

Docket No: 19-2240

ORIGINAL

Joseph E. Russell, Appellant

v.

Robert L. Wilkie  
Secretary of Veterans Affairs, Appellee

Appellant's Informal Brief

*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 that 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.***

***My appeal was as follows:***

***Service connection for PTSD/Anxiety - Record Before The Agency (R.) 57 & 108***

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

2. For each issue(s) 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 BVA made finding as follows:***

***Therefore, as the most probative, evidence of records on the matter does not provide***

***A diagnosis of PTSD according to the DSM-V criteria or a diagnosis of an anxiety***

***disorder of any kind, service connection cannot be granted for these claimed***

***disabilities. (R.) 11.***

**SEE ATTACHMENT FOR #2**

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

Yes \_\_\_\_\_ No X

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.

***See Attachment for #2***

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/or how should the Board have applied it?

***38 U.S.C. § 5107(b) & 38 C.F.R. 3.303 should have been applied I was entitled to***

***the benefit of the doubt. I was entitled to have my claim decided on***

***"all" the evidence.***

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

Yes X No     

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

**See Argument at 108.**

*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?

***Grant service connection for PTSD.***

8. If you needed extra pages to answer the questions above, how many extra pages did you attach to this form?   1

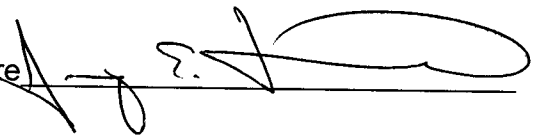
**Please remember that your brief cannot exceed 30 pages total (including this form). Do not attach any pages from the Record Before the Agency (RBA).**

**On any attached pages, make sure to include your name and your Court docket Number, which is listed at the top of each page of this form.**

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

Date: 3 Oct 2019

Appellant's Signature



**ATTACHMENT #2**

**JOSEPH J. RUSSELL**

**DOCKET NO: 19-2240**

**The BVA is not correct as for me having a DSM-V diagnosis, See 256-261. DSM-IV required the Axis DSM-5 does not. See *www.psychstar.ca-shortly, to wit....***

The DSM-5 manual provides little guidance on how a DSM-5 diagnosis should be communicated in writing. However, as clinicians, we need to consider both the **purpose** of our communication and the **audience** for that communication. As professionals, we must consider the potential misuse of documents by others, which will influence the way that we present our findings.

## CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the United States of America that on October 3, 2019, a copy of this Informal Brief was mailed, postage prepaid to:

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Appellant's signature

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