

Veterans Claims Assistance Act (VCAA) letters from VA are generally notice letters describing the type of evidence needed to prove a claim. In this letter, the RO maliciously planted false and hidden information that the veteran's appeal was never filed. See highlighted text below.



DEPARTMENT OF VETERANS AFFAIRS

The time sequence is also malicious since the VA waited until after the appeal period had passed to notify the veteran. The original notice of the denial was January 2, 2013, but this letter was delayed until September 2014. Of course, the veteran had appealed the January 2, 2013 denial on time with certified mail. Read on.

September [REDACTED]
[REDACTED]
[REDACTED]

In reply, refer to:

331/216/CT

File Number: [REDACTED]
[REDACTED]

[REDACTED]

Dear Mr. [REDACTED]

We are working on your claim.

Important Information

- We received your claim and your request to participate in the Fully Developed Claim (FDC) Program. Though you indicated you have no other information or evidence to give VA to support your claim, we are required to send you this notice. As a reminder, if you submit any additional information or evidence at this point, VA will remove your claim from the FDC Program Expedited Process and process it in the Standard Claim Process.

What Do We Still Need From You?

We need additional evidence from you. *Please put your VA file number on the first page of every document you send us.*

- You were previously denied service connection for carpal tunnel syndrome, left wrist. You were notified of the decision on January 2, 2013. The appeal period for that decision has expired and the decision is now final. In order for us to reopen your claim, we need new and material evidence. Your claim was previously denied because you submitted a lay statement to support your claim. A credible lay statement may establish what was seen, heard and directly experienced. The particular lay evidence (veteran's statement) was found not to be competent and sufficient in this case to establish a link or nexus between your medical condition and military service or to establish that such a link has been found by a medical professional. We acknowledge receipt of your private medical opinion (Dr. Craig N. Bash) intending to link your current disability to a disease, event, or injury from your military service. Your service treatment record do not contain complaints, treatment or diagnosis for this condition. Therefore, the evidence you submit must be new and relate to this fact.

COVER SHEET to appeal and notify the Inspector General of this RO violation of law.

**Submission of Documents to Department Of Veterans Affairs
Centralized Mail Processing (CMP)**

Evidence Intake Center
PO Box 4444 or Box 5235
Newnan, Georgia
30271-0020
FAX 1-844-531-7818
or 1-248-524-4260

Evidence Intake Center
PO Box 4444
Janesville, WI
53547-4444
FAX 1-844-822-5246
or 1-608-373-6690

Veteran:	[REDACTED]
C-File or SSN:	CSS [REDACTED]
Street Address:	[REDACTED]
City, State, Zip:	[REDACTED]

Date: November 18, 2014

From:	Hugh D. Cox, Attorney at Law
	North Carolina Bar Number 6567
	Department of Veterans Affairs Accreditation Number 8925
	2411B Charles Boulevard; PO Box 154
	Greenville, NC 27835 – 0154
	Tel: (252) 757-3977; Fax (252) 757-3420; email hughcox@hughcox.com

Type of Document Submitted:
<input type="checkbox"/> Evidence on Behalf of Veteran Named above:
<input type="checkbox"/> Appeal on Behalf of Veteran Named above
<input type="checkbox"/> Inquiry on Status of Case
<input type="checkbox"/> Waiver
<input type="checkbox"/> Freedom of Information Act
<input type="checkbox"/> Privacy Act
<input type="checkbox"/> Dependency
<input checked="" type="checkbox"/> Other:
Response and Notice of Disagreement / appeal of RO false statement that veteran did not appeal a Rating Decision mailed by RO on January 3, 2013 because the NOD was sent and received by RO via certified mail as attached.

Number of Pages Submitted (NOT including this cover sheet): SEVEN not including this cover sheet.
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Model letter challenging the false VA information that no appeal was filed.

Hugh D. Cox
Attorney at Law
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Department of Veterans Affairs Accreditation Number 8925
2411 B Charles Boulevard; Post Office Box 154
Greenville, North Carolina 27835-0154
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November 18, 2014

Richard J. Griffin, Acting Inspector General
Department of Veterans Affairs
Office of Inspector General (50)
810 Vermont Avenue, NW
Washington, DC 20420

Director
Department Of Veterans Affairs Regional Office
PO Box 66885
St. Louis, MO 63166-6885

REF: Veteran: [REDACTED]
C-File or SSN: CSS [REDACTED]

Dear Mr. Griffin and RO Director:

All too frequently, I receive letters from Regional Offices alleging that veterans I represent failed to timely appeal a VA decision. Attached to this letter is one of those letters alleging the veteran did not make a timely appeal, but I know that the appeal was timely because I sent the appeal by certified mail or priority mail.

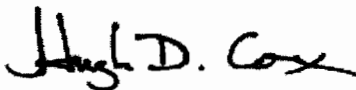
VA Letter Description Alleging Timely Appeal Not Made: St. Louis RO VCAA letter dated 9/25/2014 on carpal tunnel issue alleging no appeal of January 2, 2013 Rating Decision.

Appeal Document Showing Timely Appeal: February 17, 2013 NOD mailed certified February 22, 2013 as attached and delivered to RO on 2/25/2013.. See **Exhibit A**

I respectfully request that you investigate this matter and issue a written correction. This letter also serves as a Notice of Disagreement and a Notice of Appeal to challenge the VA letter identified above alleging that a timely appeal was not made.

I look forward to a decision based on the veteran's timely appeal.

Respectfully yours,



Hugh D. Cox

filename: 2014_11_18 [REDACTED] IG_RO_Response2VAtr_allege_no_appeal_w_disagreement

NOD's must now be on VA form 21-0958 as of September 2014.

EXHIBIT A of 6 pages.

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February 17, 2013

NOTICE OF DISAGREEMENT AND INTENT TO APPEAL A RATING DECISION

Department of Veterans Affairs
St. Louis Regional Office(STL331)
PO Box 66885
St. Louis, MO 63166-6885

DUE: 60 Days after mailing: March 2, 2013

Re: [REDACTED]

Dear Adjudicator:

Pursuant to the Regulations of the Department of Veterans Affairs, I wish to file **Notice of Disagreement (NOD)** to that Rating Decision or other decision dated **December 12, 2012 (Mailed on 1/3/2013)** with cover letter dated **January 2, 2013** in that envelope dated **January 3, 2013** sent to my client from the Regional Office. The veteran desires to **appeal all issues**. A copy of the letter dated **December 12, 2012 (Mailed on 1/3/2013)** is either attached hereto and/or incorporated herein by reference. The veteran seeks **appellate review**.

The issue(s) of the rating decision or other decision is/are as follows:
carpal tunnel syndrome, right and left wrist

The veteran disagrees with the denial of all claims or the degree of disability of all claims and the effective date of disability of all claims if granted.

I want to **appeal** that decision by exercising my right to review. I am in total disagreement with the regional office SSOC decision. I wish the Regional Office or BVA to consider all issues, collateral issues and arguments reasonably inferred from or potentially raised by the evidence in this case. These issues, sub-issues, and arguments may include, but are not limited to the issues attached to this NOD.

This NOD is issued as to all **FIVE POSSIBLE** common elements to a veteran's application for benefits to include those identified in Urban v. Principi, 18 Vet.App. 143, 144-5 (2004) as follows:

("There are five common elements to a veteran's application for benefits: **status as a veteran, the existence of disability, a connection between the veteran's service and the disability, the degree of disability, and the effective Date of the disability.** Disagreement between the agency and the veteran about any of these may create an issue about which the agency reaches an adjudicative determination and which forms the substance of the veteran's [Notice of Disagreement]"); see also 38 U.S.C. § 7105(a) (appellate review by Board "will be initiated by a [N]otice of [D]isagreement and completed by a [S]ubstantive [A]ppeal after a [S]tatement of the [C]ase is furnished"). Urban v. Principi, 18 Vet.App. 143, 144-145, (2004)

This is a notice of disagreement (NOD) to the VA letter(s) dated **December 12, 2012 (Mailed on 1/3/2013)**. I disagree with all the adjudicative determinations mentioned in the above referenced VA letter(s) and any enclosures thereto, except for those, if any, that I specifically state here that I do **not** want to appeal. Therefore, my notice of disagreement

specifically covers all the determinations made by the Regional Office unless specifically excluded. I also disagree with the RO's failure to adjudicate issues and claims it was required to adjudicate. I am specifically referring to issues that I may not have discussed but which were reasonably raised by the evidence in my VA claims file or in the VA's possession that should have been inferred by the Regional Office. This appeal also included adjudicative determinations that were mischaracterized by the Regional Office.

If any claim which has been submitted by the veteran or which should have been inferred by the VA under its duty to sympathetically develop the veteran's claim per *Roberson v. Principi*, 251 F.3d 1378 (Fed. Cir. 2001), is "deemed" to have been denied by the VA pursuant to *Deshotel v. Nicholson*, __ Fed 3rd __ (July 27, 2006), this letter constitutes a Notice of Disagreement with that denial.

This Notice of Disagreement is being mailed to you on the date of this letter (or postmarked date), which is within 1 year of the decision of denial being mailed to my client and after my client's previous notice of disagreement dated after November 18, 1988 preceding a prior BVA decision. I will be representing the veteran. My contract is attached to this letter or has already been filed with the DVA and BVA. Certain forms and/or extra or new and material evidence with our contentions are attached to this letter or will be sent as soon as available.

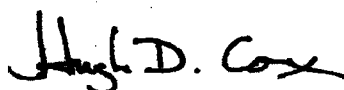
This letter is not a reopening of the issues, but an NOD with a purpose of perfecting an appeal of the issues.

We will also present extra or new and material evidence. A copy of my fee contract is attached (if not already filed) and has also been sent to the BVA. I look forward to hearing from you.

Also attached are the issues of appeal with contentions if there is more than one issue. If only one issue is presented or decided, that issue is the one on appeal with this NOD.

PLEASE SEND COPIES OF ALL C-FILE OR CLAIMS FOLDER ITEMS. IF PREVIOUSLY NOT SENT, PLEASE SEND THE UPDATED C-FILE OR CLAIMS FOLDER ITEMS SINCE THE LAST C-FILE WAS COPIED.

Sincerely yours,



Hugh D. Cox

HDC/met

Enclosures:

- VA Form 21-526 (application for compensation or pension)
- Notice of Disagreement
- Fee Agreement

filename: 2013_-2_17_ [REDACTED] ro_nod for Rating Decision_to_all_issues

Always include the original VA denial and the original appeal.

DEPARTMENT OF VETERANS AFFAIRS
Department of Veterans Affairs
Regional Office (STL331)
Post Office Box 66885
St. Louis MO 63166-6885

In Reply Refer To: 331/216/mjn

JAN 02 2013

Dear Mr. [REDACTED]

We made a decision on your claim for service connected compensation received on April 18, 2011.

Although we have not changed the way we consider and decide claims, we have changed the way we inform you of our decision. This single streamlined notice includes the essential information previously contained in a separate rating decision.

This letter constitutes our decision based on all issues we understood to be specifically made, implied, or inferred in that claim.

This letter tells you about what we decided. It includes the evidence used and reasons for our decision. We have also included information about what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

What We Decided

Please see the enclosure for more information regarding the evidence considered.

We determined that the following conditions were not related to your military service, so service connection couldn't be granted:

Medical Description	Denial Reason
Carpal tunnel syndrome, left wrist	<ul style="list-style-type: none">The evidence does not show an event, disease or injury in service.We did not find a link between Carpal tunnel syndrome, left wrist and military service.The evidence does not show that your condition resulted from, or was aggravated by, left elbow.

**CERTIFIED MAIL
FOR REGIONAL OFFICE, WINSTON SALEM**

These packets are within the certified mail package of several individual veteran's submissions.

This certified mail package contains the follow veteran's submissions:

NAME

C-FILE

SSN

[REDACTED]

NOD

[REDACTED]

[REDACTED]

*Brief of
contentions*

**PLEASE FILE EACH VETERAN'S PACKET IN HIS OR
HER INDIVIDUAL C-FILE.**

Filename: s_CERTIFIED MAIL of several veterans submissions FOR REGIONAL OFFICE

In this delivery, the Regional Office apparently caused the signed green card to be "lost".

CERTIFIED MAIL



7010 3090 0001 0733 9690
7010 3090 0001 0733 9690

U.S. Postal Service
CERTIFIED MAIL (Domestic Mail Only; No Insurance)
For delivery information, visit our website at www.usps.com

Postage	\$ 1.92
Certified Fee	3.11
Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.57

Sent To:
Dept. of Veterans Affairs
Street, Apt. No., or PO Box No. P O Box
City, State, ZIP+4 ST. LOUIS, MO 63166-6885

U.S. Postal Service
CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)
For delivery information, visit our website at www.usps.com

Postage	\$ 1.92
Certified Fee	3.11
Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.57

Sent To:
Dept. of Veterans Affairs - ST. Louis RO
Street, Apt. No., or PO Box No. P O Box 66885
City, State, ZIP+4 ST. LOUIS, MO 63166-6885

Postmark Here: FEB 22 2013

1. Article Attached to:
Dept of Veterans Affairs
St. Louis RO
PO Box 66885
St. Louis, MO
63166-6885

2. Service Type:
 Certified Mail Registered Mail
 Restricted Mail Restricted Mail for International Registered Mail Registered Mail for International

3. Restricted Delivery/Endorsement: Yes

4. Signature: Agent Addressee

5. Delivered by: Priority Mail State of Delivery

6. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

7010 3090 0001 0733 9690

2. Article Number (Transfer from service label)

PS Form 3811, February 2004

Fortunately, certified mail can be traced on the Internet if VA discards the signed green card.

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking™



Customer Service >
Have questions? We're here to help.

Tracking Number: 70103090000107339690

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME

February 25, 2013 , 12:47 pm

STATUS OF ITEM

Delivered

LOCATION

SAINT LOUIS, MO 63166

Your item was delivered at 12:47 pm on February 25, 2013 in SAINT LOUIS, MO 63166.

February 25, 2013 , 4:54 am

Arrived at Unit

SAINT LOUIS, MO 63166

Available Actions

Return Receipt After Mailing

Track Another Package

Tracking (or receipt) number

Track It

HELPFUL LINKS

- Contact Us
- Site Index
- FAQs

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- USPS Service Updates
- Forms & Publications
- Government Services
- Careers

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- Business Customer Gateway
- Postal Inspectors
- Inspector General
- Postal Explorer
- National Postal Museum
- Resources for Developers

LEGAL INFORMATION

- Privacy Policy
- Terms of Use
- FOIA
- No FEAR Act EEO Data

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Search or Enter a Tracking Number