



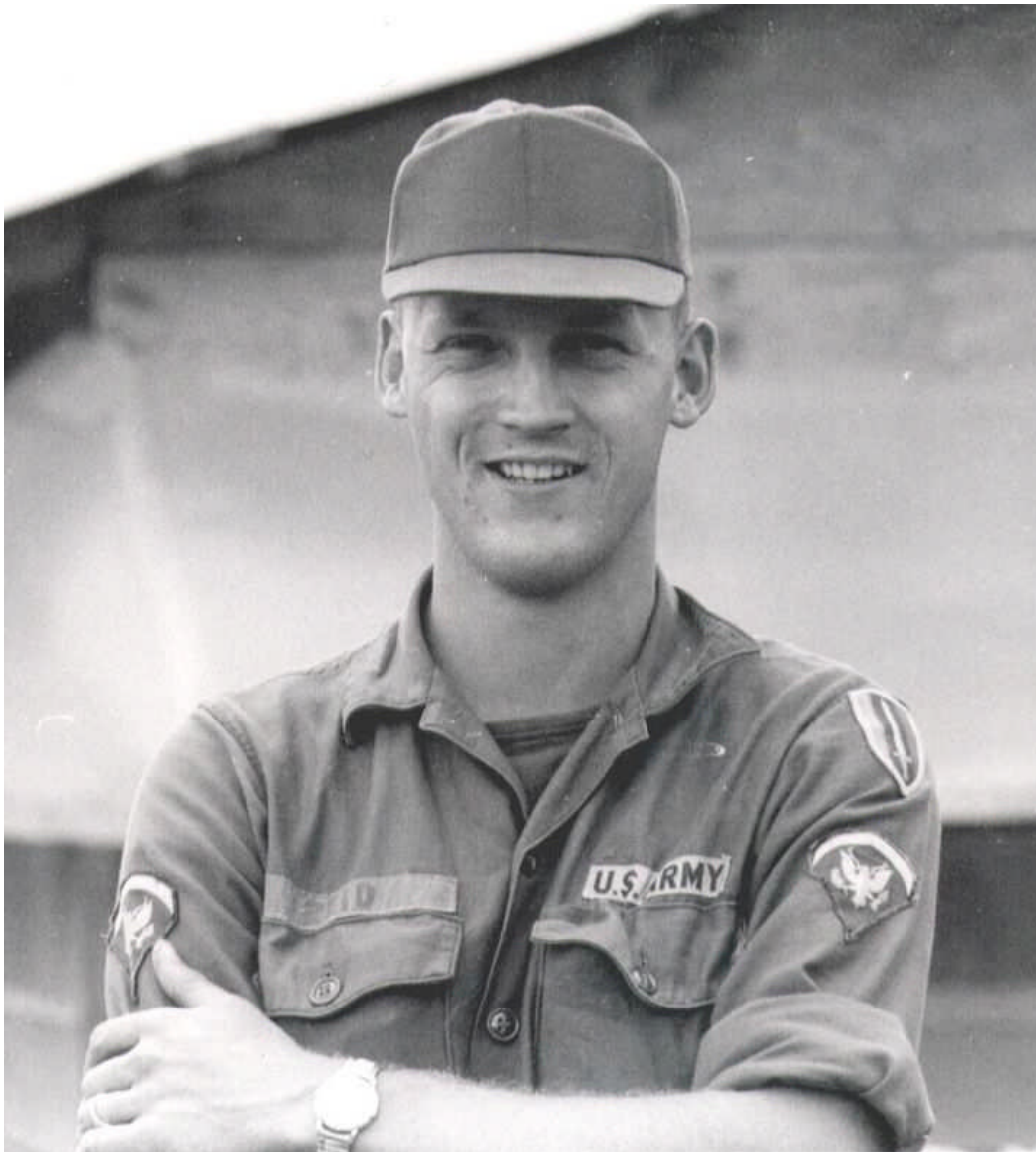
# Vietnam Veterans In Canada

## General Meeting (2007-16)

# Agenda 529

**02 August 2007**

*British Columbia Regiment (DCO), Vancouver, B.C.*



**VVIC Treasurer Larry Reid**  
**August 1967, Camp Holloway, Pleiku, Vietnam**

## Moment of Silence

### United States Military Casualty Reports Received since 18 July 2007

**Lance Cpl. Shawn V. Starkovich, 20, of Arlington, Wash.**, died July 16 in Al Anbar province, Iraq. His death is under investigation. Starkovich was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, Calif.

**Spc. Eric M. Holke, 31, of Crestline, Calif.**, died July 15 in Tallil, Iraq, of wounds sustained from a non-combat related incident. His death is under investigation. Holke was assigned to the 1st Battalion, 160th Infantry, California Army National Guard, Fullerton, Calif.

**Chief Petty Officer Patrick L. Wade, 38, of Key West, Fla.** Wade died July 17 as a result of enemy action while conducting combat operations in Salah Ad Din Province, Iraq. He was assigned to Explosive Ordnance Disposal Mobile Unit Eleven, Naval Air Station Whidbey Island, Wash.

**Petty Officer First Class Jeffrey L. Chaney, 35, of Omaha, Neb.** Chaney died July 17 as a result of enemy action while conducting combat operations in Salah Ad Din Province, Iraq. He was assigned to Explosive Ordnance Disposal Mobile Unit Eleven, Naval Air Station Whidbey Island, Wash.

**Sgt. Nathan S. Barnes, 23, of American Fork, Utah**, died July 17 in Rushdi Mullah, Iraq, of wounds suffered when his unit was attacked by insurgents using small arms fire. He was assigned to the 4th Battalion, 31st Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, N.Y.

**Pfc. Ron J. Joshua Jr., 19, of Austin, Texas.** Joshua died July 17 in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 401st Military Police Company, 92nd Military Police Battalion, 89th Military Police Brigade, Fort Hood, Texas.

**Pfc. Brandon K. Bobb, 20, of Orlando, Fla.** Bobb died July 17 in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 401st Military Police Company, 92nd Military Police Battalion, 89th Military Police Brigade, Fort Hood, Texas.

**Pfc. James J. Harrelson, 19, of Dadeville, Ala.**, died July 17 in Baghdad, Iraq, of wounds suffered from an improvised explosive device. He was assigned to the 2nd Battalion, 16th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, Fort Riley, Kan.

**Sgt. Ronald L. Coffelt, 36, of Fair Oaks, Calif.**, died July 19 in Baghdad, Iraq, of wounds suffered from an improvised explosive device. He was assigned to the 503rd Military Police Battalion, 16th Military Police Brigade (Airborne), XVIII Airborne Corps, Fort Bragg, N.C.

**Pfc. Brandon M. Craig, 25, of Earleville, Md.**, died July 19 in Husayniyah, Iraq, of wounds sustained from an improvised explosive device. He was assigned to Headquarters and Headquarters Company, 4th Brigade, 2nd Infantry Division (Stryker Brigade Combat Team), Fort Lewis, Wash.

**Sgt. 1st Class Luis E. Gutierrez-Rosales, 38, of Bakersfield, Calif.** Gutierrez-Rosales died July 18 in Adhamiyah, Iraq, of wounds sustained when his vehicle was attacked by enemy forces using an improvised explosive device and small arms fire. He was assigned to the 1st Battalion, 26th Infantry, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany.

**Spc. Zachary R. Clouser, 19, of Dover, Pa.** Clouser died July 18 in Adhamiyah, Iraq, of wounds sustained when his vehicle was attacked by enemy forces using an improvised explosive device and small arms fire. He was assigned to the 1st Battalion, 26th Infantry, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany.

**Spc. Richard Gilmore III, 22, of Jasper, Ala.** Gilmore died July 18 in Adhamiyah, Iraq, of wounds sustained when his vehicle was attacked by enemy forces using an improvised explosive device and small arms fire. He was assigned to the 1st Battalion, 26th Infantry, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany.

**Spc. Daniel E. Gomez, 21, of Warner Robbins, Ga.** Gomez died July 18 in Adhamiyah, Iraq, of wounds sustained when his vehicle was attacked by enemy forces using an improvised explosive device and small arms fire. He was assigned to the 1st Battalion, 26th Infantry, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany.

**Cpl. Rhett A. Butler, 22, of Fort Worth, Texas**, died July 20 of wounds suffered when his vehicle struck an improvised explosive device in Khan Bani Sa'd, Iraq. He was assigned to 2nd Squadron, 1st Cavalry Regiment, 4th Brigade, 2nd Infantry Division (Stryker Brigade Combat Team), Fort Lewis, Washington.

**Sgt. Jacob S. Schmuecker, 27, of Atkinson, Neb.**, died July 21 in Balad, Iraq, of wounds suffered from an improvised explosive device. He was assigned to the 755th Recon/Decon Company, Nebraska Army National Guard, Oneill, Neb.

**Cpl. Christopher G. Scherer, 21, of East Northport, N.Y.**, died July 21 from wounds suffered while conducting combat operations in Al Anbar province, Iraq. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, Calif.

**Sgt. Shawn G. Adams, 21, of Dixon, Calif.**, died July 22, in Owaset, Iraq, of wounds suffered from an improvised explosive device. He was assigned to the 3rd Battalion, 509th Parachute Infantry Regiment, 4th Brigade Combat Team (Airborne), 25th Infantry Division, Fort Richardson, Alaska.

**Lance Cpl. Bobby L. Twitty, 20, of Bedias, Texas**, died July 22 from a non-hostile vehicle accident in Al Anbar province, Iraq. He was assigned to Combat Logistics Battalion 6, Combat Logistics Regiment 2, 2nd Marine Logistics Group, II Marine Expeditionary Force, Camp Lejeune, N.C.

**Pfc. Zachary R. Endsley, 21, of Spring, Texas,** died July 23 in Arghendab District, Afghanistan, of wounds suffered when his unit was attacked by enemy forces using indirect fire. He was assigned to the 1st Battalion, 4th Infantry Regiment, Hohenfels, Germany.

**Hospitalman Daniel S. Noble, 21, of Whittier, Calif.,** died July 24, as a result of enemy action while conducting security operations in the Dilaya Province, Iraq. He was permanently assigned to 1<sup>st</sup> Marine Division, Fleet Marine Force Pacific, Camp Pendleton, Calif.

**1st Sgt. Michael S. Curry Jr., 37, of Dania Beach, Fla.** Curry died July 23 in Sarobi District, Afghanistan, of wounds suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 1st Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade Combat Team, Vicenza, Italy.

**Sgt. Travon T. Johnson, 29, of Palmdale, Calif.** Johnson died July 23 in Sarobi District, Afghanistan, of wounds suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 1st Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade Combat Team, Vicenza, Italy.

**Pfc. Adam J. Davis, 19, of Twin Falls, Idaho.** Davis died July 23 in Sarobi District, Afghanistan, of wounds suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 1st Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade Combat Team, Vicenza, Italy.

**Pfc. Jessie S. Rogers, 20, of Copper Center, Alaska.** Rogers died July 23 in Sarobi District, Afghanistan, of wounds suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 1st Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade Combat Team, Vicenza, Italy.

**Lance Cpl. Robert A. Lynch, 20, of Louisville, Ky.** Lynch died July 24 while conducting combat operations in Diyala province, Iraq. He was assigned to 1<sup>st</sup> Battalion, 12<sup>th</sup> Marine Regiment, 3<sup>rd</sup> Marine Division, III Marine Expeditionary Force, Okinawa, Japan.

**Cpl. James H. McRae, 22, of Springtown, Texas.** McRae died July 24 while conducting combat operations in Diyala province, Iraq. He was assigned to 3<sup>rd</sup> Maintenance Battalion, Combat Logistics Regiment 35, 3<sup>rd</sup> Marine Logistics Group, III Marine Expeditionary Force, Okinawa, Japan.

**Cpl. Matthew R. Zindars, 21, of Watertown, Wis.** Zindars died July 24 while conducting combat operations in Diyala province, Iraq. He was assigned to 2<sup>nd</sup> Battalion, 11<sup>th</sup> Marine Regiment, 1<sup>st</sup> Marine Division, I Marine Expeditionary Force, Camp Pendleton, Calif.

**Staff Sgt. Joshua P. Mattero, 29, of San Diego, Ca.** died July 24 in Baqubah, Iraq, of wounds suffered from an improvised explosive device. He was assigned to the 749th Ordnance Company, 63rd Explosive Ordnance Battalion, Andrews Air Force Base, Md.

**Sgt. Courtney D. Finch, 27, of Leavenworth, Kan.,** died July 24 in Qayyarah, Iraq, of injuries sustained from a non-combat related incident. He was assigned to the 714th Maintenance Company, Kansas Army National Guard, Topeka, Kan. The incident is under investigation.

**Pfc. Juan S. Restrepo, 20, of Pembroke Pines, Fla.**, died July 22 in Korengal Valley, Afghanistan, of wounds suffered when insurgents attacked his unit using small arms fire. He was assigned to the 2nd Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade Combat Team, Vicenza, Italy.

**Sgt. William R. Howdeshell, 37, of Norfolk, Va.** Howdeshell died July 26 in Saqlawiyah, Iraq of wounds sustained when an improvised explosive device detonated near his vehicle. He was assigned to the 5th Squadron, 7th Cavalry Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, Ga.

**Spc. Charles E Bilbrey, Jr., 21, of Owego, New York.** Bilbrey died July 26 in Saqlawiyah, Iraq of wounds sustained when an improvised explosive device detonated near his vehicle. He was assigned to the 5th Squadron, 7th Cavalry Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, Ga.

**Spc. Jaime Rodriguez, Jr., 19, of Oxnard, Calif.** Rodriguez died July 26 in Saqlawiyah, Iraq of wounds sustained when an improvised explosive device detonated near his vehicle. He was assigned to the 5th Squadron, 7th Cavalry Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, Ga.

**Pvt. Michael A. Baloga, 21, of Everett, Wash.**, died July 26 in Muqdadiyah, Iraq, of wounds suffered from an improvised explosive device. He was assigned to the 6<sup>th</sup> Squadron, 9<sup>th</sup> Cavalry Regiment, 3<sup>rd</sup> Brigade Combat Team, 1<sup>st</sup> Cavalry Division, Fort Hood, Texas.

**Spc. Daniel A. Leckel, 19, of Medford, Ore.**, died July 25 in Baghdad, Iraq, of wounds suffered from enemy small arms fire. He was assigned to the 1st Battalion, 28th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, Fort Riley, Kan.

**Pfc. Cody C. Grater, 20, of Spring Hill, Fla.**, died July 29 in Baghdad, Iraq, of wounds suffered from enemy direct fire. He was assigned to the 407th Brigade Support Battalion, 2nd Brigade Combat Team, 82nd Airborne Division, Fort Bragg, N.C.

**Maj. Thomas G. Bostick Jr., 37, of Llano, Texas.** Bostick died July 27 near Kamu, Afghanistan, of injuries sustained when his unit came in contact with enemy forces using small arms fire during combat operations. He was assigned to 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy.

**Staff Sgt. William R. Fritsche, 23, of Martinsville, Ind.** Fritsche died July 27 near Kamu, Afghanistan, of injuries sustained when his unit came in contact with enemy forces using small arms fire during combat operations. He was assigned to 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy.

**Staff Sgt. Wilberto Suliveras, 38, of Humacao, P.R.**, died July 29 in Taji, Iraq, of wounds suffered from enemy small arms fire. He was assigned to the 2nd Battalion, 8th Cavalry Regiment, 1st Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas.

**Cpl. Sean A. Stokes, 24, of Auburn, Calif.**, died July 30 from wounds suffered while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3<sup>rd</sup> Battalion, 1<sup>st</sup> Marine Regiment, 1<sup>st</sup> Marine Division, I Marine Expeditionary Force, Camp Pendleton, Calif.

# **Casualty Count is now 4119**

**Since 10 November 2001**

# **VVIC Meeting Business**

## **Guests Present**

## **Announcements and Acknowledgements**

### **President's Remarks**

(D. Sinclair, AUS)

### **1<sup>st</sup> Vice President's Remarks**

(G. Flowers, USMC)

Sgt. Flowers is TDY to Honduras and the littoral waters thereof for the next few weeks.

### **2<sup>nd</sup> Vice President's Remarks**

(T. O'Malley)

### **Chief of Staff's Remarks**

(S. O'Grady, AUS)

Sp5 O'Grady is visiting a fellow Vietnam Vet that he served with in the war.

### **Master At Arms Remarks**

(K. Payne, USN)

## **General Collection**

## **Minutes of the previous meeting**

## **Finance Officer's Report**

## **Intelligence Officer's Report**

## **Service Officer's Report**

1. P. Knauth, AUS  
Obtaining medical reports from the Bellingham Vet Center for his service officer located in Pittsburg, Pennsylvania.
2. D. Sinclair
3. D. Drysdale – left a phone message but did not phone back.

## **Inspector General's Report**

## **Quartermaster's Report**

### **Legislative matters:**

### **Administrative Items:**

### **Old Business:**

### **New Business:**

1. Merging the meeting agendas of the VVIC and the American Legion Post for the purposes of conducting the business of Veterans and organizational efficiency.

### **New Business from the floor:**

*The next General Meeting is 16 August 2007 at 1930 hours at the British Columbia Regiment.*



# Vietnam Veterans In Canada

## Minutes 528

**General Meeting held on 19 July 2007  
British Columbia Regiment, Vancouver, B.C.**

VVIC President Don Sinclair chaired the meeting.

A Moment of Silence was held and the names of 38 U.S. Military casualties were read out plus the name of one Canadian Military Casualty, Master Corporal Colin Bason of British Columbia 28 years old who died in Afghanistan.

10 Names on the sign-in sheet and including family member S. Carmack and Associate member and B.C.R. Barkeep David Holwill.

Handouts and Attachments:

### Handouts:

- 1: Agenda #528 as compiled by VVIC S-2 W. Carmack. Please note the beautiful photo of VVIC 2nd VP Tom O'Malley on the front cover. Tom is very active with the Canadian Boy Scouts as he is with us in the VVIC, the American Legion along with being the Accountant for his Church. You do proud for all who know you Tom. Wonderful work. Now all we have to do is get that damn kidney working properly.
- 2: Letter from the U.S. Dept., of Veteran Affairs as to VVIC member Phil Knauth's VA claim.

### Attachments:

- 1: Minutes of VVIC General Meeting #527.
- 2: Graph of Alternate CPI Measurements- the year to year change, up to May 2007. Source, Shadow Gov't Statistics BLS.
- 3: Bush "Strongly Opposes" Troop Pay Benefit Initiatives- Tom Philpott
- 4: We're all Gonna Die- by William Rivers Pitt.

**VVIC President Don Sinclair's Remarks:** A big welcome back to Keith Lang just about fully recovered from his biking accident.

**VVIC 1st VP Gerry Flower's Remarks:** Work continues on getting more info on SEAL Wannabes Pillage and Speakman formerly of the Toronto American Legion Branch.

**VVIC 2nd VP Tom O'Malley Remark's:** Concern about VVIC not doing enough to get more of the Vancouver and B.C. area Vietnam Veterans out to our meetings both with the American Legion and VVIC. Also a reminder that us Veterans up here in this area can call upon "Service Officers" down in the Seattle area if so needed.

**Chief of Staff's Remarks:** Mentions that the 23rd of July is the 107th birthday of Canada's only surviving WW1 Veteran Pvt. John Babcock. Pvt. Babcock never did see combat in Europe as it was discovered that he had entered the Army at the tender age of 15. He did serve his time in England helping to train other soldiers for the trenches of Europe. When asked the secret of his longevity, his reply was " I like the ladies". Take note guys.

**Master at Arms Ken Payne's Remarks:** A reminder that from now on Dr. Bokan at the Bellingham Vet Center will only be dispensing meds for Psychic disorders. Possible letter from VVIC to Washington Senator Patty Murray on this issue. Ken And VVIC Pres Sinclair to meet in Bellingham to discuss this matter and get something started.

**Finance Officer Larry Reid's Report:** In the bank at present \$211.22.

Intelligence Officer's Report:

- 1: Letter to be sent to the V.A. in White River Jct Vt., regarding dental work for Vets living in Canada.
- 2: Vet phone line 604 462-0450 terminated as of Thurs., the 26th of July 2007.
- 3: Nothing as of yet heard from American Legion District Vice Commander Nils Dahlgren who attended one of our American Legion and VVIC meetings back on the 24th of May 2007.

**Service Officer Don Sinclair's Report:** Phil Knauth's (U.S. Army, Infantry Lieutenant. ) application for an increase in his V.A. rating was turned down. His rating will stay at 30%. At this time VVIC is calling upon people who know and have worked and served with Phil to come forward so we can put together a letter of support for our comrade. Phil does reside in Hong Kong but is easily reached on the Vet-Rant.

**Legislative Matters:** Keep watching for pending legislation.

**Administrative Items:** Photos still needed for VVIC website. You guys by now know who you are, Sinclair, Payne, Lang, Mella, McInnis and Thomson. Time to get the Irish Mafia out there to start breaking a few knees. If this ongoing issue is not resolved shortly each of you will be demoted and put on point.

**New Business:**

- 1: The CPI ( Consumer Price Index) has been revised-not good news for Vets.
- 2: A reminder that we VVIC members and families should be more involved with our "Right to Political Process". We as citizens do elect our MP's, our Congresspersons or whatevers to work for us. We the people are the boss. When the need arises phone

them, write them or e-mail them, which is what they are there for (and note they are well paid).

**Sick List:** Reported that Uhrsili Snow, Associate Member Ted Snow's better half is presently under Doctor's care. All the best Uhrsili, please do get better soon. Great to see Keith Lang back among us at this meeting after his biking accident. You're looking great Keith even with the snozz pointing a bit westward.

This VVIC General Meeting was preceded by The American Legion Monthly get together. Our VVIC meeting started at 20:27 and was adjourned at 21:20. Our next VVIC General Meeting will be held on the 2nd of Aug., and starting at 19:30 precisely.

**Steve O'Grady,**  
*Chief of Staff*



## Vets' disability pay is widely disparate

By HOPE YEN, Associated Press Writer

18 July 2007

Injured veterans could be shortchanged in their government disability pay depending on where they live because of wide disparities from state to state, an internal study concludes.

The 1 1/2-year investigation, conducted by the Institute for Defense Analysis, is the first to examine scientifically the reasons behind the Veterans Affairs' uneven handling of veteran's claims for disability compensation. It was launched by the VA following reports in 2005 of wide differences in payments.

The 50-page report, made available to The Associated Press, found that average annual disability payments swung widely from \$7,556 in Ohio to \$12,395 in New Mexico. Nationwide, the average pay was \$8,890.

Illinois, which was the lowest in the nation in 2004 at \$6,961, was the seventh lowest at roughly \$7,816.

"The process by which VA adjudicates claims has potential for producing persistent regional differences in rating results," said David Hunter, who compiled the study. "For certain claims, different raters could reasonably arrive at different results."

Since reports of disparities emerged in 2005, the VA has struggled to explain them. It has largely blamed problems on demographic factors beyond its control; for instance, whether a particular state had more Vietnam veterans, who on average receive higher payments, or whether a veteran had legal help when making a claim.

But the study released to the AP found that roughly one-third of the problems could be blamed on poor VA standards and inadequate training. As a result, disability raters in VA regional offices often had too much power and discretion to decide how much pay a veteran was entitled.

The report also faulted the VA for not collecting data on certain types of claims, such as how many post-traumatic stress disorder cases are rejected. As a result, it was impossible to determine whether part of the disparity might be due to a VA office inappropriately rejecting a high number of claims for PTSD, a signature injury of the Iraq war.

Some soldiers and veterans groups have charged that Army disability review boards, which are under the Pentagon's purview, unfairly reject PTSD claims to avoid paying disability pay. No data was available to determine whether that might be the case for the VA, the report said.

Among the findings:

\_PTSD claims generate among the highest disability pay, averaging \$20,000 each year to more than 200,000 veterans. While VA staff expected PTSD claims would be more subjective from state to state, their ratings were actually more stable compared with other injuries and illnesses, such as cardiovascular problems.

\_Veterans who receive legal help or aid from advocacy groups receive on average \$11,162, compared with \$4,728 for those who go it alone. Currently about two-thirds of veterans get such advocacy help; the highest representation is in North Dakota (81.9 percent), while the lowest is in Maryland (44.8 percent).

\_Vietnam veterans received annual awards of \$11,670, compared with \$7,410 for those who fought in other wars. The lowest pay was given to Gulf War veterans \$6,506.

The report comes as the Bush administration races to improve its veterans care system following disclosures earlier this year of shoddy outpatient treatment at the Pentagon-run Walter Reed Army Medical Center.

On Tuesday, VA Secretary Jim Nicholson unexpectedly announced he would step down by Oct. 1 to return to the private sector, leaving the helm of the VA's vast network of 1,400 hospitals and clinics that provide supplementary care to 5.8 million veterans.

Both Congress and a presidential commission are considering sweeping measures that could shift more responsibility for rating a veterans' disability from the Pentagon to the VA a move that some veterans advocates say could further strain an already backlogged VA system.

In interviews, Patrick Dunne, VA's assistant secretary for policy, planning and preparedness, and Ronald Aument, the VA's deputy undersecretary for benefits, said they welcomed the findings and would take additional measures to improve training and oversight.

Beside hiring hundreds of additional staff, the VA is beginning to collect more data on the types of claims rejected, standardizing procedures from office to office and improving collaboration with its medical personnel to ensure claims processors have enough information to make a decision based on objective criteria, Aument said.

The agency also is doubling the size of its quality assurance program currently 15 people to review data and audit pay outcomes on a regular basis.

A separate review of the VA system for handling disability claims is also under way to determine how to cut through bureaucratic delays, confusing paperwork and long appeals processes as thousands of veterans return home from Iraq and Afghanistan.

"If we work on accuracy, consistency will in turn follow," Aument said.

## Group votes for more time for survivor claims

By William H. McMichael - Staff writer

Posted : Wednesday Jul 18, 2007 17:59:28 EDT

Survivors of deceased veterans could continue to pursue unpaid benefits, and in some cases even present new evidence for additional claims, under a proposal affirmed Wednesday by a congressionally appointed veterans' benefits commission.

If enacted into law, the proposal would significantly expand survivors' ability to seek such benefits. Currently, pending claims terminate with a veteran's death.

The [Veterans' Disability Benefits Commission](#) was established by Congress in 2004 to study all benefits related to death or disability brought about by military service. In addition to the proposal to expand time for claims, the commission issued final decisions on eight other issues during the first session of a July 18-20 meeting in Washington: line of duty, time limit to file, lump-sum payments, "duty to assist," apportionment/garnishment, reasonable doubt, character of discharge and age as a factor.

But the decisions did not come without considerable discussion and dissent.

Commissioner John Grady expressed concern over whether a veteran rated as disabled due to, say, diabetes where Grady said choice of lifestyle is a factor in the condition should receive the same benefits as a veteran disabled in combat. "It just seems to me like it's questionable whether that's good policy, to say that there's no distinction between the package, based on the circumstances," Grady said.

Grady was in the minority; the commission voted to affirm the current policy, which holds that service members on active duty are considered to be in the "line of duty" at all times.

There also was much discussion over whether troops who receive a bad conduct or dishonorable discharge in their last period of active duty should be ineligible for VA benefits. Currently, a dishonorable discharge precludes the awarding of benefits for the period of service affected by the ruling.

Commissioner Jim Livingston argued that such discharges are awarded for the most "horrendous" crimes under the Uniform Code of Military Justice: rape, murder, cowardice. "I think we need to send a message about good order and discipline," he said.

But if that option were selected, said Commissioner Rick Surratt, "all the years of honorable service would be negated." Others argued that courts treat enlistment periods as separate contracts and that allowing the discharge for one period to affect one's entire career could create a constitutional conflict.

Despite his and several others' concerns, the commission voted to side with Livingston, 9-4.

In other issues, the commission voted to affirm the current policy that grants unlimited time to file claims but added a recommendation that all service branches provide a mandatory VA benefits briefing, prior to discharge, to all separating troops, including those in the National Guard and reserve.

The commission also voted against recommending lump-sum compensation payments, although some studies have shown these might provide better compensation for veterans on the lower end, 10 percent to 20 percent, of the disability rating scale. It also affirmed VA's "duty to assist," adding that the agency should use "plain language" in stating how a claimant can request an early decision in their case.

The commission also voted to recommend that VA disability benefits, including traumatic injury insurance, should not be considered in state court spousal support proceedings. The exception would be VA compensation benefits received in lieu of military pay.

Finally, the commission decided, after much discussion, that age should not be a factor when considering service connection and rating severity of disability but that it may be a consideration in setting compensation rates.

The Washington meeting of the commission is one in a [series](#), all open to the public. Its final report is due to Congress on Oct. 1.

## Marine Missing From Vietnam War Is Identified

July 18, 2007

NEWS RELEASES from the United States Department of Defense

The Department of Defense POW/Missing Personnel Office (DPMO) announced today that the remains of a U.S. serviceman, missing from the Vietnam War, have been identified and will be returned to his family for burial with full military honors.

He is Cpl. Jim E. Moshier, U.S. Marine Corps, of Bakersfield, Calif. He will be buried Wednesday in Bakersfield.

On June 11, 1967, Moshier was one of 11 passengers on board a CH-46A Sea Knight helicopter that was inserting forces into Quang Tri Province, South Vietnam, when the aircraft was struck by enemy ground fire and crashed. Pilots from two nearby helicopters saw the crash and reported that none of the men on board could have survived. Aircraft flew over the site for several hours, but saw no survivors. A ground patrol attempted to access the site the next day, but could not because of the large concentration of enemy forces in the area. Two weeks later, a reconnaissance patrol was within 25 meters of the crash site, but extensive enemy activity prevented the team from approaching closer.

Between 1993 and 1994, U.S./Socialist Republic of Vietnam (S.R.V.) teams, led by the Joint POW/MIA Accounting Command (JPAC), conducted two surveys of the site, and interviewed several Vietnamese citizens who said they witnessed the crash. Two of the citizens claimed to have seen bone fragments while scavenging the site years earlier. The teams found small pieces of wreckage, but no human remains.

In May 2005, Vietnamese officials notified U.S. officials that possible human remains were present at a district security compound in Quang Tri Province. The Vietnamese reported they confiscated the remains and other items, including Moshier's identification tag, from a Vietnamese citizen in 1996. The remains were then buried in the security compound, but the ID tag and other items had supposedly been lost over the years. Later that month, a U.S./S.R.V. team excavated the secondary burial site in the security compound and recovered a box containing human remains.

Among other forensic identification tools and circumstantial evidence, scientists from JPAC and the Armed Forces DNA Identification Laboratory also used mitochondrial DNA in the identification of Moshier's remains. Remains from one of the other service members on board the aircraft, Pfc. James E. Widener, U.S. Marine Corps, were identified in August 2006.

For additional information on the Defense Department's mission to account for missing Americans, visit the DPMO web site at <http://www.dtic.mil/dpmo> or call (703) 699-1169.

## Injured Iraq war veterans sue VA head

By HOPE YEN, Associated Press Writer 23 July 2007

Frustrated by delays in health care, injured Iraq war veterans accused VA Secretary Jim Nicholson in a lawsuit of breaking the law by denying them disability pay and mental health treatment.

The lawsuit against the U.S. Department of Veterans Affairs, filed Monday in federal court in San Francisco, seeks broad changes in the agency as it struggles to meet growing demands from veterans returning home from Iraq and Afghanistan.

Suing on behalf of hundreds of thousands of veterans, it charges that the VA has failed warriors on numerous fronts. It contends the VA failed to provide prompt disability benefits, failed to add staff to reduce wait times for medical care and failed to boost services for post-traumatic stress disorder.

The lawsuit also accuses the VA of deliberately cheating some veterans by allegedly working with the Pentagon to misclassify PTSD claims as pre-existing personality disorders to avoid paying benefits. The VA and Pentagon have generally denied such charges.

"When one of our combat veterans walks into a VA hospital, then they must see a doctor that day," said Paul Sullivan, executive director of Veterans for Common Sense, which filed the lawsuit. "When a war veteran needs disability benefits because he or she can't work, then they must get a disability check in a few weeks."

"The VA has betrayed our veterans," Sullivan said.

VA spokesman Matt Smith said Monday he could not comment on a pending lawsuit.

"Through outreach efforts, the VA ensures returning Global War on Terror service members have access to the widely recognized quality health care they have earned, including services such as prosthetics or mental health care," Smith said. "VA has also given priority handling to their monetary disability benefit claims."

The lawsuit comes amid intense political and public scrutiny of the VA and Pentagon following reports of shoddy outpatient care of injured soldiers at Walter Reed Army Medical Center and elsewhere.

The complaint seeks to represent between 320,000 and 800,000 veterans of the Iraq war who lawyers say are at risk of having PTSD. Ultimately, a federal judge will have to decide whether the lawsuit is properly deemed a class action that adequately represents them.

"Unless systemic and drastic measures are instituted immediately, the costs to these veterans, their families and our nation will be incalculable, including broken families, a new generation of unemployed and homeless veterans, increases in drug abuse and alcoholism, and crushing

burdens on the health care delivery system," the complaint says.

It asks that a federal court order the VA to make immediate improvements.

Earlier this month, a federal appeals court in San Francisco issued a strong rebuke of the VA in ordering the agency to pay retroactive benefits to Vietnam War veterans who were exposed to Agent Orange and contracted a form of leukemia.

"The performance of the United States Department of Veterans Affairs has contributed substantially to our sense of national shame," the opinion from the 9th U.S. Circuit Court of Appeals read.

Nicholson abruptly announced last week he would step down by Oct. 1 to return to the private sector. He has repeatedly defended the agency during his 2 1/2-year tenure while acknowledging there was room for improvement.

More recently, following high-profile suicide incidents in which families of veterans say the VA did not provide adequate care, Nicholson pledged to add mental health services and hire more suicide-prevention coordinators.

Some veterans say that's not enough. In the lawsuit, they note that government investigators warned as early as 2002 that the VA needed to fix its backlogged claims system and make other changes.

Yet, the lawsuit says, Nicholson and other officials still insisted on a budget in 2005 that fell \$1 billion short, and they made "a mockery of the rule of law" by awarding senior officials \$3.8 million in bonuses despite their role in the budget foul-up.

Today, the VA's backlog of disability payments is between 400,000 and 600,000, with delays of up to 177 days to process an initial claim and an average of 657 days to process an appeal. Several congressional committees and a presidential commission are now studying ways to improve care.

"While steps can and will be taken in the political arena, responsibility for action lies with the agency itself," Melissa W. Kasnitz, managing attorney for Disability Rights Advocates, said in a telephone interview. Her group is teaming up with a major law firm, Morrison & Foerster, to represent the veterans.

"We don't believe the problems will be fixed by the VA if we wait for them," she said.

Gordon P. Erspamer, a partner at Morrison & Foerster, stressed that the lawsuit does not seek to make a partisan statement about the Iraq war but instead finally force action after years of delay.

"This is the worst it's ever been for veterans, and it's only going to get worse," he said.

The lawsuit cites violations of the Constitution and federal law, which mandates at least two years of health care to injured veterans.

The veterans groups involved in the lawsuit are Veterans for Common Sense in Washington, D.C., which claims 11,500 members, and Veterans United for Truth, based in Santa Barbara, Calif., with 500 members.

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On the Net:

Copy of the complaint: <http://www.mofo.com/docs/pdf/PTSD070723.pdf>

Department of Veterans Affairs: <http://www.va.gov/>

## King George W.: James Madison's Nightmare

By Robert Scheer  
Truthdig

Tuesday 17 July 2007

George W. Bush is the imperial president that James Madison and other founders of this great republic warned us about. He lied the nation into precisely the "foreign entanglements" that George Washington feared would destroy the experiment in representative government, and he has championed a spurious notion of security over individual liberty, thus eschewing the alarms of Thomas Jefferson as to the deprivation of the inalienable rights of free citizens. But most important, he has used the sledgehammer of war to obliterate the separation of powers that James Madison enshrined in the U.S. Constitution.

With the "war on terror," Bush has asserted the right of the president to wage war anywhere and for any length of time, at his whim, because the "terrorists" will always provide a convenient shadowy target. Just the "continual warfare" that Madison warned of in justifying the primary role of Congress in initiating and continuing to finance a war the very issue now at stake in Bush's battle with Congress.

In his "Political Observations," written years before he served as fourth president of the United States, Madison went on to underscore the dangers of an imperial presidency bloated by war fever. "In war," Madison wrote in 1795, at a time when the young republic still faced its share of dangerous enemies, "the discretionary power of the Executive is extended ... and all the means of seducing the minds are added to those of subduing the force, of the people."

How remarkably prescient of Madison to anticipate the specter of our current King George imperiously undermining Congress' attempts to end the Iraq war. When the prime author of the U.S. Constitution explained why that document grants Congress not the president the exclusive power to declare and fund wars, Madison wrote, "A delegation of such powers [to the president] would have struck, not only at the fabric of our Constitution, but at the foundation of all well organized and well checked governments."

Because "[n]o nation could preserve its freedom in the midst of continual warfare," Madison urged that the constitutional separation of powers he had codified be respected. "The Constitution expressly and exclusively vests in the Legislature the power of declaring a state of war ... the power of raising armies," he wrote. "The separation of the power of raising armies from the power of commanding them is intended to prevent the raising of armies for the sake of commanding them."

That last sentence perfectly describes the threat of what President Dwight Eisenhower, 165 years later, would describe as the "military-industrial complex," a permanent war economy feeding off a permanent state of insecurity. The collapse of the Soviet Union deprived the military profiteers and their handsomely rewarded cheerleaders in the government of a *raison d'être* for the massive war economy supposedly created in response to it. Fortunately for them, Bush found in the 9/11 attack an excuse to make war even more profitable and longer lasting.

The Iraq war, which the president's 9/11 Commission concluded never had anything to do with the terrorist assault, nonetheless has transferred many hundreds of billions in taxpayer dollars into the military economy. And when Congress seeks to exercise its power to control the budget, this president asserts that this will not govern his conduct of the war.

There never was a congressional declaration of war to cover the invasion of Iraq. Instead, President Bush acted under his claimed power as commander in chief, which the Supreme Court has held does allow him to respond to a "state of war" against the United States. That proviso was clearly a reference to surprise attacks or sudden emergencies.

The problem is that the "state of war" in question here was an al-Qaida attack on the U.S. that had nothing whatsoever to do with Saddam Hussein's Iraq. Perhaps to spare Congress the embarrassment of formally declaring war against a nation that had not attacked America, Bush settled for a loosely worded resolution supporting his use of military power if Iraq failed to comply with U.N. mandates. This was justified by the White House as a means of strengthening the United Nations in holding Iraq accountable for its WMD arsenal, but as most of the world looked on in dismay, Bush invaded Iraq after U.N. inspectors on the ground discovered that Iraq had no WMD.

Bush betrayed Congress, which in turn betrayed the American people just as Madison feared when he wrote: "Of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it compromises and develops the germ of every other.

## Vet Jailed for VA Threat

Associated Press | July 20, 2007

BATON ROUGE, La. - A veteran was accused of sending the Department of Veterans Affairs a threat to "explore my homicidal ideations" because VA managers rejected his [claim for benefits](#) for post-traumatic stress disorder.

The veteran, Mandell Croxton, must stay in jail until his trial, U.S. Magistrate Christine Noland ruled Wednesday. No trial date has been set.

Federal public defender Jean Faria said she would submit a request by Friday for Croxton to be evaluated to determine whether he is competent to stand trial. Faria agreed to the prosecutors' recommendation that he remain in custody.

Faria did not return a call Thursday from the Associated Press.

A July 11 criminal complaint accuses Croxton of sending threatening communications to the manager of the Veterans Service Center in Nashville, Tenn.

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"You have exactly 10 working days from today to get an award letter out to me stating that the VA is awarding me my claim at a rate of no less than 65 percent," an e-mail allegedly said. "If not, I will explore my homicidal ideations." Ideation is a clinical term referring to thoughts or inclinations.

If convicted, Croxton faces up to five years in prison.

Croxton first submitted his claim in August 2004; it is still being appealed after several denials, VA Special Agent John Ramsey wrote in the complaint.

He said Croxton sent three complaint e-mails to the VA in May and June, then the threat, sent July 2 to Jerry Mitchell, manager of the Veterans Service Center in Nashville.

The case file on the federal court Web site does not give Croxton's age or details on his military service. He gave a Baton Rouge Volunteers of America address and phone number as his own.