

July Twenty-Five
1918

Mr. Harold E. Breining
Assistant Administrator
Veterans Administration
Washington, D. C.

IN RE: Battagliero, Annibalo
NO 818,918

Dear Mr. Breining:-

On January 13, 1918 I had a communication from you relative to the above case. Since that time I have talked personally with Mrs. Battagliero and she is in very destitute circumstances.

She is unable to talk very much English and from the conversation I gleaned that she was the common law wife of Annibalo and the step-brother who received the payment of the bonds was practically a stranger to her husband.

I am enclosing a letter that has been writ on my giving details of this case and I would be very grateful indeed if you would give it your careful consideration.

May I hear from you at your convenience, I am,

Sincerely yours,

Member of Congress

January 18, 1938

FCB

Honorable Michael J. Kirwan,
House of Representatives,
Washington, D.C.

BATTAGLIERO, Annibalo
XC-818,919

My dear Mr. Kirwan:

Reference is made to your communication dated January 13, 1938, enclosing a letter from J. Francis Kicak, Attorney at Law, Youngstown, Ohio, regarding adjusted compensation in the case of the above named veteran.

Records show that the veteran filed application for adjusted compensation on August 26, 1926, and specified that the proceeds of his adjusted service certificate should be paid to Annunsio Peluso whom he described as his half-brother. There is no record of a change of beneficiary.

Mrs. Rose Walley (also known as Mrs. Rose Walley Battagliero) was fully advised as to the status of adjusted compensation and was given ample opportunity to show cause why payment should not be made to the beneficiary as named by the veteran.

In the absence of any information to disqualify the beneficiary of record, an award in the amount of \$538.04 was approved in favor of Annunsio Peluso whose last address of record was 103 Ridgeway Street, Struthers, Ohio. This award represented the value of the veteran's adjusted service certificate less loans and accrued interest, and settlement which was effective in June, 1937, represents all adjusted compensation benefits payable under the law.

The letter which you submitted is returned, a copy having been made for the files of the Administration.

Very truly yours,

HAROLD W. BREINING,
Assistant Administrator.

Encl.

January Thirteenth
1938

Mr. E.L. Bailey
Director of Dependents' Claims
Veterans' Administration
Washington, D.C.

RE: ANNIBALO BATTAGLIERO, (deceased)
No. XC-818,919

Dear Mr. Bailey:-

I would appreciate any information which you might be in a position to give me relative to the enclosed correspondence from Attorney John Francis Kicak, at your convenience.

With kindest regards and thanking you in advance for your courtesy and consideration of this matter, I am,

Sincerely yours,

Member of Congress

JOHN FRANCIS KICAK
ATTORNEY AND COUNSELLOR AT LAW
SUITE 522-523 DOLLAR BANK BUILDING
YOUNGSTOWN, OHIO

January 12, 1938

Hon. Michael J. Kirwan,
United States State House,
Washington, D. C.

My Dear Mr. Kirwan:

Our offices have had considerable correspondence with Mr. H. L. McCoy, Director of Insurance of the Veteran's Administration, Washington, D. C., relative to a deceased veteran, named Annibalo Battagliero, Number XC-818,919, in behalf of his widow, Rose Wally Battagliero and his two children, pertaining to the adjusted service certificate and any insurance or pension that might be due the deceased veteran as above named.

His widow and children have been poverty stricken and in no way have received any assistance out of any such estate which the said deceased veteran was entitled to, to whom the same was to be payable, his widow and children.

We are advised that this deceased veteran, Annibalo Battagliero, named a half brother, Annunsio Peluso, as beneficiary, who had never seen him or had never known the deceased. Our careful and cautious investigation disclosed that this deceased veteran was testamentary incapacitated in naming such a beneficiary; and affidavits were forwarded to the Veteran's Administration advising them to hold up any and all such payments in the matter of the above named deceased veteran.

We seem to be unable to receive sufficient particulars from the Director of the Veteran's Administration as to what this deceased veteran was entitled to, his heirs, the widow and children. The Veteran's Administration who received the proper affidavits to properly designate the rightful entitled person and, in our opinion, his wife, Rose Wally Battagliero, should be designated as such beneficiary.

May we count on your assistance in bringing about a rightful and proper adjustment in behalf of this widow who is rightfully entitled to such estate left by the said deceased veteran, and your attention is called as to the letter sent us by the Director under date of September 4, 1936, requesting

M. J. K. No. 2, Jan. 12, 1938.

us to forward such affidavits. We will verify such facts as contained in the foregoing part of this letter. May we count upon your assistance?

Trusting that you will be in a position to give it immediate and your utmost consideration and also reply in behalf of the proper heir.

We conclude by wishing you a very Happy and Prosperous New Year, with kind regards.

Sincerely,

A handwritten signature in cursive script, reading "J. Francis Kicak", written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal flourish extending to the left.

JFK:AT

J. FRANCIS KICAK,
ATTORNEY AT LAW