

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
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ANDREW U. D. STRAW,	)	Fed. Cir.#: _____
<i>Appellant,</i>	)	U.S. CAVC Case#: 18-7129
v.	)	<u>Hon. Greenberg</u>
ROBERT WILKIE, SECRETARY	)	<u>Hon. Toth</u>
OF VETERANS AFFAIRS,	)	<u>Hon. Falvey</u>
<i>Appellee.</i>	)	Presiding Judges

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**AMENDED DOCKETING STATEMENT**

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Statute or other authority establishing jurisdiction in the:

U.S. CAVC: 38 U.S.C. § 7252

Court of Appeals, Federal Circuit: 38 U.S.C. § 7292

Timeliness of Appeal:

1. Date of entry of judgment or order appealed from: **6/26/2020**

2. Date the notice of appeal filed: **6/27/2020**

Is the order or judgment appealed from a final decision on the merits?

Yes

Based on Appellant's present knowledge:

Will this appeal involve a question of first impression? Yes, I believe so.

REQUEST: Given *in forma pauperis* hardship status was granted in the U.S. CAVC, I request leave to use the original record at CAVC and the Record on Appeal under FRAP Rule 24(c).

**Are any related cases or cases raising related issues pending in this Court, any district court of this circuit, or the Supreme Court? No**

**State the nature of the suit, the relief sought, and the outcome below:**

My mother and I were poisoned aboard the U.S. Marine Corps base known as Camp LeJeune, North Carolina. I was born at the base hospital and consumed the poisonous water and nobody even disputes this. My mother died from one of the cancers associated with the base and I have suffered from a mental illness and brain damage for 51 years that was also associated with the base. I just want the health insurance that Congress promised to me after inflicting such overwhelming damage to my family. The VA, the BVA, and now a callous CAVC panel packed with conservative Republican Trump appointees have all denied me and this fight has gone on for 6 years since I first applied. The only issue is a **nonsensical “residence requirement”** that if resolved correctly, would allow me this benefit.

**Issues to be raised on appeal.**

1. **CONSTITUTIONAL VIOLATIONS.** It is important to decide whether Congress, which created an insurance for people its

military poisoned, can use irrational means to exclude some of the people injured.

2. In deciding the 5<sup>th</sup> Amendment irrationality, due process, and equal protection arguments I made, it is important to make an analogy.
3. Imagine going to a party and your drink is spiked by someone, causing you to go into a coma for 10 years or more. Then, in Court, the judge says that your presence at the party is established by the spiking and coma, but you cannot get tort relief because you did not *live there*. The people who owned the house (Congress) have decided that only the people who lived there could get relief for the spiking of drinks. AND, it was the people who lived there who spiked the drinks, after all.
4. It is nonsense to let the tort feisor decide whether any relief can happen. But that is what we have here. I have been denied compensation by a Justice Department that should have been on my side, helping me. *Straw v. United States*, 16-17573-GG (11<sup>th</sup> Cir. 5/22/2019). **RELIEF: DENIED**. North Carolina failed to

protect me and every judge who ever comes near my poisoning pokes me in the eye and says **NO, DENIED**. *Straw v. North Carolina*, 20-1295 (4<sup>th</sup> Cir.). It is absolutely pathetic how no justice flows from any court or the Justice Department. Every judge who denies us needs to resign. If they were faced with 51 years of suffering like I suffered and the death of my mom in my final year of law school, they would not act this way. Their insulation from consequence is why they will not provide justice in their callous lack of all compassion. More reason why judges do not merit immunity or independence from democratic mechanisms. <http://reform.andrewstraw.com>

5. I believe it is a constitutional requirement for judges to feel compassion toward tort victims (including human and civil rights) and crime victims instead of finding excuses to deny them justice.
6. It violates the 5<sup>th</sup> Amendment to allow irrational or unequal justice. This is **not welfare**, after all. It is not a privilege, but a duty of Congress to take care of those its military poisoned.

DENIED is simply not a possible answer. To say denied is to fail as a court when it comes to crime victims of the government.

7. I am asking every court to live up to the standard on top of the U.S. Supreme Court building.



8.

9. **RESIDENCE**. The CAVC panel bent over backwards to make sure I would lose because it is so easy to say that 1 day of base access and exposure to poisoning is one day of residence. Given

the Act did not define residence and the very strong purposes in the Act (e.g., the title at 38 U.S.C. § 1787) to help and protect the babies like me who were poisoned, using a strict interpretation is an abuse. Not only an abuse of discretion, but an abuse of my human rights. The United States has signed treaties that prohibit militaries from poisoning civilians and the U.S. Military poisoned me. Residence can be construed to allow me coverage, but callousness and hate toward me prevailed. Remedial laws like this one must be **construed broadly** to effectuate the will of Congress. It was not done. *Tcherepnin v. Knight*, 389 U.S. 332, 336 (1967).

10. **JUDGES TOO CONNECTED TO THE MILITARY AND TRUMP** 2/3 of my panel were Republicans appointed by Trump. The panel was overwhelmingly connected to the military and thus have taken **oaths to protect that military** but **no oath to protect me**. They should have recused *sua sponte*, but chose not to. Their bias should motivate the Federal Circuit to give no deference to such judges or their ORDER. This bias may have caused the

CAVC panel to allow the appellee brief to be late with no explanation or motion for more time. This alone should have resulted in *pro forma* reversal.

**Is settlement being discussed?** No.

**Is disposition on motions, memoranda, or abbreviated briefing schedule appropriate?** Yes

**Is oral argument necessary?** No, because I am *pro se* and living in the Philippines and my poverty makes this impossible.

**Were there any in-court proceedings below?** Some minor proceedings, but the case was decided on the briefs alone. My rights were denied in a single ORDER on the briefs presented to the Court, though the appellee brief was significantly late without any excuse or request for more time.

### **IN FORMA PAUPERIS**

This appeal is done *in forma pauperis* since those poverty and legitimacy of my lawsuit facts are still true. FRAP Rule 24(a)(3).

**ADVERSE PARTIES (APPELLEES)**

1. Veterans Administration

Lance Steahly, Esq.  
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**APPELLANT**

Andrew U. D. Straw, *a member of the bar of the  
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Plaintiff-Appellant will be handling his appeal *pro se* unless counsel can be procured.

Signed this 27<sup>th</sup> Day of June, 2020



s/ ANDREW U. D. STRAW

Andrew U. D. Straw, *a member of the bar of the  
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*Plaintiff-Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I filed the foregoing:

**AMENDED DOCKETING STATEMENT**

with the Court via email. The Clerk will scan and serve this document on all parties.. I will provide this filing and my notice of appeal to the email for the appellee:

Lance.Steahly@va.gov

Dated this 22<sup>nd</sup> Day of July, 2020



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s/ ANDREW U. D. STRAW

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