

FORM 13. Informal Opening Brief (Court of Appeals for Veterans Claims Cases)

Form 13 (p. 1)
July 2020**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****INFORMAL BRIEF OF APPELLANT****Case Number:** 20-2090**Short Case Caption:** Straw v. Wilkie**Name of Appellant:** ANDREW U. D. STRAW

Instructions: Read the [Guide for Unrepresented Parties](#) before completing this form. Answer the questions as best as you can. Attach additional pages as needed to answer the questions. This form and continuation pages may not exceed 30 pages.

Attach a copy of the opinion, order, and/or judgment of the Court of Appeals for Veterans Claims. You may also attach other record material as an appendix. Any attached material should be referenced in answer to the below questions. Please redact (erase, cover, or otherwise make unreadable) social security numbers or comparable private personal identifiers that appear in any attachments you submit.

1. Have you ever had another case in this court? ☒ Yes ☐ No

If yes, state the name and number of each case.

Straw v. United States, 17-2114 (Fed. Cir.)

This was an attempt to get compensation for this poisoning of me as an infant and it was denied.

2. Did the Court of Appeals for Veterans Claims decision involve the validity or interpretation of a statute or regulation? ☒ Yes ☐ No

If yes, what are your arguments concerning those issues?

Please see the attached brief for a full discussion of this interpretation matter (including constitutional interpretation), which is the only matter before the Court.

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3. Did the Court of Appeals for Veterans Claims decide constitutional issues?

☒ Yes ☐ No

If yes, what are your arguments concerning those issues?

I believe the 5th Amendment prevents irrational results and statutes. I was also not treated equally to those who obtained the insurance but were no different from me factually because I was poisoned and got sick from listed illnesses, just like them. CAVC wrongly denied my constitutional claims, saying my disability and brain damage and status as the disabled child of a veteran from a military base made no difference. ORDER, at pages 6-7.

4. Did the Court of Appeals for Veterans Claims fail to decide any other issue correctly? ☒ Yes ☐ No

If yes, how?

CAVC failed to adjudicate the fact that the appellee brief was late without any excuse or reason given, appellee did not request more time, and was not granted more time. My objections were simply ignored. This was grounds for a pro forma reversal without having to reach the statutory or constitutional issues. Instead of giving me justice, the lateness was simply ignored. I am 100% certain that if I had been 1 week late without asking more time, my entire appeal would have been dismissed. This is not fair.

5. Are there other arguments you wish to make? ☒ Yes ☐ No

If yes, what are the arguments?

My brief, filed with this document, contains my arguments.

I am simply asking for health insurance when I was born on top of a toxic waste pile that is an EPA Superfund site now. I got sick, my mother died, and these judges below are treating me like a moocher. It is sickening and must be undone.

My separate brief document is incorporated by reference.

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6. What action do you want this court to take in this case?

I want this Court to reverse and remand with instructions that my home health aide be reimbursed for her services since 6/15/2018. Further, my doctor visits and medicine should be paid when I make claims. I hope the Court will look out for my brethren and state clearly that anyone who had 30 days of base access privileges as an infant will be granted this health insurance if they got one of the VA-listed conditions. This is only fair.

Date: 07/29/2020Signature: s/ Andrew U. D. StrawName: ANDREW U. D. STRAW

No. 20-2090

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
717 Madison Place, N.W.
Washington D.C. 20439
Phone: 202-275-8000

ANDREW U. D. STRAW,
Plaintiff-Appellant,

v.

ROBERT WILKIE, SECRETARY OF
VETERANS AFFAIRS,
Defendant-Appellee.

Appeal from the United States Court of Appeals
for Veterans Claims (U.S. CAVC)
Case No. 18-7129
The Honorable Judges Falvey, Greenberg, & Toth, Presiding

BRIEF OF
PLAINTIFF-APPELLANT ANDREW U. D. STRAW

38 U.S.C. § 1787 (the Act's title):
"Health care of family members of veterans stationed at
Camp Lejeune, North Carolina."

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Certificate of InterestAppellate Court No.: 20-2090Short Caption: Straw v. Wilkie

The undersigned Andrew U. D. Straw, Plaintiff-Appellant, furnishes the following list in compliance with Fed. R. App. P. 26.1:

(1) The full name of every party or amicus the attorney represents in the case:

Andrew U. D. Straw (*pro se*)

(2) If such party or amicus is a corporation:

(i) Its parent corporation: N/A

(ii) A list of stockholders which are publicly held companies owning 10% or more of the stock in the party or amicus: N/A

(iii) N/A

(3) The names of all law firms whose partners or associates have appeared for the party in the case or are expected to appear for the party in this court:

Plaintiff-Appellant appears *pro se* and intends to continue to do so for his case.

Pro Se Plaintiff/Appellant's Signature:



Pro Se Plaintiff/Appellant's Printed Name: Andrew U. D. Straw

Date: **July 29, 2020**

s/ Andrew U. D. Straw
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JURISDICTIONAL STATEMENT

1. This appeal is taken from the ORDER of the U.S. Court of Appeals for Veterans Claims (U.S. CAVC), entered on **June 26, 2020**, dismissing Plaintiff's Camp LeJeune Family Member Program appeal, *Straw v. Wilkie*, [18-7129](#) (U.S. CAVC). The United States Court of Appeals for the Federal Circuit has jurisdiction to decide this appeal pursuant to **38 U.S.C. § 7292** since it is brought on appeal from a final decision on the merits as a matter of law based on a determination of statutory meaning of "residence" in a 5th Amendment context under 38 U.S.C. §§ 1787 & 1787(a). NB: 38 U.S.C. § 1784 allows the VA to provide coverage in humanitarian situations like this one (*brain damage* of the child of a Camp LeJeune veteran) but VA has resisted with 6 years of denials and fighting against me. The U.S. Court of Veterans Claims had jurisdiction under **38 U.S.C. § 7252** because this matter involved review of a BVA decision. The Notice of Appeal was timely filed by the plaintiff on **June 27, 2020**.

ISSUES FOR REVIEW

2. The only issue is whether the “on-base residency” requirement imposed by the VA and supported by the BVA and CAVC below is clear error of law that works a manifest injustice under canons of statutory construction, especially **the title of the Act** under these circumstances of undisputed fact and overarching 38 U.S.C. § 1784 humanitarian discretion used against me.

STATEMENT OF THE CASE:

A. NATURE OF THE CASE

3. I am a Child of Camp LeJeune. As the ORDER admits, I was born at Camp LeJeune during the poisoning time in 1969 (RoP, 12/20/2019, p. 24, 185) and my father was “stationed at” Camp LeJeune, MCAS New River, for over a year, but we slept off base. My mother and I came onto the base and I don’t think anyone disagrees with this, including all of the times we used the base swimming pools, full of toxic water. No one disputes that we were ordered onto the base by medical officers of the U.S. Navy (National Archives docs, RoP, 161, 162—most of these records were excised from the RoP over my objections, including an

ORDER by a doctor that I be exposed to the base water on day #2 of my life). We were further ordered onto the base by the base commander as part of family morale building. “Family Day” is what it was called.

4. My father’s service there is recognized in the VA regulation for Camp LeJeune, which includes MCAS New River, where my father trained for his later Vietnam duty. 38 C.F.R. § 17.400(b) (New River included in program). He served in Vietnam from 1970-1971 and this, along with his Camp LeJeune service are proved by his DD-214 service record (RoP, 12/20/2019, p. 10). He was honorably discharged, as this DD-214 shows.
5. My mother and I became ill from **two different ailments** on the statutory and CFR lists for the Camp LeJeune Family Member Program. (RoP, 12/20/2019, p. 86, 89)
6. My mother contracted **breast cancer** and **died from it** during my final year of law school without any knowledge that it was connected to Camp LeJeune. (RoP, 12/20/2019, p. 197) This is

because **the military chose not to notify anyone exposed to the toxins.**

7. She wanted to see me graduate as the first lawyer in my family, but she could not. 38 C.F.R. § 17.400(b)(iii). This was devastating for me, especially aggravated by the bipolar brain damage, which affects the emotions and memory. Her death hurt me greatly and commenced years of mental health problems, including about 10 in-patient hospitalizations in New Zealand and the USA.
8. I contracted **bipolar disorder**, which is a brain damage-based **neurobehavioral effect** associated with the base and such effects are on the list. 38 C.F.R. § 17.400(b)(xiv).
9. It is now known in the medical literature that bipolar disorder is brain damage to the hippocampus.
<https://psychcentral.com/news/2017/01/26/bipolar-disorder-linked-to-decreased-hippocampal-volume/115618.html#:~:text=A%20new%20study%20found%20that,in%20the%20journal%20Molecular%20Psychiatry>.

10. This brain damage affects memory and the emotions and I can tell this Court that it is quite painful to have this condition, which is **permanent** and **incurable**. I do not know of anyone else in my family who had this disease. I will have it to the day I die.
11. So the background for this appeal is that my mother and father and I ***were there***, we were exposed for over a year, my father being **stationed there**, and my mother and I became very sick from ailments “on the list.” I have been excluded from the Camp LeJeune Family Member Program benefit for ***6 years now***, with the BVA even having the gall to say that I was not a “Family Member” of Camp LeJeune. (RoP, 12/20/2019, pp. 3-7) Such an ***insult*** after the level of damage done, my own private infant sacrifice to the Vietnam War.
12. The Court below admitted that the statute does not define the “residence” requirement, so it engaged in creative definitions to make sure I would lose. It ***started*** with a dictionary definition, and there is no indication in the statute that this was the intended meaning. It is instead a term of art, specific to this Act. **§ 1787**

13. I had already provided an alternative view. (RoP, 12/20/2019, pp. 107-112). This included proof from 2 psychiatrists' letters that I have bipolar, which is brain damage. (RoP, 12/20/2019, pp. 117, 186)
14. This is a *remedial statute* meant to protect the children and spouses of U.S. Marines who were stationed at this toxic base and exposed to the poisons. The U.S. Supreme Court has said that remedial statutes like this are to be *construed broadly* so as to effectuate *the purpose* of Congress in passing the legislation. *Tcherepnin v. Knight*, 389 U.S. 332, 336 (1967). One need not look far to find that purpose. It is in the title: 38 U.S.C. § 1787.
15. There is no indication in the speeches of the House and Senate sponsors that excluding someone like me was part of the purpose. They said this legislation was about *taking responsibility* for the poisoning. A residence requirement was not even mentioned, but the VA, BVA, and U.S. CAVC have made excluding based on narrow residence definitions one of the *main* purposes, clearly in error. Repetition of error does not inoculate it.

16. Rep. Miller speech (demonstrates purpose):

<https://www.youtube.com/watch?v=QhhO2gLuzww>

17. Sen. Burr speech (demonstrates purpose):

https://www.youtube.com/watch?v=61I_5ekREWU

18. No mention of residence. I could have been covered. I was not and it was a severe and manifest injustice that must be remedied.

19. I could have had compensation and this too was denied using a bizarre legal theory that the 11th Circuit would impose its own law on MDL-2218 and interpret the N.C. Statute of Repose 100% contrary to the judgments of the 4th Circuit and the North Carolina Supreme Court. *Straw v. United States*, 16-17573-GG (11th Cir. 5/22/2019). *Cf. Stahle v. CTS Corp.*, 817 F.3d 96 (4th Cir. 2016).

20. I attacked the statute in North Carolina federal court and the trial judge expressed sympathy, then denied me. *Straw v. North Carolina*, 20-1295 (4th Cir. 2020). **CA4: DENIED ME.**

21. So, no benefit, no recognition or honor, and God forbid even a penny to help me after this U.S. government took my mother from me while I was in law school and inflicted brain damage on me from birth with *no apparent concern* over what it had done. There was no notice until after the Statute of Repose already expired.

22. Instead, state and federal courts have discriminated against me for having this illness, which is the result of someone else *committing crimes against me* and my family, killing my mother and giving me disabilities, with courts and judges attacking me instead of giving me justice. *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-SEB (S.D. Ind. 2017) (Dkt. 1-11, 1-13); *Straw v. Indiana*, 20-1332 (4th Cir. 2020) (Indiana bans all disabled people from the practice of law. **CA4: DENIED ME**); *Straw v. U.S. District Court, et. al.*, 20-1352 (4th Cir. 2020) (federal courts cheated and violated due process, especially by hiring the Indiana hearing officer while he was my appellee and making him a federal judge, giving him the benefit of *res judicata* when I had never sued him before. **CA4: DENIED**); *Straw v. Harris, et. al.*,

20-5188 (D.C. Cir.) (U.S. Supreme Court Clerk refuses to file my documents, making opposing-counsel-style legal arguments and returning my pleadings to protect my former employer and ensure that my 5 law licenses remain suspended forever without any federal court review or hearing).

23. <http://disability.andrewstraw.com>

24. <http://crime.andrewstraw.com>

25. <http://camplejeune.andrewstraw.com>

26. Here, I am asking for last-payer insurance to pay my Home Health Aide¹ instead of making her suffer in poverty along with me because up to now, **nobody gave me/us justice.**

27. Instead of using a dictionary to define what “residence” is, the CAVC panel could have said that any infant with **base access privileges** over 30 days is **deemed to be a resident**, and noting getting the illnesses **on the VA list** also helps prove the residence.

¹ The lack of CLFMP coverage has left my home health aide, Leslie Tabbada, and her 4 children (one with **autism** and one whose father was **murdered**) in poverty and without compensation for services for 2 years. My benefit will mostly pay for her wage and my moderate doctor and medicine bills.

28. Given the fact that 38 U.S.C. § 1784 gives the VA discretion to allow humanitarian health coverage, I should have been covered over the past 6 years and the VA should have been proactive in suggesting this to me instead of repeating denials for all that time. The VA knew what severe disabilities I have highly likely from Camp LeJeune and my father's Vietnam War service.
29. I incorporate my docketing statement in full, which is filed today.

**STATEMENT OF THE CASE:
B. COURSE OF THE PROCEEDINGS**

30. This case was timely filed below at U.S. CAVC in December of 2018. *IFP* type hardship status was granted. Normal procedure was evident with one major exception.
31. The appellee counsel waited to file his appellee brief until one week after the deadline, with no request for more time and none granted. I objected but the panel ignored me. This case could be decided as a *pro forma* reversal and simply let me into the program without reaching the statutory construction issues.

**STATEMENT OF THE CASE:
C. HEARINGS**

32. No relevant or challenged hearing was held. No evidentiary hearing was provided because this was an appeal with an RoP.

**STATEMENT OF THE CASE:
D. MOTIONS**

33. I made a number of motions and notices over the course of the 18 months that I waited. The Court below denied me when it is clear from those pleadings that they were appropriate and should have helped a compassionate court to understand why granting me this benefit was the right outcome for many reasons and caused injustice consequences when I was denied.

**STATEMENT OF THE CASE:
E. APPEARANCES**

29. I appeared on my own behalf below and for purposes of this appeal. Counsel for appellee, Mr. Lance Steahly, appeared.

**STATEMENT OF THE CASE:
F. TRIAL**

30. There was no trial. The facts were found on the papers.

**STATEMENT OF THE CASE:
G. EXHIBITS/EVIDENCE**

31. My disabilities come from public service. I was poisoned as a child on the U.S. Marine Corps bases where my father, a Vietnam veteran, served when I was in gestation and as an infant, mostly at Naval Air Station, Jacksonville, Florida, and Camp LeJeune, North Carolina, where I was born.
32. After working for two years following law school helping a famous civil engineer (Alan M. Voorhees) with a court record automation project in Virginia, I worked at the Indiana Supreme Court as its Statistical Analyst. I was in a bad car crash on the way to work at the Court and the reckless driver who hit me head-on shattered bones in both of my legs and my pelvis, keeping me out of work for about 4 months and in a wheel chair much of that time. The bipolar from Camp LeJeune made everything feel worse since it is an emotional disorder from hippocampus damage. My handicap parking near the Supreme Court Division of State Court Administration offices where I worked was taken away in order to inflict pain on me, since they refused to give it back when

I told them I still needed it. This shows my sensitivity to access features and violations by governments. I walked on these injuries for the Indiana Supreme Court for over a year:



Illustration 1: Andrew Straw's Shattered Legs & Pelvis, 2001/2016

33. There is enough factual evidence in the record to grant me the Camp LeJeune Family Member Program benefit. I had the base access privileges for over a year and became permanently sick. There is no proper way to exclude me from this benefit after the amount of pain and suffering I have endured for 51 years without help or recognition. Not after the death of my mother from a Camp LeJeune VA-listed cancer as I finished law school. This situation of denials and discrimination and retaliation is intolerable. It violates ethical laws thousands of years old. [Lev. 19:14.](#)

**STATEMENT OF THE CASE:
H. DISPOSITION BELOW**

34. The Court below denied me, construing residence extremely narrowly in the absence of a definition in the statute and refused me constitutional protections. I said it should be a term of art to make sure someone like me does not get denied this modicum of justice. It is an humanitarian emergency that well last my whole life. 38 U.S.C. § 1784. I have received *nothing else* for my pain and loss and **I WAS BORN THERE.**

35. Unfortunately, the attitude problems in the panel below were revealed in the fact that my mother's death from one of the VA-listed cancers was **not central in its decisional reasoning.** It is very sad when a Court does everything in its power to deny justice to someone who earned help through literally decades of pain and suffering and loss.

SUMMARY OF ARGUMENT

36. The decision below erred with its hostility, its callousness, and its fumbling around to make sure that I would lose when

there is absolutely no reason to think that Congress wanted someone like me to be excluded.

37. Only the hateful judges and an unreasonable agency wanted this result, not Congress. *My facts* should determine the legal outcome.

38. The ORDER below is what I call backwards jurisprudence, wherein the panel [decides the outcome first based on whether it likes me or not](#) and then concocts a theory to allow it to decide that way. It has another name: *spurious interpretation*.

39. The U.S. Supreme Court has precedent that governs this type of case and supports me. *Tcherepnin v. Knight*, 389 U.S. 332, 336 (1967). If residence were construed “broadly” so as to meet the *purposes of Congress*, I would have prevailed. **Residence is base access privilege days that expose an infant to poison.** One day of base access and exposure to the poisons is a day of residence at the base for this Act, especially when my mother and I got the listed conditions.

40. Congress has given absolutely no indication that something less than this—stale, dictionary injustice with paltry context—would be acceptable.

STANDARD OF REVIEW

41. The facts are not reasonably in dispute. This is a statutory interpretation case. The standard of review is *de novo* review. The Federal Circuit also reviews **without deference** the lower court's statutory interpretations. *W. Co. of N. Am. v. United States*, 323 F.3d 1024, 1029 (Fed. Cir. 2003). *Western Shoshone National Council v. South Fork Band*, 2007-5020 (Fed. Cir. 5/22/2008).

ARGUMENT AND FACTUAL BACKGROUND

42. My mother died from a cancer that is in the VA regulation for Camp LeJeune. She gave birth to me in the Camp LeJeune hospital, which was contaminated. We used that base like anyone else with base access privileges. I got brain damage and bipolar disorder, not something I would wish on another person, a permanent mental illness causing emotional problems and pain, *inter alia*. Congress gave me a benefit, a last-payer health

insurance coverage that I would not need *but for* my brain damage. 38 U.S.C. § 1787 is the title of the program and it says it is for the **family members of veterans stationed at Camp LeJeune**. The language used against me mentioned 30 days of “residence” in 38 U.S.C. § 1787(a), with residence not defined.

43. The title does have influence over the meaning inside the code section. These two sections must be read **harmoniously** according to canons of statutory construction.² My interpretation (**base access privilege is residence**) maintains the access of injured children of veterans stationed at Camp LeJeune, but the interpretation of the panel below completely destroys the meaning of the title 38 U.S.C. § 1787 in favor of a narrow view of subsection 38 U.S.C. § 1787(a) and “residence” using whatever dictionary suited *the panel’s* purpose of denying me.

44. But again, the title was not part of the construction of this Act below. There was **no harmonizing**. If the title covers someone like me by its plain language, then the restrictive language inside

²

<https://www.law.uh.edu/faculty/adjunct/dstevenson/2018Spring/CANONS%20OF%20CONSTRUCTION.pdf> (p. 3)

the section should be liberally construed to make sure the meaning of the title and thus **the purpose of the Act** is not defeated.

45. The canons (FN2) also support my interpretation: “A preamble, purpose clause, or recital is a permissible indicator of meaning. * * * The **title** and **headings** are **permissible indicators of meaning**.” Why was this not done? Only to defeat me.

CONCLUSION

46. The title has been ignored and read out of the Act. The title must govern what Congress said as the purpose. The most logical way to reconcile 38 U.S.C. § 1787 (title: no residence requirement) with 38 U.S.C. § 1787(a) (subsection: residence requirement) is to adopt a definition of residence that allows those sick and suffering Children of Camp LeJeune veterans to have the coverage. 38 U.S.C. § 1784 also provides the attitude of Congress that humanitarian situations may be addressed and this is one such moment. It should not have taken 6 years of resistance.
47. My position protects injured children like me who were poisoned at Camp LeJeune and this is consistent with the title:

one day of **base access privilege** for **an infant born there** means one day of residence as a term of art. This **harmonizes** §§ 1787, 1787(a), and 1784.

48. Since the CAVC Panel wrote the title out of this Act, the undefined “residence term” in the subsection is being defined to make the title meaningless and defeat people who were injured and whom Congress wished to protect.

49. That CAVC panel is not a legislature and has defeated the purpose of this program against the wishes of the legislature using a dictionary. And this is done in the context of rejecting the broad interpretation required of this remedial statute and commonly used canons of statutory construction, especially **harmonizing**. *Tcherepnin v. Knight*, 389 U.S. 332, 336 (1967).

50. My dad was stationed there for over a year. This meets the **presence test**. I was born there. This meets the **presence test**. I had medical care aboard the base. **Presence test**. I used the base swimming pool full of toxins. **Presence test**. USN and USMC officers ORDERED me and my mother onto this toxic base. **Presence test**, including **lack of ability to refuse**. My mother,

father, and I had base access privileges for many amenities and visiting other U.S. Marine families who lived in base housing.

Over a year of presence. This is not disputed.

51. Those toxins were not counting days or using any dictionary to determine where I slept when they were giving me brain damage or killing my mother with breast cancer. My life was ruined without notice, compensation, or health care, and these judges on the panel below are dead wrong.

52. My mother and I got very sick from *precisely* the illnesses the VA lists as covered by this program.

53. It requires a vicious level of hostility to even think that I may not be covered by this program. I have been denied for *6 malicious and painful years*, through 2 presidential administrations, and the VA, BVA, and CAVC DENIED ME.

54. President Obama did not mention any residence exclusion when he signed this. His statement in signing this law is important to watch (demonstrates purpose):

55. <https://www.youtube.com/watch?v=v624yne2eYE>

56. The statute section title *conclusively* covers me. The rest of the code section must be read to achieve the purpose and goal in the title. Please harmonize the statute with the humanitarian provision at 38 U.S.C. § 1784: 38 U.S.C. § 1787 and 38 U.S.C. § 1787(a).

57. I suggest that one day of base access poisoning “privileges” is one day of residence for an infant born there (in retrospect, it was *hardly a privilege*).

58. The language of 38 U.S.C. § 1787 (the title) is: “Health care of family members of veterans stationed at Camp Lejeune, North Carolina.” This definition includes me. Why did the panel below refuse to enforce this?

59. The people meant to be excluded are **those who were not using that base or who did not get sick** and therefore have no expectation of insurance. This is *not me*.

60. Using that title’s purpose and meaning to determine the meaning of the subsection § 1787(a) is the best way to fairly and with substantial justice determine what residence means for someone with my undisputed facts.

61. Residence is not defined by Congress for this Act, but the Act does provide its own purpose at § 1787 and the purpose is to cover people like me, without any question.
62. Heightened scrutiny or rational basis review should also be available to not allow some people *poisoned* to have insurance and recognition while others *poisoned* are left out in the cold after a lifetime of suffering and pain and loss from conditions **ON THE LIST**.
63. 5th Amendment due process and equal treatment before the law require that the residence language be defined not by an irrelevant dictionary in the office of the U.S. CAVC but from the purpose revealed *in the title of the section Congress passed*. U.S. CAVC ignored that purpose, creating manifest injustice with its dictionary.
64. If Congress wanted to exclude me after including me in the title, it needed to say so much more clearly because this is *not welfare*, but a benefit to alleviate a severe tort to children and spouses of veterans like me. I have received nothing else.

65. There needed to be a subsection that said, “any child of a Camp LeJeune veteran who obtained one of the listed conditions shall not be covered if that child’s physical residence was off base, no matter how much that child used the base and was exposed and without regard to whether he or she was born there and exposed, or if his mother died from one of the listed cancers.”
66. THAT would be enough to exclude, but that is not the statute. The § 1787(a) residence requirement was *not enough*, was not defined in the Act, and it should not impose a strict rule without more clear direction from Congress.
67. The decision below was painful to me precisely because I have the Camp LeJeune brain damage and CAVC’s stubborn refusal to give me *the statute that I have earned* from my mother’s Camp LeJeune cancer death and my 51 years of brain damage, both *100% uncompensated* by an uncaring United States (agencies and courts both) that should be *ashamed* after these sacrifices. There is no denying anymore. There is only residual hate for those who need help.

68. I never chose to be at Camp LeJeune, but the United States drafted people like my dad for the end of Vietnam. This was forced on me. This was *my service as a baby for the Vietnam War* and I am being insulted and denied insurance *passed for me*.
69. Babies were killed not just at My Lai in Vietnam, but also on the bases where the U.S. Marines trained, *their own children*. The callous fashion in which we were poisoned and not protected or even *notified* and then stripped of compensation must be reversed with every tiny piece of legislation available.
70. Every interpretation of law must be in our favor, including this one especially, instead of adding more court **DENIALS** to the pile. My dad was exposed to Agent Orange also, like kids in Vietnam even in 2020 with those poisons still in their land and waters because of America, because of the United States. They are called [Children of Agent Orange](#) (video: Vietnamese children with birth defects) like I am called a **Child of Camp LeJeune**. I was exposed to *hundreds of toxins* listed by the [EPA at Camp LeJeune Superfund site](#).

71. **No insurance and no compensation** were granted to me for my poisoning or the death of my mom after 51 years, only discrimination by state and federal courts with **DENIAL AFTER DENIAL** of justice. Over 100x at my count. I cannot even use the ADA because American courts are so toxic.³

72. Please reverse and remand with instructions that no one else should suffer like I did for 6 years (51 years total) without this last-payer insurance program that was passed for people like me and please say that **a day of poisonous base access is a day of residence** for purposes of 38 U.S.C. §§ 1787 & 1787(a), to

³ “If a black man was denied access to a business on the basis of being black, we wouldn’t get upset at the individual, we’d get upset at society for allowing 30 businesses to discriminate on the basis of his minority status. But when it comes to a person with a disability, we suddenly think it’s **frivolous**.” (p. 38) <https://www.law.berkeley.edu/wp-content/uploads/2019/01/Paper-Colker.pdf>

NB: “The Americans with Disabilities Act: A Windfall for Defendants”
https://www.researchgate.net/publication/288951848_The_Americans_with_Disabilities_Act_A_Windfall_for_Defendants

NB: I was singled out for abuse and the ruination of my law career because I did precisely what I told the ABA I was going to do as a disabled lawyer and civil rights leader, and the ABA recognized me:
https://www.americanbar.org/groups/diversity/disabilityrights/initiatives_awards/spotlight/straw_a/

My former employer brutally attacked me with its ADA coordinator for doing those things instead of cheering my efforts onwards as they should have done: <http://InReStraw.andrewstraw.com>

harmonize the statute, at least for an infant like me who was born there and went there for over a year and was severely injured.

73. The VA lawyers waited until 1 week past the response deadline to file its appellee brief below with no extra time requested or granted. This alone is enough to reverse *pro forma*.

74. Please tell the Court below to set the dictionary aside when the *purpose* of the Act is clear, as here. 38 U.S.C. § 1787.

75. Given I was born there, poisoned there, and exposed for ***over a year as an infant*** to these U.S. Marine Corps toxins, and the purpose of the Act clearly shows I am meant to be covered, the statutory construction of the subsection should be brought to heel so that I am covered. The decision below should be reversed and remanded outright or reversed *pro forma* because the appellee did not timely brief below and did not request more time.

I, *Appellant* Andrew U. D. Straw, verify that the above statements and factual representations are true and correct under penalty of perjury.
July 29, 2020

Respectfully submitted,



s/ ANDREW U. D. STRAW

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MATERIALS STATEMENT

Appellant certifies that all material required are included in the record on appeal (including RoP), which under FRAP Rule 24(c) is the record below, which consists of 18 months of documents in the docket.

Dated: July 29, 2020

Respectfully,



Plaintiff-Appellant

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DOCUMENT LENGTH STATEMENT

Since this brief with the informal brief, excluding certificates and non-countable portions, is less than 30 pages, I make no statement on the length in words.

Dated: July 29, 2020

Respectfully,



s/ Andrew U. D. Straw

Plaintiff-Appellant

APPELLEES AND/OR APPELLEE COUNSEL

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Dated: July 29, 2020

Respectfully,



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PROOF OF SERVICE

I, the undersigned, *Plaintiff-Appellant*, Andrew U. D. Straw, hereby certify that on **July 29, 2020**, an electronic PDF of this APPELLANT'S BRIEF, plus certificates, etc., was filed with the Court's *pro se* email system and I will serve 1 copy to the defendants' counsel or defendants when I email this PDF to the Court. *Appendix* is not included because the record is the record before the U.S. CAVC. The CM/ECF system will provide a copy of this filing to all attorneys of record, and will be permanently available on www.Pacer.gov.

Respectfully,



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