

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

VIETNAM VETERANS OF AMERICA	:	
	:	
and	:	
	:	
VETERANS OF MODERN WARFARE	:	
	:	
Plaintiffs,	:	Civil Action No.:
v.	:	
JAMES B. PEAKE, M.D., in his official	:	
capacity as SECRETARY OF THE	:	
DEPARTMENT OF VETERANS AFFAIRS	:	
	:	
Defendant.	:	

**DECLARATION OF JOHN P. DORRITY IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION**

1. The statements offered in this declaration are based on my personal knowledge, opinion and experience.

2. I have served the population of United States Armed Services Veterans as a representative and advocate in proceedings before the Veterans Administration ("VA") since 1982. I am an accredited Veteran's representative and I practice through a local government entity, the Ocean County Veterans Service Bureau ("OCVSB") in New Jersey. Currently, I am the Director of the OCVSB and have served in that capacity since 2003. Prior to that, I was the Assistant Director of OCVSB from 1992 through 2003.

3. OCVSB includes a staff of nine accredited National Association of County Veterans Service Officers ("NACVSO") representatives and five support staff, all of whom I supervise in their representation of Veterans in matters pending before the VA.

4. I have been prosecuting Veterans claims since 1985. I began this on an informal basis as a VVA chapter and VFW District service officer. I have been

certified through VVA and NACVSO since 1992. I prosecute claims through various VA Regional Offices (hereinafter referred to as “ROs”) around the United States and before the Board of Veterans Appeals (“BVA”) Travel Board. In addition, on behalf of Veterans I have forwarded their claims *pro se* to the Court of Appeals for Veterans Claims (“CAVC”).

5. In the last 12 months, I have represented approximately 175 Veterans with their claims before the BVA Travel Board. Overall, I represent approximately 3,000 claimants on various issues through the OCVSB located in Toms River, New Jersey.

6. I am a Past President of NACVSO, having served in that capacity from 2004-2005. NACVSO is a private, non-profit organization, dedicated to the concept of standardized training for all Veteran’s representatives. I was initially certified through VVA as an accredited representative at the VA in approximately 1992. I resigned that accreditation in 1998 and became certified through NACVSO as an accredited Veterans representative in 2000.

7. I have served on the NACVSO executive board since 1995 as both an appointed committee member and elected board member. I have served on their education committee since 1995. I developed and implemented the Certified Veterans Advocate (“CVA”) instructional program in 1999. This training is likened to a graduate program and is limited to CVSOs with particular criteria required to attend (including 5 years experience prosecuting VA claims and development and implementation of a local program beneficial to Veterans, etc.) I presently hold the professional designation of CVA from NACVSO. I am one of six holders of that professional designation in the United States. In addition, I am the head trainer in this program which is instruction offered at the annual NACVSO training and business conference. I also train initiates and provide continuing education at the NACVSO national conference.

8. I also serve as the National Service Director for NACVSO, a position I have held since 2005. In that capacity, I certify and maintain accreditation for over 1,000 County Veteran Service officers. In this capacity, I also represent claimants at various ROs around our nation and assist my local NACVSO representatives in their presentations at personal hearings, Decision Review Officer hearings, and BVA Travel Board hearings held within the jurisdiction of their respective ROs.

9. I have conducted national Veteran's surveys and research as Chair of the AMVETS Homeless Veterans Committee. Specifically, I undertook a study for the 2006 AMVETS National Symposium on the needs of OEF/OIF Veterans. I also performed extensive research and studies for the New Jersey State Council of VVA from 1990-1995 with respect to homeless Veterans through field visits, and at the New England Shelter for Homeless Veterans and other homeless Veterans programs in Massachusetts and New Jersey for the purpose of developing or replicating existing programs that stabilize the homeless Veteran and assist in securing these Veterans' monetary, health and academic entitlements, both from the VA and state agencies.

10. I am the president of the New Jersey Association of Veterans Service Officers, a position I attained in 1999. I teach the appeals aspect of VA claims as a contract trainer through my affiliation with the core cadre of NACVSO trainers. I also instruct on continuing education with respect to Title 38 of the United States Code and applicable federal regulations.

11. I am the head trainer for the Center for Post Traumatic Studies ("CPTS"), a private, for profit training and consulting group. CPTS provides training for private and public non-profit agencies vis a vis diagnosis, treatment and available resources to those agencies through VA. We conduct training sessions with interested agencies on Veteran's entitlements. We also provide

forensic research and reports relative to individual Veteran's claims. We are also presently involved in a jail diversion program with the local judicial vicinage, whose purpose is to direct Veterans to treatment facilities rather than incarceration. Currently, CPTS is under contract with the state of New Jersey, training all agencies under the jurisdiction of the New Jersey Department of Human Resources, New Jersey Division of Mental Health. CPTS is also under contract to provide training to the New Jersey Association of Mental Health, a private non-profit organization, with respect to Veteran's entitlements which may be applicable to their client population.

12. I developed, wrote and implemented, along with several other Veterans, the New Jersey PTSD Readjustment Program for the New Jersey Department of Military and Veterans Affairs ("NJ DMAVA") in 1987. This program of rehabilitation has been replicated by other states due to its rate of success in returning Veterans to financial security, mental and physical health, and academic parity with the non-Veteran population of society. NJ DMAVA administers and funds the readjustment program in the amount of approximately \$1.3 Million Dollars annually.

13. I hold a Master of Social Work degree from Fordham University, New York, with a concentration in administration and a minor in clinical social work. I counsel Veterans, and family members of Veterans, with PTSD as an associate of Evers Psychological Associates. As a therapist, I and an associate currently have 16 patients in weekly individual counseling sessions under the NJ DMAVA PTSD Rehabilitation Program at our out station in Atlantic county, NJ. Our main office, in Monmouth County, NJ presently treats approximately 100 Veterans in individual and group therapy.

14. I was an adjunct Professor at Ocean County College from 1998-2007. I taught over 1,000 students Sociology, Social Problems, Crisis Intervention and

Interviewing Techniques. I participated in many research projects and surveys geared to the overall student population and the Veterans population within that institute of learning.

15. According to the VA's Monday Morning Workload Report dated 10/25/2008, 857,975 cases nationally are currently pending before the VA. This number does not reflect claims submitted or resolved after 10/25/2008.

16. According to 38 CFR, subsection 3.159(c), the VA has a "Duty to assist" in the development and resolution of the individual claimant's issue(s). Also, according to 38 U.S.C., subsection 5107(b), the VA should observe the doctrine of "Benefit of the Doubt" more stringently as it pertains to the Veteran claimant's issue. Under these subsections, expeditious service should be paramount in the prosecution of a claim.

17. Contrary to VA statements and data, with respect to the issue of timeliness in the prosecution of a claim (that it takes 180 days, or less, to arrive at a decision), it has been my personal observation and experience, as a Veteran's representative over the last 26 years, that the average time to prosecute an initial claim is at least one (1) year.

18. If an unfavorable decision is rendered by the VA at the RO level, than a Notice of Disagreement must be filed by the claimant, in order to maintain the integrity of the time frame of the claim. This segment of the claims process generally takes an additional one year. If this initial determinative process is unfavorable, a substantive appeal must be filed in a timely manner. On national average, an appeal takes anywhere from 2 ½-3 ½ years to be heard. A BVA Travel Board hearing can take longer due to inefficient scheduling at the local RO.

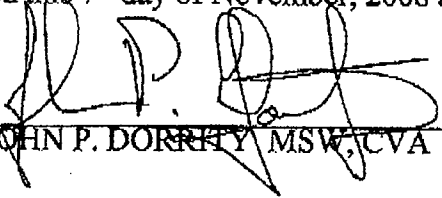
19. I have personally represented Veterans whose claims have been in the adjudicative process for 11 years and longer. Over the last 26 years, it has been my sad experience to represent over sixty (60) claimants who have died, either

from service-connected issues or suicide, while their claims languished within the VA, awaiting a determination.

20. Under 38 CFR, subsection 3.159(c), “Duty to Assist” and the Veterans Claim Assistance Act of 2000, the VA is required to secure all documents, held by Federal agency, relative to the prosecution of the claim in order to render fair adjudication at the RO level. However, as a Veteran’s representative over the last 26 years, I have experienced various ROs not perform this vital task. As a result, a critical element in developing a Veteran’s claim is, in these circumstances, not completed as required leaving that Veteran at a disadvantage in the process.

21. The economic and social ramifications of the claims prosecution system are broad and wide-reaching. It is not unusual for me to see the claimant’s whole environment change drastically over the prolonged period of time from the time when the initial claim is filed until its final outcome. Loss of work, home, health and family are not uncommon events in the claimant’s life. The impact expands far beyond the Veteran—to spouses, children and other family members. In a sense, I view the cumbersome claims process as an exacerbation of the Veteran claimant’s symptomology. The bureaucracy makes a bad situation worse. Homelessness, depression and suicide are but a few of the tragic consequences of this red-tape that I have observed in my years of work as a Veteran’s representative. Moreover, in my experience, the situation has gotten worse each year. With millions of newly-returning Veterans, it is my opinion as a seasoned Veterans representative that the already broken system, without change, will simply decline further.

I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct. Executed this 7<sup>th</sup> day of November, 2008 at Toms River, New Jersey.



JOHN P. DORNITY MSW, CVA