



MAY 22 1987

Mr. George P. Ojala
Route 1, Box 20
Copenhagen Road
Lolita, CA 95551

Dear Mr. Ojala:

Your April 29, 1987, letter with enclosures to the President concerning your claim for veterans' benefits was referred to me for response. In view of your request for reconsideration of a decision by the Board of Veterans Appeals, I asked Kenneth E. Eaton, Chairman of the Board, to review your correspondence and provide me with a report.

Mr. Eaton advised me that following an examination in 1978, the regional office decreased the evaluation of your service-connected schizophrenic reaction from 70 percent to 50 percent effective from April 1, 1979, and also discontinued your total rating based upon individual unemployability, effective March 31, 1979. You appealed this action and in September 1982, the Board determined you were entitled to 100 percent evaluations for two periods of hospitalization, but entitlement to a schedular evaluation in excess of 50 percent for your schizophrenia was denied.

In the latter part of 1982 your claim was reopened and additional evidence was received. In December 1984 the regional office determined you were entitled to 100 percent evaluation for chronic post-traumatic stress disorder, previously diagnosed schizophrenic reaction. The increase was effective from August 28, 1984, the date of a psychiatric evaluation conducted at the University of California. This rating action was appealed and on December 17, 1985, the Board held that an effective date earlier than August 28, 1984, for assignment of a total rating for chronic post-traumatic stress syndrome was not warranted. In their decision, the Board Members related that they carefully reviewed all the evidence of record in connection with the previous Board decision (September 1982) and found that the medical and legal conclusions entered were adequately supported by the evidence then of record.

From reading the correspondence you sent to the Board, it is apparent you feel you are entitled to a 100 percent evaluation prior to August 28, 1984. Mr. Eaton considered this, but he found both of the Board's decisions to be correct and reasonably supported by the evidence. He mentioned that disagreement over the weighing and evaluation of evidence does not create reversible error and he did not identify any obvious error of fact or law which would warrant alteration of either decision.

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OJALA, George P.

Mr. Ojala, Mr. Eaton also noted your statement that you were attempting to find a representative to assist you in advancing arguments for reconsideration. Although Mr. Eaton did not find any obvious error at this time, you may always submit a request for reconsideration setting forth specific allegations of error of fact or law. In the absence of obvious error, the Board's decisions are final on the basis of the evidence then of record.

Both Mr. Eaton and I recognize your sincere belief in the merits of your claim and regret that a basis upon which to grant the benefits sought could not be identified. Mr. Eaton returned your records to the San Francisco Regional Office where custody is maintained.

Sincerely,


JAMES E. DE WIRE
Chief of Staff

VETERANS ADMINISTRATION
REGIONAL OFFICE
915 PALLAS AVENUE
SEATTLE, WASHINGTON 98174

OCT 21 1982

346/212B

Honorable Henry M. Jackson
United States Senator
U. S. Courthouse, Room 802
Seattle, WA 98104

OJALA, George P.

Dear Senator Jackson:

On April 1, 1979, the evaluation of Mr. Ojala's service-connected nervous condition was reduced from 100 percent to 50 percent disabling. Mr. Ojala appealed this decision and a subsequent decision denying him a 100 percent evaluation while hospitalized.

On September 1, 1982, the Board of Veterans Appeals granted his claim for a temporary 100 percent evaluation during his periods of hospitalization, but denied an increase in his present 50 percent evaluation.

Award action was taken on October 19, 1982 to authorize Mr. Ojala the 100 percent rate for his periods of hospitalization from September 25, 1979 to November 1, 1979, from November 26, 1979 to June 1, 1980 and from September 22, 1981 to December 1, 1981. He remains evaluated as 50 percent disabled when not hospitalized. He will receive a retroactive payment of \$6480.56 in the near future.

Your interest on behalf of Mr. Ojala is appreciated.

Sincerely yours,

RICHARD F. MURPHY
Director

Senator Barbara Boxer
112 Hart Building
Washington, D.C. 20510

May 19, 1998

RE: WILLFUL MISCONDUCT, GROSS NEGLIGENCE, AND VIOLATIONS OF MY RIGHTS TO DUE PROCESS BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE BOARD OF VETERANS APPEALS

Certified: P 325 962 169

Senator Boxer:

I am a 100% service connected Vietnam Veteran and I want to state that I have been in the Appeal Process with the VA, over an illegal reduction in benefits, for 21 years and I am writing you, again, to ask for your help and support.

The illegal action documented in my case started in early 1978. It took almost seven years to get my benefits back and your office was instrumental in my winning my case at that time. I was living in San Rafael in 1983-4 and contacted Dennak Murphy at your "623-5757" number. He worked his butt off and I had a Regional Hearing and the VA gave me back my 100% rating. However, they refused to pay for retroactive benefits and that is the appeal I have kept open for the past 13 years.

I had moved up to Northern California and started to deal with the likes of Doug Bosco, Frank Riggs and Dan Hamburg to try and gain due process. I recall dealing with "Frank" his first time in office and his aid Vee (with her Betty Davis eyes) told me to go sue the VA and hung up on me.

I have been in contact with Al Gore's office and that of the President and I am enclosing a packet that documents the above charges from the White House, with Sue J. Smith being my contact.

Although the President has an inquiry going on at this time, I am writing you now to ask for your support, since the VA is actually mandated by Congress. I want a end to this ordeal and request that your office take charge and champion my case.

I also ask that Congressional Hearings be held into the Veterans Administration and my charges. I have had over twenty years being on the bottom end of the VA and their "bullshit" and I am tired of being treated like one.

In fact, I refer you to the Oct 2, 1992 airing of the Johnny Carson show with General Swartzcoff appearing to promote his new book. The General had a bandaid on his finger and Johnny asked him what happened.

The General said he had a blister on his finger from autographing his book. Johnny then quipped: "Maybe you should go to the VA". The General then mockingly stood up holding his finger and started to run off stage saying something like: "no way". It was a good laugh and that's no joke!!!

In the packet to the President, **one of the charges I made against the VA, after reviewing my records, was that a doctor's report had been removed from my medical records that was important to my case.** Although it was mentioned by the Adjudicators, the actual report was missing. Find enclosed is the report that was missing in my file. This letter, alone, substantiates my claim to retroactive benefits, as documented.

In closing, I want to thank you and your staff for your past help in gaining recourse from the VA and helping me to end this saga.

George Ojala
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Carlotta, CA. 95528
(707) 768-3226