

SOUND OFF!



VOL. VI, NO 4

THE NEWSLETTER OF VETERANS UNITED FOR TRUTH, INC.

“VETERANS STANDING UP FOR EACH OTHER”

20 DECEMBER 2010

FIRST CALL – NOTES FROM THE FRONT

REDRESS OF GRIEVANCES

The following deals with the law but is written by a layman (me). It merely gives a citizen's interpretation of the situation surrounding our lawsuit in an attempt to respond to the many questions received from our members and others. [Ed.]

Amendment I: “Congress shall make no law respecting...the right of the people...to petition the government for a redress of grievances.”

While “redress” is normally thought of as compensation, I prefer the definition “to impose fairness on something; to adjust a situation in order to make things fair or equal.” [Encarta]

We have just seen “redress” in action in the repeal of “Don’t Ask, Don’t Tell”. This is not just redress for the last 17 years in which the Act has been in effect; it is truly redress for a history of discrimination. How much redress we will see when it is implemented in the services is another question [more on this later].

Of course, our June 2007 class action lawsuit *Veterans for Common Sense and Veterans United For Truth, Inc. v. James Peake et al* is precisely an attempt “to make things fair or equal”—fair to veterans and equal in the sense of gaining equal consideration of their sacrifice by their fellow citizens and the courts.

Unfortunately we have a real problem getting redress for our brothers and sisters.

There is no constitutional problem, that is, we have every right under the Constitution to petition for each and all. We can petition the courts, we can petition the agencies involved, we can petition the executives involved and we can petition Congress.

“The same philosophy governs the approach of citizens or groups of them to administrative agencies (which are both creatures of the legislature, and arms of the executive) and to courts, the third branch of Government. Certainly, the right to petition extends to all departments of the Government. The right of access to the courts is indeed but one aspect of the right to petition.” - *California Motor Transport v. Trucking Unlimited*, 404 U.S. 508 1972

We are even in pretty good shape in our specific petitionary demands that the VA do its job as directed by the various laws that Congress has enacted pertaining to veterans and their treatment.

The right of petition has expanded. It is no longer confined to demands for “a redress of grievances,” in any accurate meaning of these words, but comprehends demands for an exercise by the Government of its powers in furtherance of the interest and prosperity of the petitioners and of their views on politically contentious matters”
<http://supreme.justia.com/constitution/amendment-01/61-rights-of-assembly-and-petition.html>

Of course, we can be ignored just as many of our fellow citizens are ignored every day, since, as Justice O’Connor stated in *BE&K Construction Co. v. National Labor Relations Board*, 2002, the First Amendment petition clause says nothing about success in petitioning — “it speaks simply of the right of the people to petition the Government for a redress of grievances.”

Nonetheless we can petition, as we have, for the courts to make the departments do their job.

"...the right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the powers or duties of the National Government, is an attribute of national citizenship, and, as such, under protection of, and guaranteed by, the United States."
United States v. Cruikshank, 92 U.S. 542 (1876)

Much of our problem is hidden in the law, specifically in provisions in **Title 38 - Pensions, Bonuses, and Veterans' Relief**, where it says:

"The Secretary shall decide all questions of law and fact necessary to a decision by the Secretary under a law that affects the provision of benefits by the Secretary to Veterans or the dependents or survivors of veterans ...[T]he decision of the Secretary as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court..."

And in **Title 5 – Administrative Personnel**, it further says "judicial review is prohibited where actions are "committed to agency discretion by law."

Wow! To this layman that smacks of nullification of the specific provisions of the First Amendment! It also seems to set aside the specific constitutional role of the courts.

As many of us have suspected, government is apparently designed to be an opaque entity, interpretable only by the cognoscenti. (It is rumored that you can become one of the cognoscenti if you just donate enough cash to whatever party is in power.)

Because the Federal District Court has decided in June of 2008, based upon the above-cited conditions, that it has no power to review DVA decisions or, more importantly, to force the DVA to do anything, there is a temptation to conclude that we are screwed!

Where, then does a petitioner turn? What can we do to have our petition heard and acted upon?

In this case we have taken the first step which is to appeal the original ruling to the 9th Circuit court of Appeals and we received our first hearing in August of 2009.

There we find new rules that lead to delay if not dismissal. A three-judge panel of the Court of Appeals has heard our argument but has neither confirmed nor denied our petition formally. Thus, we cannot take further action until they say officially how they consider our appeal.

We are entitled to "statutory priority" which means that the Appeals Court has a requirement to issue their ruling on a first-in, first-out schedule. Unfortunately they will do what they will do whenever the hell they decide to do it, and until then, we are in limbo even though it has been over a year. We cannot appeal to the full Circuit Court without action from the panel, and we cannot escalate the petition to the Supreme Court without a final ruling from the Circuit Court.

Looking to the future, we may sit indefinitely in limbo. Whenever this case is concluded, either by the Circuit Court or after their ruling by the Supreme Court, if necessary, the action will not be over. The DVA must implement any finding in our favor on this court, or they can also appeal should we succeed and kick the whole thing down the road a little more. Finally they can take years to implement any changes demanded by the court—that is if the court makes any such demands.

This latter position is where the DADT repeal is now relative to DoD. It is how the change in the law is implemented by the department concerned that truly captures the effect of petitions, rulings, and legislative changes.

We veterans could be completely successful over time in getting the courts to see the problem as our petition states it and yet fail in the implementation as the DVA hides behind the no scrutiny rules in Title 38. Should we succeed, they can take an interminable amount of time to implement any changes directed, and they can mask their response by half-hearted changes that will then have to be petitioned about, and ruled on or legislated about.

Likewise, the proponents of DADT repeal (VUFT supported the repeal) must now scrutinize the resulting implementation. Will there be a clean break with past discrimination or will lip-service regulations be written? Will the culture of the military be aggressively modified to eliminate prejudicial acts against gays by imposing strict sanctions on such behavior.

The past does not give us a lot of hope for positive change. If prejudicial acts against gays are treated as "severely" as sexual acts against women in the military, or acts of racial bigotry have been treated so far, then gays have a long wait for equal treatment. Yes, they can enlist, but that does not necessarily mean that they will get equal treatment.

It will be tempting for some service members who opposed this change to believe that it is all a "wink-wink" proposition. After all, the Commandant of the

Marine Corps opposed it so strongly and so publicly—*so we at the platoon level probably can get away with just about anything—maybe we can even claim to be fostering “unit cohesion” by maintaining an atmosphere of exclusion except on the surface.*

Will the implementation correct the military records of all those who have been eliminated over the years with less-than-honorable discharges? Again, that remains to be seen. If so, “fairness may be imposed”. If not, a great wrong will stand, and we all must continue the fight for “redress” for all concerned.

When our own case comes out of the courts, one way or another, we will continue to be vigilant to the implementation of any changes demanded by court rulings. If we fail in the courts then we must find another way to have our petition heard.

Congress has passed some pretty good laws for veterans, do you think that they would pay any attention to petition that requests them to take their heads out and monitor how their (our) laws are being implemented?

The current state of affairs would seem to indicate that the answer would be a resounding, “Hell No!”

Nonetheless, we must keep in mind Justice O’Connor’s admonition that nothing speaks to the success of petitions. I guess that means that as long as the government in any of its offices gives us a chance to file a petition, then they have done their job completely. What we are asking for is of no account to them. They’re done when they let us talk, not when they act—they don’t have to act!

They do not seem to agree that:

“The price of inaction is greater than the cost of a mistake.”

Meister Eckhart

So our appeal goes on without any guarantee that it will be heard beyond the level where we have currently spoken. We were allowed to petition—now the system can ignore us. In their view the First Amendment has been protected regardless of the results.

What a country! [Ed.]

REVEILLE - WAKE-UP CALLS – CALLS TO ACTION

NEED LEGAL HELP IN AN APPEAL TO THE DVA?

Try these two websites: Veterans Consortium Pro Bono Program www.vetsprobono.org/index.htm. United States Court of appeals for Veterans Claims “Public List of Practitioners” are members of the court’s bar www.vetapp.gov/practitioners/. Also this site for west coasters <http://www.chapman.edu/law/programs/clinics/amvets.asp>.

ASSEMBLY - PROGRESS OF THE ORGANIZATION

VCS - VUFT LAWSUIT UPDATE:

Class Action Suit: On 12 August 2009 we appeared before the 9th Circuit Court of Appeals. An article from the LA Times on 24 August summarizes the results so far < http://latimes.com/news/nationworld/nation/healthcare/la-me-veterans-suit24-2009aug24_0_1423297_story>

.Case Progress to Date:

7/23/2007 Suit filed w/Federal District Court

9/25/2007 Defendant’s Motion to Dismiss

2/11/2208 Motion for Preliminary Injunction

2/25/2008 Preliminary Injunction Hearing

4/21/2008 Trial

6/25/2008 Judgment based on jurisdiction

7/25/2008 Appeal notice filed w/9th Circuit Court of Appeals

12/10/2008 Appeal brief filed

12/15/2008 *Swords to Plowshares* and *Vietnam Veterans of America* file amicus briefs

12/22/2008 *Military Spouses for Change* and *United Spinal Association* file amicus briefs

3/4/2009 Appeal will not be subject to Mediation

4/6/2009 Requested an extension to reply to the DVA response to our brief

4/22/09 Extension granted to 1 May 2009

5/1/09 Appellants’ Reply Brief filed

6/11/09 Oral Arguments Scheduled for 12 August 2009

8/12/09 Oral arguments

9/14/09 Reply on mediation [changed date]

9/14/09 No agreement on mediation. 9th Circuit accepts the case.

12/20/10 NTR [The courts move veeerrrry slowly] There is a rumor that we may yet be heard this session. NOTE: There is no first-in-first-out rule in the Court of Appeals, and there is no time constraint on the court. See this moth’s editorial

Here is a link to the legal documents on the lawsuit. www.veteransptsdclassaction.org/

BE A MEMBER If you are getting this newsletter and have not yet joined, please go to www.vuft.org/membership.html and join. Membership is free. The more our numbers grow, the greater voice we have. It shouldn't be that way, but it is, so join us and help us take the fight to Congress and the state legislatures. Please encourage your friends who either are veterans, are related to veterans, or who support veterans' causes to join VUFT, Inc. at www.vuft.org/membership.html

SUPPORTING THE CAUSE If you wish to donate to our work you may now do so via PayPal or Visa on our website "Donate" page at www.vuft.org/donate.html. Every little bit helps. We are a 501(c)(3): your donations are deductible on your federal taxes. You can also buy our handsome pins using the same method.

P L E A S E D O N A T E !

MAIL CALL - LETTERS FROM MEMBERS AND OTHERS [SOME EDITED FOR LENGTH]

I am happy that DADT will soon be a relic, consigned to the history books. However, for 17 years DADT served well as a fig leaf to those who claimed some sort of moral high ground in their opposition to the military. What shall they turn to next in order to justify condescension towards those of us who choose to serve? Or perhaps they will now find their way to a recruiter? Now that would be story for the media to follow up on. ~ John Handy

RECALL - FEDERAL AND STATE LEGISLATION AND LEGISLATORS

SENATE VOTES TO REPEAL 'DON'T ASK, DON'T TELL'

Ed O'Keefe - December 18, 2010

The Senate voted decisively Saturday to repeal the "don't ask, don't tell" law, beginning the process of ending a 17-year ban on gays serving openly in the military and reversing decades of official military policy.

In the end, the contentious bill passed by a lopsided 65 to 31 as 57 members of the Senate Democratic caucus and eight Republicans voted to end the ban.

In a statement, President Obama praised the procedural vote earlier in the day that allowed for Saturday's historic passage: "I am also absolutely convinced that making this change will only underscore the professionalism of our troops as the best led and best trained fighting force the world has ever known." The president will sign the bill next week, the White House said after the final vote. <More at: http://voices.washingtonpost.com/federal-eye/2010/12/senate_poised_to_end_dont_ask.html>

LET'S KICK IT DOWN THE ROAD A WAYS?? HAVEN'T THEY HAD ENOUGH TIME TO THINK ABOUT IT?

DADT STAYS IN EFFECT AS OFFICIALS TACKLE PLAN

Donna Miles - American Forces Press Service - December 19, 2010

WASHINGTON -- Defense Secretary Robert M. Gates and Navy Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, welcomed the Senate's vote today to repeal the so-called "Don't Ask, Don't Tell" law, while emphasizing that the current law and policy will remain in effect until they and President Barack Obama certify the plan to implement it.

"Once this legislation is signed into law by the president, the Department of Defense will immediately proceed with the planning necessary to carry out this change carefully and methodically, but purposefully," Gates said in a statement released today. <More at: www.military.com/news/article/dadt-stays-in-effect-as-officials-tackle-plan.html>

GAY BENEFIT RULES DRAFTED

Tom Philpott | December 02, 2010

The long-awaited study on gays in the military serving openly not only takes the pulse of the force on the issue -- concluding change can occur with little risk to readiness -- but also details how it will work in practice.

<More at: www.military.com/features/0.15240.223455.00.html>

PELOSI STATEMENT ON HOUSE PASSAGE OF THE POST-9/11 VETERANS EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT

Office of the Speaker of the House - Dec. 16, 2010 - PRNewswire-USNewswire/

Speaker Nancy Pelosi issued [a] statement today after the House passed the Post-9/11 Veterans Educational Assistance Improvements Act to strengthen the New GI Bill for the 21st Century. This package makes it easier for veterans to take advantage of New GI Bill benefits, helps veterans successfully enter the civilian workforce, and extends educational benefits to members of the National Guard and veterans who use distance education.

<More at: <http://pelosi.house.gov/news/press-releases/2010/12/pelosi-statement-on-house-passage-of-the-post-911-veterans-educational-assistance-improvements-act.shtml>>

TRICARE FOR LIFE TARGETED

Tom Philpott - December 02, 2010

Military retirees age 65 and older who rely on TRICARE for Life (TFL) as a golden insurance supplement to Medicare would face higher out-of-pocket costs, along with other older Americans, if Congress adopts the final plan of National Commission on Fiscal Responsibility and Reform. The plan was released Dec. 1. <More at: www.military.com/features/0,15240,223455,00.html>

RETREAT – NEWS

GUIDELINES INCREASE TROOP ORGAN DONATIONS

Stars and Stripes - Seth Robbins December 06, 2010

...Jeremy Barnett died on Feb. 24, 2007, but his heart saved the life of a 51-year-old woman living in Europe. Michele Barnett would never know the woman's name or the country she lived in.

"It's a very hard thing to lose your child like this. I still think about him every day," she said. "But it's a comfort to know that part of him is still alive, and what better part than his heart?"

Critical in saving the lives of troops in Iraq and Afghanistan, quick battlefield care and air evacuation have also allowed servicemembers whose brains have irreversibly stopped functioning but whose hearts and lungs are sustained artificially to be flown to Landstuhl, where their relatives can say goodbye and organs can be donated to those in need.

Guidelines issued in March by the military's Joint Theater Trauma System, which provides medical research and guidance for battlefield care, require that all brain-dead patients, when possible, be flown to Landstuhl or stateside hospitals. The military had been flying brain-dead patients from combat zones before the guidelines, but the decision to declare brain death and remove life support downrange was done on a case-by-case basis.

Now, the guidelines keep downrange doctors from having to make the difficult decision of whether to remove life support, and that means more potential organ donors. <More at: www.military.com/news/article/guidelines-increase-troop-organ-donations.html>

STATE TO PAY FAMILY \$250K IN PA. VETERAN'S DEATH

The Associated Press - 11/29/2010

PHILADELPHIA—The family of a retired Philadelphia dementia patient who froze to death after wandering away from a veterans home has settled a wrongful death lawsuit against the state.

The Pittsburgh Tribune-Review reports the Pennsylvania Department of Military and Veterans Affairs agrees to pay the family of Harold Chapman Jr. \$250,000 to resolve the suit. Settlement papers were released Friday.

<More at: www.1dnews.com/news/ci_16733042>

THIS ONE WENT VIRTUALLY UNCOVERED IN MAIN STREAM PRESS

131 US VETERANS AND PEACE ACTIVISTS ARRESTED FOR PEACEFUL PROTEST

[themerryonion](http://themerryonion.com) (Canada) Dec 18, 2010

About five hundred American war veterans and other peace activists braved the cold yesterday to attend a peaceful protest outside the White House in Washington, DC. The event coincided with the release of a government progress report on the wars in Iraq and Afghanistan. 131 people involved in the protest, including members of Veterans for Peace (VFP) and CODE PINK, a women's peace group, were arrested.

<More at: www.allvoices.com/contributed-news/7658560-131-us-veterans-and-peace-activists-arrested-for-peaceful-protest>

MAN SENTENCED TO PRISON UNDER STOLEN VALOR ACT

Carri Geer Thevenot - LAS VEGAS REVIEW-JOURNAL - Dec. 01, 2010

Before receiving a one-year prison sentence Wednesday, David M. Perelman said he deserved whatever punishment the judge chose to impose.

"I take full responsibility for everything I've done," Perelman said. "I brought not only dishonor to the military but to my own family."

The Las Vegas man said he was "deeply sorry" for his actions, which included fraudulently obtaining a Purple Heart and about \$180,000 in disability benefits.

U.S. District Judge Kent Dawson sentenced the defendant and gave him until Feb. 4 to surrender to prison.

Perelman, 57, was a Veterans Affairs employee when a federal grand jury indicted him in October 2009. He pleaded guilty in August to theft of government funds, a felony, and unlawful wearing of a service medal, a misdemeanor.

<More at: www.lvrj.com/news/man-sentenced-to-prison-under-stolen-valor-act-111134094.html>

PROSECUTORS ARGUE MILITARY IMPOSTOR LAW IS VALID

The Associated Press - December 7, 2010

DENVER -- Prosecutors trying to preserve a federal law aimed at military impostors say the act won't discourage legitimate free speech because it targets only lies.

The U.S. attorney in Denver is asking the 10th U.S. Circuit Court of Appeals to uphold the Stolen Valor Act, which makes it a crime to falsely claim to have won a military medal.

A lower court ruled in July the law violates the First Amendment. Prosecutors appealed and filed their opening arguments late Monday. <More at: www.washingtonpost.com/wp-dyn/content/article/2010/12/07/AR2010120702634.html>

THE AMERICAN LEGION OPPOSES PASSAGE OF DREAM ACT

WASHINGTON - Dec. 10, 2010 - /PRNewswire-USNewswire/ —

Because the DREAM Act proposed by Congress would provide amnesty to the children of illegal immigrants, displace American citizens in the limited college classrooms throughout our country and give these "conditional non-immigrants" an opportunity for federal financial aid, The American Legion announced today it opposes passage of the bill.

<More at: www.prnewswire.com/news-releases/the-american-legion-opposes-passage-of-dream-act-111680284.html>

FOR-PROFIT SCHOOLS BANK \$521M OFF VETERANS' G.I. BILL BENEFITS

Julianne Hing -, December 10 2010

The growing question around for-profit schools' shameless profiteering may soon be: who *aren't* they willing to exploit? Poor, underserved populations, check. Which end up being disproportionately made up of people of color, check. The homeless and unemployed, check. The military? Got them too. A new report released today by Sen. Tom Harkin's Senate Health, Education, Labor and Pensions Committee details exactly how for-profit schools have taken advantage of veterans' benefits and loopholes in their federal regulations to scoop up the many vets coming home from wars abroad to boost enrollment.

<More at: www.truth-out.org/for-profit-schools-bank-521m-off-veterans%E2%80%99-gi-bill-benefits65869>

NOT ABOVE REPROACH

Bruce Rolfsen - Air Force Times - December 20, 2010

The bad marks are piling up for generals. Thirteen Air Force general officers — from four-star commanders to brigadiers in staff assignments — have been handed letters of admonishment since Chief of Staff Gen. Norton Schwartz and Secretary of the Air Force Michael Donley took over in the summer of 2008. One lieutenant general received a letter of reprimand.

"This is unprecedented," said Charles Dunlap, who retired in June as a major general and deputy judge advocate of the Air Force. "The Air Force is applying a tougher standard than anyone else in the Department of Defense." <More at:

<http://groups.yahoo.com/group/VeteranIssues/message/5020>>

FRANCE GETS GERMAN TROOPS, A POSTWAR FIRST

Associated Press - December 11, 2010

STRASBOURG, France -- For the first time since World War II, German combat troops are being stationed in France, part of a conscious effort to show the two EU powers have forever buried former hatreds.

<More at: www.azcentral.com/news/articles/2010/12/10/20101210german-troops-stationed-in-France-first-WWII-ON.html>

WAR VETERAN BARRED FROM CCBC CAMPUS FOR FRANK WORDS ON KILLING

Childs Walker - The Baltimore Sun - November 20, 2010

After publishing essay on addiction to war, Charles Whittington must obtain psychological evaluation before returning to classes. By writing the paper, Charles Whittington thought he would confront the anxieties that had tormented him since he returned from war.

He knew it wasn't normal to dwell on the pleasure of sticking his knife between an enemy soldier's ribs. But by recording his words, maybe he'd begin to purge the fixation.

So Whittington, an Iraq veteran, submitted an essay on the allure of combat for his English class at the Community College of Baltimore County in Catonsville. He called war a drug and wrote that killing "is something that I do not just want but something I really need so I can feel like myself."

Whittington's instructor gave him an A and suggested that he seek publication for the piece. The essay appeared in the Oct. 26 edition of the campus newspaper.

Two weeks later, the former infantryman was called to a meeting with high-ranking college officials, who told him he would be barred from campus until he obtained a psychological evaluation. "We all believe in freedom of speech, but we have to really be cautious in this post- Virginia Tech world," says college spokesman Hope Davis, referring to the 2007 massacre of 32 people by a student gunman. <More at: www.baltimoresun.com/news/maryland/baltimore-county/bs-md-veteran-suspension-20101121.0.4190864.story>

TEXAS BUSINESSMAN SETTLES MILITARY FOOD MISLABELING CASE FOR \$15 MILLION

P.J. Huffstutter and Andrew Blankstein - Los Angeles Times - November 20, 2010

A Texas businessman has agreed to pay \$15 million to settle federal allegations that he and his company cheated the government by selling old and potentially dangerous food to the U.S. military to supply combat troops serving in Iraq and elsewhere. Prosecutors had alleged that Samir Mahmoud Itani and his company American Grocers Ltd. profited from the Middle East conflict by ripping off taxpayers and shortchanging U.S. soldiers in the mess hall. According to the government, Itani's firm bought deeply discounted products whose freshness dates had expired or were nearing expiration. His workers then altered those dates and resold those supplies to the government for hefty markups, prosecutors alleged.

<More at: <http://latimes.com/business/la-fi-1120-military-food-fraud-20101116.0.6883535.story>>

NEW ADDITION TO OUR READING LIST

<http://www.vuft.org/ReadingList.htm>

Ghost Wars: The Secret History of the CIA, Afghanistan and bin Laden – 12/27/79 – 10/10/01; Steve Coll ~ *Revealing details of the CIA's involvement in the evolution of the Taliban and Al Qaeda in the years before the September 11 attacks. Pulitzer Prize winner 2005*

TO THE COLORS - GATHERINGS

Date	Time	Where	What	Who	Notes
1/1/11		Cotton Bowl Stadium Dallas TX	The Wall That Heals	Dallas Football Classic	

We are a non-partisan organization. We will advertise all legitimate veterans' events, regardless of purpose or affiliation.

TATTOO - CURRENT ISSUES

TROOPS BOOTED FOR PRE-EXISTING MENTAL ISSUES

Kelly Kennedy - Staff writer - Dec 12, 2010

From 2003 to 2008, more people were separated from the military within their first year of service for "pre-existing" psychiatric conditions than for any other reason, according to a military report. Those discharges do not qualify a service member for medical benefits or medical retirement pay after leaving.

Twenty-two percent of soldiers who were given "existed prior to service," or EPTS, discharges had psychiatric conditions, while 42 percent of Marine Corps EPTS discharges fell under that category. The figures for the Navy and Air Force were 24 percent and less than 1 percent, respectively. Whether the Marine Corps is not screening its new recruits for mental health issues as well as the other services, or whether other factors are at work, is not clear.

... But discharges for pre-existing mental health conditions far exceed recruitment waivers for those conditions. Psychiatric discharges are the top diagnosis for pre-existing discharges for Marines and soldiers. From 2004 to 2009, 4,359 soldiers and 3,636 Marines were discharged during their first year of service for pre-existing psychiatric conditions.

<More at: www.armytimes.com/news/2010/12/military-mental-health-report-121010w/>

DEFENSE DEPARTMENT WRONGFULLY DISCHARGES NEARLY 26,000 VETERANS, REFUSES TO RELEASE RECORDS

VVA Press Release - December 15, 2010

Washington, D.C.--The Defense Department's (DoD) failure to comply with the law in releasing records that show it has blocked disabled veterans from receiving disability compensation and other benefits, earned as a result of service to our nation has prompted Vietnam Veterans of America (VVA) and VVA Chapter 120 in Hartford, Connecticut, to file a federal Freedom of Information Act (FOIA) lawsuit.

The complaint, filed today at the U.S. District Court in New Haven by the Veterans Legal Services Clinic of the Jerome N. Frank Legal Services Organization at Yale Law School, charges that, since the beginning of the Global War on Terrorism, DoD has systematically discharged nearly 26,000 veterans, wrongfully classified as suffering from Personality Disorder, a characterization that renders the service member ineligible for receiving rightful benefits. Personality Disorder is a disability that begins in adolescence or early adulthood and can present with symptoms which may mimic Post-traumatic Stress Disorder (PTSD). <More at: www.vva.org/PressReleases/2010/pr10-024.html>

THEIR MISSION: RESCUE VETS FROM THE STREETS

Steve Lopez – LA Times - November 27, 2010

A nonprofit sends a crew out to feed, befriend and console soldiers and sometimes talk them into housing. The group also runs a crisis hotline and bushwhacks through bureaucratic jungles for weary vets.

Out near LAX, a dozen military veterans man a war room, strategizing day and night. Their mission is to bring other vets in off the ledge, to gather them up from the streets and shake the dust off them. With a budget of just half a million dollars a year, the team of "wild cowboys" is intent on saving lives, says the general of the nonprofit National Veterans Foundation -- an Alabama-raised, Lebanese Catholic Vietnam vet named Floyd "Shad" Meshad.

Meshad used to have a big job at the West L.A. Veterans Affairs complex, but he's a guy with no patience for bureaucracy, so he had to get out, way back in the 1980s, and start his own thing. His outfit runs a crisis hotline and bushwhacks through bureaucratic jungles for weary vets. Twice a week, his crew heads out to Venice, Hollywood and skid row in a big white van stocked with provisions, fishing for soldiers sleeping on cold pavement and in damp ivy beds. <More at:

<http://latimes.com/news/local/la-mew-1128-lopezcolumn.0,1469535.column>>

SURGERIES HALTED AT VA CENTER

Don Walker - Milwaukee Journal Sentinel - December 15, 2010

The Zablocki Veterans Affairs Medical Center stopped doing medical procedures more than a week ago after an employee raised concerns about the sterilization of medical equipment. VA officials would not provide details on the concerns that prompted the decision. But they stressed that the move on Dec. 6 was precautionary. <More at:

www.jsonline.com/news/watch/111852444.html>

VETERAN REACHES SETTLEMENT OVER PALO ALTO VA CARE

Palo Alto, Calif. (AP) - November 24, 2010

A military veteran who suffered significant vision loss because of negligent treatment at a Northern California Veterans Administration hospital is receiving a \$400,000 settlement. The Palo Alto Daily News reports that 68-year-old LT Kennedy Jr. is the third veteran to reach a settlement with the federal government over treatment at the VA Palo Alto Health Care System. <More at: www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2010/11/24/state/n080026S04.DTL&type=health

WOMEN'S DISTRUST OF VA HARD TO SHED

Star Tribune - November 22, 2010

At the sprawling Minneapolis Veterans Medical Center, the women's care center is tucked away in a corner of the fourth floor, accessible only through hallways filled with men. Until a recent remodeling, the exam rooms faced out into the hallways.

Even advocates for female veterans can find themselves anxious about making a visit. That was the case recently for Trista Matascastillo, one of the founders of the Minnesota Women Veterans Initiative Working Group.

A Navy veteran who joined before her 18th birthday, she recently went to the VA for an exam to determine compensation and pension benefits. While there, she said, she encountered a male OB/Gyn on contract who left the door open and complained about women "crying sexual harassment." <More at: www.military.com/news/article/womens-distrust-of-va-hard-to-shed.html>

SEXUAL ASSAULT REPORTS INCREASE AT MILITARY ACADEMIES

Sharon Weinberger - Contributor Dec 15, 2010

(Dec. 15) -- Reported sexual assaults at the military's three academies increased dramatically in the 2009-2010 academic year, but those cases are likely only a fraction of the number of attacks that actually occur, the Pentagon said today.

[The 2009-2010 "Annual Report on Sexual Harassment and Violence at the Military Service Academies"](#) found that reported assaults increased to 41, up from 25 in the 2008-2009 academic year. The 41 cases reported are probably just a fraction of the actual assaults, according to the report. <More at: www.aolnews.com/2010/12/15/sexual-assault-reports-increase-at-military-academies/>

MILITARY'S REFUSAL TO RELEASE SEXUAL ABUSE RECORDS INCITES LAWSUIT

Sandra Quinlan - JusticeNewsFlash.com - Justice News Flash, Press Release - 12/15/2010

New Haven, CT—The American Civil Liberties Union of Connecticut, along with the Service Women's Action Network and Yale Law School students, filed a lawsuit against the departments of Defense and Veteran Affairs, claiming the Pentagon has declined to release records related to sexual assault, harassment and/or trauma in the military. According to a recent Associated Press report, the plaintiffs, who filed lawsuit in New Haven on Monday, Dec. 13, 2010, want access to these so-called rape records so the severity of the issue at hand can be brought to light.

The lawsuit seeks to obtain records detailing the number of acquittals, convictions and sentences stemming from sexual assault cases. The plaintiffs also want to find out how many sexual harassment complaints were made and how many disability claims related to sexual trauma were accepted and rejected.

<More at: www.justiceneWSflash.com/2010/12/17/militarys-refusal-to-release-sexual-abuse-records-incites-lawsuit_201012176472.html>

VA ASSIGNS OFFICER TO VERIFY CLAIMS INVOLVING SECRET MISSIONS

Rick Maze - Army Times Magazine - November 22, 2010 Edition

For veterans claiming they can't prove a service connection for their disability because it resulted from a secret operation, the Veterans Affairs Department has assigned a liaison officer to the U.S. Special Operations Command with direct access to classified files.

The little-known program has a VA employee work closely with the command historian at the command's headquarters at MacDill Air Force Base, Fla., to review files on classified missions for special operations units in all services.

<More at: www.armytimes.com/benefits/health/military-special-operations-va-benefits-111610w/>

SUPREME COURT TO HEAR VETERANS' DISABILITY CASE AS CLAIMS SPIKE

Joan Biskupic, USA TODAY – 12/03/10

WASHINGTON — The wars in Iraq and Afghanistan have left nearly 40,000 U.S. troops wounded, caused veterans' disability claims to spiral and now brought new urgency to a legal fight over deadlines for claims.

The Supreme Court on Monday will hear a case testing whether a veteran — in this situation, from the Korean War with severe mental illness — should be prevented from appealing a Department of Veterans Affairs denial of benefits if he missed a 120-day time limit for judicial review of the decision.

Advocacy groups that have joined the case say the dilemma for vets navigating the claims system is especially compelling today and the need for flexibility in filing deadlines even more important.

... Henderson died on Oct. 24 this year at age 81, and his wife, Doretha, has taken over the appeal.

<More at: www.usatoday.com/news/washington/judicial/2010-12-03-supreme-court-veteran-disability-claims_N.htm>

PROBE OF VETS' CLAIMS DENIAL URGED AGAIN

Walter F. Roche Jr. - PITTSBURGH TRIBUNE-REVIEW - December 17, 2010

Two Western Pennsylvania congressmen for the second time are pushing for a review of allegations that the Pittsburgh office of the Department of Veterans Affairs deliberately delayed veterans' claims so caseworkers could get productivity bonuses.

An audit by the Government Accountability Office, sought by two senators and three House members more than a year ago, never happened because they could not get needed support from legislative leaders.

Rep. Tim Murphy, R-Upper St. Clair, and Rep. Jason Altmire, D-McCandless, said they will try again.

"We must make sure that we know exactly what went wrong so that we can ensure mistakes like this do not happen again," Altmire said in an e-mail.

The initial demand followed a brief May 17, 2009, report by the Veterans Affairs inspector general, who found evidence that the processing of at least 10 disability claims were delayed, making caseworkers eligible for \$300 productivity bonuses.

A note attached to one veteran's case read: "Not ready to rate because of the incentive."

The VA suspended the bonus program in November 2008. <More at: www.pittsburghlive.com/x/pittsburghtrib/news/s_714171.html>

THEY ARE DOING "SO WELL" BECAUSE THEY NOW DO NOT COUNT ANY CASE THAT HAS BEEN IN THE SYSTEM ONLY 185 DAYS—THE RATIONALE APPARENTLY IS THAT THAT IS "NORMAL"

VETERANS AFFAIRS FACES DAUNTING JOB OF REDUCING MEDICAL CLAIMS BACKLOG

Jennifer Rizzo - CNN National Security Producer - December 17, 2010

A quarter-million medical claims have been in the system for 125-plus days, official says. Secretary Shinsheki had vowed to eliminate that delay time by year's end. Changes in guidelines contributed to a higher number of claims

Washington (CNN) -- Veteran claims for medical benefits are still piled high at the Veterans Affairs Department, despite a major push from the secretary of the department for quicker claims processing.

There are a quarter of a million claims in the system that have not been assessed within 125 days of being filed, according to Mike Walcoff, acting under secretary for benefits. Backlogged claims amount to more than one-third of the cases in the system, a similar ratio to last year. <More at: www.cnn.com/2010/US/12/17/veterans.affairs.backlog/>

IT WILL ALL BE FIXED—IN THE SWEET BY AND BY

VA AIMS TO ELIMINATE CLAIMS BACKLOG BY 2015

Bob Brewin 12/17/2010

The Veterans Affairs Department plans to completely eliminate its disability claims backlog by 2015, despite a sharp increase in claims filed during the past several years, VA Chief of Staff John Gingrich told a media roundtable on Friday.

VA expects to receive about 1.2 million claims for 2010, acting Undersecretary for Benefits Mike Walcoff told attendees at the briefing. The department currently faces a backlog of 274,142 cases awaiting a ratings review by claims examiners, according to a Dec. 13 weekly report. <More at: www.nextgov.com/nextgov/ng_20101217_4897.php>

WILL SOMEONE TELL ME WHAT A 25-YEAR OLD WALL STREET INVESTMENT BANKER GOT FOR HIS RAISE/BONUS THIS YEAR? WAS IT 1.4%??

MILITARY PAY RAISE DRAWS FIRE

Gregg Zoroya - USA TODAY - December 6, 2010

Military servicemembers are fighting what would be their lowest pay raise in decades as the nation wages two wars, including a 10th year of combat in Afghanistan.

The Obama administration has proposed a 1.4% raise for the military in 2011, which would be the lowest since 1962, when no raise was given.

The administration, which wants to freeze non-military pay for federal workers to tackle the deficit, says a 1.4% raise for the military would match average private-sector-wage growth and is in addition to earlier increases in housing and food subsidies.

... "This is absolute garbage," says Marine Corps Sgt. John Ellis, 26, a squad commander who recently returned from Afghanistan, his fourth deployment. "The U.S. government can bail out GM and other major corporations, but for us little guys who make beans for money (and) risk getting killed these people think we don't need a raise."

<More at: www.usatoday.com/news/military/2010-12-06-1Amilitarypay06_ST_N.htm>

WAY TO GO!! GOLDMAN'S 2009 BONUS POOL WAS \$16.9 BILLION! \$212M = 1.25% AND IT'S DEDUCTIBLE!!

GOLDMAN TO DONATE \$20 MILLION TO NONPROFITS

Shelly Banjo - December 9, 2010

Goldman Sachs Group Inc. plans to announce Thursday the donation of \$20 million to a network of nonprofit organizations that provides job training and family assistance to wounded veterans.

The New York company's contribution increases to \$212 million the total committed so far this year to 1,100 organizations through a Goldman fund that requires partners to give away some of their pay to charity.

<More at: <http://online.wsj.com/article/SB10001424052748704447604576007862191492624.html>>

BECAUSE, AFTER ALL, IT'S JUST ANOTHER JOB, ISN'T IT DENNY?

HOYER WANTS PAY FREEZE TO INCLUDE TROOPS

Ward Carroll - November 30, 2010

A top Congressional Democrat said Tuesday he thinks active duty troops should take a pay cut alongside their civilian DoD counterparts.

House Majority Leader Steny Hoyer, D-Md. -- the man conservatives have labeled as Nancy Pelosi's right-hand man behind the progressive agenda -- said in a press release that while he favors a freeze on troop pay, he would exempt those deployed to combat zones.

"Millions of Americans are out of work, and many are tightening their belts; Federal employees must be no different," Hoyer said in a statement posted on the majorityleader.gov website. "It would have produced significantly more savings had that sacrifice been shared between Federal civilian and military personnel -- with a strong exception for the members of our military and civilian employees risking their lives on our behalf in Afghanistan, Iraq, and anywhere else they are serving in harm's way." <More at: www.military.com/news/article/hoyer-wants-pay-freeze-to-include-troops.html>

TROOPS EXEMPT FROM FED PAY FREEZE PROPOSAL

[Rick Maze](#) - Staff writer - Nov 29, 2010

Uniformed military personnel are exempt from a proposed two-year freeze on government salary increases — for now.

President Obama has decided that federal civilians, including those working for the Defense Department, should not receive pay increases for two years, beginning with the cancellation of the 1.4 percent increase that was to come on Jan. 1. Congress could override Obama's decision, but the budget-cutting mood of lawmakers makes that seem unlikely.

<More at: <http://www.armytimes.com/news/2010/11/military-federal-pay-freeze-112910w/>>

IT MAY TAKE A LONG TIME TO GET YOUR BENEFITS, BUT DON'T WORRY, THE VA WILL MAKE UP FOR THAT BY TAKING THEM AWAY INSTANTLY—FOR ANY REASON
VETERAN DIES DAY AFTER LEARNING HIS BENEFITS WERE REINSTATED

Chelsi Zash - 12/2/2010

Caswell County, NC -- A local veteran died Thursday morning, hours after getting his benefits reinstated by Veterans Affairs due to confusion that he was already dead.

Floyd Holmes' wife, Marie Holmes, called WFMY News 2 earlier this week when she felt like she hit the end of the road in the battle to get her husband's disability payments returned.

Marie said there was a confusion after Floyd Holmes' son died several months ago. The Social Security Administration thought Floyd Holmes died. She said the couple straightened that out, but ever since, Floyd had not received his disability check from the VA. More at: www.digitriad.com/news/most_popular/article.aspx?storyid=151263>

DON'T FORGET THE BIG BENEFIT—USERRA. YOUR JOB IS REALLY SAFE, ISN'T IT?
FEDS SUE MOUNTAIN VIEW COMPANY THAT FIRED ARMY RESERVIST DEPLOYED FOR MILITARY SERVICE

Diana Samuels - Daily News Staff Writer - 11/24/2010

The U.S. Department of Justice is suing a Mountain View company for allegedly firing an Army reservist who had given notice that his unit would be deployed for more than a year.

The suit, filed Monday in federal district court, alleges Titan Laboratories Inc. violated the Uniformed Services Employment and Reemployment Rights Act of 1994.

The act prohibits employers from discriminating against U.S. service members because of their military obligations. It says those who leave their civilian jobs to serve in the military must be re-employed promptly upon their return, subject to certain limitations.

According to the Department of Justice's suit, Titan improperly fired warehouse manager/warehouseman Miguel Orozco Garduño, who had worked at the company that manufactures industrial cleaning products since 2001.

... Orozco told the company on March 3 of this year that he had fulfilled his military duties and could work again. But Titan, which had hired a replacement warehouse manager, told Orozco his position no longer existed, the complaint alleges.

<More at: www.mercurynews.com/peninsula/ci_16696415>

THOSE AFFECTED BY TAINTED LEJEUNE WATER STILL SEARCHING FOR ANSWERS, RESOLUTION

Gary White - The Lakeland (Fla.) Ledger - December 11, 2010

LAKELAND, Fla. | They have been called "Poisoned Patriots," and no one is sure exactly how many of them are out there.

Their numbers include former Marines, their wives, children and civilian employees at Camp Lejeune, the sprawling United States Marine Corps base in Jacksonville, N.C. They drank, showered and bathed in water contaminated by chemical compounds with unpronounceable names, chemicals that have been linked to cancers. The Marine Corps has acknowledged that water supplies at Camp Lejeune were tainted with dangerous compounds between 1957 and 1987. Following orders from Congress, the Marine Corps has taken steps to inform the hundreds of thousands potentially affected.

But many ex-Marines and former Camp Lejeune residents are far from satisfied. Activists, including former Winter Haven resident Mike Partain, have sifted through reams of documents, challenging minute details of the Marine Corps' version of events at Camp Lejeune. They say the contamination was far more widespread than the Marine Corps has admitted. They

accuse the leadership at Camp Lejeune of ignoring repeated warnings about hazardous drinking water for years before it took action. They charge the Marine Corps with deliberately withholding crucial information and misleading investigators.

"Trying to get the truth out of the USMC is akin to nailing Jell-o to the wall," Partain said. "As we unravel lie after lie, the USMC simply changes their story." <More at: www.starnewsonline.com/article/20101211/ARTICLES/101219958/1177>

VETERAN CARE, A DIFFICULT TASK

Michael Rukavina - Dunkirk NY OBSERVER Staff Writer - December 12, 2010

Recently the first national study giving a voice to family caregivers of veterans was released, and not surprisingly revealed that they are twice as likely to consider their situation highly stressful as compared to that of family caregivers of adults overall. And yet, 94 percent of them are proud to serve in that role.

The study, by the National Alliance for Caregiving (NAC) and funded by United Health Foundation, found that family caregivers of veterans face a higher burden of care, both in intensity and duration, often supporting a spouse or partner over a longer period of time than typical family caregivers. These caregivers also are predominantly women (96 percent) compared to the national average (65 percent), and many make sacrifices to their own health and jobs to care for their loved ones. ... The full findings of the study can be found at www.unitedhealthfoundation.org/veterans

<More at: www.observertoday.com/page/content.detail/id/553768/Veteran-care--a-difficult-task.html>

STUDY: MILITARY TEENS HAVE MORE STRESS

Elizabeth Landau, CNN

Jordan Pittard, 14, remembers feeling anxious about his father being deployed with the U.S. Army in Iraq from 2006 to 2007. His mother, Lucille, a teacher, admits struggling to have enough time to work, take care of the house and talk enough to her kids.

"There was nobody big to look up to," Jordan said. "Sometimes when my mom was away, there wasn't anybody else to help me with my homework, something personal like that, or throw a football with me."

The mother and son participated in a new study that suggests youth from military families may have higher stress levels and emotional problems than other adolescents and teens.

<More at: http://articles.cnn.com/2009-12-08/health/military.families_1_military-families-parent-study?_s=PM:HEALTH>

TAPS – PASSINGS AND WAR STATISTICS

CALIFORNIA HIGH SCHOOL MOURNS 8 WAR DEATHS

Olivia Munoz - The Associated Press - 12/10/2010

CLOVIS, Calif. (AP) — It has become a never-ending heartache within the hallways of Buchanan High School: news that another former student has died in Iraq or Afghanistan.

Eight former students have been killed in the two wars, including a Marine sergeant who will be laid to rest Saturday after dying Dec. 2 of a head wound in Afghanistan. <More at: www.msnbc.msn.com/id/40608739/ns/us_news-life/>

GENERAL CHAMPIONED VETERANS' RIGHTS

Gregg K. Kakesako - Dec 18, 2010

Retired Lt. Gen. Thomas Rienzi, an author and electronics engineer who became an ordained Catholic deacon in Hawaii after he left the Army, died Wednesday at Tripler Army Medical Center. He was 91.

A veteran of World War II, the Korean War and Vietnam, Rienzi was a supporter of veterans' rights in Hawaii and has been credited with pioneering the effort to enact a dental plan and lifetime medical care for retirees at military hospitals and clinics. He was also instrumental in establishing the Department of Veterans Affairs facility at Tripler Army Medical Center.

<More at: http://www.staradvertiser.com/news/hawaii/news/20101218_general_championed_veterans_rights.html#>

OIF/OEF – HACK DATE SATURDAY 20 NOVEMBER 2010

OPERATION IRAQI FREEDOM/NEW DAWN (2,833 DAYS)

KILLED US	4,430/12
WOUNDED US [12/13/10]	31,935/65
OTHER US CASUALTIES [12/13/10]	40,449/547
DIED OF SELF-INFLICTED WOUNDS [12/13/10]	223/0
MISSING OR CAPTURED US	1
KILLED UK	179
KILLED OTHER COALITION	139
WOUNDED/INJURED COALITION	1,819
**KILLED CONTRACTORS [11/9/08]	1,182
KILLED IRAQI POLICE/MILITARY [1/25/09]	≥ 48,874
KILLED IRAQI CIVILIANS [12/20/10]	≥ 108,235–1,366,350
WOUNDED IRAQI MIL/CIVILIANS[9/20/10]	≥ 400K–1.556M
IRAQ REFUGEES INT./EXT. [9/27/07]	2.1M/2.5M

OPERATION ENDURING FREEDOM (3,362 DAYS)

KILLED US	1423
WOUNDED US [12/13/10]	9,771
OTHER CASUALTIES US [12/13/10]	12,030
DIED OF SELF-INFLICTED WOUNDS [12/13/10]	54
MISSING OR CAPTURED US	0
KILLED COALITION	831
WOUNDED/INJURED COALITION (12/2/07)	1,602
KILLED AFGHANI POLICE/MILITARY[7/4/09]	≥ 11,152
KILLED AFGHANI CIVILIANS (9/10/2010)	≥ 8,813
WOUNDED AFGHANI MIL/CIVILIANS (2/24/2009)	46,322
AFGHAN REFUGEES INT./EXT. [9/27/07]	1.75M/4.8M
COST OF IRAQ WAR TO DATE	\$747,214,950,151
COST OF AFGHAN WAR TO DATE	\$377,038,526,280

NOTE: SOME NUMBERS DO NOT CHANGE BETWEEN ISSUES BECAUSE UPDATED FIGURES ARE NOT AVAILABLE AT PRESS TIME

* This entry has been changed to "Non-mortal casualties" which includes wounded, non-hostile casualties, and diseased where medical air transport was required. ** Includes 280 additional contractor casualties reported in international press but not in US official figures

NATIONAL GUARD AND RESERVE ACTIVATED AS OF DECEMBER 14, 2010

This week the Navy, Marine Corps and Coast Guard announced a decrease in activated reservists, while the Army and Air Force announced an increase. The net collective result is 29 fewer reservists activated than last week. At any given time, services may activate some units and individuals while deactivating others, making it possible for these figures to either increase or decrease. The total number currently on active duty from the Army National Guard and Army Reserve is 73,100; Navy Reserve, 6,062; Air National Guard and Air Force Reserve, 9,014; Marine Corps Reserve, 5,085; and the Coast Guard Reserve, 780. This brings the total National Guard and Reserve personnel who have been activated to 94,041, including both units and individual augmentees. A cumulative roster of all National Guard and Reserve personnel who are currently activated may be found at www.defense.gov/news/d20101214nqr.pdf

AFTERTHOUGHTS ~ MISCELLANEOUS AND OTHER STUFF

TWO WAYS TO HELP AT CHRISTMAS

By donating \$25 to the USO you can provide a CARE package for a servicemember in the war zone. The package will include approximately \$75 in items. <https://store.causecast.org/product/uso-care-package-for-a-us-soldier>

By donating \$40 to the USO you can provide 120 minutes of talk time in a pre-paid phone card for a servicemember in the war zone. <https://store.causecast.org/product/pre-paid-phone-card-for-american-soldier-abroad>

YET ANOTHER WAY TO HELP

Donate to VUFT at www.vuft.org/donate

ADD-ON ~ STUFF OF INTEREST

TAX BILL PASSES

A summary of the tax bill is at: <http://finance.senate.gov/legislation/download/?id=5598822b-8892-4445-b43a-4da7f0b991a0>. It's complicated but at least it is clearer than the bill itself.

SUBJECT: WARNING TO VETERANS

An organization called Veterans Affairs Services (VAS) is providing benefit and general information on VA and gathering personal information on veterans. This organization is not affiliated with VA in any way.

<http://www.vaservices.org/us/index.html>

VAS may be gaining access to military personnel through their close resemblance to the VA name and seal. Our Legal Counsel has requested that we coordinate with DoD to inform military installations, particularly mobilization sites, of this group and their lack of affiliation or endorsement by VA to provide any services.

In addition, GC requests that if you have any examples of VAS acts that violate chapter 59 of Title 38 United States Code, such as VAS employees assisting veterans in the preparation and presentation of claims for benefits, please pass any additional information to Mr. Daugherty at the address below.

Michael G. Daugherty
 Staff Attorney
 Department of Veterans Affairs
 Office of General Counsel

NOT MUCH GOOD NEWS HERE

DVA CASE RECORD

Year	Total	Allowed	%	Remanded	%	Denied	%	Other	%
1992	33,483	5,248	15.7%	16,917	50.5%	10,946	32.7%	372	1.1%
1993	26,400	4,462	16.9%	11,616	44.0%	9,742	36.9%	580	2.2%
1994	22,045	3,862	17.5%	10,642	48.3%	6,194	28.1%	1,347	6.1%
1995	28,195	5,491	19.5%	13,402	47.5%	6,407	22.7%	2,553	9.1%
1996	33,944	6,754	19.9%	14,821	43.7%	10,444	30.8%	1,925	5.7%
1997	43,347	7,226	16.7%	19,592	45.2%	15,872	36.6%	657	1.5%
1998	38,886	6,707	17.2%	16,024	41.2%	15,368	39.5%	787	2.0%
1999	37,373	8,270	22.1%	13,560	36.3%	14,881	39.8%	662	1.8%
2000	34,028	8,961	26.3%	10,173	29.9%	14,080	41.4%	814	2.4%
2001	31,557	7,023	22.3%	15,406	48.8%	8,514	27.0%	614	1.9%
2002	17,231	4,767	27.7%	3,328	19.3%	8,606	49.9%	530	3.1%
2003	31,397	6,932	22.1%	13,385	42.6%	10,228	32.6%	852	2.7%
2004	38,371	6,560	17.1%	21,797	56.8%	9,300	24.2%	714	1.9%
2005	34,175	7,096	20.8%	13,179	38.6%	13,032	38.1%	868	2.5%
2006	39,076	7,537	19.3%	12,487	32.0%	18,107	46.3%	945	2.4%
2007	40,401	8,531	21.1%	14,286	35.4%	16,531	40.9%	1,053	2.6%
2008	43,757	9,571	21.9%	16,096	36.8%	17,005	38.9%	1,085	2.5%
Total	573,666	114,998	20.0%	236,711	41.3%	205,257	35.8%	16,358	2.9%
Avg	33,745	6,765	20.0%	13,924	41.3%	12,074	35.8%	962	2.9%

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Annual Report for Fiscal year ending Sept. 30 2009

New Cases Filed	4,725	
Affirmed	571	12.1%
Denied	2,229	47.2%
Remanded to VA	1,758	37.2%
Appeals passed to Federal Circuit Court	167	3.5%
Time from filing to disposition	344 days	

NOTICE

If at any time you cannot open a link in this newsletter to an article or web page that interests you, please let me know at scook@vuft; I keep a copy of most of the full articles, or can research an alternative route to the information. [Ed.]

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EDITOR'S NOTE: I have been asked what guides my selection of articles. In general, I try to stick with articles that deal exclusively with our target group: serving military, veterans, retirees, and their families. I also favor articles that deal with the effect of Legislative or Executive inaction or bad actions that adversely affect our target group. I try not to pick those articles that have already been beaten to death in the regular press, but rather try to bring the reader articles that he or she might not run across in another medium. While we are non-partisan, I do not believe articles critical of government actions to be partisan as long as they are accurate and fair. Criticism, like dissent, is fair. Finally, I screen hundreds of articles for inclusions and for every article I include, I throw five or six away – good articles, but not as important as the ones selected.

I always appreciate contributions, whether it is opinion in Letter-to-the-Editor form, or articles that the reader believes would be good for our readership. Since I get a chance to vent once in awhile in these newsletters, I will certainly consider Op-Ed copy for inclusion. I always welcome reader comment or complaint. Sandy Cook, Editor <mailto:scook@vuft.org>

If you need to call us, our number is 1.805.530.6417.

The phone is covered by a voice recorder 24 hours a day. We'll get back to you ASAP.