

*In The*  
UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS

Marcel Verdooner,	)	
Appellant,	)	No. 15-2775
	)	
v.	)	<b>SOLZE NOTICE OF</b>
	)	<b>RELEVANT INFORMATION</b>
Peter O'Rourke,	)	
Acting Secretary of Veterans Affairs,	)	
<u>Appellee.</u>	)	

Pursuant to the Court's holding in *Solze v. Shinseki*, 26 Vet. App. 299, 301 (2013), Mr. Verdooner informs the Court that despite the Board of Veterans' Appeals May 23, 2018, award of service connection, the Secretary has taken *no* action to move him any closer to receiving his benefits. Indeed, VBMS evidences that his claims – now requiring only a ministerial “rating” for his two service-connected active cancers as 100% disabling pursuant to DC 7528 with an effective date of July 19, 2002 (as the appeal has been maintained since the initial claim date), *has not even been returned to the rating regional office*. Attached are VBMS screen prints which establish that Mr. Verdooner's claims continue to languish in the Appeals Management Office (“AMO”), which is the latest incarnation of an unaccountable “review” group, operating outside of statute or regulation.

VBMS establishes that the AMO has done nothing but “assign” Mr. Verdooner’s case to “team ‘RB 1’” member “Franklin Thomas Bowen.” Exs. A (VBMS “Notes” section July, 18, 2018); Ex. B (enlarged view of Ex. A). Mr. Bowen, apparently, has done nothing since receiving the assignment on June 7, 2018. *Id.* Sadly, this information confirms Mr. Verdooner’s “reasonable fear[] that the Secretary will now just ignore the Board’s remand order.” *Motion for Reconsideration or, in the alternative, Full Court Review* (Jun. 20, 2018) at 2 n.1.

The Secretary’s inaction persists despite lengthy and on-going litigation, senior VA management awareness, and a July 3, 2018, request for action. Ex. C. This information is relevant because it further evidences the Board’s, if not the Secretary’s, continued disdain for Mr. Verdooner’s due process rights. Moreover, even if the AMO is legally authorized to insert itself between the Board and a regional office *and* is empowered under some statute or regulation to serve as an Agency of Original Jurisdiction (AOJ) for award purposes – which is not apparent – Mr. Verdooner is not receiving anything near the “expedited treatment” required by law. *Contra* 38 U.S.C. § 5109B.

WHEREFORE, Appellant provides the Court with information potentially relevant to resolution of this matter.

Respectfully submitted,

/s/ Douglas J. Rosinski  
701 Gervais St., Ste. 150-405  
Columbia, SC 29201-3066  
803.256.9555 (tel)  
888.492.3636 (fax)  
djr@djrosinski.com  
Attorney for Mr. Verdooner

July 18, 2018

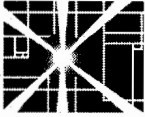
### Ex. A - VBMS Screen Print

Showing 1 - 10 of 66						Show/Hide Column
Date	Created By	Note Text	Related To	Note Type	Action Taken	
06/07/2018 06:02:18 EDT	Franklin Thomas Bowen - 397	-	<a href="#">070 - ARC-BVA Grant - 05/23/2018</a>	PERMANENT	Assigned to team "RB 1" and team member "Franklin Bowen"	
06/06/2018 14:21:16 EDT	Background Process	New claim established.	<a href="#">070 - ARC-BVA Grant - 05/23/2018</a>	PERMANENT	New claim established	
03/01/2018 16:50:42 EST	Background Process	Claim status changed from READY_FOR_DECISION to CLOSED outside of VBM <a href="#">Read More</a>	<a href="#">070 - Remand (070) - 11/13/2017</a>	PERMANENT	Claim state changed to CLOSED	
03/01/2018 16:50:34 EST	Background Process	Claim status changed from READY_FOR_DECISION to CLOSED outside of VBM <a href="#">Read More</a>	<a href="#">170 - Remand - 11/28/2016</a>	PERMANENT	Claim state changed to CLOSED	
02/28/2018 20:45:35 EST	Background Process	Claim status changed from READY_TO_WORK to READY_FOR_DECISION outside <a href="#">Read More</a>	<a href="#">070 - Remand (070) - 11/13/2017</a>	PERMANENT	Claim state changed to READY_FOR_DECISION.	
02/28/2018 20:44:33 EST	John Howard Boomer - 343	All CO and VHA opinions completed, DRO review complete. Closed last t <a href="#">Read More</a>	<a href="#">070 - Remand (070) - 11/13/2017</a>	PERMANENT		
02/28/2018 20:43:26 EST	John Howard Boomer - 343	Claim was moved to READY_TO_WORK due to last opened tracked item bein <a href="#">Read More</a>	<a href="#">070 - Remand (070) - 11/13/2017</a>	PERMANENT	Claim state changed to READY_TO_WORK.	
02/07/2018 18:48:14 EST	John Howard Boomer - 343	Per DRO DD - Sent follow up request for Comp Services review. Will no <a href="#">Read More</a>	<a href="#">070 - Remand (070) - 11/13/2017</a>	PERMANENT		
01/23/2018 17:41:57 EST	John Howard Boomer - 343	No response for Comp Services review at this time. Updated suspense & <a href="#">Read More</a>	<a href="#">070 - Remand (070) - 11/13/2017</a>	PERMANENT		
12/22/2017 09:28:13 EST	William Vallejos - 343	appeals EP	<a href="#">070 - Remand (070) - 11/13/2017</a>	PERMANENT	Assigned to team "APPEALS Sacramento" and team member unassigned	
				Skip to page: 1	Go	
				First	Previous 1 2	

**EX B - VBMS Screen Print (enlarged)**

Showing 1 - 10 of 66		
Date ▼	Created By ◇	Note Text ◇
06/07/2018 06:02:18 EDT	Franklin Thomas Bowen - 397	.
06/06/2018 14:21:16 EDT	Background Process	New claim established.
03/01/2018 16:50:42 EST	Background Process	Claim status changed from READY_FOR_DECISION to CLOSED outside of VBM <a href="#">Read More</a>
03/01/2018 16:50:34 EST	Background Process	Claim status changed from READY_FOR_DECISION to CLOSED outside of VBM <a href="#">Read More</a>
02/28/2018 20:45:35 EST	Background Process	Claim status changed from READY_TO_WORK to READY_FOR_DECISION outside <a href="#">Read More</a>
02/28/2018 20:44:33 EST	John Howard Boomer - 343	All CO and VHA opinions completed, DRO review complete. Closed last t <a href="#">Read More</a>
02/28/2018 20:43:26 EST	John Howard Boomer - 343	Claim was moved to READY_TO_WORK due to last opened tracked item bein <a href="#">Read More</a>
02/07/2018 18:48:14 EST	John Howard Boomer - 343	Per DRO DD - Sent follow up request for Comp Services review. Will no <a href="#">Read More</a>
01/23/2018 17:41:57 EST	John Howard Boomer - 343	No response for Comp Services review at this time. Updated suspense & <a href="#">Read More</a>
12/22/2017 09:28:13 EST	William Vallejos - 343	appeals EP

## EXHIBIT C



Douglas J. Rosinski

July 3, 2018

**Via First Class Mail and Facsimile (510.637.6345; 844.531.7818)**

Oakland VA Regional Office  
1301 Clay St., North Tower  
Oakland, CA 94612

Re: Veteran Marcel Verdooner, Claim No. C  
**EXPEDITIOUS TREATMENT OF BVA REMANDED CLAIM**

Dear Sir or Madam:

I represent Mr. Verdooner in his appeals before the Department (VA Form 21-22a submitted June 27, 2016). The purpose of this correspondence is to formally request "expeditious treatment" of Mr. Verdooner's Board-remanded appeal. Although such a request should not be needed because statute already requires such action, *see* 38 U.S.C. § 5109B, no action has been taken on Mr. Verdooner's May 23, 2018, Board remand despite this requirement and Mr. Verdooner's advanced age and ill-health. *See* BVA decision at 2, 3 (noting case advanced on BVA docket and veteran's cancers).

If not already apparent, time is of the essence in this matter. Further, as the Board has already granted service connection for Mr. Verdooner's active cancer, the only action left to your office is to establish an effective date of the date of the initial claim (July 19, 2002) and calculate the benefits due to him at a 100% disability rate per DC 7528. Surely your office can do this math problem in a few days. If not, please explain why it cannot do so for this 90-year-old veteran suffering from cancer.

I am available to answer any questions in this matter at 803.256.9555.

Sincerely,

Douglas J. Rosinski, Esq.  
Counsel to Marcel Verdooner