

**UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS  
625 INDIANA AVENUE, NW SUITE 900  
WASHINGTON, D.C. 20004**



FRAZIER FOREMAN,  
Appellant

v.

Vet. App. #15-3463

DAVID J. SHULKIN, M.D.  
Secretary, of Veterans Affairs,  
Appellee

**APPELLANT REPLY BRIEF TO APPELLEE BRIEF PURSUANT  
TO RULE 28 ( C ) DATED JUNE 22, 2017**

Appellant (Frazier Foreman) pursuant to Rule of Practice and Procedures file the following reply brief in accordance with Rule 28 ( c ) in response to Secretary's brief dated June 22, 2017.

The Court should construe the appellant's arguments as a general allegation of error with the Board of Veterans Appeals August 5, 2015 decision; and Appellee June 22, 2017 brief which exclude from its Statement of Relevant facts initial date RO received Veteran August 1972 claim of entitled 38 CFR section 3.307 presumption of service connection verified by VA Form 21-256e (Application for benefits); DD

Form 214 (Record of service); SF 88 (Separation); and DD Form 722 (Health Records) that included December 18, 1971 Veteran doctors progress note {R.at pg.52} identifying veteran "multiple (behavioral, emotional, & psychological) problems, Assessment arrange for visit to Mental Hygiene Clinic. On August 28, 1972 {R.at pg.48 & 27} Waco VARO received {Veteran} Service Department Records – VA Form 07-4582.

Appellee brief attempts to direct Court's attention away from Veteran entitlement to an August 1972 earlier effective date under provisions of 38 CFR 3.307 presumption of service connection, by conceding Board decision to be clearly erroneous, and recommending the Court reverse Board decision, and assign effective date of September 23, 2008 for the award of entitlement to service connected PTSD.

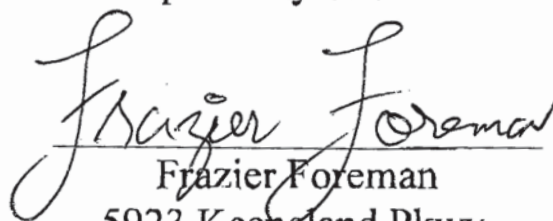
"If at any time after VA issues a decision on a claim, VA receives and associates with the claim file relevant official service department records that existed and had not been associated with the claim file when VA first decided the claim, VA will reconsider the claim. *See*, 38 CFR

section 3.156( c ). An award made based all or in part on the existence of these service records is effective the date that entitlement arose, or the date that VA received the previously denied claim, whichever was later. *See*, 38 CFR section 3.156( c )(4).

### CONCLUSION

WHEREFORE based on the facts identified above by the appellant, show that the Court is left with a definite and firm conviction that a mistake has been committed, must reverse and/or vacate Board August 5, 2015 ORDER where review of the record support an earlier effective date, and, Board failed to justify assigned effective date of July 13, 2010, but no earlier, for grant of service connection for PTSD, where Board conceded it reviewed the records which satisfied the applicable regulations concerning payment of monetary benefits.

Respectfully Submitted




Frazier Foreman  
5923 Keeneland Pkwy.  
Dallas, TX. 75211

**CERTIFICATE OF SERVICE**

I certify that on this 27 day of June, 2017 Appellant file the following reply to Appellee Brief dated June 22, 2017 filed with the U.S. Court of Appeals for Veterans Claims, 625 Indiana Avenue, N.W., Suite 900, Washington, D.C. 20004, with copy to Nathan P. Kirschner, Appellate Attorney Office of the General Counsel, U.S. Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420 sent by certified mail with copy to Congressional Representative.

Sincerely

  
Frazier Foreman  
5923 Keeneland Pkwy.  
Dallas, Texas 75211



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