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# THEN - NOW - FOREVER

VETERANS FOR CONSTITUTIONAL RIGHTS, INC. *file*

NATIONAL HEADQUARTERS

54361 Palmer Street  
South Bend, Indiana 46637  
Phone (219) 277-5229

Dec. 5, 1983

Mr. Morton C. Blackwell  
Special Asst. to the President  
for Public Liaison  
THE WHITE HOUSE  
Washington, D.C. 20001

Re: Your letter of Oct. 27, 1983 and the erroneous assumptions contained therein

Dear Mr. Blackwell:

I wish to thank you for your reply to my letter previously mailed in July of 1983. It was shocking to me that you and the President could have accepted such an erroneous assumption that the fairness of VA's Adjudications has not seriously been questioned by other National Service Organizations.

On July 12th and the 13th I appeared before the Committee Staff of the House on Veterans Affairs and presented documented proofs of the abuse of powers of our Regional VA Officials in Indianapolis, the 30 year history of my fighting the VA and the BVA in their blatant disregards to their very own Rules & Regulations and brought along with me other Veteran's evidences of these abuse of powers, capricious & arbitrary decisions and gave visibual proofs of how these officials refused to accept established evidences in accordance to Title No. 38 U.S.C. & C.F.R.

Your letter was mailed to the National V.F.W., D.A.V. Legislative Officers in D.C. and I called our National Service Offices to inform them of the President's position on Judicial Review. They were "shocked" by my revelation of your letter to them. In order that both you and our President are made aware of the facts, allow me to illuminate: " The National V.F.W., the D.A.V., the Amvets, The Paralyzed Veterans of America, The ABA, The Veterans of Corrigador, The Veterans for Law & Justice are in complete accord for the urgent passage of a Veteran's Judicial Review Bill(S.636). Only the American Legion, with the least disabled veterans comprising their membership, is against

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Judicial Review. The evidences contained in my files, in the V.F.W., D.A.V. files, clearly show that the VA has been annually granting only 12% of all the Claims heard by the BVA with absolute consistency, while rejecting with the same regularity 77 to 78% each given year since 1946.

I am enclosing a copy of a letter from the National V.F.W. Past National Commander as proof that the V.F.W. has been championing for Judicial Review. All you need do is to contact the other National Service Organizations in Washington to confirm their stance on this vital National Issue.

Mr. Blackwell, only one who has experienced the injudicious decisions of the Board of Veterans Appeals, knows the full impact of how factually this Board is the greatest Adversary any veteran has to face; especially when that veteran confronts the same faces years in and out after appearing before them in appealing his claim. After you get through reading the news article about my own case, then can you in good conscious tell me that the Board is Non-Adversary. In my case, the laws were quite specific in Title No. 38 D.F. R. that I was eligible to receive 100% Disability Compensation based upon my "Un-employability" and other criterions. But instead, after four years of fighting the BVA, they granted me 20% (\$114.00 per mo.) while the Social Security Div. recognized my disability to be 100%. Again I had to present Laws to them which were totally ignored and to this day, I don't know what decision they'll make in Washington D.C., but if this is America's sense of Justice to its Veterans, then God himself will not stand with us in the next major conflict with our enemies !

Sincerely,

  
Stephen S. Marozsan  
Chairman

cc: vcr files

## Veteran fought VA for 30 years — and won

## 'Obsession for justice' simply wouldn't let him quit



**FIGHT OVER FOR VET** — After 30 years of fighting the Veterans Administration for disability benefits, Steve Maroszan of South Bend is finally going to receive them. Maroszan injured his lower back in 1949, while in the Navy, and the VA rates him as 70 percent disabled, but an omission of the accident from his medical records cost him his disability pension for three decades.

Tribune Staff Photo by [unreadable]

By MARK MASSA  
Tribune Staff Writer

There is an old adage that says "you can't fight city hall." If you can't fight city hall, then fighting Washington definitely is out of the question. But someone forgot to tell that to Steve Maroszan.

For the past 30 years, Maroszan has fought the Veterans Administration for disability benefits he was entitled to. In those 30 years, Maroszan pleaded his case at seven different appeals — three regional and four at the national level.

After hearing the VA say "no" for all those years, Maroszan finally heard the word "yes" last month. The 55-year-old World War II veteran from South Bend, who is 70 percent disabled with a lower back problem, fought Washington and won.

But why the long battle? Why would a man spend more than half his life fighting a government agency when his prospects for success seemed so slim? Why was the VA so unyielding in its position for such a long time, and then why the change of heart? Difficult questions, some of which may never be answered.

But Maroszan can answer the question of why he persevered for so long. "I have an obsession for justice," he said.

Maroszan's troubles all stem from a 1949 omission in his medical records. On his second tour of duty in the U.S. Navy in 1949, Maroszan injured a disc in his lower back while unloading a truck at the Naval Reserve Training Center in South Bend. A Navy physician treated the injury, but made no mention of it in Maroszan's medical file.

Maroszan's disc problem continued, and two weeks later the same Navy doctor was dispatched to examine him. Maroszan said during that examination, the doctor (who still practices today in South Bend) questioned him about any prior back injuries he might have had. Maroszan replied that he had strained his back in the shoulder region in 1947 while working for Interstate Glass Co., Inc., in South Bend. In the meantime, Maroszan had passed a

physical examination before his second Navy tour which showed no signs of previous back injury.

But the doctor only made an entry in Maroszan's official medical records citing the upper back strain that had occurred in 1947. Maroszan did not know at the time that his record did not include a report on the back injury at the Naval reserve center in 1949. It was not until 1950, when he filed for his disability benefits, that Maroszan discovered the omission that was to haunt him for the next 30 years.

Maroszan was stuck with a record that made his injury appear to be the result of a civilian accident, when in fact he had been injured in the Navy. (The same doctor wrote a letter to the VA in 1977 that finally cited the fact that he had treated Maroszan at the time of his injury in the Navy, but the VA dismissed it as evidence because in their estimation it was not contemporaneous.)

Two months later, Maroszan was examined at the Great Lakes Naval Hospital, again by the same physician, and a change was made in his diagnosis. The new findings showed Maroszan's back problems did not exist prior to his entry into military service. Moreover, on the medical history form prepared at the Great Lakes Naval Hospital on Sept. 19, 1949, the doctor listed the letters "NDTOM DNEPTE," meaning "Not Due To Own Misconduct" and "Did Not Exist Prior To Enlistment."

If a 1977 letter was not contemporaneous, then Maroszan thought a 1949 medical record certainly would be, but the VA did not choose to see things that way.

The VA's position throughout the three decades was that Maroszan's service medical records failed to disclose any injury or trauma incurred in the service. But Maroszan had thousands of pages of evidence that showed otherwise.

His problem was in finding good legal help, or any legal help at all. Maroszan said he asked just about every attorney in South Bend, but they all refused — maybe because of the apparent hopelessness of the case, or because of a federal regula-

tion that prohibits a lawyer from charging a veteran more than \$10 for total legal services in an administrative appeal.

Whatever their reasons, they all refused. Maroszan said it was at times like these that he experienced periods of deep depression. He had trouble holding onto jobs because his back problems forced him to miss so many work days. He started to drink more and more. "I put my wife through hell," he said, and she left him for a while. He felt all alone, as if no one in the world wanted to help him. He got so desperate he even tried calling Jane Fonda and ABC's 20/20.

"Where are all the Good Samaritans?" he asked.

In 1976, Maroszan found his Good Samaritan. He contacted former Third District Congressman John Brademas, who referred him to his field representative, Robert Rigney, an attorney. Rigney's initial skepticism dissipated after seeing the vast amounts of evidence Maroszan had collected. He took the case.

A 1977 appeal was turned down by the VA's Rating Board. Maroszan and Rigney then had one last chance to reverse 30 years of unjust VA decisions — an appeal to the Board of Veterans Appeals (BVA). A failure in this hearing would have meant the end of the line for Maroszan. He would have exhausted all his alternatives. He could not take the VA to court for it is an agency above the law, immune from any judicial review.

By this time, the Veterans of Foreign Wars and its chief legal counsel, Frank Clark, had joined the Maroszan-Rigney team. Said Clark, "To me, it was extremely obvious that there was clear and unmistakable error (in the VA's previous decisions)."

Clark and his client went before the BVA last January, and Maroszan was awarded the benefits he had fought so long and hard for. But the BVA never admitted any error in previous decisions. Instead, the board's decision said there was a basis for a difference of opinion, and it was within the board's power to grant Maroszan his benefits.

For six months, Maroszan waited for word from Washington on the board's decision. The letter came on June 24. He said he was afraid to open it because he had been disappointed so many times before, and when he finished the letter he said he went totally numb.

He will receive benefits back to March 1980, as well as disability benefits from now on.

"My wife couldn't believe it," he said. "Finally, we just busted down and cried. I've been a loser for so long. For once, I'm a winner."

The years have not been easy for Maroszan. Unemployment, pain, and a recent drug addiction to Valium which doctors had him taking for over four years for back pains, are just a few of the hardships he has had to endure.

But maybe the most difficult burden for Maroszan to bear was the loneliness, the feeling that nobody cared. He called it "a living hell."

"I know how horrible a feeling it is when nobody cares," Maroszan said. On one of his bedposts hangs a rosary, on the other, a .38 caliber pistol. He said he always turned to the rosary, but the alternative sometimes crossed his mind.

Maroszan's bitterness is understandable. "They ignored the Navy medical records," he said. "When your own military records don't mean nothing to that organization (the VA), then a veteran doesn't have a snowball's chance in hell."

That concern for other veterans punctuates Maroszan's conversations. Their plight has contributed to his bitterness. "Who knows how many more like me are out there?" he asked. "If any publicity about me can arouse help for other veterans, then I'd do it again. Then everything I fought for would be all worth it."

A doctor once asked him, "Steve, what's going to happen when there's no one left to fight?" For Maroszan, the answer lies in fighting for other veterans, once he gets his own personal problems straightened out. "Now the fight is over for me," he said. "But it goes on for millions of others."

# VETERANS OF FOREIGN WARS OF THE UNITED STATES



THE COMMANDER-IN-CHIEF

June 1, 1983

Stephen S. Marozsan, Chairman  
Veterans for Constitutional Rights, Inc.  
54361 Palmer Street  
South Bend, IN 46637

Dear Comrade Marozsan:

First, permit me to commend you for the work you are doing as Chairman of Veterans for Constitutional Rights, Inc., with respect to judicial review of the decisions of the Administrator of Veterans Affairs.

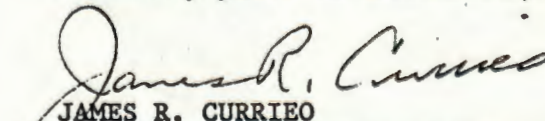
Plaudits are also due the mayor of South Bend, Indiana, the Honorable Roger O. Parent, and the County Commissioners who will hold a special proclamation day on Flag Day, June 14, 1983 in front of the county courthouse building to make the citizens of South Bend aware of the need for judicial review.

As you are aware, your VFW has been in the forefront of the judicial review fight for a number of years and the Senate Veterans Affairs Committee has ordered favorably reported to the Senate, S.636, to establish judicial review of the decisions of the Administrator of Veterans Affairs.

Again, my congratulations to you and the mayor of South Bend for your meritorious efforts in supporting our efforts with the Congress of the United States to make judicial review a reality.

With best wishes and kind regards, I am

Sincerely yours in comradeship,

  
JAMES R. CURRIE  
National Commander-in-Chief

★ WASHINGTON OFFICE ★

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