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*If Veterans don't help Veterans, who will?*

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Senator Bernie Sanders

Former Chairman Committee on Veterans Affairs

Russell Senate Building  
Room 412, Washington, D.C.  
20510-6050

26 January 2014

SUBJECT: VETERANS AFFAIRS

Senator Sanders,

Thank you for your response dated December 11, 2014.

In my response to you with my letter dated December 23, 2014 I indicated at least three subjects I was to cover:

The Tragedy in Overview  
Veterans Affairs Medical Issues  
Veterans Affairs Benefit Issues Part 1  
Veterans Affairs Benefit Issues Part 2

This letter will be on Veterans Affairs Benefit Issues Part 1.

I will start by expanding the explanation of the following from The Tragedy in Overview letter dated 2 January 2015.

While the tragedy remains that the government decided to minimize and indeed cover up the impacts of the herbicides the fact congress has done little if anything to stop it should be considered criminal. No different from the criminal activity at Veterans Affairs.

As you may recall I pointed out in my previous letter of 2 January 2015 many dioxin issues that were found associated to immune system dysregulation, all site cancers, as well as genetic damage and offspring damage done to my Veterans. Most of it still covered up and denied by Veterans Affairs as well as the IOM.

"...dioxin can also modulate [modify] the immune system resulting in an inability to fight disease. It is a very powerful immunosuppressant. But it can also upregulate [excite] the immune system so that you start becoming hypersensitive, developing autoimmunity and allergies. Depending upon the stage [of growth] of the animal and the species, sometimes you observe immunosuppression and in other cases you observe upregulation."

The above quote is by one of the nation's leading scientific experts on the effects of dioxins. Maybe the leading expert in most of the world. Yet somehow Veterans Affairs and IOM deny such impacts.

Let's us not forget when the above happens the immune system and damaged t-cells open the door for the development of cancers - any cancers not just the ones decreed by Veterans Affairs and IOM.

As described above the system is virtually two different systems. If the systems get confused as with dioxins the immune system can fail in two ways:

One if it is damaged or confused in one way, it can fail to attack foreign invaders, and can thus allow infections or cancers to develop.

Two if it is damaged or confused in the other way the immune system fails to distinguish self from non-self, it can overreact and attack the self, causing "autoimmune" diseases such as arthritis, asthma, lupus, or Type I diabetes (insulin-dependent diabetes mellitus). Other autoimmune diseases include scleroderma, Graves' disease, Addison's disease, Hashimoto's disease, myasthenia gravis, lymphocytic adenohypophysitis (also called Sheehan's syndrome), mucocutaneous candidiasis, Schmidt's syndrome, and autoimmune thyroid disease as just a few examples.

"It is important to consider that if an acute exposure to TCDD even temporarily raises the TCDD body burden at the time when an immune response is initiated, there may be a risk of adverse impacts even though the total body burden may indicate a relatively low average TCDD level." In other words, a single dose of dioxin at the wrong time may damage your immune system's ability to protect you."

"...there is no threshold for immunotoxic responses to dioxin; in other words, there is no level of dioxin below which the immune system is not affected. Put another way: any amount of dioxin seems to do some damage to the immune system, at least in animals; there is no "safe" dose."

"Furthermore, because TCDD alters the normal differentiation of immune system cells, the human embryo may be very susceptible to long-term impairment of immune function from in utero [in the womb] effects of TCDD on developing immune tissue. In other words, dioxin can prevent the immune system from developing properly in an unborn child, with lifelong consequences."

Studies have shown in children where dioxins are present their immunization does not work well. Whether that is from embryo issues or exposure after birth in a developing immune system or both is obviously at this point that I can find is unknown.

The last above quote is something I have been concerned about since I found the horrible increase in autism in our children. This includes our entire population. The concern must be does the standard immunizations we have work well with a dioxin compromised immune system. If not and this ever comes out as a dioxin outside causation in synergy with that mercury derivative still being used as I understand it...then congress has another issue to explain for their lack of action in protecting our unborn and young offspring from the impacts of your chemical company buddies with all their money.

While the above certainly points to dioxin created immune system issues still denied by Veterans Affairs and IOM the following by the "real experts: it should educate you and the entire congress.

"...dioxin damages the immune system directly and indirectly.

"Dioxins directly reduce the number of B cells (immune cells that develop in the bone marrow, then circulate throughout the blood and lymph, fighting off invaders)."

"Dioxins indirectly reduce the number of T cells (immune cells that develop in the thymus, then circulate throughout the body, attacking invaders)."

Is it any wonder we have T-cell cancers and finally General Shinseki to his credit added a few B cell cancers as associated.

Although the real experts and as I indicated your own non-published findings clearly indicate all-cancers and all-site cancers are dioxin associated.

Given I can prove the above by the real experts how can you Senator Sanders or anyone in congress for that matter still deny all-site cancers as well as immune system issues?

German researchers published a study of the health of 158 chemical workers who had been exposed to dioxin in 1953 during an industrial accident at a BASF chemical plant. The 158 exposed workers were compared to 161 unexposed workers. The dioxin-exposed workers experienced more frequent infections and parasitic diseases during the 36 years after exposure, consistent with immune system damage. Especially noticeable were increases in respiratory infections, thyroid diseases, disorders of the \*peripheral nervous system, etc.

Oh by the way "mental disorders" were also increased. Which is one issue I have been trying to point out for the last twenty years in many psychiatric disorders to include found personality changes as well as increased suicides in third world countries. For my Veterans it might not be just PTSD. I would doubt these German workers were involved in much combat during their working career.

\*Another issue that is nothing but blatant fraud by Veterans Affairs and the IOM is the issues with the Peripheral Nervous System as associated.

#### **Found:**

#### **Your own government dishonest study found:**

- "... we consistently found a statistically significant increased risk of all indices of peripheral neuropathy among Ranch Hand veterans..."
- "data showed a significant increase in the index of polyneuropathy. Another run through the data showed it correlated significantly with dioxin."
- "A significant and adverse relationship between peripheral neuropathy and dioxin body burden was found."

Senator Sanders your own studies found the above associations and yet Veterans Affairs Benefits continues to deny the impacts.

An actual honest study a totally blind honest study of I Corps and II Corps Veterans with built in quality assurance released in 2003, found dioxin related to peripheral neuropathy at a p-value of 0.039. The study also found a p-value of difference between Vietnam Veterans and non-Vietnam Veterans with peripheral neuropathy of a p-value of difference of 0.0042. An odds ratio (OR) was found of 2.39.

A follow up study by the same study group found:

"Based on the results of two epidemiological studies, Peripheral Nerve Disease is the most prevalent disease associated with Agent Orange Exposures...."

Fifteen years after the Seveso accident a scientific study found a "five x" increase in Peripheral Nerve Disease.

Denied impacted disabled Veterans would ask you and any member of congress or even presidents how it is possible to find an statistical association to Peripheral Nerve Disease and dioxins in not only Veterans but civilians as well from fifteen years to a almost a quarter of century after the fact and then Veterans Affairs is allowed to say: Yea verily command:

“Peripheral nerve disease is only presumptive if the peripheral nerve disease is resolved with axonal re-growth nerve fiber within two years of leaving Vietnam.”

Senator Sanders you or any member of congress, including VA doctors, needs to explain this disparity. How can studies find after decades from exposures a significant association to dioxins and degenerating Peripheral Nerve Disease as a stand alone disorder? Then have Veterans Affairs command any Peripheral Nerve Disease must resolve within two years of exposures. How is this even remotely possible without total fraud on behalf of the government?

Yes, thanks to Veterans not Congress; Secretary Shinseki finally changed the must resolve within two years thereby finally admitting that this disorder is indeed degenerating and creating disability.

Unfortunately this did not solve the issue.

To the shame of Secretary Shinseki he did not change the other lie manifested by Veterans Affairs that these Peripheral Nerve Issues “must manifest within one year of Vietnam Service.” Even though he finally admitted it is degenerating after decades of Veterans Affairs lies. Thereby still rendering the found associated disorder as non-service connected and a VA fraud as to presumptive disorder.

I have a feeling Secretary Shinseki did NOT know about this fraud being perpetrated by Veterans Affairs Benefits management. I also doubt during his military career if he even suspected anyone was lying to him or not representing known facts with the code of the military where life and death decisions are made. That seems to be part and parcel to politics and federal agencies.

This is particularly germane as to why they continue to deny such issues. If Veterans Affairs Benefits and IOM ever admitted to this issue with no caveats and constraints then the follow on issues would be great as to medical problems; to include the peripheral nerve damages to the autonomic nervous system which is part and parcel to the peripheral nervous system. For example your non-conscious brain activity (your second brain) would now be in question as to damages and resulting outcomes. So yes they still lie for the above reasons.

Anyone with any analytical ability at all can see why Veterans Benefits did not change the one caveat and keep Peripheral Neuropathy as a non-factor; even though they list it as a fraudulent association in their little book they put out. As in so many issues of Veterans Affairs Benefits fraud this just leads to clogging up the back log of claims in the tens of thousands; as intended. You let them get away with it. They scammed us and by default their little book scams you as well. Unfortunately we have no way to challenge while you do. We have tried, you and congress have not!

I have done twenty plus years of research on dioxins and the effect on the peripheral nervous system. In every study I found peripheral neuropathy was found associated including your own government study.

What I did not find in any study was this Veterans Affairs Benefits magical, fraud, must manifest within 365 days of leaving Vietnam. This could be for all intensive purposes must manifest within 435 and one half days of leaving Vietnam. It makes about that much sense.

No study has concluded this nerve damage was almost immediate in context. Not one study. Not one!

Anyone with any analytical ability at all can see why Veterans Affairs Benefits did not change the one caveat and keep Peripheral Neuropathy as a non-factor. This just leads to clogging up the back log of claims; as intended.

This fraud in many other disability and death issues as well, which I will explain later, just leads to more and more years of submittals and then a trip to the other fraudulent spoke in the system the Board of Veterans Appeals wheel and more years of waiting and more and more increasing backlog.

It seems if Veterans Affairs Benefits as well as the IOM that they some how know exactly how dioxins impact the Peripheral Nervous System. Not only that; when it will impact the Peripheral Nervous System after exposures. If that is the case they need to tell the rest of the world researchers, scientists, and treating board certified neurologists. They seem to be also kept in the dark by Veterans Affairs Benefits discoveries on these issues.

Many research universities that I have studied conclude that in Peripheral Nerve Disease in over thirty-three percent of cases will remain idiopathic in some sub-clinical issue that may or may not manifest to a clinical diagnosis over life.

As a purist in data myself I do not disagree with that fact after studying all the causes of Peripheral Nerve Disease. My conclusions along with the medical and scientific research folks:

- The actual disease or disorder associated within an individual with Peripheral Nerve Disease may remain sub-clinical for decades or even over life.
- Peripheral Nerve Disease in many cases is the first symptom there is a sub-clinical issue that should be investigated.
- Peripheral Nerve Disease the actual clinical causation may never be found.
- Peripheral Nerve Disease as it relates to dioxin issues in Veterans is at least as likely as not associated to immune system damages that may or may not be sub-clinical.
- Peripheral Nerve Disease as it relates to dioxin issues in Veterans is at least as likely as not being overlooked by treating physicians as to possible causation or associated developing autoimmune disorders, clinical or sub clinical, in the Veteran because of the fraud perpetrated by Veterans Affairs Benefits.
- You cannot have this massive Peripheral Nerve Disease in so many Veterans and not have “autonomic nervous system” damages as well, your second brain, receiving ganglion sensor input (including the sensor can be damaged) and many systems and organs themselves can be affected as to their functionality.

On January 2, 2015 a study was released in Journal of Science that concludes cancer may be more about bad luck than bad habits in two thirds of cancers. Bad luck as to type and cancer sites. That it is just random division of stem cells increases vulnerability.

In a study of dioxins and cancers using quantitative mathematical risk assessment at very low level exposures of four civilian cohorts the finding was:

- The difference between the Standardized Mortality Ratio or SMR of all-site cancers and specific site cancers was miniscule. This was also found in your own study of Ranch Hand Veterans; just not published.

The study scientist concluded that because dioxin is known and has been known and established to interfere with the cell aryl hydrocarbon receptor (AhR), as I previously noted, at least in the broadest overview of cellular issues this was the reason for the non-significant difference in specific cancers versus all-site cancers since all cells have this aryl hydrocarbon receptor (AhR).

No different from the what seemingly is some undiscovered findings in Peripheral Nerve Disease by Veterans Affairs Benefits that they will not disclose to the world much less the world's scientific community their direct causation findings and thereby limit the presumptive associations in time limits and above all the resolution of the disorder. Veterans Affairs will not disclose to the world how dioxins as above and previously stated with facts the finding of a dioxin affinity to only "certain specific cell receptors" and thereby limiting the sites of cancers and the type of cancers as presumptive. Obviously they have found something that limit's the dioxin effects to only particular cells with the exact same properties. How and their findings would certainly be interesting to the medical community and in particular oncology.

Senator Sanders forget you are a senator and just a father and grandfather. If you knew Veterans Affairs Benefits had this so called "magic discovery" that limit's the dioxin association to only certain cells all with the same aryl hydrocarbon receptor (AhR) and would not disclose this finding. Would you not find that inexcusable given that finding could result in cancer treatments?

Is the world waiting for this Veterans Affairs Benefits finding and announcement on limiting cancers and how they found this totally unknown specific cellular anomaly that not all aryl hydrocarbon receptor (AhR) in cells are the same? Some having an affinity for dioxins while other repel the dioxin interference. One would have to conclude they cannot be the exact same given Veterans Affairs Benefits denials of cancers even with evidence to the contrary by other scientists and studies regarding dioxins and aryl hydrocarbon receptor (AhR)

Of course it is all Veteran Affairs Benefits scientific hog wash. Yet you and the congress let them and continue to let them get away with it day after day; year after year, decade after decade.

No different from denying immune system disorders clinical or sub-clinical (some not even identified by description or medicine created by dioxins). All scientific hog wash by Veterans Affairs Benefits because you gave them that power of committing fraud against Veterans and it will and shall not be punished.

How many scientists or doctors would agree that you can have a known carcinogenic compound and a known aryl hydrocarbon receptor cell disruptor and that compound will never ever and shall not produce immunotoxicity issues or autoimmune disorders? How many? Probably only those that work for Veterans Affairs Benefits or IOM!

A very prestigious former congressman stated the following in 2000 and you as a congressman were on hand to hear this personally:

“...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.”

That is the honest answer that I have to give people...”

Senator Sanders the facts and his stated results in his statements are intentional by Veterans Affairs Benefits and IOM. There can be no other explanation given the evidence.

Senator Sanders what if anything has changed given the evidence I have provided?

I cannot speak for the other Era Veteran Issues, not knowledgeable enough in-depth. I can speak to the Vietnam Era Herbicide Veterans Issues and there should be at a minimum of thirty eight disorders not the twelve we have today as presumptive. Again I offer my services as well as other Veterans that have done the work and collected the real data and facts should you or any member of congress want to avail yourselves of the truth.

Of course all of this Veterans Affairs Benefits fraud adds up to nothing short of a national shame in the backlog of claims. A shame subsidized by the Board of Veterans Appeals.

“Veterans Affairs processes create more mental and physical harm in many cases than the applied for disability.” Former Chairman of the House Veterans Affairs Committee as told to me in person.

Of course if not for Veterans Affairs Benefits fraud many of these cases would not be the preverbal “complex cases” Veterans Affairs Benefits keeps touting as reasons for taking so long. They are complex primarily because of fraud.

In a case where the Veteran is applying for a disorder as presumptive to his or her exposures that we know should be presumptive but Veterans Affairs Benefits is denying as such based on fraud.

Rather than stating right up front that "only the Secretary of Veterans Affairs can deem something as presumptive." Veterans Affairs Benefits plays with the Veteran or Widow. Rather than just saying you need to sign the form 9 and go to the Board of Veterans Appeals they play with the Veteran or Widow for years acting as if enough evidence is submitted they will approve the claim at Veterans Affairs Benefits level as presumptive. Then after years of denials and resubmitting evidence, Veterans Affairs Benefits going after the Veterans doctor and using up all his time and resources as well who stated the Veterans issue or issues was at least as likely as not created by his or her herbicide(s) exposures Veterans Affairs Benefits then just says;

Yes the Veteran has submitted sound evidence and studies but only the Secretary of Veterans Affairs can pronounce anything as presumptive. CLAIM DENIED.

Even Veterans Affairs Benefits rules clearly state in 38 C.F.R. “Sound scientific and medical evidence does not establish a cause and effect relationship between dioxin exposures.”



**Then you state:**

"It has always been the policy of the Veterans Administration and is the policy of the United States, with respect to individual claims for service connection of diseases and disabilities, that when, after consideration of all the evidence and material of record, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of a claim, the benefit of the doubt in resolving each such issue shall be given to the claimant."

Evidence clearly indicates in your statements within the Dioxin Act it is not being followed. Not even close.

Then we have the VACEH and the Institute of Medicine (IOM) Agent Orange Committee. Both tasked by you and Congress to make recommendations to the Secretary of Veterans Affairs as to what should be presumptive.

"..what should be presumptive" is the real issue for Veteran and Widows.

I think we can all say after reviewing the processes by VACEH their conclusions and even processes once reviewed were as biased as Veterans Affairs Benefits itself. To include in no time operating from 1979 to 1991 did the come close to having the membership make-up you yourself and congress mandated was necessary for integrity. Obviously it had none.

Then you gave the contract to the IOM and its totally biased membership.

You said all we needed was a significant association or increased risk of incidence not a correlation. Although I have argued in my papers to you that biological plausibility is also a consideration in and by itself. Given science now knows how these toxic chemicals operate once inside the body (biological plausibility and scientific reasoning). The Veterans Affairs Benefits lies remain as in many issues in not only do we have significant association or increased risk of incidence to include biological plausibility my Veterans and their Widows are still denied presumptive status on many issues. WHY?

Veterans Affairs Benefits, capable of making decision on their own by law, now sit back and blame or wait for the IOM recommendations. Knowing full well they do not operate and make recommendations as you and the congress instructed or even mandated.

Since as you found out it March of 2000 yourself IOM is not forthcoming in neither what it is they are doing; nor how they are doing it; or to what level!

I can tell you this from personal experience in my personal face to face fight with IOM and their Agent Orange Committee it is far and above what you stated as meeting presumptive. They do not care about public law or what you and congress said we needed for presumptive issues.

I participated in many disability commission meetings on my own. These commissions to say the least were a government joke and a waste of taxpayer money. I could convey many things that were absolutely just more Veterans Affairs Benefits covert actions against the Veteran but I need to cover this one issue. If you want to know more just ask.

I had conveyed to the commission over and over again just as you or Congressman Shays asked in 2000 as to how IOM was doing anything in recommendations, evaluations and to what level; or even what level of science can they be. Just as you asked in 2000 and got the preverbal run around.

The commissioners, especially commissioner Grady, to their credit sent a request to IOM to explain what it is they were doing. They came out with some fancy book that basically said nothing as to the level of decision or processes they were using. Certainly not ISO 9000 compliant!

This meeting to me where they were to present this so called presumptive decision making information was the most important meeting for any Vietnam Era Veteran or Widow. Anyone should be able to understand with the obvious implications of the paramount concern involving our many issues.

Not one Veteran Service Organization even bothered to attend. Not one! This left me and a retired Air Force Colonel, now deceased from Agent Orange issues, fighting for all Veteran Era Veterans and Widows.

What the IOM kept concluding was they had to have CAUSATION not just significant association or increased risk of incidence as you and the congress indicated over twenty five years ago or longer. Now since that time we have a lot of real biological plausibility issues come to the forefront as well as the already found significant association or increased risk of incidence.

At the end of this meeting I was congratulated by many for standing my ground and putting IOM in a corner they either would not or could not answer. Sound familiar like your 2000 Q & A issues of the IOM?

Additionally when I asked what had they been doing prior to this booklet as to presumptive issues they refused to answer. Sound familiar just like your 2000 Q & A issues of the IOM?

Why are they so closed mouth and secretive? Senator Sanders you know why and it is time you and the congress did something about it!

Senator Sanders the taxpayer is not paying for some dioxin science project for CAUSATION DETERMINATION by the IOM.

You may or may not recall Veterans Affairs Benefits and the VACEH tried this same thing even after you specifically stated and commanded significant association or NOT AND increased risk of incidence. As you also will recall Veterans had to file a lawsuit against this issue of a much higher standard for association in the Nehmer lawsuit.

A statistical association "means that the observed coincidence in variations between exposure to the toxic substance and the adverse health effects is unlikely to be a chance occurrence or happenstance only. Not how the issues happened within the body.

The court ruled that Veterans Affairs Benefits in spite of congressional mandates to the contrary and law had by incorporating the "causal relationship" test had established an overly burdensome standard for Veterans. This also invalidated any form of mandate by congress of giving the Veteran the mandated Benefit of the Doubt in any claim regarding Agent Orange (herbicides).

If the courts ruled in favor of the Veterans against Veterans Affairs Benefits for incorporating the more stringent "causational standard;" is not the IOM also in violation of this court ruling in their single minded

causational standard to recommend presumptions to an already biased Veterans Affairs Benefits? As admitted to me in person time after time after time by IOM causation is a must. It is not a must for recommendation for presumptive disorders.

Common sense and your own experiences in March of 2000 should conclude that very fact.

Science and I have given you more than ample proof over and over again that dioxins interfere with the cells aryl hydrocarbon receptor or AhR; all of them. Every cell in the human body has this same aryl hydrocarbon receptor.

The fraudulent denials to "presumptive status" of so many issues creating death and disability in our Vietnam Era Veterans that should be presumptive, by your own standards you put forth, by Veterans Affairs Benefits and the IOM must conclude that they have:

- Discovered somehow due to DNA genetic mapping within the individual cells themselves that some cells with the exact same aryl hydrocarbon receptor are indeed "totally immune to all dioxin compounds" and "any and all dioxin impacts" on the common cell aryl hydrocarbon receptor.
- If this is correct; then Veterans Affairs Benefits and the IOM should publish such fantastic news as to how they accomplished this scientific marvel of molecular biology and genetic DNA mapping study. The scientists in the United States deserve to know; much less the rest of the world.
- If not true then once again we have a double standard and a double set of data points for our Veterans and Widows in government collusion.

Only politicians can have a given set of facts and have multiple conclusions based on party politics. SCIENCE cannot work that way. Unless it applies to Veterans only it would seem.

In fighting the Veterans Affairs Benefits years have gone by in VA denials and the Veteran or Widow frantically trying to find more and more evidence and data. Yet it will do them no good. They will eventually have to move up to the Board of Veterans Appeals for even more stump breaking and more years of waiting for earned benefits once Veterans Affairs Benefits management and employees decide to quit playing with, which is a nice description of what I really want to say, the Veteran or Widow.

Now the Veteran or Widow moves up the higher legal authority for Veterans Affairs Benefits.

Since there is an intentional waiting line for claims the Veteran or Widow now in limbo might have to wait another two or three years to get a hearing and present his or her case. This is supposed to be a "guaranteed right by law" for the Veteran that entitles the Veteran or his representative to present, as stated, "a well grounded case." That also is bunk at least in my personal experience.

In my engineering career I have presented in many areas of government. If I say I have an eighteen minute presentation it will be eighteen minutes plus or minus thirty seconds.

I waited almost three years for my so-called hearing. Where I made my mistake was I sent my presentation ahead of time to the DAV representative that was supposed to be on my side. At the hearing it was obvious he had already given that to the so-called judge and they had discussed what they were going to do. Now I am

not the sharpest tack on the wall but neither am I the one with the bent point not to recognize what was going on.

I had everything laid out as to my objections to Veterans Affairs Benefits denials line order by line order in an eighteen minute presentation. Thinking this was a real legal hearing under oath and not some three ring circus. I even had the evidence with me that I referenced in my presentation; just in case this so-called judge wanted a copy to review.

Senator Sanders it was a joke. I was told I could not present my case and when I acted miffed after all the work I had done to prove my case line by line and even brought the evidence the judge just said, "Mr. Kelley you do not have to be here if you do not want to be."

### **On a sample of one that is how the Board of Veterans Appeals works.**

#### **Let's move on.**

The Veteran or Widow is denied by Veterans Affairs Benefits for years and finally after years gets in front of a fat cat judge. Now all the while before this the Veteran or Widow is continuing to gather evidence. The Veteran or Widow goes to the Board of Veterans Appeals website to review in a data search previous cases that are identical, I mean exactly the same, that the Board of Veterans Appeals has already approved. The Veteran or Widow runs off copies of the approvals to demonstrate their case is identical. Yet when they get there the Board of Veterans Appeals does not recognize their own previous rulings on identical cases. How is it the evidence of their own findings mean nothing? Is this like any legal system in the world where previous case studies and rulings is not even admissible? Good lord even the senate asks questions of potential candidates for legal appointees on judge rulings or court decisions. Veterans are not as good as congressional folks I would have to guess and legal issues do not apply to them as in a real court of law.

Now from my VA lawyer friend he tells me that in some cases "certain judges only" will allow that; but not in all cases. At one time even the published legal decision had stated on it "shall not be used as evidence in like cases or similar." Senator Sanders maybe you can explain that as I can find no rational for this disparity in any real legal system.

While the judge may admit the prior decisions as a nicety it in no way comes out in the decisions as: Based on at least two other identical cases the court rules in favor of the Veteran/Widow...next case. Or; why do we still get the exact same cases over and over again...tell VA to approve all such claims and quit wasting our time. No sir not going to happen. It is called government fat cat job security.

Now the Veteran or Widow has spent years at Veterans Affairs Benefits denied based on fraud in many cases. Now he or she has waited more years to even get a Board of Veterans Appeals hearing. Even though there are many already approved exact same cases; this sham must go on.

The Board of Veterans Appeals then remands the claim back to Veterans Affairs Benefits for more work or corrections. Now the station manager back at Veterans Affairs Benefits has already taken credit for this claim in the total to obtain those cash bonuses. How much emphasis is Veterans Affairs Benefits going to provide in working this remanded claim in a Board of Veterans Appeals mandate that states it must be worked in a so called "expeditious manner" since no more credit can be obtained in the constant manipulation and search for cash bonuses? Quality audits years ago found that some remands sat at Veterans Affairs Benefits for over five years and no one at Veterans Affairs Benefits even touched them.

Does this not sound like the Veterans Affairs Medical scandal? I and many others think it is no different. Liars lie and they make the numbers lie to obtain personal financial gains.

When and if Veterans Affairs Benefits ever satisfactorily completes the remand specific requests, taking who knows how long, then back to the Board of Veterans Appeals to see if now everything can be decided on the same claim the Board of Veterans Appeals has already approved in other exact same generic cases of which except for Veterans Affairs Benefits fraud should never had been there to begin with.

Senator Sanders this is not a legal system “it is a government run lottery system for Veterans and Widows.”

How do we save millions of dollars a year and maybe in the billions of dollars a year?

If you or the congress are not willing to at least listen to the evidence and review the scientific data as to what should be real presumptive issues; then that is your shame. There is nothing more we as Veterans/Widows can do obviously. We have done our best where as you and congress have not.

You in the congress are always harping on information sharing technology. So even if you do not want to listen to the facts as to thirty eight presumptive disorders then at least using information technology and searchable criteria fields check the data base for approved claims that are not deemed presumptive. No one can justify in government the trying of the same identical case over and over again that is totally generic in nature. If enough evidence is found by a legal court that overrules Veterans Affairs Benefits in their fraud then how can this be justified as justice. Does the Veteran or Widow just hope that he or she comes up in the Veterans/Widows lottery? It seems so.

Go to the Board of Veterans Appeals and find approvals associated to exposures then “all such positive legal findings” should apply to any Veteran or Widow for heavens sakes. How can one be approved and another exact like claim even with men who served side by side with the same disorders be approved and the other denied? I for one and many others would like an explanation on that one and how it equates to any form of justice.

I will make you this offer even though this is the worst of the two proposals. If you go and find positive associations to issues that are not presumptive I will provide you the scientific proof that number one it should have been presumptive by Veterans Affairs Benefits decades ago. This would also supplement the positive finding actions by the Board of Veterans Appeals.

It should be mandated to Veterans Affairs Benefits that all like generic claims already approved at the Board of Veterans Appeals should not be sent to the Board of Veterans Appeals but approved at Veterans Affairs Benefits level immediately. Stop this stalling and denials immediately by the tag team of Veterans Affairs Benefits/Board of Veterans Appeals.

Obviously the correct thing to do is mandate by congressional bill the thirty eight disorders as presumptive. Then Veterans Affairs Benefits would have little choice in denials. That is not to say they would not work hard to get around any bill or mandate as they have in the past.

All I can request is you give us a chance to prove what I and many are saying with evidence.

Now even on presumptive issues there is much improvement needed in processes that once again can save millions of dollars a year and once again maybe in the billions.

Obviously if the thirty eight issues were approved in just our Era issues the requirement of adding more and more Veterans Affairs Benefits folks would be reduced. Probably to the point that the entire size of Veterans Affairs Benefits could be reduced. Not only saving taxpayer salaries but taxpayer benefits and taxpayer retirement in the out years. I know to the government; money is nothing except when it comes to Veterans Issues.

The same scenario plays out as Congressman Shays pointed out in other Veteran Era Issues as well. Truth based on facts can save the taxpayer a ton of money per year and get the Veteran/Widow the support they need and have by the way EARNED!

Finally Veterans Affairs Benefits has started publishing a Physicians Rating Disability Evaluation forms for various disorders. We had been asking for this forever it seems like. These are forms that the Veterans physician can fill out per disorder that correlates with the published Veterans Affairs Benefits Disability Rating Schedule. This would in a matrix like give you disability characterization versus rating. We had thought this would remove some of the subjectivity from rater to rater and it has to a point. This only works if the rater does not hate Veterans and his or her job!

### **Let me give you an example;**

For presumptive ischemic heart disease if the Veteran has a Metabolic Equivalent of Task (MET) rating of three, defined on the physicians check list, then the disability rating is 100% no if ands or buts if the system is used properly. And no lengthy delays in waiting for some redundant government disability evaluation.

There should be no more need for Veterans Affairs Benefits to now go after the Veterans doctor as well.

If the Veteran is using a civilian doctor at least that doctor is actually licensed in the Veteran's state to practice medicine. VA doctors this does not seemed to be a requirement. Nor are they going to go all out to even support the Veterans claim. Yes the documented process says they are required to do so but Veterans Affairs Benefits says oh no. More on that should you want further discovery.

If this system is working properly then there should be no more need for QTC disability evaluations or even Veterans Affairs Medical evaluations. I realize there may be cases that need clarification but in general that should be it and assign the disability in accordance with the rating sheet guidelines.

Is a QTC doctor or VA disability doctor going to know more than the local heart doctor that just came out of the Veterans heart? I doubt it very seriously.

Not only that but you heard yourself the delays in getting help and service connection to the Veteran because of schedule problems with some sort of disability evaluation by questionable (biased) doctors to begin with or even QTC who works for Veterans Affairs.

Yes and I have more discovery on that issue as well should you want to hear it on tests being run that have no bearing on the claim itself. Yes just padding the costs to the taxpayer while someone makes extra money.

If the process works correctly then all that should be required is the physicians disability rating schedule; apply that to the published Veterans Affairs Benefits disability schedule; and approve the claim with the disability rating. If the Veteran later wants to appeal the claim rating or the disorder becomes worse then a

single form is all that is required. In between that time at least the Veteran now is service connected and has some financial support for the disability. It is that simple!

The next letter will have even more on these Veterans Affairs Benefits issues in Part 2 and the overall impacts to the Veteran Community. I need to stress to you and others just how dishonest this issue has been and continues to be so.

I will be waiting on your or any congressman or senator's response. Doubtful it will be coming but I am looking forward to any response. As I am sure the folks on my lists will be as well. The media of course would be welcome but they have ignored the real facts as long as the government has to include the government putting pressure not to cover such things as; government corruption against the finest this nation has to offer.

My offer still stands for an informal meeting with myself and a few other very knowledgeable Veterans for discussions of the issues and sound legal common sense recommendations to fix the issues for all Veterans and Widows once and for all.

Also any potential 2016 presidential candidates that should stumble across these postings. Fix the Veterans and Widows issues with honesty and integrity for a change and you just might have over 20 million Veteran votes in your back pocket out of the gate. If you include spouses and offspring of Veterans and any friends of Veterans that realize their contribution to this nation is priceless you could have a heavy head start on any competition Republican or Democrat. Get rid of the politically corrupted IRS as well; you probably have a slam dunk!

Just remember at the very same time this very government with Veterans Affairs Benefits in the lead was denying any and all impacts for their herbicide(s) exposures for the Veterans; this government bought up 801 homes in Times Beach, MO for much less exposures to a single compound dioxin, TCDD.

I do not now how this government can be more hypocritical than that!

For once get the real facts from Veterans; not Veterans Affairs or Veteran Service Organizations skewed facts.

Sincerely,

Charles Kelley  
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Snellville, Georgia

Hard Copy to; plus internet posting:

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Senator Richard Blumenthal (D - CT)  
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