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**Bernklau's Barrage: The VA injustice must come to an end.**

Article by Arthur Bernklau of Veterans for Constitutional Law, Ltd.

When the Veterans Administration (VA) was created, the original intent was one of nobility and respect. The VA was established by a nation grateful of veterans and committed to helping them adjust to a civilian way of life. The VA provided the GI Bill so that veterans could attend college for no cost. Veterans were afforded homes through the GI Loan Program and many were given excellent hospitalization and medical care in VA hospitals. This intent lasted for a while. However, all good things came to an end when the VA, an administration meant to be the veterans' greatest benefactor became the veterans' worst antagonist and most relentless adversary. For example, in September of 1958, extremely predatory laws were passed under the USC Title 38. Under USC<sup>1</sup> Title 38, veterans were denied the right to take any of their grievances with the VA into "real" (civilian) courts. Instead, veterans had to address denied claims within the VA's own "kangaroo" court system and were preempted from being heard by real judges and juries. USC Title 38, section 5904 denied veterans the right to be represented by their own attorneys. Veterans were forced to use VA friendly National Veteran Service Organizations. (NVSO).<sup>2</sup> These NVSO's were creating a conflict of interest by taking every "freebie" possible from the VA instead of providing untainted legal help of veterans' cases.

Congress then went a step further to approve even more outrages under the laws governing veterans' benefits by passing laws that give bonuses to VA Rating Boards' employees and executives based on denials of veterans' claims. For example, the Senior Executive Service Act (USC Title 5, Section 3131) provides substantial cash awards (approximately \$30,000 per year) to VA managers who demonstrate to the government that they are saving the VA money by denying claims.

Approximately 22 years ago, USC Title 38, Chapter 31 (Sections 3104a and 3120) authorized the provision of personal computer systems (including a printer) to permanently disabled veterans through the VA Department of Vocational Rehabilitation. This was an attempt by the VA to close the gap in services to vets, however; they failed to inform disabled veterans of the benefit. The only way a vet is likely to be aware of this benefit is by finding it on the VA website, however; if they need the benefit they don't have computers!

### **Outrage in Alabama**

I share with you, the story of Mr. James Rhodes of Camp Hill, Alabama. Mr. Rhodes was qualified as a 100% disabled veteran. When he requested his computer he was told he would first have to take computer courses. This is not a bad idea, however; it is not defined in the provision. Mr. Rhodes complied only to find out he had to take another course, a "sensitivity course". Additionally, his home was inspected and he was hassled because his wife already had a computer. After completing the sensitivity course, he was told he had to take an

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<sup>1</sup> USC – United States Code.

<sup>2</sup> NVSO – National Veterans Service Organization.

additional three months of such courses because the VA found him to be an "angry man". Who wouldn't be an angry man by that point?

In Alexander City, Alabama Korean War veteran, Kenneth Pugh, was also betrayed by the VA. Mr. Pugh was injured in the line of duty during his service in the Air Force from 1949-1960. He lost two fingers, partial sight in one eye and sustained a back injury He was awarded 20% disability. Due to these injuries, by 1996 he was unable to walk and by 1999 unable to stand without assistance. The Montgomery VA gave him a wheelchair and a walker but denied his claim for increased benefits, stating the veteran could not "prove" increased disability since 1960. This is the outrageous behavior the VA has come to be known for. Not far away, in Wetumpka, Alabama, a WWII veteran, Heflin Holley also felt the injustice of the Alabama VA. Mt Holley suffered malaria, back injuries, and chest injuries from his service in the South Pacific. He received disability checks from the VA between 1945-1947. When the checks stopped coming, Mt Holley didn't check into why because he was working and didn't need the extra income. He stated that he "didn't want to freeload off the government." Now, however, Mt Holley is no longer working and desperately needs the disability checks he is owed from the VA to pay for medicines. The Montgomery VA told Mt Holley that, although he was discharged in 1945 with a 50% disability rating, they couldn't do anything to get him his money because his records were destroyed in a fire. So, the question arises, "If the records were destroyed in a fire how did the VA know the information about his discharge?"

I have personally vowed to make the whole nation take a look at the Montgomery, Alabama VA Regional Office. I will fight for the veterans feeling their injustice.

Art Bernklau's Corner: [www.Net4TruthUSA.com/VFCLL.htm](http://www.Net4TruthUSA.com/VFCLL.htm)  
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