

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

625 Indiana Avenue, NW Suite 900

Washington, DC 20004-2950

APPELLANT'S INFORMAL BRIEF

Docket No: 19-2412

Sam Ray Staggs,

Appellant,

Robert L. Wilkie,
Secretary of Veterans Affairs,

Appellee.

Type or legibly write your answers to each question. If the Court cannot read your handwriting your brief may be returned to you.

1. If there is more than one issue listed on the first page of the Board decision, which issue(s) are you appealing?

Please note that if you choose not to list an issue here, the Court might not review that issue.

I am appealing the issue that I was granted an Earlier Date of my Service Connected P.T.S.D. prior to March 11, 2000 and I have evidence supporting it. Please see page (1) of (1) my attachment.

Questions 2-6 ask you for information regarding the issues you believe were incorrectly decided by the Board.

2. For each issue you listed in Question 1, did the Board incorrectly state any facts?

Yes (X) No

If yes, what are the correct facts? Please list the page number(s) from the Record Before the Agency (RBA) that support your argument.

The Board rejected my New Evidence. It is true that this evidence is on record because I submitted it several times. The issue is that the Board never considered it in their decisions. See page (1) of (1) my attachment.

.

.

3. Are there any documents in the Record Before the Agency (RBA) that support your claim(s)?

Yes(X) No

If yes, what are those documents? Please list the page number(s) in the RBA where they can be found and explain why you think they support your claim.

The following pages are of the New Evidence I submitted several times:

- 1. VACOLS Appealed Issues page 733 (RBA).**
- 2. Screen shot of the VACOLS entry page 617 (RBA).**
- 3. The letter from Margaret L. Peak page 70 (RBA).**

4. Did VA fail to obtain any documents identified by you or your representative or mentioned in the Record Before the Agency (RBA) when it was gathering evidence for your case?

Yes No (X)

If yes, list the page number(s) of the RBA that show that these documents exist and explain:

- How each document relates to your claim(s)
- Why each document is important to your case

The Court cannot consider documents that were not before the Board. Also, please do not attach any pages from the RBA

5. To your knowledge, did the Board fail to apply or misapply any law, case, or regulation?

Yes (X) No ()

If yes, what is that law, case, or regulation and how should the Board have applied it?

It is documented that benefits were granted but I did not receive any of these benefits. See page (1) of (1) attachment I don't have the help of an attorney so I don't know the specific law that applies here.

-
-
-

6. Do you think that the Board decision is wrong for any other reason(s)? 710 of (RBA).

Yes(X) No

If yes, what are those reason(s)? Please list the page number(s) from the RBA that support your argument.

I think that the VA concluded that I did have a clear diagnosis of Service Connected P.T.S.D. prior to March 11, 2000. The VA documented their conclusion and made an entry into VACOLS. SEE PAGES 617 and 710

Finally, Questions 7-8 ask you for information that will help the Court process your case.

7. What action do you want this Court to take?

Please honor the grant for an earlier effective date of my service connected P.T.S.D. claim prior to March 11, 200. (NOTE: from 1993.....)

8. If you needed extra pages to answer the questions above, how many extra pages did you attach to this form? _____

Please remember that your brief cannot exceed 30 pages total (including this form). Do not attach any pages from the RBA.

On any attached pages, make sure to include your name and your Court docket number.

Please sign and date this form after you have finished completing it.

Appellant's Telephone Number (931) 858-5423

Appellant's Address: P.O. BOX 64, BUFFALO VALLEY, TN 38548

Appellant's Signature: Sam R. Stapp

Date: 07/23/2019

ATTACHMENT

SAM RAY STAGGS

DOCKET# 19-2412

Please, I beg of you , don't ignore me this time.

I have submitted several times, as "NEW EVIDENCE", the letter from Margaret L. Peak, dated December 31, 2008, along with the screen shot of the entry made in the "VACOLS" on July 30, 2008. See page 617 & 710 of (RBA) The dates that I submitted this new evidence is as follows:

1. 05/05/2010 "Motion for Reconsideration" for the decision of the "Board of Veterans' Appeals" dated March 31, 2010. - See page 622 of (RBA)
2. 08/22/2012 Exhibit (9) of my CUE claim dated 07/25/2012 - See page 567 of (RBA)
3. 07/14/2017 Request "Motion for Reconsideration". See page 38 of (RBA)

This new evidence, (Margaret L. Peak's letter and the VACOLS screen shot), was never recognized, but until the "Board of Veterans Appeals" (Ruling on Motion) dated February 12, 2019. In this (Ruling on Motion) It states, "The additional evidence submitted with your Motion has been associated with your claims file. As stated by C. F.R. 20.1000(b), new and material evidence may warrant reconsideration. However, the December 31, 2008 letter you submitted was of record at the time of the Board decision, and therefore cannot be deemed new as contemplated by the provisions of 38 C.F.R. 20.1000(b). For these reasons, your Motion for reconsideration is denied. See page 2 of (RBA)

If his evidence was looked at in the first time I submitted it on 05/05/2010 see pages 622 & 624 of (RBA) it would be clear that I was granted the Compensation Benefits for PTSD from 1993..... dated entry of 7/30/2008. See page 733 of (RBA).

The following are documents referencing service connected P.T.S.D diagnosis prior to March 11, 2000:

1. US Department of Veterans Affairs rating dated 9-20-9 page 2110 - (RBA)
2. Letter from Dr. Robert B. Gaston dated November 30, 1993 page 1667 - (RBA)
3. Letter from Patrick Work dated January 6, 1994 page 990 - (RBA)
4. Letters from Dr. Harry B. Steuber dated February 24, 1994 page 981 - (RBA)
 - A. Verification that he did indeed diagnosis me with service connected P.T.S.D. Page 967 - (RBA)
 - B. Verification that he did use DMS-III Page 2027 - (RBA)
5. Diagnosis of P.T.S.D. from Dr. Lucas Van Orden Page 985-989 - (RBA)

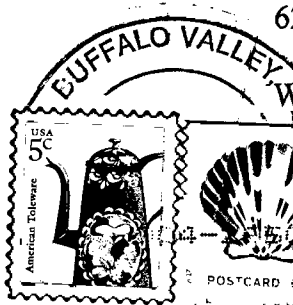
CERTIFIED MAIL®

7015 1660 0001 ,0272 4525

Clerk, U.S. Court of Appeals for Veterans Claims

625 Indiana Avenue NW, Suite 900

Washington, DC 20004-2950



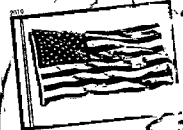
POSTCARD USA



FOREVER USA



FOREVER / USA



FOREVER / US



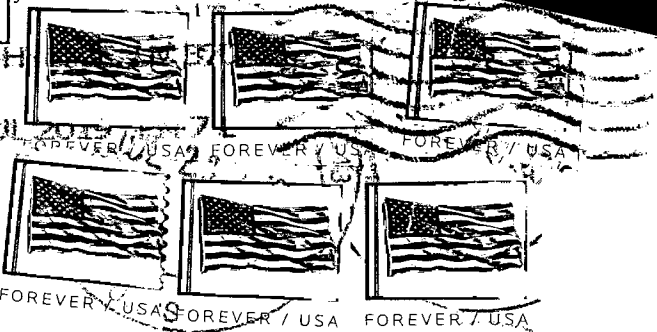
FOREVER / USA



FOREVER / USA



FOREVER / USA



NASH

23 JUL 2015

FOREVER

FOREVER / USA

FOREVER 7 U.S.A.