

VETERANS ADMINISTRATION
Regional Office
211 Main Street
San Francisco, CA 94105

Mr. George T. Ojala
2069 "A" Mission Street
San Francisco, CA

This is a personal hearing being conducted at the Veterans Administration Regional Office, San Francisco, before the members of Rating Board Three, Authorization Unit 213, on ~~September 6, 1984~~ at 12:00 in the claim of Mr. George

Let the record show that the claimant and ROBERT BROWN are present and have been duly sworn. The claimant is represented by Robert Brown of Swords to Plowshares. Mr. Brown, do you have any statement?

Mr. Brown:

Yes, I would initially just like to give a brief statement of the case, as it were, in just stating that Mr. Ojala or George is a vet who served in the Air Force from August, 1969, to August, 1973. While in the Republic of Vietnam he received the Distinguished Flying Cross and was honorably discharged. He has seen a lot of combat while in Vietnam as a helicopter mechanic, and as a result of that service in Vietnam, it has already been established for the record that he has been service connected at 50 percent for schizophrenia. The Board of Veterans Appeals denied his appeal on September 1, 1982, in part granting a temporary total rating based on hospitalization but denying an increased rating for schizophrenia. The issue today, as you have already noted, is to determine that George is totally and permanently disabled due to his psychiatric condition, and he is, therefore, socially and industrially inadaptable. As you see before you the psychiatric evaluation of Dr. Foremost, it essentially states that George was free of any psychotic history.

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Mr. Ojala: In San Francisco.

Dr. Rockwood: Where?

Mr. Ojala: In San Francisco, Waller Street.

Dr. Rockwood: I'm not familiar with it by that name. That's the Vets Center? All Right.

Mr. Kershaw: You were hospitalized in 1981 at least one time when you went in for some treatment.

Dr. Rockwood: I was trying to find an examination, and I don't think we have a recent--

Mr. Kershaw: He was hospitalized twice in 1979 and once in 1981. *Okay, that's a fair length of time as this case goes. The question I was going to ask which I think the chairman was going to have to ask, this case being in a possible appeal status, we will possibly get this whole file back from Washington the minute they look through here and cannot find a VA examination within a year of our decision. We can't go too far back. We can go maybe back a year, but they like to see a qualified VA examination by a psychiatrist. For better or for worse, that is part of their criteria before they'll make a decision, so what the chairman and I always like to have before the veteran leaves, is it agreement from the veteran that he would be willing to have an examination. How do you feel about that, George? Do you suppose you could handle that?

Mr. Brown: You would be willing to do that, wouldn't you, George?

Mr. Ojala: I can't afford it. If you would pay for my expenses coming down,--

* Dr. Rockwood

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Dr. Rockwood: It would mean coming down from the mountains to--

Mr. Ojala: I can't afford it. If you paid for my expenses to come down here--

Dr. Rockwood: No, that we can't guarantee. You see?

Mr. Ojala: I don't have the money. I hear what you're saying. I've had tremendous anger and bitterness toward the VA. I was 100 percent rated, and you cut me, and I don't know why, and I've been very angry and bitter, and I'm pretty much over that.

Dr. Rockwood: That one didn't happen here, but we can tell you why. This is a BVA decision. It says that the Paragraph 29 for the two periods you were in the hospital in 1979 and 1980--It says, "Since the BVA is reasoning that the psychiatric condition for the vet as treated cannot be dissociated from the service-connected disability, it would appear to apply also to the vet's hospitalization in 1981," and the second one in 1981, so they granted you those. Now that's when you got the 100 percent when you were in the hospital. Those are Paragraph 29's. You were getting 50 percent when you went into the hospital at that time and not 100. You got 100 for the time you spent in the hospital, but the 50 percent was the--When you went into the hospital on 4-1-79, you were rated at 50 percent. You haven't dropped below 50 percent.

Mr. Ojala: I was cut from 100 percent in November or December of 1977 and April of--

Dr. Rockwood: Your original one we have here in 1976 which is chronic anxiety with 50 percent. Now I want to check to make sure that we have the history straight for your benefit because if you have information

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that for one reason or other is not correct, it would be our duty to let you know so that you wouldn't carry a misconception around with you." This can happen. We have a great many veterans who come in to us, and it's not until we get through here and say, "Hey, we don't read it that way," and then the veteran realizes that he has the record in front of him and that maybe he has misjudged or misinterpreted or something. But briefly--⁹⁹ Right now the 1976 one is here, and it's for 50 percent. When you went into the hospital at that time, it went to 70 percent in 1977. Why don't we shut that off.

Mr. Kershaw:

"Let the record show that we were off record to review the veteran's file quickly and that we accepted the medical report from Dr. Kormos." At this time I have just basically one question of George's representative. Do you feel that you have presented all the information that you have at this time? Do you have any further statements you'd like to make?

Mr. Brown:

Yes. Goerge?

Mr. Ojala:

I would like to say something. I came in here with some hope that maybe you'd hear me this time. It seems like that's not going to happen. Now I need to go and see another VA doctor where I got my benefits cut in the first place. The bottom line for me is that I went to Nam, and there wasn't anything wrong with me. I don't mean to direct my anger at you. I don't feel like I'm going to get a fair shake from you. That's how I feel right now. Your going to get a 45 minute report, and what can be covered in 45 minutes that four hours of seeing Kormos is going to do? I know the regulations