

AUTOMATIC COVER SHEET

DATE : MAR-27-2010 12:07 AM
TO :
FAX # : 2023187652
FROM : RICHARD→FOURNIER
FAX # : 13 255 9890



**Department of
Veterans Affairs**

477 MICHIGAN AVE
DETROIT MI 48226

December 4, 2009

Veteran's Name:
Fournier, Richard, Charles

RICHARD C FOURNIER
18625 GARFIELD
REDFORD MI 48240

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as housing entitlements, free or reduced-state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.

--America is Grateful to You for Your Service--

Our records contain the following information:

Personal Claim Information:

Your VA claim number is: 23 058 255
You are the Veteran

Military Information:

Your character(s) of discharge and service date(s) include:

Honorable, 14-Apr-1960 - 16-Jul-1965

(You may have additional periods of service not listed above)

VA Benefits Information:

Service-connected disability: Yes

Your combined service-connected evaluation is: 100 PERCENT

Your current monthly award amount is: \$2,823.00

Are you receiving non-service-connected pension: No

Are you being paid at the 100 percent rate because you are unemployable due to your service-connected disabilities: Not Indicated

Are you considered to be totally and permanently disabled due to your service-connected disabilities: Yes

Are you service-connected for loss of or loss of use of a limb, or are you totally blind in or missing at least one eye: No

Have you received a Specially Adapted Housing (SAH) and/or Special Home Adaptation (SHA) grant: No

You should contact your state or local office of veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of veterans' affairs are available at <http://www.va.gov/statedva.htm>.

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In early 1988 I began to discover
Verifiable (Official/Certified Records) Technical
Information of an Extremely Complex
MEDICAL NATURE INDICATING I as an
INDIVIDUAL (# 371427117/54317-08/115840
had suffered numerous "BRAIN INSULTS"
as resulting from a documented
SERIES of "MINOR BRAIN TRAUMA"

REF: DATE: November 21st, 1989 @ VPRO,

Detroit, (Wayne) County, Michigan

V.A. HEARING in the Appeal of Richard Charles

Fox/Fournier SS# (3) 7-1-42 FILE 2117

04/15/60 & SS# 43/17-08 April, 1960
@ "3"

2
ELIGIBILITY VERIFICATION DATA, SCREEN <11>
FOURNIER, RICHARD C; 371-42-7117

SC VETERAN

<1> Eligibility Status: VERIFIED

Status Date: DEC 11, 2001

Status Entered By: POSTMASTER (#.6)

Interim Response: UNANSWERED (NOT REQUIRED)

Verif. Method: VIVA

Verif. Source: HEC

<2> Money Verified: SEP 16, 1990

<3> Service Verified: SEP 16, 1990

<4> Rated Disabilities: IMPAIRED HEARING (10%-SC)
TRAUMATIC BRAIN DISEASE (100%-SC)

<RET> to CONTINUE, ^N for screen N or '^' to QUIT:

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October 1, 2009

Dear Senator Levin:

Since 1988 I have petitioned the Board of Correction of Naval Records (BCNR) on three separate occasions asking considerations to change my 2nd Honorable discharge from "Unsuitability" because of an "Inadequate Personality" disorder to Medical Retirement due to the residuals of three in service head injuries which served to alter my conscious ability to perform my duties in a satisfactory manner. Those petitions were denied on the grounds of "Insufficient Evidence" to support my claim.

On the first and 2nd filing I was represented by the Disabled American Veterans Service Organization. When I received the first notice of denial of said petition; I contacted the DAV and they were very concerned because the BCNR had conducted a formal hearing and failed to inform the DAV of said hearing and rendered a negative decision without proper representation. The DAV wrote a letter of concern advising the Board they had violated my right to Due Process. I was forced to submit a new claim and one year later the Board issued a carbon copy denial (duplicate language from first denial).

I contacted your office in 1992 informing you of this situation. You answered my request by telling me you turned my issues over to an Oversight Commmettie...when I came to Washington and visited your Oversight Committee "they never heard of me or the Issues." (I still have your letter of communication to me in that matter). Your office didn't follow up with a new investigation, and my pleadings went unanswered by you and or your staff.

Also; since 1988 the Veterans Administration continued denying my application for compensation for residuals of brain trauma due to the aforementioned in service head injuries plus reaction to Malaria Medications. The VA in 2000AD ruled in my favor granting a Scheduler Award rating me at 110% total & permanent disability (10% Hearing Loss & 100% Organic Brain Disease due to Trauma) with no further exams necessary. Presently I have a docketed case before the

5)

Court of Veterans Appeals (Case # 08-1087) assigned to Judge Davis over the effective date of said VA disability. Since 1967 the VA has declared there is no evidence of record to support my petition for the claimed benefits (the VA award I'm receiving was granted under the "Benefit of Doubt" clause under the statutes that pertain to that type ruling.

I am now requesting a Congressional Investigation by the House and Senate into these overall actions by these two Federal Agencies in the Adjudication of the Official Record that contains the necessary supportive documentation. I request that I be allowed to render the record in its total Chronological Ordering with a start date cryptically recorded with in the nine digit social security number issued by the United States Navy as found on Exempt Report noted on NavPers Form 601 dated April 15th - 1960 @ 371 ("7-1-42")...where here "371" denotes Wayne County @ Detroit, Michigan.

Every Federal File Number issued in my name (including VA File No. C 23 058 255) contain encoded Marker Information that only the Federal Agency Involved with its encryption and "I" the Private Citizen associated with said encrypted Information could identify as factual.

Wont you please advocate on my behalf and consider sponsoring a "Private Bill" to compensate me and my families for my personal loses (unable to adjust to civilian life – four failed marriages & hundreds of jobs)...I was emancipated at the youthful age of seventeen to enlist into the Service of my Country. The Navy failed me I did not fail the Navy. I was not given a Medical Board Review before being discharged on July 16 -- 1965. My record speaks its own truth; please allow me to meet with you personally to discuss this further and allow me to produce the evidence of record suppressed in the overall adjudication of all Federal Claims filed in my name including the social security disability award in 1987 where you advocated on my behalf to the Administrative Law Judge assigned in that hearing.



**Veterans
Administration**

Regional Office

Patrick V. McNamara
Federal Building
477 Michigan Avenue
Detroit, MI 48226

In Reply Refer To: 329/271/31
C 23 058 255

Mr. Richard C. Fournier
6867 Grandville
Detroit, MI 48228

Dear Mr. Fournier:

You may review your record at the following time and place. Bring with you an item of personal identification such as a driver's license. If you wish to review the record in the presence of another person, you will be asked to sign a statement authorizing discussion of the record in the presence of the accompanying person. To provide you the best service possible, please bring this letter or a copy of it with you at the time of your visit.

DATE AND TIME: September 28, 1988 at 10:00 a.m.

PLACE: Patrick V. McNamara Federal Building
12th Fl., 477 Michigan Avenue,
Detroit, MI 48226

Sincerely yours,

BLAKE H. MOORE
Veterans Services Officer

MEDICAL RECORD

PROGRESS NOTES

DATE

8-10-88

S/C Henry Hupert

Says he had a CT scan and the dr. asked him when he got the "dent in back of my head". Vet. then saw a dr. who specialized in closed head injuries and was referred to Dr. Park, psychiatrist. Dr. Park said he has bipolar illness, acc. to the vet. and recommended Li 11003. Vet. has abused mariuana chronically. Used cocaine infrequently. A friend died of cocaine OD recently. Vet. describes a "sexual addiction" since childhood. He wonders if all of his problems stem from being hit on the head by Marines while in service- emotional disorder; hearing impairment. DAV is assisting him to apply for SC disability. Wants his discaage upgrade

Vet. says that Dr. Budd approved lab work as rec by Dr. Park. To have lithium level in 10-14 days and will call me for results.

Rx: Li 11003 mgm 300 bid for 2 days then tid #100

Vet. will continue to see Dr. Park

REcht MD

(Continue on reverse side)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; rank; rate; hospital or medical facility)

REGISTER NO.

WARD NO.

Fournier, Richard SS# 37142 7117

PROGRESS NOTES

STANDARD FORM 608 (Rev. 11-77)

Prescribed by GSA/ICMR,

FIRM(R(41CFR)201-45.505

509-111

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Regional Office

Patrick V. McNamara
Federal Building
477 Michigan Avenue
Detroit, MI 48226



**Veterans
Administration**

In Reply Refer To 329/271/31
C 23 058 255

Mr. Richard C. Fournier
6867 Grandville
Detroit, MI 48228

Dear Mr. Fournier:

You may review your record at the following time and place. Bring with you an item of personal identification such as a driver's license. If you wish to review the record in the presence of another person, you will be asked to sign a statement authorizing discussion of the record in the presence of the accompanying person. To provide you the best service possible, please bring this letter or a copy of it with you at the time of your visit.

DATE AND TIME: September 28, 1988 at 10:00 a.m.

PLACE: Patrick V. McNamara Federal Building
12th Fl., 477 Michigan Avenue,
Detroit, MI 48226

Sincerely yours,

A handwritten signature in cursive script that reads "Blake H. Moore".

BLAKE H. MOORE
Veterans Services Officer

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Bergmann & Moore, LLC

Joseph R. Moore, Esq.
Partner

Glenn R. Bergmann, Esq.
Partner

January 8, 2009

Mr. Richard C. Fournier
18625 Garfield Dr.,
Redford, MI 48240

Dear Mr. Fournier,

Attached is a brief that we recently filed on your behalf with the U.S. Court of Appeals for Veterans Claims. I will be in contact with you once the Court issues its decision. Feel free to contact me if you have any questions.

Sincerely,



Glenn R. Bergmann
Bergmann & Moore LLC
7920 Norfolk Ave., Suite 510
Bethesda, MD 20814
301/986-0841
301/986-0845 (fax)

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**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

Vet. App. No. 08-1087

RICHARD C. FOURNIER,

Appellant,

v.

JAMES B. PEAKE, M.D.,

Secretary of Veterans Affairs,

Appellee.

APPELLANT'S BRIEF

Glenn R. Bergmann, Esq.
Bergmann & Moore LLC
7920 Norfolk Ave., Suite 700
Bethesda, MD 20814
(301) 986-0841

Thomas M. Polseno, Esq.

Counsel for Appellant

VA
VIOLATION

- INTRODUCTION -

The appellant served on active duty from April 1960 to July 1965.

In July 1967, the appellant filed a claim for service connection for a "nervous condition". In a rating decision in December 1968, the Department of Veterans Affairs Regional Office in Detroit, Michigan (VARO) denied the appellant service connection for an acquired psychiatric disorder, finding that the appellant had a constitutional or developmental abnormality, namely immature personality. There is no specific evidence of record that the appellant was informed of that decision. However, he requested that his claim be reopened on several occasions thereafter; VARO confirmed and continued its previous denial of service connection for an acquired psychiatric disorder. *Factors to be considered*

In October 1988, the appellant requested that his claim be reopened. A personal hearing, at which the appellant testified, was conducted at VARO in November 1989. The appellant, during the course of the hearing, related psychiatric and other problems to a head injury sustained during service and to the administration of antimalarial medications during service.

In a rating decision in April 1990, VARO denied the appellant service connection for various acquired psychiatric disorders and for residuals of a closed head injury. The appellant was notified of that decision by letter dated May 9, 1990. He filed a notice of disagreement on May 10, 1990, and a statement of the case was issued by VARO on July 11, 1990. The appellant filed an appeal to the Board of Veterans' Appeals (the Board) on July 24, 1990.

Another personal hearing, at which the appellant testified, was conducted at VARO in September 1990. In May 1991, the hearing officer decided against the appellant's claim, and VARO issued a supplemental statement of the case.

The appellant's claims folder was forwarded by VARO to the Board in Washington, D.C., where it was received in October 1991. A personal hearing was conducted before a member of the Board in June 1992, at which the appellant was represented by Disabled American Veterans.

According to a service medical record dated May 1961, the appellant received antimalaria prophylaxis, consisting of Primaquine di-phosphate, 26.3 mgm daily for 14 days. He was maintained on Chloroquine di-phosphate, 0.5 gm weekly for a period of seven (7) months while he was in an area which was endemic for malaria.

The appellant's history after service consists of numerous job changes, three marriages, and alcohol and marijuana abuse. Over the years, in addition to immature personality disorder, he has been diagnosed as having a depressive disorder, manic-depressive affective disorder, paranoid type schizophrenia, generalized anxiety reaction, paranoid personality disorder, and a substance abuse disorder.

In June 1980, the appellant wrote to VARO, stating that he was hospitalized for "nerves" at the VA Medical Center in Battle Creek, Michigan. He reported a hospitalization at Wayne County Hospital in Eloise, Michigan in 1974 or 1975. A report of a hospitalization in June 1980 at VAMC, Battle Creek, Michigan indicated that the appellant came in for help due to obsessive masturbation. He also had been drinking and smoking marijuana. The examiner stated that the appellant obviously manifested a character disorder, demonstrating personality immaturity and lack of ability to maintain satisfactory interpersonal relationships. The diagnosis was personality disorder.

There is evidence that VARO attempted to secure records of the Wayne County Hospital, to no avail.

Of record is a March 1989 evaluation of the appellant by Lore Hirsch, M.D., a psychiatrist. The appellant reported being treated over the years at VA facilities at Allen Park, Michigan; Battle Creek, Michigan; and "at Eloise when it existed." Dr. Hirsch's diagnoses were: paranoid personality with severe mood swings; history of alcoholism. Psychiatric hospitalization was recommended. A report of subsequent psychiatric hospitalization, if any, has not been associated with the appellant's claims folder.

During a VA neurological evaluation in January 1990, the appellant reported the 1946 head injury, with subsequent learning disability; the September 1961 assault; another assault, this time by the police, in 1965; and a 1983 head injury in a motor vehicle accident.



**DEPARTMENT OF VETERANS AFFAIRS
REGIONAL OFFICE DETROIT
477 MICHIGAN AVENUE
DETROIT, MI 48226**

Richard C. Fournier

**VA File Number
23 058 255**

**Represented by:
PRIVATE ATTORNEY WITH EXCLUSIVE CONTACT**

**Rating Decision
February 17, 2006**

INTRODUCTION

The records reflect that you are a veteran of the Vietnam Era and Peacetime. You served in the Navy from April 14, 1960 to July 16, 1965. The Board of Veterans Appeals made their decision on your appeal on February 8, 2006. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

- 1 . Evaluation of mood disorder secondary to head trauma, which is currently 0 percent disabling, is increased to 100 percent effective April 17, 1980.
- 2 . Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35 is granted, with a new effective date of April 17, 1980._

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Bergmann Moore, LLC

Joseph R. Moore, Esq.
Managing Partner

Glenn R. Bergmann, Esq.
Senior Partner

May 31, 2006

Via First-class Mail

Mr. Richard C. Fournier
18625 Garfield Drive
Redford, MI 48240

Re: VA Appeal to U.S. Court of Appeals for Veterans Claims

Dear Mr. Fournier,

This letter follows up your telephone conversation with Joseph Moore, regarding this firm's representation of your VA claim before the U.S. Court of Appeals for Veterans Claims. Please find enclosed a legal representation agreement and power of attorney document. This two-page document outlines the scope of this firm's representation of your VA appeal, and contains a consent to release your records for our review. Also included for your signature is a Declaration of Financial Hardship form which allows you to avoid paying the Court's \$50 filing fee.

As you will notice, our representation of your claim before the Court is without charge to you. For your convenience we have also included a self-addressed stamped envelope.

Once you have read these documents, please sign, date, and return them to our Michigan office so that we may commence representation on your claim. It is important that you return these documents to our office at your earliest convenience since your appeal period will soon be closed. Should you have any questions or concerns, please do not hesitate to contact either Mr. Moore, or myself, at the numbers provided.

Sincerely,



Glenn R. Bergmann, Esq.
Bergmann & Moore LLC

Enclosure

Capital Office
922 Pennsylvania Ave., SE
Washington, DC 20003
toll free: 877/838-7889
info@vetlawyers.com
www.vetlawyers.com

Eastern Office
332 Main St., Suite 200
Gaithersburg, MD 20878
phone: 301/519-1683
fax: 301/519-1684
jmoore@vetlawyers.com

Western Office
11260 Bridlewood Tr.
Bertie Springs, MI 49103
toll free: 877/226-7899
fax: 269/471-1651
gbergmann@vetlawyers.com

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GHULAM QADIR, M.D., F.A.P.M., F.A.P.A.
DIPLOMATE AMERICAN BOARD OF PSYCHIATRY AND NEUROLOGY IN PSYCHIATRY
WITH ADDED QUALIFICATIONS IN ADDICTION PSYCHIATRY
DIPLOMATE AMERICAN ACADEMY OF BEHAVIORAL MEDICINE
CERTIFIED IN ADMINISTRATIVE PSYCHIATRY BY AMERICAN PSYCHIATRIC ASSOCIATION

PSYCHIATRY

OAKWOOD MEDICAL BUILDING
18181 OAKWOOD BOULEVARD, SUITE 311
DEARBORN, MICHIGAN 48124
(313) 271-8170

May 21, 1996

TO WHOM IT MAY CONCERN:

Richard Fournier has been under my care since January 30, 1996.
He has been coming to see me on a regular basis.

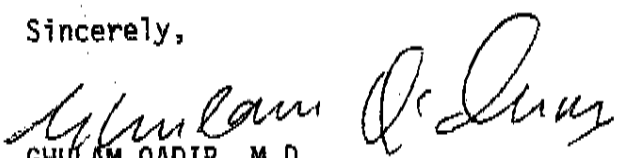
I have reviewed some of the records which include Neuropsychological testing. I have come to the conclusion that Mr. Fournier suffers from Bipolar Disorder. He had his first episode in 1964 when he saw a Military Psychiatrist, and he was given a diagnosis of immature personality but the picture that he was presenting was of a Major Depressive Episode. In 1964, we had a different terminology in Psychiatry. We were not very specific. The symptoms that he presented at that time would fit in the picture of Major Depressive Disorder. In the current terminology, I believe that that was the beginning of Bipolar Disorder. One of the symptoms of Bipolar Disorder is that the person may believe he is not sick so in his mind he feels there is no need for treatment and he does not seek treatment.

On the basis of his illness, Mr. Fournier really denied his real illness which helped the Veterans Administration to deny him his benefits. His condition has continued to deteriorate. He has not been able to hold any meaningful job.

In my opinion, Mr. Fournier is disabled and his life long disability started when he was in service. It is my further opinion that his tenure in service and his disability are directly related.

If you have any further questions, please do not hesitate to contact me.

Sincerely,


GHULAM QADIR, M.D.
GQ/hw

0830 24 June

U. S. GOVERNMENT PRINTING OFFICE: 1963-643050

CLINICAL RECORD		CONSULTATION SHEET	
TO: <i>PSYCHIATRY</i>		REQUEST: <i>USS MIDWAY</i>	DATE OF REQUEST: <i>6/22/64</i>
REASON FOR REQUEST (Complaints and findings): <i>21 yr old WM depressed - over marital & family problems, contemplating suicide and historically made one suicidal gesture.</i>			
PROVISIONAL DIAGNOSIS: <i>Inadequate immature personality</i>			
DOCTOR'S SIGNATURE: <i>C. Woods Jr.</i>	APPROVED:	PLACE OF CONSULTATION: <input type="checkbox"/> BEDSIDE <input type="checkbox"/> ON CALL	<input type="checkbox"/> EMERGENCY <input type="checkbox"/> ROUTINE
CONSULTATION REPORT			

U.S. NAVAL STATION DISPENSARY, TREASURE ISLAND, SAN FRANCISCO, CALIF.
PSYCHIATRY CLINIC
24 June 1964

This 21 year old caucasian, married 9 months, SK3/USN with approximately 4 years 2 months active service was seen in psychiatric consultation this date in reference to the above request.

He relates a long list of symptoms which include bad temper, pounding of the heart, bad dreams, nervousness, sexual problems, shakiness, insomnia, and depression. He complains that he doesn't have any feelings about anything. His marital situation is now unstable; his wife maintains that he is irresponsible and not a man.

He quit school after the 11th grade. His parents live together. He has five siblings and is the second youngest. During his childhood he preferred to be by himself and did not relate well to other people.

Clinically, FOURNIER is a quiet, passive young man who exhibits significant degrees of immaturity in his thinking and behavior. He is quite concerned about some sexual problems he has. There is no evidence of psychosis. He does not require hospitalization, nor is he considered suicidal. He is of high average intelligence.

This man's current emotional state is largely due to real conflicts in his marital situation. His basic immaturity serves to aggravate his problems and hinder his resolution of them. He deserves the opportunity for psychiatric counseling in certain aspects of his life and he was encouraged to seek such help when he arrives at his new duty station.

Diagnosis: Immature Personality 000-X45

SIGNATURE AND TITLE		DATE	IDENTIFICATION NO.	ORGANIZATION
<i>H. B. GRAY, JR. MC HONN, PSYCHIATRIST</i>				
PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)			REGISTER NO.	WARD NO.

CONSULTATION SHEET
Standard Form 313
513-104-02

*FOURNIER, RICHARD C SK3
543 1708*

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BRAIN and CONSCIOUS EXPERIENCE

*
Study Week September 28 to October 4, 1964,
of the Pontificia Academia Scientiarum

Edited by
JOHN C. ECCLES

At this date I saved in the 2 yr
Extension of the 1st 4 yr contract
... this details the Navy's
Childhood Studies: My 1st Head I signed
06-30-1946.

SPRINGER-VERLAG NEW YORK INC.
1968

Alterations of Perception After Brain Injury¹

by H.-L. TEUBER

Massachusetts Institute of Technology,
Cambridge, Massachusetts

The previous speakers have approached the relation of brain and conscious experience primarily by considering single units; they have surveyed the microstructure of neo- and archicortex, the interplay of inhibitory and excitatory synapses, the possible functional significance in the grouping of neurons into cortical layers and columns, the effects of direct electrical stimulation of the exposed cortex, and the routing of impulses over single fibers in visual and somatic sensory pathways.

It seems evident that such information on structure and function of elements is indispensable; yet it is equally evident that it is far from sufficient. Somehow we must find out, to borrow Lord Adrian's expression, how these myriads of elements interact in the mass, how to define those patterns of neuronal function that enable the structure to mediate conscious experience.

In the absence of this crucial information, we must take care not to lose sight of the question. Professor Mountcastle and Professor Granit have stressed how much can be learned for an understanding of perception by studying activity in single fibers among first-order neurons; I would like to start at the opposite end, so to speak, by considering what else is involved in spatially organized perception beyond the

¹ Acknowledgments: The work reported in this chapter has been aided by the Commonwealth Fund of New York, and by the Rockefeller and Hartford Foundations. Additional support was provided by the National Institute of Mental Health, U. S. Public Health Service, under Program Grant M-5073, and by the National Aeronautics and Space Administration, under Grant N6C-490.

collective knowledge of the external world that I can find my way around in it and even manipulate it with such success?" To the neuropsychologist, this is the central problem of perception; yet all I can do with it is to describe what normal perception, so considered, seems to entail, and how it breaks down in the presence of various cerebral lesions.

As I look into this room, there is a subjective middle, a to-the-right, a to-the-left, a subjective above and below. This spatial order in its simple form remains a puzzle, even though we know that the retina, and the visual pathways beyond it, are themselves spatially organized. As I move my eyes slowly over the scene, I sense that my eyes are moving, but the visual world stands still. Moreover, as I tilt my head, verticals in the room remain vertical, even though they are now inscribed on a different meridian of my retina. Lastly, I am keenly aware of absent space, of the relation between things now before my senses to those that have been there before—the parts of the room behind my head, the Papal gardens beyond—and while an animal may have such awareness of spatial relations that are not given at that moment to the senses, only man can externalize this awareness in the form of maps or plans.

What I would like to propose is that those three aspects of spatial order are distinct and that we must consider separately (1) the level of immediate presentation of visual space; (2) the mechanisms of compensation for changes in spatial order, under voluntary change in posture; and (3) the level of representation which enables us to deal with spatial relations not immediately given, the ability involved in the finding of routes and in the making of maps. That these three aspects of experienced spatial order are indeed distinct can be shown by considering their selective vulnerability to different cerebral lesions. In the previously normal adult, brain injury implicating the occipital lobes may interfere with presentation, frontal lobe lesions with compensation, and parietal lesions, as is well known, with representation. Such observations on after-effects of injuries fall far short of defining normal function but indicate what separate mechanisms are needed; in this way, these observations help to keep before us those problems which neurophysiology will ultimately have to solve.

¹ A word about the cases on which these observations were based. Over the last twenty years we have dealt primarily with men who had (1) suffered missile wounds penetrating skull, dura, and brain; These studies began during the Second World War in the U. S. Navy and have continued since in New York and Boston. The group of patients in New York numbers 232 men with such brain wounds, and 118 control cases.

with combat injuries of the peripheral nervous system but not of the brain. A more recently assembled group in Boston includes 138 cases of cerebral missile wounds. Most of these men are ambulatory; the majority are gainfully employed. The consequences of their brain injury range from gross and obvious disabilities to minimal changes that would go undetected in routine neurological and psychological examinations. The only principle of selection of these cases is the presence of their lesions rather than any need for clinical attention. They are being seen regardless of whether there have been any complaints or not, and their cooperation is sought by repeated appeals to their altruism. In this way, numerous cases are included which might have been missed in earlier surveys, which have concentrated perforce on those patients who had trouble or thought they did.

In supplemental studies we are trying to compare the effect of brain lesions in man sustained early in life, at birth, or soon afterward, with those incurred through combat injury in the young adult. This work on brain-injured children is accompanied by a number of animal experiments in which early or later lesions are deliberately placed in the brains of rodents, carnivores, or subhuman primates in order to check the observations made on man by repeating them under conditions where site and size of cerebral lesion might be better controlled. The ultimate aim is that set by Lashley a quarter of a century ago—the eventual coalescence of neurology and psychology [Lashley, 1941a].

So to page 249. "New growth of nerve fibers"

OCCIPITAL LESIONS AND THE PRESENTATION OF VISUAL SPACE

The effects on vision of direct penetrating wounds in man's optic radiation or visual cortex have been examined in considerable detail [Teuber et al., 1960], yet it is still not clear what a total loss of man's primary visual projection region, defined restrictively as area 17, might entail. The known instances of lesions in man tend to be either too large—overshooting the primary areas—or too small to permit definite conclusions.

In the experimental cat and monkey, some residual vision undoubtedly survives complete removal of striate cortex, although most aspects of spatial patterning can no longer form a basis for the animal's reactions. The now classic work of Khurver [1942] describes the consequence of such radical striate cortex removals in the monkey as permanent change from a normal capacity for perceiving spatially organized visual input to a new and abnormal capacity for reacting to total luminous flux. Such a monkey walks into obstacles and fails to flinch at threatening gestures; in these respects he seems totally blind, yet he can be trained

to approach or avoid the dinner of two targets of equal size, even though he cannot discriminate a triangle from a circle, or horizontal from vertical stripes. Once trained to the dinner of two equal-sized targets, he will promptly transfer his reaction to the smaller of two targets of equal brightness. Clearly, the animal has lost those invariants which make size or brightness perception possible in the normal state; the intact monkey or man can react to size independently of a wide range of differences in brightness, distance, or angle of the target, or can selectively attend to brightness, taking differences in distance, or area, or angle "into account."

The crucial experiment is one in which a monkey with bilateral striate cortex removal is confronted with two targets, one of which is twice as large but half as bright as the other. Under these stimulus conditions, any discrimination on the part of the operated monkey is impossible, indicating that he does react in such situations to total luminous flux irrespective of the spatial patterning of the input. The full-trained monkey in the same situation can be rapidly trained to select the brighter or the dimmer of the two targets; he can be just as readily trained to pick the larger or the smaller target regardless of their brightness, but he cannot be trained to react to total flux, and even the normal human observer is forced to use a man-made device—an integrating photoelectric meter—to accomplish the same reactions to flux per se.

While these observations on residual vision after total striate cortex removal have held up remarkably well, whenever the experiment has been repeated, there is nevertheless one important addition that needs to be made: Four years ago, during a visit to our laboratories, Dr. Lawrence Weiskrantz noted one further and hitherto unsuspected capacity on the part of monkeys deprived of their primary visual cortex [Weiskrantz, 1963]. During unsuccessful attempts at demonstrating reactions to striped fields, such as the one shown on the left-hand side of the illustration, Fig. 8.1, we ran into a shortage of gray papers. In order to produce a shade of gray equivalent to the black and white

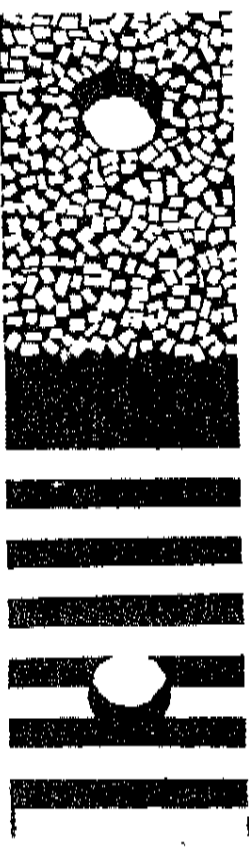


Fig. 8.1. Striped and speckled fields for testing monkeys following removal of striate cortex (after Weiskrantz, 1963).

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DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

WDP:jre:wma
Docket No.13278-89
October 6, 2009

MR RICHARD C FOURNIER
38625 GARFIELD
REDFORD MI 48240

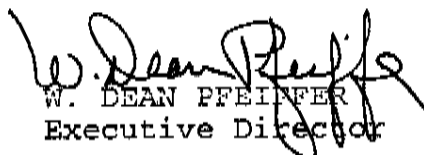
Dear Mr. Fournier:

This is in reference to your application, DD Form 149, dated July 27, 2009. You previously petitioned the Board and were advised in our letter of February 24, 1989, that your application had been disapproved.

Your current application has been carefully examined. Although, at least some of the evidence you have submitted is new, it is not material. In other words, even if this information was presented to the Board, the decision would inevitably be the same. Accordingly, reconsideration is not appropriate at this time.

It is regretted that the facts and circumstances of your case are such that a more favorable reply cannot be made.

Sincerely,


W. DEAN PFEIFFER
Executive Director

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6 APPLICATION FOR CORRECTION OF MILITARY OR NAVAL RECORD UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SEC. 1552 (See instructions on reverse side of PFDH completing application.)		Form Approved Budget Bureau No. 22-R0009	
DATA REQUIRED			
AUTHORITY: Title 10, U.S. Code 1552, Executive Order PRINCIPAL PURPOSE: To apply for correction of a military or ROUTINE USES: To correct a name, transfer to a board, etc. DISCLOSURE: Information not furnished		Fournier, Richard C. *12682-88*	
BRANCH OF SERVICE <input type="checkbox"/> ARMY <input checked="" type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> COAST GUARD			
1. NAME (Last, first, middle initial) (Please print) FOURNIER, Richard C		2. PRESENT RATE, GRADE NONE	3. SERVICE NUMBER 543-17-08
4. TYPE OF DISCHARGE (If by court-martial, state type of court.) Unsuitability		5. PRESENT STATUS, IF ANY, WITH RESPECT TO THE ARMED SERVICES (Active duty, retired, Reserve, etc.) NONE	6. SOCIAL SECURITY NUMBER 371-42-7117
7. DATE OF DISCHARGE OR RELEASE FROM ACTIVE DUTY 7-16-65		8. ORGANIZATION AT TIME OF ALLEGED ERROR IN RECORD U.S.N.S. MAYPORT, Fla	
9. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON, D.C. (No expense to the Government) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		10. NAME AND ADDRESS OF COUNSEL (If any) MARION Shoemaker - D.A.V. 941 N. CAPITAL D.E. ROOM 1211B - WASHINGTON D.C. 20531	
11. I REQUEST THE FOLLOWING CORRECTION OF ERROR OR INJUSTICE: Change Reason for discharge to "Medical Retirement"			
12. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST IN THE FOLLOWING PARTICULARS: I was not properly treated for the "Closed Head Injury" I received in May of 1961 - consequently my condition worsened. The Residual effects were not considered at time of discharge			
13. IN SUPPORT OF THIS APPLICATION I SUBMIT AS EVIDENCE THE FOLLOWING: (If Veterans Administration records are pertinent to your case, give Region, Office location and Claim Number.) Medical facts contained in my Naval Record that correspond to known medical fact as related to closed head injuries and personality change.			
14. a. THE DATE OF THE DISCOVERY OF THE ALLEGED ERROR OR INJUSTICE WAS MARCH - 1978. b. IF MORE THAN THREE YEARS SINCE THE ALLEGED ERROR OR INJUSTICE WAS DISCOVERED, STATE WHY THE BOARD SHOULD FIND IT IN THE INTEREST OF JUSTICE TO CONSIDER THIS APPLICATION.			
15. APPLICANT MUST SIGN IN THE SPACE PROVIDED. IF THE RECORD IN QUESTION IS THAT OF A PERSON WHO IS DECEASED OR INCOMPETENT, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY APPLICATION. IF APPLICATION IS SIGNED BY SPOUSE, WIDOW OR WIDOWER, NEXT OF KIN OR LEGAL REPRESENTATIVE, INDICATE RELATIONSHIP OR STATUS IN APPROPRIATE BOX. <input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REP. <input type="checkbox"/> OTHER (Specify)			
16. I MAKE THE FOREGOING STATEMENTS, AS PART OF MY CLAIM, WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILLFULLY MAKING A FALSE STATEMENT OR CLAIM. (U.S. Code, Title 18, Sec. 287, 1001, provides a penalty of not more than \$10,000 fine or not more than 5 years imprisonment or both.)			
17. COMPLETE ADDRESS, INCLUDING ZIP CODE (Applicant should forward notification of all changes of address) 6867 GRANDVILLE - Detroit, Michigan 48228		DOCUMENT NUMBER (DO NOT WRITE IN THIS SPACE)	
18. DATE 9-15-88	19. SIGNATURE (Applicant must sign here.) Richard C Fournier		

DD FORM 149
FEB 78

EDITION OF 1 APR 69 MAY BE USED.

RECORD BEFORE THE AGENCY (RBA)

00314

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DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-8100

JRE:jdh
Docket No. 12602-88
13278-89

7 July 2003

MR RICHARD C FOURNIER
18625 GAREFIELD STREET
REDFORD MI 48240

Dear Mr. Fournier:

This is in reference to your telephone call of July 7, 2003, in which you requested the names and votes of the members of the Board who considered your application.

On 24 February 1989, the following Board members voted to deny your request for corrective action:

Mr. James W. Harden,
Mr. John W. Hinkell,
Mr. Robert D. Zsalman.

On 15 February 1990, the following Board members voted to deny your request for corrective action:

Mr. James W. Marsh
Mr. George N. Brezna
Mr. James W. Hartigan

Sincerely,

JR *Jean Holloway*
JAMES R. EXNICIOS
Head, Disability Section

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The United States Navy declared on April 15, 1960 on NavPers: 601 "Exempt Report" "Issued Social Security Number (3) 7-1-42 File # 7117. This stands as an "Open Admission" of knowledge of ALL Matters of Record pertaining to me as a "Private Citizen" from Conception/Birth, and then from Birth to Age 17. With my Naval Service starting from April 15, 1960 to July 16, 1965.

Recently 18% of returning warriors have been administratively discharged with "Inadequate Personality" Discharges. The six (6) Senator Investigation headed by Senator Obama is looking at the connection of head/brain injury & Post traumatic Stress Disorder...the Navy discharged me with the same discharge code "Inadequate Personality" disorder – no longer fit for duty.

No basis for this action is clearly defined; no reason exists for the Navy to order this type discharge in my case scenario

Please assist me in achieving justice by bring my story to the American Public. It is my plan to present my Naval Record from the Flight Deck of the USS Midway (CVA-41). The Midway is now a Museum in San Diego, California.

If Jeff Felger (the Michigan well known Attorney) were my Legal Voice; I'm sure I would have won my award from the Record of compiled factual information that supports my claims and in particular under the Authority vested in Presidential Executive Order 9397 (Accounts of Private Citizens as held under their social security number). Executive Order 9397 was signed into existence on Thanksgiving Day - November 22, 1943 by Franklin D. Roosevelt. Last year ("November 22, 2007) we Americans observed "Thanksgiving Day", here in Michigan...many Sports fans interested in Football sat back to enjoy the Traditional Thanksgiving Day Football Game between the Detroit Lions & Green Bay Packers (tradition since 1934).

In our household we celebrated our daughter Enjoli's twenty-seventh birthday and "I" like so many others remembered the 35th President "John F. Kennedy" felled by an assassin's bullet on this same day date in 1963.

It seems as thou I am the only American thinking about the historical impact of Executive Order 9397 on the "Due Process" of Federal Claims filed by Veterans before the Veterans Administration and the "Denial" of said claim because the VA failed to assemble the Record in its Chronological Order...the object of this communication is to set the stage for my Record to be aired Publicly utilizing the Coded information contained in the numbers assigned by the Michigan Children's Bureau, Social Security Administration, and the United States Navy. My sequence of numbers are "Coded" and relate to secret studies still underway in the

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compilation of information pertaining to me as Private Citizen: F200/F656-738-115/273-1943 @ 371 under Local File 11584 as duly registered with the Wayne County Clerks Bureau of Vital Information pertaining to Social Security Number: 371-42-7117>(3) 7-1-42 File: 7117 linked to 273/11584@371

There is much more to this story and it deserve National Coverage in a two or more Part Story of cover up and intrigue. Tens of thousands of Veterans Claims have been denied (as was mine in 1967) because of the failure of the Congress to give more then just "lip service" to the Authority of EO 9397.

Please feel free to contact me for more information on this soon to be National News Breaking Story. I have a deep sense of understanding for those Veterans who have been denied "due process" because of failure to present claims in the chronological order that unfolds the truth...this is borderline conspiracy to deny federal benefits earned just by virtue of having served in the Armed Forces of this great country.

Thank you for your response;
I remain truly yours,

Richard C Fox-Fournier

Richard C Fox/Fournier

United States Navy PIN: 5/43 17' 08 @ 371 04/15/1960 Social Security Number {3} 7-1-42 File: 7117.> +280 = 273@371/11584@St Mary's Hosp.
Phone: 313 989-9786

24) USE: OBTAINING INDR.
Authority: EXORD 9397
11-22-43 fdr

EXEMPT REPORT
SHIP OR STATION

ADMINISTRATIVE REMARKS

See Part B, Chapter 2, BuPers Manual

U. S. NAVY RECRUITING STATION, DETROIT, 26, MICHIGAN

APR 15 1960

: Enlisted this date under the provisions of RSI 211.1, RSM,
DD Form 53N completed and submitted.

Social Security # 371 42 7117 issued.

Authority:

E.O. 9397 11-22-1943 fdr

Amended: 11-18-2608 G.W.B.

G. E. NOBLE, LCDR, USN
ASST TO OIC, BY DIR OIC

RECORD OF TRANSFER

DATE TRANSFERRED APR 15 1960	ACTIVITY TO WHICH TRANSFERRED Commander, Recruit Training Command, U.S. Naval Training Center, San Diego, California
PURPOSE OF TRANSFER (DUTY, INSTRUCTION, ETC.) RECRUIT TRAINING	AUTHORITY RSI 225.2, RSM
PRIMARY JOB CODE -0000-	SECONDARY OR SPECIAL PROGRAM JOB CODE
SIGNATURE AND RANK G. E. NOBLE, LCDR, USN	
FOR USE OF INTERMEDIATE REPORTING STATIONS (if necessary)	

APR 16 1960

RECORD OF RECEIPT

REPORTED AT (ultimate destination) NAVFACEN, SDIEGO	DATE REPORTED APR 16 1960
NAME (Last, first, middle) FOURNIER, Richard Charles	BRANCH AND CLASS RECRUITPERSDIV DIRECTION CO, RTC

ADMINISTRATIVE REMARKS NAVPERS-001 (REV. 10-55)

U. S. GOVERNMENT PRINTING OFFICE: 1955-O-364725

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**EXECUTIVE ORDER 9397
NUMBERING SYSTEM FOR FEDERAL ACCOUNTS
RELATING TO INDIVIDUAL PERSONS**

WHEREAS certain Federal agencies from time to time require in the administration of their activities a system of numerical identification of accounts of individual persons; and

WHEREAS some seventy million persons have heretofore been assigned account numbers pursuant to the Social Security Act; and

WHEREAS a large percentage of Federal employees have already been assigned account numbers pursuant to the Social Security Act; and

WHEREAS it is desirable in the interest of economy and orderly administration that the Federal Government move towards the use of a single, unduplicated numerical identification system of accounts and avoid the unnecessary establishment of additional systems:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. Hereafter any Federal department, establishment, or agency shall, whenever the head thereof finds it advisable to establish a new system of permanent account numbers pertaining to individual persons, utilize exclusively the Social Security Act account numbers assigned pursuant to Title 26, section 402.502 of the 1940 Supplement to the Code of Federal Regulations* and pursuant to paragraph 2 of this order.

2. The Social Security Board shall provide for the assignment of an account number to each person who is required by any Federal agency to have such a number but who has not previously been assigned such number by the Board. The Board may accomplish this purpose by (a) assigning such numbers to individual persons, (b) assigning blocks of numbers to Federal agencies for reassignment to individual persons, or (c) making such other arrangements for the assignment of numbers as it may deem appropriate.

3. The Social Security Board shall furnish, upon request of any Federal agency utilizing the numerical identification system of accounts provided for in this order, the account number pertaining to any person with whom such agency has an account or the name and other identifying data pertaining to any account number of any such person.

4. The Social Security Board and each Federal agency shall maintain the confidential character of information relating to individual persons obtained pursuant to the provisions of this order.

5. There shall be transferred to the Social Security Board, from time to time, such amounts as the Director of the Bureau of the Budget shall determine to be required for reimbursement by any Federal agency for the services rendered by the Board pursuant to the provisions of this order.

6. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
November 22, 1943.

*26 CFR, Cum. Supp., 402.502.

End.



THE WHITE HOUSE
PRESIDENT
GEORGE W. BUSH



CLICK HERE TO PRINT

For Immediate Release
Office of the Press Secretary
November 18, 2008

Executive Order: Amendments to Executive Order 9397 Relating to Federal Agency Use of Social Security Numbers

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows: White House News

Section 1. Policy. It is the policy of the United States that Federal agencies should conduct agency activities that involve personal identifiers in a manner consistent with protection of such identifiers against unlawful use.

Sec. 2. Amendments to Executive Order 9397. Executive Order 9397 of November 22, 1943, is amended:

(a) in paragraph 1 by:

- (i) striking "shall" and inserting in lieu thereof "may";
- (ii) striking "exclusively";
- (iii) striking "Title 26, section 402.502" and inserting in lieu thereof "title 20, section 422.103"; and
- (iv) striking "the 1940 Supplement to";

(b) by striking "Bureau of the Budget" in paragraph 5 and inserting in lieu thereof "Office of Management and Budget";

(c) by renumbering paragraph 6 as paragraph 8;

(d) by inserting immediately following paragraph 5 the following new paragraphs:

"6. This order shall be implemented in accordance with applicable law and subject to the availability of appropriations.

"7. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by

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any party against the United States, its departments, agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person."; and

(e) by striking "Board" each place it appears and inserting in lieu thereof in each such place "Administration".

Sec. 3. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH

THE WHITE HOUSE,

November 18, 2008.

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Return to this article at:

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