

Mr. Stephen Herres

Testimony to Us Senate Committee Veteran Affairs

I am a Vietnam Vet I proudly served my country in the United States Marine Corp. for 9 yrs. and 6 mos. Before I begin my testimony, I would like to thank my advocate Mr. Allen J. Lynch without who's many hours of dedication and continued support I would not be here today.

1. Tell of (2) injuries received on active duty.

Knee Nov. 1969 Cherry Point., N.C. Hands Beaufort S.C

Field Safe security chain not in Place May 9, 1974

Crush Wounds

2. Filed claim on March 31, 1980 for knee and hands.

Exam Sept. 19, 1980. Received 10% disability on knee.

3. Re-evaluated in Sept. 1981. The individual giving the exam said: "let me see your hands." I showed him my hands and he said he didn't see any arthritis. He then told me to walk about 10' and back: then replied: "I don't see anything wrong with your knee." He asked where I worked; I replied the Post Office. He then said: "you have good insurance and collecting disability would threaten your job." He advised me to use my insurance and don't come back. Shortly after my disability payment stopped.

4. Contacted Senator Durbin February 22, 2001.

5. On May 21, 2001 Mr. Vernon from Senator Durbin's Office said that Mr. Heinz of the VA was still insistent that I never received any disability from the VA and such a file simply does not exist. Mr. Heinz stated that a thorough search was made and my file could not be found. I had to prove that I had received a disability using my Form 15 U.S. Civil Service Commission claim 10 point Veteran preference from my personal file from my place of employment.

6. With Senator Durbin's assistance, it took 6 months for the VA to schedule an appointment for an exam. The exam took place on August 7, 2001. Although the condition of the knee and wrists were confirmed on September 5, 2001 and I was paid back to August of 2001, payment for my knee was not received until March 26, 2002, and not received for my wrists until February 15, 2003.

7. On August 22, 2002 I contacted Mr. Allen J. Lynch. He advised that I see an independent doctor. I seen an Orthopedic Surgeon. He wrote two orders, one for a MRI and another for complete bone scan. Although the VA's MRI found only an abnormal knee; the independent doctor noted degenerative joint decease throughout. the knee 9 points of degeneration. My personal physician wrote: Decreased handgrip and deformity in the MP, and PIP joints.

8. After every exam I would return back to obtain a copy of their report and write a letter of disagreement. The VA consistently misquoted me and wrote their own version of the facts.

9. On my exam of March 18, 2003 I brought my bone scan for the VA to see. I thought a doctor would see me. A Nurse Practitioner Karen Clark saw me. She refused to look at the bone scan stating that bone scans are worthless and only her x-rays and her opinion mattered.

10. My case was sent to Washington D.C. on Appeal April 27, 2004. Washington returned my file to Chicago On Remand August 17, 2004. The remand, signed by Federal Judge Flowers stated that I see an Orthopedic Surgeon. My exam was scheduled for September 21, 2004 and I was seen by Physician Assistant Terrence Kenton. He did not follow the directions of the remand.

11. On the statement of case dated October 1, 2004 under evidence it is stated that I failed to report for an exam on August 4, 2004. I was never scheduled for an exam on August 4, 2004.

12. On October 15, 2004 Mr. Lynch contacted Mr. Keith M. Wilson, Director Appeal

Management Center in Washington, D.C. and Mr. Michael Stephens, Veterans Service Center Manager, Chicago, IL on the August 4th issue.

13. On November 15, 2004, Mr. Lynch again contacted Mr. Stephens requesting that another exam be scheduled in accordance with the remand.

14. On December 28, 2004 I had another exam at Hines Hospital. I was examined by an Orthopedic Surgeon.

15. The Clear and Unmistakable Errors on the 1981 discontinuance of disability payments on my left knee and on the 1980 failure of the VA to process a claim for crush wounds to both hands were returned to Mr. Olson, Director of Chicago Office on May 25, 2005 for proper action. Mr. Olson gave my file to Mr. Larry Rogers, Chief ACT Team, he in turn gave my file to a rating specialist for rating. The rating specialist denied my claim. Ignoring the documentation gathered over the last 4 ½ yrs. To even include the findings of the VA's own Orthopedic Surgeon of December 28, 2004. After referring back to the injury of the knee while on active duty, she stated: as her findings: "Degenerative arthritis of the left knee."

By denying the clear and unmistakable error on my left knee the rating specialist would have you believe that my knee was completely healed and injury came back after 20 years. The evidence and the documentation of the VA own Orthopedic Surgeon proves just the opposite. On my crush wounds to hands; my military medical file states on November 14, 1974 the diagnosis: "Patient has arthritis to joints of both hands from past crush wounds." Referring back to the crush wounds received on May 9, 1974; the VA's own Orthopedic Surgeon verified this condition in her exam of December 28, 2004.

She states: "Post traumatic arthritis of the MP, PIP, and DIP joints of the index, middle, ring, and little fingers of both hands. After more than 25 yrs. the VA still refuses to acknowledge the crush wounds to my hands.

16. The rating specialist's deliberate arrogance and gross incompetence in handling my case is indicative of, and fostered by management at the highest levels of the Chicago VA Office. I am sure that there are many honest hard working individuals in the Chicago VA Office. I am just as sure that there are too many other individuals like the rating specialist at who's cold and callus hands many Illinois Veterans and their families have suffered years of anguish and hardship. This must not go unnoticed nor without repercussions. Every person in this room is indebted to veterans past, present, and future for the freedom they enjoy. No Veteran while pursuing a disability claim with the

VA should ever feel that he or she is at war. We have been there and served our country honorably. For that; we have earned and demand your respect! For all the positive changes in personnel and policy at the Chicago Regional VA Office as a direct result of today's hearing; on behalf of all Illinois, Veterans present and future and their families I extend their deepest gratitude and most sincere thanks. Thank you, gentleman.