

US COURT OF APPEALS
FOR VETERANS CLAIMS

SEP 20 2019

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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

625 Indiana Avenue, NW Suite 900
Washington, DC 20004-2950

APPELLANT'S INFORMAL BRIEF

Docket No: 19-253

Maria Marlina T. Tomas,

Appellant,

v.

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.

1. Service Connection for the cause of the Veteran's death.
2. Whether the Appellant's filed a timely substantive appeal as to an April 2011 rating decision.

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 ☒ 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.*

1. Statement of the Case

Page 1

05/30/2012

ISSUE:

Service connection for the cause of Veteran's death

EVIDENCES:

PLS SEE Continuation:

Page 1 of 3

Form 9 (Rev 3/2018)

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

Yes ☒ 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.

1. Statement of the Case

Department of Veterans Affairs
Manila Regional Office Page 19
05/30/2012

REASON AND BASES:

Par. 3

Par. 4

Par. 5

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 ☐

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.

Statement of the Case

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05/30/2012

Par.1

Par.2

Par.3

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

Yes ☒ No ☐

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

PERTINENT LAWS; REGULATIONS; RATING SCHEDULE PROVISIONS:

38 U.S.C. 1110: Basic entitlement

Statement of the Case

Department of Veterans Affairs
Manila Regional office Page 2

05/30/2012

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

Yes X No

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

BOARD OF VETERANS' APPEALS
DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC 20420

Docket No: 13-33 241

) DATE: September 08, 2017

Page 1

)

Page 2 Par. 1,2,3

)

THE ISSUE

INTRODUCTION

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?

I pray that, THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
TO: Review the Case in Fairness and Justice Prevail.

Please Remand the case on appeal to the good Board Of Veterans
Appeals Re adjudicate the case at bar. Thank you in advance for your
grant of my case on appeal.

8. If you needed extra pages to answer the questions above, how many extra pages did you attach to this form? 3

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: "n/a"

Appellant's Address: Brgy. Cabaroan, 2705 Ilocos Sur, Philippines

Appellant's Signature:

Maria Marlina T. Tomas
MARIA MARLINA T. TOMAS

Date: August 30, 2019

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
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Statement of the Case

Department of Veterans Affairs
Manila Regional Office

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05/30/2012

ISSUE:

Service connection for the cause of death

EVIDENCES:

- * Death certificate of the veteran
- * VA Form 21-4138
- * VA Form 21-534 Application for Dependency And Indemnity Compensation Death Pension and Accrued Benefits, received on August 1981.

Statement of the Case.

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REASONS AND BASES:

Par 1
Par 2
Par 3

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Strong Evidences: For service connection for cause of Veteran's Death Statement of the Case

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Par.&3.313 Cause of Death:

(a)

(b) Principal cause of death.

(c) Contributory cause of death

(1) Contributory cause of death.

(2) Generally, minor service-connected disabilities

(3) Service-connected diseases involving active processes

(4) There are primary causes of death which by their very nature are so overwhelming.

Statement of the Case

Page 19
05/30//2012

REASON AND BASES:

Par. 1

Our records show that your spouse was a World War II Era veteran.

Par. 2

The death of the veteran will be considered as having been due to a service-connected disability.

Par. 3

Contributory cause of death.

Par. There is no record of complaint, treatment or diagnosis of any of your spouse's death causing conditions while was in service .

Pls see nextpage.

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Strong Evidences: For service-connection for cause of Veteran's Death.

Statement of the Case

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Par. 1

We also received a certification showing Dr. Rivas, the doctor who certified the cause of death.

Par. 2

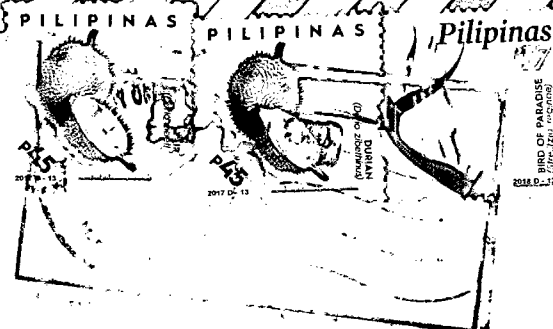
As a chronic disease, service connection may also be granted for congestive heart failure, myocardial infarction, arteriosclerotic heart disease, diabetes mellitus and cardiomegaly if:

Please NOTE:

Dr. Rivas was the attending Physician of the Veteran. He was the one who diagnosis the disease, and who made and signed the death certificate at the Ilocos Doctor Hospital, Vigan, Ilocos Sur, Philippines.

Thank you for your honest, fairness and justifiable review of the case at bar.

Maria Marlina T.Tomas
Brgy.Cabaroan
Sta. Maria
2705 Ilocos Sur
Philippines



Hon. Director,
U.S. COURT OF APPEALS FOR VETERANS CLAIMS
625 Indiana Avenue, N.W. Suite 900
Washington, D.C. 20004-2950
U.S.A.

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