DEPARTMENT OF VETERANS AFFAIRS
Regional Office
155 Van Gordon Street
Box 25126
Denver CO 80225

JUL 20 1998

In Reply Refer To: 339/271F
C [redacted]
BRAY, Lemuel C.

VA OIG Hotline (53E)
P.O. Box 50410
Washington, DC 20091-0410

Subj: OIG Complaint - Control Number 8HL-586

1. Mr. Bray's Department of Veterans Affairs (VA) claims folder was reviewed. He is currently rated 30 percent service-connected disabled due to mixed organic personality syndrome, 20 percent for bilateral hearing loss, 10 percent for tinnitus, 0 percent for a fracture of the left wrist, 0 percent for a fracture of the right ankle, 0 percent for a tonsillectomy, and 0 percent for a left facial fracture. His combined evaluation is 50 percent disabling.

2. We removed Mr. Bray's spouse, Kazuko, from his compensation award effective May 1, 1997. On November 28, 1997, we requested that Mr. Bray furnish a statement from the Social Security Administration showing his spouse's Social Security number, her date of birth, and her name as used in their records. We did not receive this information. On February 9, 1998, we notified Mr. Bray we proposed to reduce his payments effective May 1, 1997, because we had not received the requested information, and we gave him 60 more days to furnish it. The last time we had verification of the spouse was in April 1997. On April 21, 1998, we notified Mr. Bray his benefits were reduced because we did not receive the requested information. On May 26, 1998, Mr. Bray requested an appeal of the dependency reduction. On June 15, 1998, we issued a Statement of the Case to Mr. Bray which explained our decision and what Mr. Bray must do to appeal. We will review the decision if he furnishes the Social Security information about his wife.

3. On August 25, 1992, we notified Mr. Bray of our decision on several of his disability claims. We denied service connection for pseudo-seizures, cervical and lumbar spine disc disease, and depression. We also denied increased compensation for hospitalization for a service-connected condition. He disagreed with this decision on March 9, 1993, and on May 26, 1994, our Los Angeles office issued him a Statement of the Case. He had one year from the date of notification, or until May 26, 1995, to pursue the issue by filing a substantive appeal. We did not receive a substantive appeal, so we notified him on June 19, 1995, that the decision was final as the one-year period had expired. We also notified him of his right to appeal the decision that he had not appealed during the one-year period permitted by law.

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4. We are currently developing Mr. Bray's claims for increased benefits due to hospitalization for a service-connected disability (temporary 100 percent evaluation). We have requested hospital summaries from the West Los Angeles, California, VA Medical Center (VAMC) for Mr. Bray's admissions on May 8, 1993, and July 7, 1993. When the information is received, we will notify Mr. Bray by mail of our decision.

5. Mr. Bray's letter to you refers to a claim he filed in 1995 and a previous claim. We cannot identify a claim in 1995. We wrote Mr. Bray on July 16, 1998, and requested clarification of his question concerning these claims.

6. At his request, we have scheduled Mr. Bray for personal hearings on several occasions. Personal hearings are scheduled at the Cheyenne, Wyoming, office once a month because they are held by the hearing officers from Denver, Colorado. Hearings are scheduled according to the schedule of the hearing officer and the service organization, if one has been designated. We tried to accommodate Mr. Bray in scheduling his hearings. We scheduled personal hearings on January 3, 1995, April 12, 1995, and May 22, 1995. Mr. Bray either canceled these hearings or did not keep the appointments. After the appeal period expired on May 26, 1995, a hearing was no longer appropriate because the decision became final.

7. We have carefully reviewed Mr. Bray's allegations and all the evidence in his VA claims file. His allegations that he was denied due process are unsubstantiated. On July 16, 1998, we provided Mr. Bray with a report of the current status of his claim. A copy of our letter is enclosed. We are still trying to obtain medical information from the West Los Angeles VAMC, and we will notify Mr. Bray of any further action we take.

C. L. SMITH
Director

Enclosure

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