Bethesda Church near Petersburg] he received his wound. We were behind a light breastwork of rails, earth. I heard the bullet strike the rails and saw the splinters from the same with dust as Varney fell and was in great pain. I asked him where he was wounded and he told me he was helpless and I took him as far to the rear as I was allowed to go, giving him into charge of the ambulance corp. I did not see the wound.

Respectfully

William H Wormstead

1009, Prospect Ave.

Kansas City, Mo."

From William H. Wormstead's Personal Pension Files

DISABILITY—PERMANENT AND SPECIFIC—RATLNG.

WILLIAM H. WORMSTEAD.

The evidence shows that the claimant was totally and permanently disabled in his left hand by a gunshot wound at the date of his medical examination, August 14, 1865, and continuously since, and he is entitled to the specific ratings provided by law.

Assistant Secretary M. W. Miller to the Commissioner of Pensions,

September 30, 1903.



William H. Wormstead, formerly a private in Company C, Thirty second Massachusetts Volunteer Infantry, was a pensioner under the general law at the rate of \$8 per month from May 18, 1865, for gunshot wound of the left hand, which was increased to \$14 from October 11, 1873, and to \$16 from May 9, 1880; to \$17 from November 28, 1888, and to \$14 per month from December 4, 1889, for the same disability.

On November 19, 1897, the claimant filed his application for an increase and rerating of his pension, alleging that the gunshot wound in his left hand had practically destroyed its usefulness, which he believed entitled him to a rate of \$30 per month, and that the rate of pension originally allowed him was too low and not commensurate with the extent of his disability.

This application was rejected April 21, 1899, on the ground that a rerating was not warranted from a medical standpoint.

From this action the claimant, through his attorneys, appealed May 4, 1899.

Upon the appeal the claimant's application for an increase, filed May 11, 1889, was reviewed by the Department, when the action of the Bureau was reversed by departmental decision under date of July 31, 1901, and a rate of \$24 per month was allowed the claimant to date from his medical examination of December 4, 1889. The Department holding that inasmuch as it had been demonstrated that the hand in question was of no practical benefit, save that of a paper weight, the claimant was entitled to the rating provided by law for a disability equivalent to that of the loss of a hand.

On November 25, 1901, the claimant filed his application for an increase and rerating of his pension, alleging that he believed himself entitled to \$18 per month from June 4, 1872, \$24 per month from March 3, 1883, and \$30 per month from the date of the passage of the act of August 4, 1886, providing for the total disability of one hand.

This application was rejected February 20, 1902, on the ground that the rates allowed were fully commensurate with the degree of his disability from the causes for which he was pensioned—gunshot wound of the left hand—as shown by the certificates of medical examinations and other evidence on file at the dates of adjudication.

From this action the claimant, through his attorneys, appealed March 26, 1902, contending that he did not have any more use of his hand in June, 1885, than on December 4, 1889, when he was allowed a rating of \$24 per month for the same, and that he was entitled to \$30 per month from the passage of the act of August 4, 1886, as alleged.

Upon a consideration of this appeal the Department held, by its decision under date of July 31, 1903, that nothing was presented in the present appeal that was not presented in the former and considered by the Department when the former decision was rendered; that the contentions the claimant then made were before the Department when it held that title to third-grade pension was not shown until December 4, 1889, and that a higher rate had not been warranted since the date of that certificate of examination, and the action of the Bureau was thereupon affirmed.

On September 12, 1903, the claimant, through his attorneys, filed a motion for a reconsideration. The case is therefore before the Department for a reconsideration.

The claimant is doubtless correct, as a matter of fact, in his contention that there was no more power in his left hand for the purposes of manual labor in June, 1885, than there was on December 4, 1889, from which latter date he was allowed \$24 per month. The wound to the hand was one that was not progressive in its nature. It was evidently just as disabling from the time of its incurrence and the removal of the middle fingers and the healing as at any time thereafter. This thought is borne out by the surgeon's certificate of disability upon which he was discharged, dated January 18, 1865, solely on account of the wound in question, in which it is stated that he was found to be incapable of performing the duties of a soldier because of the total loss of the use of his left hand, the result of a gunshot wound; also, by his first medical examination, made August 14, 1865, in which appears the following:

Totally disabled. Ball passed through left hand from palm to back, between metacarpal bones of middle and ring fingers near their anterior extremity. Both these bones shattered or splintered; gangrene occurred in July, a large portion sloughing. In October, ring and middle fingers removed; also portions of metacarpal bones..

Now index and little fingers are atrophied and stiff, especially the index. No power to grasp; can scarcely bring thumb and finger together. Thumb normal; palm of hand sensitive in vicinity of wound; should think he might have some use of the member by and by.

Again, on August 16, 1856, under an application for an increase, the following was reported:

Ring and middle fingers, with portion of three metacarpal bones, removed. Hand and remaining fingers exceedingly atrophied, unable to close finger on palm; can just bring thumb and index finger together. Palm of hand morbidly sensitive near wound. Attempt to clasp object nearly futile. If persisted in, hand swells and becomes lame and painful. Can see no prospect of any important improvement. Should consider the disability equivalent to loss of hand.

The act of March 3, 1883, provides that where the claimant has lost one hand or one foot, or been totally or permanently disabled in the same, he shall receive a pension of \$24 per month. The Department very properly held in this case, July 31, 1901, from the medical certificates of December 4 and March 8, 1899, that "the hand in question was of no practical benefit to the claimant save that of a paper weight, and in its present condition and shape was of no adornment to the person, and that it could not be discovered that it was of any use whatever for the purposes of manual labor; that a proper arrangement of a fork or spoon might be attached to the thumb, and such might be true of a number of small articles with which claimant might aid himself in a very limited way; but if the same care were bestowed upon the stump of the wrist, were the entire hand amputated, the same ends might be accomplished. The advantages now possessed by the claimant over those which would be present if his hand were amputated, from a standpoint of value for labor, or of practical use, are so slight and trifling as to be hardly worth mentioning."

The Department having held in effect, and it is believed correctly so, that the claimant was totally and permanently disabled in his left hand, he would therefore be entitled to the specific

ratings provided by law and a rerating in compliance therewith, because it is very reasonable to presume from the nature of the wound and the condition of the claimant's hand that the same disability has continued to exist since his discharge to the present time. Probably no change has taken place. The hand has certainly not grown more feeble and disabling. It would naturally, if it were possible, adapt itself to circumstances, and by constant use become somewhat useful; but the condition and shape it is in is such that it could not possibly become of any practical use whatever for manual labor or otherwise, except, perhaps, as is stated in the medical certificate of July 20, 1898, only as a paper weight, and it is stated in the medical certificate of December 4,, 1889, that the two remaining fingers could not be flexed upon the hand more than one-fourth from a straight line. The left carpus was enlarged but not ankylosed, which was equal to the loss of all the fingers and palm. The ankylosed fingers were of little use, if not in the way. In the certificate of March 8, 1899, it is stated that the central part of the palm of the hand had been removed, leaving a part on each side, so that it did not appear like a palm and could not be used to hold anything.

While the medical reports made prior to the one under date of December 4, 1889, do not go into details and are not so expressive as said report, they practically describe the same disability, except, perhaps, the one bearing date of August 12, 1885, which is as follows:

Gunshot wound of left hand: The second and third fingers are absent. Some impairment of motion of the index and fourth fingers. The thumb is thoroughly useful. The hand is not totally disabled, hence the disability is not equal to the loss of a hand.

The thumb may not be impaired, but it certainly can not be of any use when the two remaining fingers are in such a condition that it has nothing to be useful with. This report suggests the thought that the examining board was desirous of making short work of the case and getting rid of it as soon as possible.

As the claimant's left hand is totally and permanently disabled by the gunshot wound, this is not a claim for some other physical disability which would be equivalent to the loss of a hand or foot, but is for a total disability of the hand, and therefore comes within the act of August 4, 1886, wherein it is provided that when the claimant shall have lost one hand or one foot, or been totally disabled in the same, he shall receive a pension of \$30 per month. It will be noticed that the same provision is made in the act of June 4, 1872, when a rating of \$18 per month was provided, and also the act of March 3, 1883. The same language is used in both these acts as in the act of August 4, 1886, except the words "or permanently" are added, and in these acts a further provision is made where the claimant is otherwise disabled; that is, disabled by some other disability than the loss of one hand or one foot, so as to render him incapacitated for the performance of manual labor to such a degree that such disability would be equivalent to the loss of a hand or foot. It will be observed that there are four separate and distinct disabilities enumerated for which a claimant may be pensioned under the provisions of these two acts, viz, for the loss of a hand, for the loss of a foot, for the total or permanent disability of either a hand or foot, and for any other disability that would incapacitate him for the performance of manual labor to such an extent as to be equivalent to the loss of a hand or foot.

This is a claim for the total or the permanent disability of the hand, and not for some other disability that would be considered equivalent to the loss of a hand or foot. In other words, it is not a claim for an equivalent disability—a disability that is equivalent to any other prescribed disability—but a disability per se, the total or permanent disability of the left hand, which is clearly and distinctly provided for in all three of the acts cited herein.

The Department was in error in its decision in this case of July 31, 1901, in treating the disability in question as being within the provision of the law granting pension for a disability which would be equivalent to the loss of a hand or foot.

It is presumed not to be out of place to mention here that the act of March 2, 1903, also provides that all persons on the pension roll who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension of \$4." per month. This claimant being totally disabled in his left hand would come within the provisions of that act.

The Department must conclude that the claimant is entitled to the specific rating provided by law for the total disability of one hand from the date of his discharge from the service.

The action of the Bureau in rejecting the claimant's application for an increase and rerating is therefore hereby reversed, and the papers in the case are herewith returned for further adjudication in accordance with this decision.