

Does the United States Sometimes Go a Little Overboard in “Caring for its Veterans”?

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Robert L. Ramey, P.C.
Certified Public Accountant
El Paso, TX 79925

Back in the 1980s, on one of the occasions I was called to serve on jury duty, I reported to the court ready to do my duty. We sat through the judge's instructions and then began the voir dire. Both attorneys rose and spoke for about fifteen minutes to prime us for the upcoming case. As this was a civil case, there was no prosecutor but rather, in this case, an attorney for the insurance company (defendant) and a different attorney representing the man who had filed suit against the insurance company (plaintiff).

A bit of supplementary information follows. Approximately two months prior to the above jury duty, a good friend of mine had been in an auto accident, an accident in which, according to witnesses to the accident, a vehicle traveling something less than the speed limit had struck, from the rear at a traffic signal, the vehicle in which my friend was a passenger. I hadn't seen my friend since the accident and had no reason to believe it was anything serious.

A brief description of my friend is that he, although very bright and pretty well read, had not done much with his life. In previous jobs, sick days became, to him, just another vacation day. And those sick/vacation days typically occurred on Monday or Friday. He had one illness/injury after another, some real and some imagined, but there were so many, so often, that they tended to run together and blur the difference.

One day, a week or so before my scheduled jury duty, he called to invite me to lunch. He would meet me at a restaurant near his girlfriend's apartment and I would drive over from work. I arrived first and after waiting a few minutes, he arrived, looking very much like the cartoon character who's fallen off the cliff. He hobbled in, wearing a neck brace that completely restricted his neck movement, a back brace, one arm in a sling, walking on a crutch, and looking for all the world as though he had one foot in the grave. In all honesty I was embarrassed for my friend as I knew this was all for public consumption, that it was part of a larger game that involved insurance money, and in his mind, hopefully, lots of it.

So I sat listening to the attorney for the plaintiff explaining that his client had been injured due to some lack of controls on the part of the defendant, and when he was almost finished, he asked us, the jury panel, whether any of us had a problem awarding a 100% disability rating to his client even though the client was currently working full time at the same job he held before his accident, which, according to his attorney, caused his 100% disability. In other words, he was asking us whether we believed it is possible to hold a particular job, be injured performing that job, be awarded a 100% disability as a result of the injury received while on that job, receive cash payments for that 100% disability, and continue performing that job full-time? All the while I couldn't help but reflect on the lunch with my friend and his obvious attempt to game the system and how it appeared that someone was trying to game the system here.

And the attorney's entire speech could describe, very closely, what my friend was doing. One or two people asked for clarification of his statement and then he asked whether any one of the potential jurors disagreed with that premise. I raised my hand and was invited up to "the bench" to discuss my disagreement with the attorneys and the judge. The judge asked me to explain to him with which part of the attorney's statement I disagreed. I stated that, to me, if one was 100% disabled, then that person would be unable to work and that if the person was able to work then he couldn't be 100% disabled. I related my experience with my friend and how I knew he was attempting to game the system. The judge informed me that that was the law, that the law provided that a 100% disabled person could work and be paid both cash payments for the disability as well as his salary. I told the judge that made absolutely no sense to me. At the end of our discussion, the defense attorney stated that I was a perfectly acceptable juror while the other attorney, for the plaintiff, stated that I was to be "struck". So I retrieved my things and went back to work.

What does the foregoing have to do with this article, *Does the United States Sometimes Go a Little Overboard in Caring for its Veterans?* Well, follow along for a few examples and it'll become clear.

1. The uncle of a very good friend of mine was confined to a wheelchair as long as I had known

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him. He was unable to walk or to perform many of the tasks most of us take for granted, eg., playing golf, standing up to read at church, walking into the front door of a football stadium, etc. All those activities were beyond his abilities and clearly, he was very disabled. But he was one of the most successful attorneys in his hometown, El Paso, Texas. He earned a very good living and provided very well for his family. Could he have possibly been classified by any entity or person, as 100% disabled. Should this man have been receiving disability payments from Social Security while working as an attorney? Clearly not.

2. This man owned a bar on Alameda Street across the street from my place of employment. He had been born and raised in El Paso, Texas very near the bar he owned. After receiving his draft notice and after passing his induction physical, he was sent to basic training, AIT, and then off to fight for his country in World War II. He saw combat and was badly wounded. After recovering sufficiently from his wounds, he left the hospital and was medically discharged. He came home to El Paso, Texas and purchased his bar. He was a good businessman and he ran a successful neighborhood bar, frequented primarily by people who lived nearby and stopped by the bar after work. He was a smart man. For example, every Friday night he went to the bank and borrowed \$40,000 in cash. He took the cash back to his bar and as people came into the bar after work he would cash their paychecks. And by the end of the night he would own a good portion of the very paychecks he had cashed. He didn't live an extravagant lifestyle. He owned a small bar that had a pool table, maybe 2 pool tables, and it was full every Friday and Saturday night.

Now this man, though he had been badly wounded in action, though he walked with a serious limp, though he used a cane for support, was perfectly capable of working a 10 or 12 hour day every day of the week. And he did so and in doing so he made a very decent living from the date of his discharge in 1945 until at least 1977 when I knew him. I don't know whether he received a VA pension or not. I'm not sure why he would. He was

fully capable of working even though he was disabled. But he did very well without any assistance from the government other than medical care. Should this man have received cash disability payments from the Veterans Administration? Clearly not.

3. Monsignor Henry Buchanan. I don't know whether Monsignor Buchanan was a priest before he went into the army. But whether he was or he wasn't is irrelevant. Henry Buchanan was badly wounded on the Normandy beachhead. He almost died. After he recovered in an army hospital, he returned to El Paso, and if he was not a priest when he went into the army, he became a priest after he left the army. I knew Monsignor Buchanan when he was the pastor of Saint Joseph's Catholic Church in El Paso, Texas. He was a very successful priest, very popular with his congregation and with the diocese. He was well educated and ran his parish and parish school efficiently and compassionately.

Monsignor Buchanan walked with a serious limp due to his injuries received on Normandy. And I'm sure he was in constant pain. But he also worked long days, running the church and school, visiting hospitals and private homes, working in the diocese, tending to his flock. Monsignor Buchanan was disabled but it didn't keep him from working full time in his chosen field and he was a wonderful priest. He would have been insulted if someone had suggested that he should "be on disability". Should Monsignor Buchanan have received cash disability payments from the Veterans Administration? Clearly not.

When did we change? When did we stop believing that we have a responsibility to answer the call and if necessary, die answering the call? When did we change from believing that disability payments from the United States government or from an insurance company were there to assist the disabled person because they were unable to assist themselves? When did it become acceptable to accept disability payments while working full-time? When did we lose our pride in doing it on our own? Why does the Veterans Administration pay out

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millions of dollars to disabled veterans who hold down good paying full-time jobs?

Re., my own war, the Vietnam War, as a result of the use of Agent Orange, we have presumptive diseases associated with service in Vietnam. And if one served in Vietnam and has one of these diseases, there are cash benefits to be received whether or not the veteran is working full-time, part-time, is receiving Social Security, or not working at all. How can that be? If a Vietnam veteran suffers from Ischemic Heart Disease or Diabetes, no matter the VA rating (has to do with the severity of the disease), the veteran will receive cash benefits, tax free, whether the veteran is working full-time or part-time, whether the veteran is retired, or whether the veteran is not working at all. What kind of system operates that way?

We should ask a few questions about the entire system. 1) Shouldn't the benefits be designed to supplement, in the event that the veteran's disability was service connected, the veteran's income in the event that the disability causes the veteran to be less than fully employable? 2) If the veteran is fully employable, not at an institution for the disabled that pays minimum wage, but at a normal full-time job, why should the veteran receive cash benefits at all, even if his/her disability is service connected? 3) Further, if the veteran is only fully

employable at a reduced level job, then shouldn't the cash benefits only supplement his/her income? 4) And finally, if the veteran is receiving Social Security, then why would he/she receive disability benefits at all? There are currently veterans retired from the service and receiving retirement benefits, employed at the Veterans Administration full-time, and receiving disability payments tax free to boot.

Men and women, the less than 1% of Americans who actually serve their country, deserve our gratitude. And if a soldier, sailor, airman, or marine becomes disabled as a result of his/her service to the rest of us, we should give that person the best medical care that money can buy. And we should pay that person disability benefits until he/she is able to work once again. We should continue those benefits, graduated to the veteran's employability, so long as the veteran is unable to work, at meaningful employment, full-time. But the payments should stop. The payments are not a "thank you for getting shot" or a "thank you for suffering from PTSD" or a "thank you for having heart disease" benefit to continue indefinitely. The payments should stop and the veteran should get on with life just as did Monsignor Buchanan and the bar owner.

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