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SUBMITTED STATEMENTS

ON BEHALF OF FORT MCCLELLAN, ALABAMA
VETERANS

AND OTHER VETERANS/WIDOWS IN SIMILAR
SITUATIONS

02-15-2010

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PREFACE

Not in context of this meeting of who was exposed to what but these statements are certainly germane to the daily battles fought by our Veterans with our own government and its representative The Department of Veterans Affairs for those issues already associated and those that should be associated; and would include this group given exposure status.

Recently the new Secretary of Veterans Affairs concluded he did not understand why he was 40 years after our Vietnam War still adding new associated disorders. Then concluded that advocacy had not taken place and scientific methodology had gotten in the way of associations.

He is correct.

It is much more than his statements which I will discuss in overview how our government (including congress) rather than being advocate became not only adversarial but hostile towards America's best citizens...The United States Veteran.

Statements

The Department of Defense (DOD) throughout our history has denied and lied on many issues regarding DOD created detrimental impacts to our nation's veterans. DOD denying until plausible denial was no longer possible sometimes for decades or more. As the stalling and denial goes on to the financial benefit of our government thousands have died or became disabled from government causation with no service connected medical care, illnesses, or death. The family and their assets subsidizing this government in their own health care as well as disability and death. In these issues our congress past and present have done little if any to give the Veteran the same rights as any common criminal or terrorists.

Rather than advocacy and positive actions history shows direct government interference in these issues to deny the honorable Veteran these simple rights.

Many period and era Veterans have experienced the same government collusions to deny earned benefits. Just some of these are listed:

- Department of Defense denials and lies
- Veterans Affairs biases
- Government study scientific fraud
- The use of command influence in studies
- Severe protocol violations in studies meant to determine health care and compensation decisions
- Flawed scientific methodology used to not report many issues found as associated
- Interference at White House level on what government studies and outcomes were supposed to produce
- The pinnacle of collusion as high as the White House Bureau of Budget memo directing federal agencies not to find associations to the "Vietnam Toxic Chemical(s) Experience" based on the cost of supporting Veterans and the cost to be incurred by the chemical companies themselves

Congress has done little if anything to stop this adversarial treatment and government collusion and fraud. When congress reported White House interference in the Center for Disease Control studies early in this "National Veterans Disaster" nothing was done. (House Report 101-672)

Recently in the news were the Regional Offices of Veterans Affairs in concert perpetrating what in any other segment of society would be government criminal actions with criminal intent. Again congress did nothing. Over 50% of all denied claims by VA are either remanded or overturned. Congress continues to fund this administration with ever increasing budgets with no respect to performance. Can any member justify seven months to over fourteen months on an already associated disorder that requires the verification of three data points to approve and no compensation and pension exam is required. The only possible justification would be in hopes the Veteran dies before the claim is approved. In this scenario repeated over and over in the thousands the family that subsidized the government created illness or death gets nothing while the government saves million of dollars a month. This can only be intentional and no one can justify this kind of VA process and performance.

There is much more I and others like me in study and experience could elaborate on and if anyone has any questions or wants proof with references of what I am stating then please contact me. I doubt you will since for 40 plus years no one has asked our side of the story and facts as to the science, increased risks or odds ratios, biological plausibility, etc; but if you do I will respond ASAP. For the same 40 years you have believed your own known tainted data and thought of us as nothing but complainers and as used up government obsolete assets.

I will close with the Board of Veterans Appeals (BVA) issues.

For over 40 years we have been trying to get disorders creating disability and death associated against what must be considered government interference; including known scientific biases within the Institute of Medicine as well as the VA. Yes, we have complained but we have also made recommendations and submitted data. Congress continually recommends real time data and the use of shared information technology to better serve the Nations Veterans. Forever we have been promised the backlog of claims will get better. More and more money poured into the VA with promises never kept as the backlog increases and the waits for disabled and/or dying men and women created by this government get even longer. These men and women have served honorably and some with great valor but their only reward for these actions has been despicable treatment by this congress and those in the past.

We have legal decisions made by BVA that have been litigated for years that are approved overriding the lack of common sense decision denials made by VA regional offices. Yet, for the same generic cases with only the claim number different many in the backlog are worked and worked in the backlog wasting more time and resources eventually in many cases decades later being approved. This illogical processes costing the taxpayer more and more yet worsening in performance for those that not only have “*earned the help*” (not just an entitlement for breathing or having a pulse) but need the help.

It is unconscionable that congress does not demand that any case approved by the BVA that all such generic cases then be immediately approved by VA without what can only be described as the boot heel of the Feres Doctrine and USC 38 paragraph 511 on the neck of the nations best in this set aside for Veterans only unconstitutional legal system.

I would ask those reading this submittal:

- **Does it make any sense to approve some claims at BVA level for an example of esophageal cancers “as associated” and continue to deny them at VA level? These are all generic cases of those that served in Vietnam with the only difference the claim number. If it is found legally associated by BVA then how can VA regional continually deny at the lower level. (Congressman Kagen one of your own a medical doctor testified at a BVA that it is associated. Yet, congress continually allows examples such as this to clog up the backlog of claims when all such claims and others that are similar should be immediately approved.)**
- **Does it make any sense to approve at BVA level generic claims for exposures for a Veteran serving in Guam as an example and then continually deny the exact same cases at VA regional offices adding more and more to the backlog of claims?**
- **Is this not a perfect example of what congress has been stating for decades now of using information sharing technology and get these claims approved. All of these BVA decisions are searchable by criteria and data fields for similar or generic data searches. Are not all Veterans created equal and therefore the justice should be just as equal and finding for one should justify finding for the other when the cases are generic in nature and in some cases exactly the same?**
- **How can VA override the known and already minimized laws of dioxin half life chemistry by denying Korean DMZ Veterans already herbicide associated disorders because they arrived on the Korean DMZ two hours after the DOD said they quit spraying the herbicides, which is questionable at best. Especially given that congress’s own bill for civilian contractors working on the DMZ puts that final date for inclusion at least two years or more after the DOD stated it quit spraying. {* EPA considers dioxin half life: at least one to three years on the soil, eight to twelve years in the soil, and if in the ground water as long as fifty years. Some science has concluded in certain conditions dioxin half life can be a hundred years. These dioxins (plural) are not water soluble and not biodegradable and in many conditions only the time element can be considered in half life.}**
- **Can anyone reading this submittal justify how two men serving in the same unit at the exact same time and location both developing esophageal cancer as an example and one gets approved and one gets denied? The only question is “THE**

ASSOCIATION” and the Board of Veterans Appeals has concluded legally after years of litigation it has been proven “it is at least as likely as not.”

Anyone not recognizing this as a sane and simple much less a legal form of reducing the backlog of claims probably should stop thanking the Veterans of our Nation for their service and thank them and their widows for their honorable daily fight against our worst enemy; Our Own Government and the Adversarial VA.

Congressional oversight in these matters can only be described as “MISSING IN ACTION.”

“At what level do you think Government should consider compensation? Should we have a no shadow of a doubt? The reason why I am asking the question is I have come to the conclusion, based on our work that we have done on gulf war illnesses, based on our review of Agent Orange, that I have to be honest with our veterans. By the time we will know the scientific data, “you are dead.” You will either have “died early” or you will have “died in your old age in pain,” but you will not get help from the Federal Government.”

Congressman Christopher Shays...2000

Submitted by:

Charles Kelley

Note:

Based on a previous personal testimony by me and others Congressman Filner has plenty of evidence on CD already with much more that can be provided. We do not need anymore stinking VA/Government studies to be tainted. The data exists.

A recent poll found that 63% of the voters suggested the nation would be better off if all of you were replaced. I would think with your lack of actions in real Veterans Issues and not renaming some dumb building but real Veterans/Widows issues that number would be well over 90%. Your political word has become nothing but rhetoric of a vial nature.

Stalling is the cruelest form of denial!