



**Veterans  
Administration**

MAY 22 1987

Mr. George P. Ojala  
Route 1, Box 20  
Copenhagen Road  
Lcleta, 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.

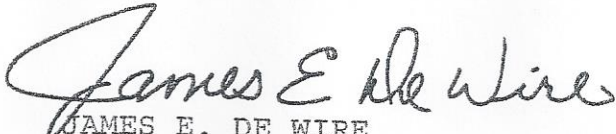
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OJALA, George P., ~~XXXXXXXXXX~~ 6070

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**

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

In Reply Refer To: 343/213

Dear Mr. Ojala:

We have your letter of August 26, 1986, expressing disagreement with the Board of Veterans Appeals decision of December 15, 1985.

Board of Veterans Appeals decisions are final, in the absence of clear and unmistakable error. If you believe that error exists in the decision, you should write directly to the Board of Veterans Appeals, Washington, D.C. 20420, to request a reconsideration. In your request you must state what you believe is the error of fact or law in the BVA decision. Disagreement with the decision of the Board is in itself not a basis for reconsideration.

Sincerely yours,

ADJUDICATION OFFICER  
Veterans Administration

cc:  
Swords to Plowshares





Veterans  
Administration

MAR 06 1987

In Reply Refer To: 014C

CSS [REDACTED]

Mr. George P. Ojala  
Rt. 1, Box 20  
Copenhagen Road  
Loleta, CA 95551

Dear Mr. Ojala:

The Board has reviewed your request for reconsideration that was referred by Senator Alan Cranston. Frankly, this review has left us confused as to the specific nature of your disagreement. The Board wishes to address your concerns as directly and specifically as possible; however, it is clear that further clarification of your reconsideration request is necessary.

May I suggest that you contact your representative, Swords To Plowshares, and obtain some guidance and assistance that would focus our Board's attention on the obvious legal or factual errors that you believe were made by the Board. To begin with, you should identify the specific Board of Veterans Appeals decision that you are challenging. Next, you should specify which of the Board's "Findings of Fact" or "Conclusions of Law" in that decision contain the obvious legal or factual error. Bear in mind that it is insufficient merely to disagree with the Board's interpretation or evaluation of the evidence. What you must show is that the Board's factual findings or legal conclusions were either totally unsupported by the evidence in file on the decision date or were contrary to laws and regulations that were applicable at that time. Obvious legal or factual error must be apparent strictly from a review of the evidence that was before the Board at the time the decision was entered. Naturally, if you are challenging more than one decision, your reconsideration request should provide the information described above as to each decision you challenge.

The Board will refrain from taking further action in your case for 30 days to give you an opportunity to consult with your representative and to respond by submitting a more specific reconsideration request. The Board is informing Senator Cranston of this action.

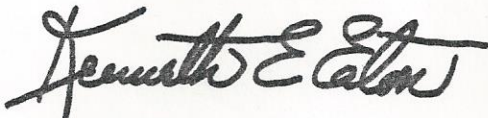
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Mr. George P. Ojala

CSS [REDACTED]

For your convenience, enclosed is a postage-free, pre-addressed envelope. The sooner you can clarify the points raised here, the sooner the Board can take appropriate action.

Sincerely yours,



KENNETH E. EATON  
Chairman

Encl.  
Pre-addressed env.

CC: Honorable Alan Cranston

CC: Swords To Plowshares



**Veterans  
Administration**

JUN 21 1990

In Reply, Please Refer to File No. 21

OJALA, George P.

Honorable Douglas Bosco  
Member, United States  
House of Representatives  
777 Sonoma Avenue, Room 329  
Santa Rosa, CA 95404

Dear Mr. Bosco:

This is a report to you about Mr. George Ojala. I appreciate your current and past interest on his behalf.

Mr. Ojala's concerns about the decision of the Board of Veterans Appeals (BVA) are well known to us and to the BVA. Since the December 17, 1985 decision, he has written to us and the BVA often with many contentions and allegations.

I must report that the December 1985 decision of the BVA is considered final under governing law. We are not empowered to change or review the decision in any manner. Mr. Ojala has been advised on several occasions of available recourse he has with regard to a BVA decision. This includes a request for reconsideration if there is error alleged in the decision itself. As before, if Mr. Ojala believes error exists, he must direct a brief directly to the BVA which sets forth clearly and unmistakably the alleged error. I should point out that mere disagreement with the decision of the BVA does not, under governing laws, constitute error.

Mr. Ojala continues to receive 100 percent compensation for his service-connected mental disorder. I am pleased we are able to provide him with this assistance.

I regret I could not forward a more favorable report to you about your constituent. If there is additional information I may provide, please let me know.

Sincerely yours,

A handwritten signature in cursive script that reads "Leo Wurschmidt".

LEO WURSCHMIDT  
Director



DEPARTMENT OF VETERANS AFFAIRS  
Regional Office  
211 Main Street  
San Francisco CA 94105

DEC 12 1991

In Reply R

OJALA, George P.

Honorable Frank Riggs  
Member, United States  
House of Representatives  
777 Sonoma Avenue, Suite 329  
Santa Rosa, CA 95404

Dear Mr. Riggs:

This is in response to your October 2, 1991, inquiry on behalf of Mr. George P. Ojala.

Mr. Ojala's contentions and allegations in his letters to you, the Regional Office and Board of Veterans Appeals (BVA) were a part of his file at the time his claim was considered by the the BVA in making the December 17, 1985 decision.

I must report that the December 1985 decision of the BVA is considered final under governing law. We are not empowered to change or review the decision in any manner based upon the evidence that was considered by the BVA. Mr. Ojala has been advised on several occasions of available recourse he has with regard to the BVA decision. This includes a request for reconsideration if he believes the decision contains an obvious error of fact or law. If Mr. Ojala believes such an error exists, he must file his reconsideration request directly to the BVA. I should point out that mere disagreement with the decision of the BVA does not, under governing laws, constitute error.

Mr. Ojala continues to receive 100 percent compensation for his service-connected nervous condition. I am pleased we are able to provide him with this assistance.

Mr. Ojala can also have his claim reconsidered if he submits new and material evidence, not previously considered, which would be relevant to the issue of an earlier effective date for his 100 percent evaluation. He should send any such evidence to the Regional Office for our consideration.

I hope this information is useful in replying to Mr. Ojala. If there is additional information I may provide, please let me know.

Sincerely yours,

LEO WURSCHMIDT  
Director





DEPARTMENT OF VETERANS AFFAIRS  
Chairman, Board of Veterans' Appeals  
Washington DC 20420

EXHIBIT "A"

JAN 23 1997

In Reply Refer To: 01 41A429

OJALA, George

Mr. George Ojala  
111 Orchard Lane  
Carlotta, CA 95528

Dear Mr. Ojala:

Your October 8, 1996, correspondence to the President was referred to the Secretary of Veterans Affairs and was received there on November 4, 1996. The Secretary has asked that I respond because your correspondence concerns a previous Board decision.

Your letter together with supporting documentation has been construed as a motion for reconsideration of the Board's decision of December 17, 1985. The Board's decision will be reviewed in order to determine if due process of law was denied, relevant evidence was misstated or omitted, incorrect law was used in resolving the issues on appeal, or the law was misapplied. We will notify you when we have completed our review of your motion.

Your strong belief in the merits of your case is recognized and appreciated. As always, it is my pleasure to serve you and I hope you find the above information to be of assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Cragin", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles L. Cragin

cc: 001B  
cc: Agency Liaison  
The White House  
cc: DAV VARO Oakland CA  
cc: DAV Washington DC





**DEPARTMENT OF VETERANS AFFAIRS**

Regional Office  
1301 Clay Street  
Oakland CA 94612-5209

MAR 17 1999

In Reply Refer To: 343/21

Mr. George P. Ojala  
111 Orchard Lane  
Carlotta, CA 95528

Dear Mr. Ojala:

This is in reply to your letter dated January 21, 1998 to Sue J. Smith, Director, Office of Agency Liaison for the White House. Your letter was forwarded to this office because we have jurisdiction over your records.

As you were advised by the Board of Veterans Appeals (BVA) letter dated October 17, 1998, your request for reconsideration of your appeal by the BVA, for an earlier effective date for a total disability rating prior to August 28, 1994 was denied. The VA Oakland Regional Office has received and reviewed the new evidence you submitted. We have enclosed a copy of the completed rating decision for this issue dated March 4, 1999.

We have also enclosed the VA letter dated March 11, 1999 which returned your distinguished flying cross medal to you and notified you of the enclosed rating decision. A photo copy of your medal remains in your VA claim folder.

If you have any additional questions or concerns, you can call us at 1-800-827-1000 or visit our Veterans Service Center, Room 1270N, at the address above. Our Veterans Service Center is open from 8:00 a.m. to 4:00 p.m. Monday through Friday. A veterans service representative will be available to assist you.

Sincerely,

A handwritten signature in blue ink that reads "Donald E. Stout".

DONALD E. STOUT  
Director

By Direction of the  
Under Secretary for Benefits

Enclosures (2)

**DEPARTMENT OF VETERANS AFFAIRS**

Regional Office  
1301 Clay Street  
Oakland CA 94612-5209

MAR 11 1988

GEORGE P OJALA  
111 ORCHARD LANE  
CARLOTTA CA 95528

In Reply Refer To: 343/212/...

OJALA, G P

Dear Mr. Ojala:

We have made our decision on your reopened claim.

**What We Decided**

Entitlement to an earlier effective date for the assignment of total (100) rating, prior to 8-28-84 is not established.

**How We Made Our Decision**

We carefully considered all the evidence we received. We have attached a copy of the Rating Decision. It shows the evidence we used and the reasons for our decision.

**If You Think We're Wrong**

If you think our decision is wrong, you should write and tell us why. The enclosed VA Form 4107 explains your right to appeal.

**If You Have Questions**

If you have any questions, call us toll-free by dialing 1-800-827-1000. Our TDD number for the hearing impaired is 1-800-829-4833. *If you call, please have this letter with you.*

Enclosed is the Distinguished Fly Medal that you requested to be returned.

Sincerely yours,

*F. M. Hoffschneider*

F. M. Hoffschneider  
Veterans Service Center Manager

Enclosure(s): Rating Decision

VA Form 4107

Medal



# United States Senate

HART SENATE OFFICE BUILDING  
SUITE 112  
WASHINGTON, DC 20510-0505  
(202) 224-3553  
senator@boxer.senate.gov  
http://boxer.senate.gov

December 6, 2001

Mr. George Ojala  
111 Orchard Lane  
Carlotta, CA 95528

Dear Mr. Ojala:

In response to her inquiry on your behalf, Senator Boxer received an issuance from the Department of Veterans Affairs containing the following information:

The Board of Veterans Appeals (BVA) decision dated September 1,, 1982 affirmed the then 50% evaluation for your psychiatric condition. Following the receipt of new evidence, the Department of Veterans Affairs increased your evaluation to 100 %, effective August 28, 1984. You appealed that decision claiming entitlement to an earlier effective date for the 100% evaluation. BVA found the 8-28-84 date to be correct and denied the appeal in their decision of December 17, 1985. BVA continued to deny your requests for reconsideration of their decision in 1995 and 1997. They notified you in a letter dated April 3, 1997 that they no longer had jurisdiction over the issue and that it had been directed to the United States Court of Veterans Claims. You were provided with the appropriate appeal rights and procedures at that time.

After the Department of Veterans Affairs received additional evidence, they issued a rating decision on March 4, 1999 again finding that entitlement to an earlier effective date was not established. Again, you were provided with appeal rights and afforded due process.

In the absence of new and material evidence to reopen a claim for entitlement to an earlier effective date, the previous decisions at both the Oakland VA Regional Office and appellate levels cannot be overturned based upon your allegations and contentions.

I regret this response could not be more favorable, but hope that this information is of assistance to you.

1700 MONTGOMERY STREET  
SUITE 240  
SAN FRANCISCO, CA 94111  
(415) 403-0100

312 N. SPRING STREET  
SUITE 1748  
LOS ANGELES, CA 90012  
(213) 894-5000

501 'I' STREET  
SUITE 7-600  
SACRAMENTO, CA 95814  
(916) 448-2787

1130 'O' STREET  
SUITE 2450  
FRESNO, CA 93721  
(559) 497-5109

600 'B' STREET  
SUITE 2240  
SAN DIEGO, CA 92101  
(619) 239-3884

201 NORTH 'E' STREET  
SUITE 210  
SAN BERNARDINO, CA 92401  
(909) 888-8525