

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
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ANDREW U. D. STRAW,	)	Fed. Cir.#: _____
<i>Plaintiff,</i>	)	U.S. CAVC Case#: 18-7129
v.	)	<u>Hon. Greenberg</u>
ROBERT WILKIE, SECRETARY	)	<u>Hon. Toth</u>
OF VETERANS AFFAIRS,	)	<u>Hon. Falvey</u>
<i>Defendants.</i>	)	Presiding Judges

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**NOTICE OF APPEAL**

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I, *plaintiff* Andrew U. D. Straw, proceeding *pro se*, having received notice of the dismissal of my appeal, now make the following **NOTICE OF APPEAL** to the U.S. Court of Appeals for the Federal Circuit:

1. NOTICE IS HEREBY GIVEN that plaintiff, Andrew U. D. Straw, appeals to the United States Court of Appeals for the Federal Circuit from the **OPINION** by the Honorable Judges Greenberg, Toth, and Falvey entered on **June 26, 2020** and all prior interlocutory rulings.
2. A variety of motions from me were denied and/or made moot by the decision to grant dismissal due to the legal conclusion that I cannot have this health coverage because I did not “live on the base.”

3. Further, the opinion lamented that I filed other documents during the course of the **18 months** I waited for a decision. However, I have a right to file whatever statements I want under the First Amendment and considering the enormous amount of pain and suffering inflicted on me by the United States with this poisoning, which pays the salary of these judges. No wonder I cannot get justice against the judges' employer. The reason the judges did not like my extra filings was simply that it was going to deny me justice and facts like mine be damned. Facts like my mother **dying from one of the listed cancers** and this Court could not even bring itself to mention that fact in its opinion, which should have made my relief mandatory. Once the panel, 2/3 Republican Trump appointments, decided to not give me relief, it denied ALL RELIEF.
4. I timely filed this U.S. CAVC appeal on **December 15, 2018** after dismissal of my claim at the BVA on **December 4, 2018**. I was allowed *in forma pauperis* hardship status.
5. Now, the panel has with clear errors of law construed the statute not to allow someone **born and poisoned at the base** to be covered by this health insurance even when my mother died from one of the

listed cancers. Further, to say nonsensical residence requirements are allowed is to say that a car accident victim has to reside in the road where the accident happened. Because **this statute must be construed liberally**, excluding me violates the Fifth Amendment and simply perpetuates the damage from the poisoning that was inflicted on me by Congress and its Marine Corps. *Tcherepnin v. Knight*, 389 U.S. 332, 336 (1967) This is the foxes guarding the henhouse and the judges on my panel here did not even fairly consider that someone poisoned and disabled has a ***constitutional right*** to this benefit and once Congress provided it, it must be granted to ALL CHILDREN WHO WERE POISONED, regardless of where they slept. The panel members have extensive experience with the military and should recuse *sua sponte* for their bias, but they did not. Their callousness and compassionless failure to provide justice motivates this appeal.


6. I am seeking counsel and have contacted several law firms, but I wish to lodge my appeal to ensure it is done. I will likely seek more time to provide a brief so that my firm, if I can obtain one, will have time to write my brief.

7. This appeal is made in good faith and *in forma pauperis* based on the original *in forma pauperis* hardship grant.

8. Finally, I ask to proceed using the original record at BVA and VA as well as U.S. CAVC as the appeal record under FRAP Rule 24(c).

I, *affiant* and *plaintiff-appellant* Andrew U. D. Straw, certify that the above statements are true and correct under penalty of perjury. **Dated: June 27, 2020**

Respectfully submitted,



s/ ANDREW U. D. STRAW  
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#### **CERTIFICATE OF SERVICE**

I, *plaintiff* Andrew U. D. Straw, certify that I filed the above **NOTICE OF APPEAL** with the Clerk of this Court via email on **June 27, 2020**, and when the Clerk enters the document into the CM/ECF system, it will be served to all attorneys of record and available through Pacer.gov. I will also email Attorney Lance Steahly via carbon copy when I email this to the Clerk.

Respectfully submitted,



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