

NOTICE TO FILE A BRIEF TO THE SELF-REPRESENTED APPELLANT

DOCKET NO: 18-6819

SHERRY C. BENSON

APPELLANT,

V.

ROBERT L. WILKE,

SECRETARY OF VETERANS AFFAIRS

APPELLEE,

1. If there is more than one issue listed on the first page of the Board's 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.

Issue #1 – The criteria for recognition of the appellant as the Veteran's surviving spouse for the purpose of VA death benefits have not been met.

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

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

If yes, what are the correct facts? Entitlement to recognition of the appellant, Ms. Sherry C. Benson as the surviving spouse of the Veteran for the purpose of receiving VA Dependency and Indemnity Compensation.

My argument is though we weren't married, it is stated, "(1) who lived with the veteran continuously from the date of marriage to the date of the veteran's death except there was a separation which was due to the misconduct of, or procured by the veteran without the fault of the spouse; and (2) except as provided in 38 C.F.R. & 3.55, has not remarried or has not since the death of the veteran and, after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person. 38 C.F.R. & 3.50(b) (2016).

Please list the page number (s) from the Record Before the Agency (RBA) that support your argument. Page 3 Volume 1 of 3

3. Are there any documents in the Record Before the Agency (RBA) that support your claim (s) Yes xxxx No _____?

If yes, what are those documents? "has not remarried or has not since the death of the veteran and, after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person." 38 C.F.R. & 3.50(b) (2016).

Please list the page number(s) in the RBA where they can be found and explain why you think they support your claim.

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

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) See Questions 2 & 3 answers

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_____ I do not know of any laws or regulations.

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

6. Do you think that the Board's decision is wrong for any other reason(s)? Absolutely, Yes
7. If yes, what are those reason(s)? Please list the page number(s) from the RBA that support your argument. How can anyone remain married to someone who tried to kill them? He tried to kill me with a gun.

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

8. What action do you want this court to take? The actions that I want the court to take is to thoroughly review this RBA; medical records and all. It was more likely than not that his medical disability was the cause of his death and related to his military services—contributing substantially.
9. If you needed extra pages to answer the questions above, how many 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: _____614 601 7041_____

Appellant's Address: _ 6437 Teapot Lane – Reynoldsburg, OH 43068

Appellant's Signature Ms. Sherry C. Benson