

(E. O. 453-455 omitted).

See Spanish text.

MILITARY GOVERNMENT OF SANTO DOMINGO.

Executive Order No. 456.

Law of Pensions of 1920.

By virtue of the powers vested in the Military Government of Santo Domingo, the following Order which shall be known as the Law of Pensions of 1920, is dictated and promulgated:

ARTICLE 1. The benefits of this Law shall accrue to every officer and employee of the Dominican Republic including all persons paid from the national treasury, who at the time of applying therefor shall have the following qualifications:

(a) Shall have twenty years government service. Service after the first day of January 1917 must be continuous to count.

(b) Shall be either (1) sixty years old, or (2) shall have suffered physical disability incurred while an officer or employee of the Government which renders him physically unable to perform the duties of the position.

(c) Shall have been a Dominican Citizen for at least ten years.

ARTICLE 2. Physical disability shall be determined by actual examination by a Board of not less than three physicians appointed by the Executive Power for that purpose, and shall not entitle anyone to the benefits of this Law when caused by his own misconduct as determined by the Board. Such Boards of Physicians may be appointed as necessary and shall be appointed from physicians in the government service if practicable. In such case, they shall not be entitled to remuneration for their duties under this Law, but physicians not in the government service who act on such Boards, may be paid not more than \$15.00 from such funds as may be appropriated for each case on which they may report as hereinafter provided.

ARTICLE 3. A member of the Guardia Nacional Dominicana, or of any naval or military force that may hereafter be organized shall be entitled to the benefits of this Law if he has the above qualifications; or if physically disabled not through his own misconduct, regardless of the time of his continuous service and regardless of his citizenship

ARTICLE 4. Every person qualifying under this Law shall be entitled to retire from his position and to receive in regular payments made at least each quarter for the remainder of his life as long as he remains a Dominican Citizen, one half of the compensation payable in money as salary to the holder of such position at the time of retirement, and excluding all perquisites and allowances, but members of the Guardia Nacional Dominicana or of any Naval or Military force that may hereafter be organized who qualify, shall receive three-fourths of the compensation as defined in this Article.

ARTICLE 5. Every person desiring to secure the benefits of this Law shall make sworn application to the Secretary of Interior and Police, setting forth his qualifications, with a detailed statement as to the government positions and dates thereof held by him. In case the application is based upon age it shall be accompanied by birth certificate, or failing this, an affidavit as to age, and shall be presented to the said Secretary within one year after the applicant leaves the government service. If the petition is based on physical disability, it shall be presented within one month after the applicant leaves the government service. The Secretary of Interior and Police shall secure from the appointing officer to the positions in question, certificates as to the accuracy of the statements in the application in regard to each position and the salary and allowances of the one from which retirement is desired. Where the records of the office do not show the facts, they shall be certified to by the appointing officer on such evidence as he may be able to obtain, including affidavits. In case of a member of the Guardia Nacional Dominicana or of any naval or military force that may hereafter be organized, the certificate shall come from the applicant's commanding officer. Affidavits may be accepted by the Secretary of Interior and Police in lieu of a birth certificate.

ARTICLE 6. If the award of the pension is dependent upon physical disability, the Secretary of Interior and Police, upon determining that the applicant is qualified in other respects, shall certify the case to the Board of Medical Examiners. After physical examination of the applicant, and such other evidence as may be pertinent, the Board shall certify as to his ability to perform the duties of his position, and whether the disability, if it exist, was caused by his own misconduct. Disability shall be considered caused by the applicant's misconduct when resulting from venereal disease, excessive use of alcoholic beverages, narcotics, any illegal act by the applicant or the violation of orders.

ARTICLE 7. Upon all the certificates, the Secretary of Interior and Police shall determine whether the applicant has qualified in respect to the provisions of this Law, and shall certify the name of any person in whose favor he decides to the Secretary of Hacienda y Comercio, with the amount to which he is entitled.

ARTICLE 8. The Secretary of Hacienda y Comercio shall cause the corresponding payments to be made from the date the applicant leaves the service, or if he has already left the service, from the date of the application to the Secretary of Interior and Police. No funds shall be paid under the provisions of this Law except on appropriations made by Law specifying the name of the person entitled and the amount.

ARTICLE 9. No person shall have a vested right to a pension under this Law. The decision of the Secretary of Interior and Police as to award of a pension shall be final except when reversed by the Executive Power, and no recourse shall be had in court or elsewhere against such decision. Pensions awarded may be modified, suspended or withdrawn for all pensioners of the same class at any time by Law.

ARTICLE 10. No pensions under this Law shall be paid to anyone other than the person qualifying under this Law and all such pensions shall cease on the death of such person. No person shall receive more than one pension under this Law, and no person already receiving a jubilacion, gratification, dotacion, or pension shall be entitled to its benefits. Pensions awarded under this Law shall not be assigned, transferred, pledged, or hypothecated, or taken or attached for debts or claims; in any manner whatsoever.

ARTICLE 11. Any person, who by impersonation, forgery, falsehood, perjury or any form of fraud, deceit, or other illegality, secures or attempts to secure a pension for himself or another shall be guilty of obtaining or attempting to obtain money under false pretenses, and upon conviction in the Correctional Court, shall be subject to a fine of not more than \$1,000.00 or imprisonment for not more than two years, or both.

ARTICLE 12. All Laws and parts of Laws in conflict herewith are hereby repealed.

THOMAS SNOWDEN,
Rear-Admiral, U. S. Navy,
Military Governor of Santo Domingo.

Santo Domingo City, D. R.,

April 16, 1920.