

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
625 Indiana Avenue, NW Suite 900  
Washington, DC 20004-2950

APPELLANT'S INFORMAL BRIEF

Docket No: 19-5474

Paula Simmes,

Appellant,

v.

Robert L. Wilkie,  
Secretary of Veterans Affairs,

Appellee.

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*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.***

Request for burial for Richard Spiezio in the VA cemetery. Richard's length and type of service does not qualify him for burial. We are pleading with the court to grant a waiver or provide some assistance to have this man buried in the VA Cemetery.

*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.*

Page 11- I am not Richard's daughter. He was married to my mother and was my STEP father. I am acting on her behalf.

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.*

Page 19 - We fully agree that the current law does not allow Richard to be buried in the cemetery. We are working with Elise Stefanik's office to address a change in the law. We are PLEADING with the court for some type of action which will allow Richard to be buried in the cemetery. There surely must be something that can be done for these service men and woman who wish to be buried with fellow soldiers. They joined the service with the full intention of being deployed. The need never arose but that should not prevent their burial in the cemetery.

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      No X

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

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

Yes \_\_\_ No X

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

*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?

Intervention to allow Richard to be buried in the Cemetery. I am not a lawyer and do not know if this is possible within the power of the Court. There must be some way to allow ALL veteran's this honor.

8. If you needed extra pages to answer the questions above, how many extra pages did you attach to this form? 0

***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: (518) 361-3342

Appellant's Address: 134 Langley Hill Road, Greenwich, NY 12834

Appellant's Signature:

*Paula Semmes*

Date: 11/16/19