

IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS

Gordon A. Graham)	
)	
Petitioner, <i>Pro Se</i>)	
)	
v.)	
David J. Shulkin, M.D.)	
Secretary of Veterans Affairs)	
Meghan Flanz)	
Interim General Counsel)	
US Dept. Of Veterans Affairs)	
Thomas J. Murphy)	
Undersecretary for Veterans Benefits)	
U.S. Department of Veterans Affairs)	
Jack Kammerer)	
Director, VR&E Services)	
U.S. Department of Veterans Affairs)	
))	
PRITZ NAVARATNASINGAM)	
Director, Seattle, WA Regional Office)	
US Dept. Of Veterans Affairs)	Docket No. 18-0938

Respondents

PETITION FOR EXTRAORDINARY RELIEF
IN THE NATURE OF A WRIT OF MANDAMUS

Mr. Gordon A. Graham
14910 125th St. KP N
Gig Harbor, WA 98329

Solze Notice

Pursuant to *Solze v. Shinseki*, 26 Vet. App. 299, 301 (2013), petitioner wishes to inform the Court of potentially relevant developments in his case.

On February 24, 2018, petitioner received by US Mail the attached letter from the Seattle, Washington VR&E Case Manager.

Petitioner requested a copy of the Director, VR&E's letter from the Case Officer on December 23rd, 2017 (See FOIA Requests) prior to any meeting whatsoever to discuss the disagreement over the size of the greenhouse. At no time has petitioner refused to meet unilaterally based on *no desire whatsoever* to proceed with a greenhouse plan mutually agreed to and properly approved per 38 CFR §20.92(b).

Absent any way to review Director VR&E's proposal until the February 16th, 2018 FOIA request was granted deprives petitioner of the right to equitably toll a 30-day suspense period-assuming, *arguendo*, VR&E Services' "plan" is void ab initio.

Petitioner would ask the Court to stay this act of retribution until such time as the legality of the Secretary's actions are determined to be legal.

Attachment: VR&E Letter dated 2/14/2018



DEPARTMENT OF VETERANS AFFAIRS
VA Regional Office
VR&E Division 28, Room 1356
915 Second Avenue
Seattle, WA 98174

Evidence Received
Date: 2/14/2018

02/14/2018

Mr. Gordon A. Graham
14910 125Th St. Kpn.
Gig Harbor, WA 98329

In Reply Refer to:
346/28
XXX-XX-3747 / 00

Dear Mr. Gordon A. Graham:

This letter contains important information about your VA Vocational Rehabilitation and Employment benefits. Please read it carefully.

I am proposing to discontinue your claim for Independent Living services because you have declined to participate in the evaluation and planning appointments required to develop your program of services. In September 2015 the Board of Veteran Appeals found you entitled to a heated ADA compliant greenhouse as a part of an Independent Living program. After thorough consultation with VRE Services Central Office in Washington DC, we offered to develop a plan of services including a 15' by 20' ADA compliant greenhouse with basic hydroponic system to meet your independent living avocational needs. We received approval of projected costs in December 2017 and our procurement division is prepared to move forward to award construction contracts for the project. On December 18, 2017 you were notified of this approval but you declined to meet with us stating you want a larger greenhouse. We offered to meet with you to review the proposal at the time and location of your choice. You chose not to attend the meeting. At this time, and are unable to provide you with a program of Independent Living (IL) services as you have thus far declined to participate. Please contact us within 30 days to schedule an appointment or we will assume you are no longer interested and proceed with discontinuing your claim for services.

What can you do if you do not agree with this proposed action?

If you do not agree with this decision, you have 30 days to notify us. If you contact us within 30 days of this letter you may:

Meet with a VR&E staff member to discuss why we sent this letter proposing to change your benefits and determine whether we have the most current information about your situation.

Meet with a VR&E staff member to discuss how you may be able to provide additional information to prevent this action, or to discuss how we may be able to meet your current needs; and

Have the opportunity to provide us with any material or information you may have which will help you prevent this action or confirm that discontinuing the evaluation is the right decision at this time.

Remember, if you disagree with our decision and want to take advantage of the opportunity to discuss it with the staff or submit additional information, you must do so within 30 days. After that date, you have one year to appeal our decision to the Board of Veterans' Appeals.

What can happen if you don't contact me?

If you do not contact me within 30 days from the date of this letter, I will take the action described above.

How does my decision affect your VA benefits?

This decision only affects your benefits under the VR&E program. This decision does not affect your receipt of compensation or any other VA benefits to which you may be entitled.

What if you have questions or concerns?

If there is any other evidence or information that you think will support your claim, please let us know. If you have any questions about this letter or need additional information on VA benefits, please contact me at 206-341-8601, via email at Daniel.Crosby@@va.gov, or call 1-800-827-1000. If you use the Telecommunications Device for the Deaf (TDD), the federal number is 711.

Sincerely,



Daniel Crosby
Vocational Rehabilitation Counselor

How can eBenefits assist you?

eBenefits is a web portal that provides resources and self-service capabilities to Veterans, Servicemembers, and their families to research, access and manage their VA and military benefits and personal information. It is a joint effort between VA and the Department of Defense. eBenefits uses secure credentials to allow access to personal information and gives users the ability to perform numerous self-service functions. The eBenefits portal also provides access to the Veterans Employment Center, a one-stop career website for Veterans, transitioning Servicemembers and GI Bill beneficiaries, as well as military spouses and dependents. You will also find a list of links to other sites that provide information about military and Veteran benefits. It is an essential way for Veterans, Servicemembers, and their families to receive access to services. To access eBenefits, go to www.ebenefits.va.gov.