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HOLY VETERANS AFFAIRS CLAIMS BATMAN!!!!!!!!!!

NICHOLSON BACKS NEW BENEFITS CLAIMS SYSTEM

By Rick Maze - Staff writer

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Veterans Affairs Secretary Jim Nicholson endorses a controversial idea to attack the huge backlog of veterans' disability claims by automatically approving some claims.

In a Wednesday interview taped for C-SPAN's Newsmakers program, which will air Sunday, Nicholson said he was willing, on a trial basis, to try to tackle the large and growing backlog of disability claims with a program that **would assume anyone who filed for compensation deserves the payment**. After the first check is issued, a claim could be reviewed, with the possibility that payments could be adjusted, Nicholson said.

This speedy **process would apply only for initial claims, not for people already receiving disability pay who are seeking to have their ratings revised upward**. More than half of the estimated 600,000 claims pending at any time are for people **who are already receiving disability compensation for a service-connected injury or disease**, Nicholson said.

The automatic payment process would take many changes in law and "a new cultural frame of mind," Nicholson said, but added, "We want to do it quicker. It irritates people."

"Everybody would have to understand the new system," he said, including the possibility that the benefits they are receiving could be reduced, increased, or even canceled. "This would be quick but not necessarily permanent," he said of the payment.

He won't be around to see such a change, however, as he has announced he will retire no later than Oct. 1 to return to private business. The Bush administration and many veterans' groups have raised red flags over the initiative endorsed by Nicholson out of fear it could lead to widespread cheating by veterans who would assume they could get paid without having to provide any proof of their medical condition.

In the interview, Nicholson mentioned the possibility that veterans found to be ineligible or who receive a bigger **payment than warranted could be forced to repay the government, something rarely required under current law because the initial claims process, which now takes an average of 177 days, weeds out most blatant errors and fraud.**

Automatic processing of at least simple claims is getting a lot of attention in Congress as a potential way to speed initial paychecks while allowing VA to concentrate on the more difficult claims, such as veterans with multiple disabilities and complicated medical histories that make it challenging to determine whether there is a military cause for the problems.

A big push in Congress for automatic benefits approval came after a March discussion before the House Veterans' Affairs Committee where Linda Bilmes of Harvard's Kennedy School of Government warned that radical change is needed because the backlog of benefits is only going to get worse. By her estimate, 250,000 to 400,000 disability claims will be filed over the next two years by Iraq and Afghanistan war veterans. She proposed having VA pay all disability claims filed by new combat veterans under a streamlined system that included only four ratings levels instead of the current 10.

Bilmes' idea has since been introduced as legislation by several lawmakers. Nicholson's endorsement of the basic concept could be of limited help to sponsors because his Oct. 1 resignation date means he will not be around to see even a pilot project implemented.

Response:

- This seems to be a band-aide for some Veterans rather than a fix for all Veterans and widows. While yes it is important to get Veterans the money they and their family's need to survive. It is also important to recognize the VA system is flawed, biased, cumbersome, bureaucratic for a purpose, and in tune with White House Philosophy rather than justice and fairness for the Veteran. Moreover, we must remember that at any given time congress is about 50/50 in supporting that White House.

The rule of the VA seems to be that no more than 4% of the claims per year shall be approved. That has been the conventional wisdom of the Veterans that have followed the VA. Therefore, lets be clear here, the entire system needs to be fixed; *Congress must act.*

"Initial claims process, which now takes an average of 177 days, weeds out most blatant errors and fraud."

Most of those that are done in 177 days are not approvals but denials of not crossing a T or dotting an I; anything a VA employee can find to deny the claim, so lets be clear on that misrepresentation. These are not all decided cases, *resolved normally means denied.*

Initial claims for automatically associated service connection disorders should not take 177 days but a matter of weeks for approval and disbursement. Especially if the Veteran options for automatic deposit. There are no complex medical decisions to make and only three issues to verify. Did the Veteran serve in Vietnam? Is there a confirmed diagnosis? Is the disease/disorder *on the bogus list of the VA?* (More on that later)

Most of the time, the VA doctor has diagnosed the associated disorder. This compensation process should not take 12 to 18 months. More so, with the stage four associated Veterans. The Veteran and his family are going to be fighting for his or her life; they need immediate financial help so that is **one thing less to worry about in their fight for life.** That also is not happening within VA. Instead, the claims just pile up.

Fraud is another thing Veterans should take exception. Yes, in any system like this; especially in our social programs that citizens and non-citizens get for breathing or having a pulse (most of the time they have to have a pulse anyway but not in all cases) fraud does take place. Most Veterans if they find fraud will report it. They and those they knew that did not make it home have paid too much of price to allow fraud at any level.

VA seems to forget all the fraudulent activity they have committed and continue to commit.

ST. PETERSBURG

Auditors have uncovered 136 cases of potential fraud or mishandling in the distribution of veterans benefit checks from offices in St. Petersburg and St. Louis, including the approval of \$475,000 for a veteran who may have died 21 years ago.

Embezzled nearly \$1.3-million by "exploiting internal weaknesses" in the benefit program.

A team of five VA auditors worked in the St. Petersburg office during the yearlong review of more than 1,000 questionable files. Their review also took them to a VA records center in St. Louis. Among their findings:

Overpayments totaling \$475,000 went to a veteran who auditors believe died in 1979. It was not clear from the record whether a veteran was dead or alive, they wrote.

An additional \$92,000 went to four more veterans thought dead at the time of payment.

143 employees received benefits themselves, and sometimes had improper access to their own records, increasing the potential for fraud.

A review of 308 claim folders of regional office employees, former employees, and relatives found that 41 percent contained claims that were decided by co-workers. Two decisions were "unsupported and unwarranted," six were "very liberal" and two were processed within five days, though it normally takes months.

Controls to prevent employees from gaining access to the records of relatives and friends were inadequate.

In three of every four cases where "third-person review" was required for approval of one-time payments, it was not obtained.

In January 1999 St. Petersburg VA claims investigator Joy Cheri Brown was arrested for stealing \$615,451 by creating a fraudulent award in the name of her fiancé. That man, a Persian Gulf War veteran and St. Petersburg police officer, was not charged with wrongdoing. Brown forfeited a Mazda Miata, a Mitsubishi 3000 GT and two engagement rings, a prosecutor said at the time of her conviction. Moreover, conspired with another employee, Hack Carr, a 29-year employee, to increase her own disability compensation. Carr, a senior claims examiner, was charged with conspiracy, theft, and obstruction of agency proceedings and destruction of public records.

St. Petersburg office had more than 20,000 claims pending, the most in the nation, and it took an average of 213 days to complete claims.

The American Legion's Quality Review Team visited the St. Petersburg VA Regional Office. While there, we were confronted with graphic evidence of premature and erroneous denials of claims, a general lack of compliance with the Veterans' Claims Assistance Act (VCAA) rules, and other types of inappropriate action. It almost appears as part of an orchestrated policy of manipulation of the station's production figures as a means of meeting its mandated production quotas. Management, rating board members, decision review officers, and front-line claims processors are under tremendous pressure from VA Central Office to produce the expected monthly quotas. There were cases in which veterans received letters stating that their claims were being denied, because their military records may have been destroyed in the 1972 fire at the National Personnel Records Center. The problem was that these veterans got out of the service years after the fire took place. **This is nothing but denials by using VA fraud!**

As disturbing as these tactics are, what was even more shocking was the intentional neglect of the backlog of pending appeals and remanded cases from the Board of Veterans Appeals. Remands are not being worked, because **the station receives no work credit toward their mandated monthly production quota**. This is not a local issue. It is a national issue.

At St. Petersburg, there were over 1,300 remands in which The American Legion holds power of attorney. Some of these cases had been remanded by the Board **more than five years ago** and were still waiting final regional office action.

In comparison, a judge just released a rapist because of non-speedy trial, which the constitution guarantees to all. Are not sick, disabled, and dying Veterans entitled to at least 'that portion' of the constitution?

Three current and former workers for the Department of Veterans Affairs have been charged in a multimillion-dollar fraud scheme. Authorities said Wednesday the three used the records of dead veterans to generate more than 200 fraudulent payments worth nearly \$6 million dollars.

THE WORKERS allegedly spent most of the money on travel, homes, and cars. However, prosecutors said one of the defendants bought a helicopter and a small submarine.

Assistant U.S. Attorney Barbara Nelan said the government had recovered only about a tenth of the illicit funds. She called it "chump change compared to what was stolen."

Sarah Prater of Atlanta, Ernest L. Thornton of Hiram, and Kathy F. Eselhorst of Lilburn appeared Tuesday before Federal Magistrate Judge Joel Feldman. They were freed on \$50,000 bond.

COOPERATING WITH POLICE

The three have cooperated with authorities and told investigators they spent most of the money on travel, homes, and cars, records show. One defendant bought a helicopter, an Ultra light airplane, a hovercraft and a three-person submarine.

According to the federal criminal complaint filed, Prater, 60, worked as a supervisor and Congressional liaison at the agency's Atlanta regional office.

She is accused of using her security clearance to alter the records of at least 20 dead veterans with no beneficiaries, changing the status to “living” and the name to Ernest Thornton. By entering a retroactive disability claim, she allegedly generated large payments to Thornton, a Navy veteran and former Veterans Affairs clerk.

Authorities say they identified 246 fraudulent payments totaling \$5.9 million made to Thornton between July 1996 and August 2001. Thornton and Eselhorst, also a former Veterans Affairs employee, allegedly opened numerous post office boxes to receive the payments.

Don Samuel, Eselhorst's attorney, declined to comment.

SUSPICIONS RAISED

Officials became suspicious earlier this month when two Veterans Affairs benefit payments totaling more than \$200,000 were deposited in Thornton's account with the Navy Federal Credit Union.

Both payments were retroactive disability benefits payable to Thornton, but each had a different Veterans Affairs claim number and a different Social Security number.

Investigators in Atlanta searched the agency's records and found 20 active claim files in Thornton's name.

Steve Westerfeld, a Veteran Affairs spokesman, said he didn't know of any other cases in which deceased veterans files were used to defraud the agency.

“We're certainly concerned about any employee who would take advantage of their position and violate their sacred trust as a government official,” Westerfeld said.

MORE:

Two successful criminal investigations of thefts from the C&P program totaling over \$1.2 million. Two Veterans Benefits Administration (VBA) claims examination employees, at separate VBA Regional Offices, each embezzled over \$600,000 in unconnected schemes.

Then lets discuss White House approved DoD fraud and collusion used by the VA to deny Korean Veterans that served along the DMZ.

Example: Korean DMZ Veteran David Hill from Tennessee has two terminal cancers already found associated to Agent Orange even by the VA. Before he got out of the service, he was

diagnosed with pustular acne, also can be associated to dioxin exposures. He was given 18 months to live six months ago. Yet, because he served on the DMZ two months after the very truthful DoD (cough) said they quit spraying, he is denied. Now the congress puts out a bill that puts those inclusive dates two years before DoD stated and about two and half years after the DoD stated for civilians that might have served on the Korean DMZ. What is not taken into account in David's case, which would have automatically met the Congress's proposal without this consideration; is the half-life of dioxin, TCDD. **One to three years on the soil, as long as 12 years under the top layer, and in the water can be as long as 50 years.** That is in the official EPA comprehensive disclosure for the dioxin, TCDD. His soon to be orphans are denied follow on government support for the this government making them orphans.

Yet, common sense, on purpose, does not prevail at the VA. This is why you have 400,000 claims in appeal or remand. How some of those folks sleep at night on the payrolls of the VA is just mind-boggling.

Yet our congress says: "just give the Veteran the Benefit of the Doubt," or "if we are to error let it be on the side of the Veteran," or "in a 50/50 conclusion (Deadlocked) of evidence or opinions the Veteran wins."

How about if we know the DoD is lying - VA should not follow suit to complete the collusion and fraud against the Veterans and their widows and orphans.

Example our SOG teams that served over in Cambodia and Laos were denied because DoD said no spraying in those areas occurred. Corona Harvest, a DoD Herbicide report, clearly shows Operation Ranch Hand Missions as early as 1964. **More government fraud.** That is why you have 400,000 VA claims in appeal or remand.

Then you have Air Force fraudulent reports in our Gold Standard for Agent Orange disorders studies. Entire scientific drafts modified to change the medical conclusions, chapters rewritten to de-emphasize the findings, government scientists testifying under oath that their found medical conclusions were changed and there was no scientific intellectual freedom within the study, White House interventions of studies meant to give Veterans fair assessment of their health from government caused damages and associate service connection disorders, and on and on. **Then this Agency wants to talk about weeding out Veterans fraud.** Give me a break!

Then we have the BVA stating that even though the evidence is 50/50 we give more credibility to the statement made by the Secretary practicing at exclusionary medicine with no medical degree or even the personal knowledge to make such exclusionary statements. A Secretary that works for the very White House we are seeking damages. On the other hand, they say the IOM has not found that associated yet – no matter how many studies and statistics the Veteran submits on his or her with no legal representation. Lies are then continually VA perpetrated by the continuing fraudulent government activity that is allowed to practice exclusionary medicine; when none of them are practicing doctors.

Then we have the BVA where the same disorder is sometimes approved, sometimes disapproved, and sometimes remanded. The only difference is the case file number.

Remember this? Yet our congress says: “just give the Veteran the Benefit of the Doubt,” or “if we are to error let it be on the side of the Veteran,” or “in a 50/50 conclusion (Deadlocked) of evidence or opinions the Veteran wins.”

When we look at what is required to prove a case at local levels it is impossible because they do not look at the data and just default to the Secretary opinions in rejection. When common sense says in any court in the land the case would have been over and not in some bogus BVA (Governments Hamster Wheel of deceit and stalling.)

IOM contracted by VA will not disclose what their rules are or protocols or definitions of scientific evidence per category – then when cornered by being under oath, defaults back to the VA who says they use all that IOM has suggested; and we still do not have any answer in over 40 years now. They would not even answer questions by members of the oversight committees. What kind of nonsense is this?

We have at least 400,000 claims in appeal or BVA that have gone on for years.

Talking about Veterans fraud, boy if that is not the pot (VA and our government) calling the kettle black.

Anyone that thinks the Veterans Affairs Benefits works for the Veterans is out to lunch. That is why you have 400,000 claims in appeal or remand for years or even decades.

The VA works for the White House and its protectionism of the DoD not Veterans.

Moreover, there is much more to discuss on what the VA does and should not do.

- C & P's are a joke! Especially to the cumulative effects.
- VA gives out false and erroneous information.
- Outreach is a joke!
- IOM data and decisions that VA says they implement 100% makes little sense when compared to the actual data that is available. *Something is terribly wrong here folks!*

Congress does not want to hear the Veterans side nor their recommendations to solve the issues.

Let me give the reader a personal example and comparison:

My sister in law had to move in with us because of a brain operation to remedy grand mal seizures. They took out part of her hippocampus and a left temporal lobe resection in hopes that medication could control the grand mal issues. This area deals with short-term memory conversions and emotional responses.

It stopped the Grand Mal seizures, so far, with limited petite mal seizures but has left her with severe emotional issues along with a very debilitating loss of short-term memory conversion to her real memory. Therefore, her memory is about 4 to 10 minutes. After that, it is gone. If you have ever seen the movie 50 First Dates that is similar to her condition except her prior to the operation long term is still in tact to a point. As long as she takes her meds then her emotional issues are kept somewhat in check as far as the extreme highs and lows. That is somewhat effective to a point. Her memory is for all intensive purposes now are gone from the date of the operation until she dies.

Now I talked to the surgeon and doctors at Emory and they suggested we put in for SS disability for her after about two years of living with us and not getting any better. They indicated that after this time any improvement would have been noticed.

I prepared a Social Security Case and submitted it. With in two months SS had me take her to a Social Security doctor for evaluation. He told me in 25 years of doing SS work, the case I had prepared the best he had ever seen with data and how it was laid out. He tested her and we left. Less than two months later we got an approval and that, her check would be in her account within 15 days.

Now SS deals with civilians as well as Veterans in numbers, they have no automatic presumptive disorders, and yet from start to finish with check in account it took about 130 days.

For a federal agency to be as bad as VA there has to be an attempt to be that bad and is designed to be that bad. No mistake about it.

I laid out the same type of case for myself, as most of you would expect, to present to the BVA after *waiting for five years*. The results - the BVA judge did not allow me to present my case. Moreover, what I thought was going to be my time after five years of waiting was nothing but a scripted play between the BVA judge and the DAV rep. In fact, I as the Veteran was treated as the preordained guilty party; not our government.

The result was the BVA put the case back into the VA appeals in DC, which is only requesting more and more data. Some of it I have no idea of how to obtain it and more to the point what is it they actually want. The VA Hamster Wheel continues with the Veteran getting nowhere but in motion all the time trying to satisfy more and more data requests. Remember my posting of the Baylor University doctor that concluded the same thing regarding VA and the incessant requests.

No, there is much more to fix at the VA than this knee jerk reaction including the processes used to determine “*ASSOCIATED DISORDERS*.” That process is so full of government/VA/DoD bias, fraudulent, and government collusion activity it is not even laughable at this point.

"To sin by silence, when they should protest, makes cowards of men."

Abraham Lincoln

It is time we all sent in our protests for our congress in its entirety to fix the VA once and for all and put some justice and above all common sense in for All Veterans, Widows, and Orphans in this “so-called” legal justice system for VETERANS ONLY!

While our beloved nation deserves the finest military and the sacrifices that so many have given, I for one am no longer convinced that our own government deserves nor warrants that sacrifice.

Kelley

"Claim Denied!"

He put away his football
His baseball, bat and glove
He parked his car in their garage
And looked at it with love

He hugged his mom and kissed her
Hugged dad and shook his hand
Then left to serve his country in
Some far off foreign land

We'll never know just why he went
What made him heed the call
We only know that when he left
He walked off proud and tall

He joined up with his unit
Fought bravely by their side
Some of them were wounded
And some of them have died

We owe these men our freedom
We owe these women too
They go to serve so you and I
Can live the way we do

They don't ask anything of us
Except when they've returned
Their minds and bodies broken
We give what they have earned

I guess it's too much to expect
To let them live with pride
It's easier to ignore them
And stamp them "Claim Denied"

One day just when we need them
They won't come to our aid
Cause Uncle Sam has lied to them

They have truly been betrayed

So congressmen and senators
We ask of you today
Please hold a midnight session
And fix the DVA

You met for Terry Schiavo
You gave yourselves a raise
Meet tonight for Veterans rights
And earn our warriors praise

"I support our Veterans"
At election time you say
Prove to us you mean it
By supporting them today

Mandatory funding
Is what our Vets deserve
For the illnesses and injuries
Inflicted while they serve

Get rid of five eleven
Get rid of Feres too
Give our Vets the same rights
That belong to me and you

We owe these men our freedom
We owe these women to
They go to serve so you and I
Can live the way we do

They don't ask anything of us
Except when they've returned
Their minds and bodies broken
We give what they have earned

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