

Subject: **HOW THE VA GETS AWAY WITH IT**

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Written by: Terry Higgins

Email: va\_rebel2001@yahoo.com.

## **UNAUTHORIZED AUTHORITY, HOW THE VA GETS AWAY WITH IT, WHAT VETS CAN DO ABOUT IT**

"WHEN LEGISLATURE UNDERTAKES TO PROSCRIBE THE EXERCISE OF CITIZENS CONSTITUTIONAL RIGHTS. IT ACTS LAWLESSLY AND THE CITIZEN CAN TAKE MATTERS INTO HIS OWN HANDS AND PROCEED ON THE BASIS THAT SUCH A LAW IS NO LAW AT ALL." **JUSTICE WILLIAM O. DOUGLAS**

On the wall at St. Petersburg Florida VA Regional Office (VARO). The plaque on the wall serves as a reminder to all veterans. It states: 1933 congress passed the Economy Act. In that act was the removal of judicial review for all veterans. VARO goes on to state the ban on judicial review for veterans still exists today.

Part of this strategy for the 1930's ban on judicial review was to take away WW1 vets disability compensation. This could not be accomplished with the courts and lawyers over seeing what they were about to do. Once the courts lost their viewing authority. A ad hock committee was created for the purpose of thinning the disability ranks in a way the judges would never allow to happen.

How does this act affect veterans today? Is the arbitrary denial of veteran's compensation benefits still going on today? Can a veteran whose life is in danger because of the Economy Act, place themselves without their government approval, back under the protection and rule of law?

According to a GAO report 7,845,000 Gulf war vets submitted claims. Only 392 were approved. Half of those 392 were given 0% compensation rating. That's about a 4% claim approval.

Take away rule of law, accountability, make compliance with internal policies voluntary, and then shield the VA by prohibiting the veteran from hiring an attorney or reporting to the courts their grievances. This is the 1933 Economy Act. Social scientists have found this very same power structure to be dysfunctional in the least and a breeding ground for driving men insane. One exception to the law is: The VA keeps its lawyers and is permitted to sue the veteran in the same Federal courts the veteran is banned from. How convenient. This above reality has been an incubator for lawlessness and social injustice with in the VA. It nullifies a veterans education, social skills, and sanity. It has resulted in documented service connected veterans committing suicide, becoming homeless, and families destroyed. The 70 years congress has implemented this constitutional change, it has created an Army of dead, disenfranchised, angry, psychologically damaged, humiliated, and trust violated veterans. Allowing an atmosphere with in the VA permitting VA lawyers to falsify, destroy, and take home vets medical records so the claim could be denied. The lawyers were fined and sent to jail after admitting they denied the claims because they needed the extra cash for processing the extra claims. It was easier for them to deny and remand claims then grant.

Now 700,000 vets are on appeal taking on average 6 to 10 years to process a claim. All the VA has to do is keep up the good work and you will have perpetual adjudication with no merits of a claim ruled on, just the incompetent by choice errors by the VA being recycled for the entire life of the veteran.

According to the National Veterans Organization Inc. A VA study called Compensation and pension performance summary states "the average time to process an original claim for compensation is 139 days. If that claim is not adjudicated in the veterans favor and he appeals the decision to the board of Veteran Appeals, it takes an average of 533 days for the claim to be heard by the BVA. According to this report, an average of 38.4 % of all claims submitted to the BVA are remanded back to the regional office for further development or action. The same report reveals that it takes an average of 496 days for that same claim to be dealt with once it has been returned to the regional office. This means that on average it takes a total of 1,160 days for a veteran to receive a final decision before he can appeal his claim to the court of veterans appeals. If the veteran appeals the decision to the court. He can expect to wait another 3 to 5 years to get the final decision from the court".

According to the 6th judicial conference held by the Court of Veterans claims. 99% of the CVC remands are for VA error.

Thanks to Congress's ban on attorneys for veterans at the VA level. And the fact that vets can't go before a court until the VA announces it's finished with what it does to our veterans. Vets claims are so skewed from what the vet's intent for a claim was. VA has had over 3 years of isolation from outside influences to apply its administrative tricks to prepare the veterans claim for the court. There's very little the court can do to help when the claim comes to them.

Congress does not have the money to pay out all the legitimate veterans' claims. Even though we have won every battle and war presented before us. Our enemies foreign and domestic have cause a lot of casualties. Congress and American people are not prepared to pay the true cost of the wars they engage us in. This VA system is set up to frustrate, misdirect, absorb the vet's energy so that at the end of the 6 to 10 years of claims handling by the VA, the vet is so frustrated, hurt, angry, dismayed, confused, they can't take any more and drop their claims. At this point the VA saves a lot of money through default.

The amount of claims over all approved or denied appears to be a top secret number held by the VA. I have made numerous phone calls to VA, Congress, and Regional Office. When you ask them about figures of claims approval, they will not return your phone call.

Mr. Arthur N. Bernklau, Veterans for Constitutional Law, personally went to the Library of Congress to answer the question of how many claims did the VA approve v. denials. Mr. Bernklau used the VA COLS records and found from 1970 to 1992 the VA only approved 4% of veteran's claims. Mr. Bernklau also stated using the VA COLS records was a very complex procedure and took days to obtain the information he needed.

Social, economic, and political policy for the last 70 years has striped veterans of their constitutionally protected right to the courts, allowing the VA to do what ever it wants and there is nothing the veteran can do about it. I've been told many times veterans are

protected by Veteran Service Officer (VSO) and a new Court of Veterans Appeals, created because the VA refused to obey its own regulations. Chief Judge Neibeker for the Court stated. "There is a disconnect between the Court and the Regional Office. Adjudicators obey what their managers tell them not what the Court says. "The VA is above the law and does not follow court orders. " Unfortunately when congress created this court. Congress put the court into an advisory position only. In reality it's not a real court because the courts recommendations have no enforcement authority. It's still a voluntary! for the VA to obey or ignore the court.

The motive behind this Kafka style of government is so congress can keep a cap on claims.

For those of us who believe there is an artificial cap on approving VA claims for payment to the veteran, all congress and the VA has to do is stop the smoke and mirrors of announcing: We have hired more adjudicators. We have completed 18,000 claims. We are implementing blue ribbon panel recommendations. And answer 3 simple questions.

1. For each year from 1934 to 2001, how many claims for disability compensation were submitted by the veteran?
2. For each year from 1934 to 2001, how many disability claims were approved? How many denied?
3. For each year from 1934 to 2001, what was the rating decisions for each approved disability claim?

Now be careful if you get an answer to the above 3 questions. The bureaucrats love to fudge on this question. VA employees will boldly step forward and pat themselves on the back and make statements to the effect: We have a 100% completion rate, or we have processed 85% of the claims before us. The words completion and processed is no substitute for the words approved or denied. A 100% completion of claims without disclosing what the denial rate, is useless information.

An honest answer to the above 3 questions would resolve whether or not the VA was told to put an artificial cap on our claims... Therefore I believe these figures will never be honestly disclosed by congress or the VA...

## **TAKING BACK THE COURTS THROUGH CIVIL OBEDIENCE TO THE LAW**

Chief Judge for the Court of veterans Claims made the following quote on what VA adjudicators told him their opinion was regarding the court and the law. "I don't care what the court says the law is." (VA adjudicator response to Chief Judge Neibeker.)

It is still voluntary if the VA complies with the law or not. Congress having placed the authority of the veterans court in an advisory/recommendation arrangement. The VA can and does ignore court orders.... Congress has for the last 70 years always provided the VA with a way out of each law it passes. By keeping vets out of courts and no lawyers allowed, Congress can pass any law it wants to look good in front of the veterans, allowing VA lawyers and adjudicators to replace the law with personal opinions and customs of what they

believe should be the practice of the VA. "I am concerned when I see court decisions like Gardner v. Brown and Davenport v. Brown that determines that VA regulations does not conform to law and merely reflects the way VA has been doing business. It makes me wonder how many other inconsistencies are lurking out there and what the VA proposes to do about them." (Congressman Lane Evans)

Our forefathers were right not to trust and leave the constitution only in the hands of Congress, judges, and individual bureaucracy's.... No veteran has ever forced the issue to be before a jury. You may ask how do we get a jury trial with the above guard dogs blocking the doors. Go over their heads!.

Congress shall make no law prohibiting the right of the people to petition the government for redress of graveness (Bill of Rights).

### **VETERANS MUST BE WILLING TO BECOME US CITIZENS AGAIN**

It is our birthright to have access to a jury for this issue. If not, veterans with the documented history of abuse, fraud, deaths, then who? Our constitution was written for this very same problem and it protects us from this form of government from even being created in this United States. How does one get a jury trial when congress does not want jurors to review clandestine VA actions.

Walk in on a federal jury in progress, Tell them your a veteran, your life is in danger, you need their protection and lay before them any documented evidence of your endangerment. At this point the Judge is ordering you to be arrested. Now you will be under the law. You have a right to a jury trial and legal representation.. Placing the government in a position of defending an unconstitutional law arguing the VA clandestine activities and veterans endangerment is above the law and the jury should stay out of it.

Veterans if the VA has placed you in a position where you feel you have to end it, you are homeless, or your family is being injured. Don't waste your life. Protect your life and family. Use the only option available to you. Turn yourself into a jury for protection.

There is a reason the Government wants us isolated from the jury. No respectable US citizen, when brought before them the evidence of what's really going on, would up hold it. For this scam to work, 2 rules must be strictly adhered to.

1. Veterans are not allowed to tell.
2. Veterans must follow rule no 1.

"We are responsible for our own servitude, by our refusal to resist." Etremine De La Broetie 1584. Any Rosa Parks out there?

The ability for the VA to inflict the pain and suffering we are experiencing is directly related to our ability to accept this behavior from the VA and our fear of taking on for ourselves the responsibility of full American citizenship.

The Declaration of independence starts with. "We hold these truths to be self-evident. . . ." If someday I must stand before a jury, I submit the below opening statement that my right to be before them for my safety is self-evident.

Ladies and gentleman of the jury, you took an oath to uphold the law. Today you are going to have to decide between two laws that are in direct contradiction of each other. There is the 1933 Economy Act passed by congress during the depression. This act took out veterans access to the courts. What congress knew it could not accomplish by allowing veterans to continue on with their constitutional right to the courts. Congress abridged veteran's right to courts by departmentalizing veterans into the Department of Veterans Affairs. What congress knew it could not accomplish allowing continued judicial oversight, it did through a VA tribunal upon which due to social, economic, political pressures. Within the year of its creation, thousands of WW1 disabled vets lost their court ordered compensation through this VA department.

Now we have the other law that is in direct conflict with the 1933 Economy Act. It's called the constitution of the United States. The constitution states, Congress shall pass no laws that abridge a citizen's right to the constitution. The citizen's right to judicial review prior to 1933 was practiced and protected by the constitution. I submit to you today. It still is. However it is through acts of congress that disabled veterans now have no choice but to approach the jury on our own without congressional approval. Ladies and gentlemen of the jury, this is American citizenship and constitutional law in its most rawest forum. The Bill of rights states it's the citizen's right to alter or abolish the destructive government policies, even the right to revolution if necessary.

Ladies and gentlemen of the jury, I'm not asking for a revolution here, or even the right to alter or destroy government policies. All I'm asking is for you to uphold and restore to the veteran the constitution itself which was raped in 1933. Give veterans back the right to redress their grievances in a real court of law that has enforcement authority free from undue influences with the authority to enforce its rulings.

The people who are profiting from veterans abuse are the ones who wrote the rules taking away veterans rights to report and stop the abuse.

Departmentalizing people as a substitute for their constitution and its protections is a very dangerous precedent, and not authorized by the constitution. What would happen if a Department of Murderers, Rapists, and Thieves was created? All your rights would be suspended and your life would lie in the hands of bureaucrats who have access to lawyers but you are not allowed to have a lawyer and its voluntary if they follow the memorandums that guide their operation. Today you must choose which law you will uphold, the U.S. Constitution or the 1933 Economy Act.

"He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws, giving his assent to their acts of pretend legislation---by depriving us in many cases of the benefits of trial by jury, ---abolishing our most valuable laws and altering fundamentally the forums of our government." (Declaration of Independence.)

## **BAD FAITH DENIALS**

The cat and mouse game of claims denials whether in the VA system or insurance industry has been going on for hundreds of years. The VA has hired hundreds of attorneys to advise them of what their rights are and how to keep claims down, all the while these lawyers will argue in a court of law keeping vets out of courts and from hiring their own attorneys. Adjudication has become quite a science. None the less, all the tricks the VA pulls on veterans to deny or delay claims has all been done before. The thievery of our benefits by unscrupulous insurance companies and adjudicators is so common that the courts and legislatures have found among the tricks, common methods of bad faith claims denials and have listed them in statute and court rulings. What I'm listing now is from civilian courts regarding civilian insurance claims. However if you take out any of your VA claims denials for the last 60 years, I bet you will see some of the below unlawful methods used to deny your claim. Furthermore if you go to the Court of veterans appeals and read the last 13 years of rulings you will see repeatedly each and every one of these tricks being used by the VA year after year..

### **FL Stat: 626.9541 UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES.**

Unfair claim settlement practices---

3. Committing or performing with such frequency as to indicate a general business practice any of the following:
4. Failing to adopt and implement standards for the proper investigation of claims.
5. Misrepresenting pertinent facts of insurance policy provisions relating to coverage's at issue
6. Failing to acknowledge and act promptly upon communications with respect to claims.
7. Denying claims without conducting reasonable investigations based upon available information
8. Failing to affirm or deny full or partial coverage of claims.
9. Failing to promptly provide a reasonable explanation in writing to the insured to the basis in the insurance policy, in relation to the facts or applicable law for denial of a claim.
10. Failing to promptly notify the insured of any additional information necessary for the processing of a claim or,
11. Failing to clearly explain the nature of the requested information and the reason why such information is necessary.
12. Failure to maintain complaint handling procedures.

Now where the civilian authorities have outlawed the above with penalties, Veterans have The National Adjutant: Arthur H. Wilson of the Disabled American Veterans stating in the July/August 2001 of their magazine: Mr. Wilson called the VA adjudication process the "Ping-Pong Bureaucracy." He made this statement because of the years and years a claim is bounced back and forth without any of the merits of the claim being ruled on. The VA adjudication process has also been called the hamster wheel.

This is a very sick abusive situation congress has thrown veterans into. There was an experiment done. It was called the Stanford Prison experiment. Prepared by Dr Zimbardo on the University of Stanford grounds in 1971. Using volunteer students from the collage, the experiment gave one group of student power and authority over another group of students and the lesser group had no rights or recourse. This experiment was so psychologically destructive to those who had no rights that when the results of this experiment came out. Laws were passed prohibiting any further use of humans in these kind of experiments. In a more toned down way of sharing what absolute power does. Some schools and collages have handed out arm bands and told the blue bands are superior. In every case, those with power abused that power, causing great suffering. Brown v. Board of education reversed 100 years of segregation in the south because of the harm little black children were faced with when forced to survive in a similar power structure.

What's that old saying? **"Power corrupts and absolute power corrupts absolutely."**

Without rule of law and enforcement authority, you get all to the above crazy making scenarios and the VA knows exactly how to use this against the veteran. How many of you have received the most outrageous VA denials and they always come in your mailbox on a Friday afternoon at the start of a holiday weekend? That little trick is to psychologically make you pay a price for submitting a claim in the first place. That burden adds up if it takes 20 30 40 years before the VA approves you claim. Unless Veterans are willing to exercise their American rights, we will continue to be subjects to this fraud and abuse.

Written by: Terry Higgins  
Email: [va\\_rebel2001@yahoo.com](mailto:va_rebel2001@yahoo.com).