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Vet, 91, hits stone wall with his disability claim

By LINDSAY WISE Copyright 2009 Houston Chronicle

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Karen Warren Chronicle

William Maxson, a 91-year-old World War II veteran from Tomball, has waited 10 months for word from the Houston VA Regional Office on the appeal of his disability claim.

For more than 60 years, William J. Maxson avoided talking about his experiences as an Army private first class in Europe during World War II.

It wasn't until the 91-year-old veteran from Tomball met with a psychiatrist last year that his memories of combat between 1944 and 1946 started bubbling to the surface. Now the stories gush out of him, like a dam breaking.

"This poor fellow, shrapnel hit him in the leg, and there was still live ammunition in there, and they had to try to get the thing out so it wouldn't explode," Maxson recalled. "The poor fellow was just out of his mind. It was terrible, just terrible."

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In an interview at his assisted living facility last week, Maxson pointed out the spot where shrapnel lodged in his back during a devastating aerial attack on his unit in Germany. The shard of metal is still there.

Maxson was diagnosed with post-traumatic stress disorder, service-related hearing loss and infirmities from the wound in his back. He's one of almost 274,000 World War II veterans who qualify for disability benefits from the Department of Veterans Affairs.

But as the backlog of claims and appeals pending at the VA approaches 1 million nationwide, aging World War II veterans often wait months — and sometimes years — for decisions on pensions and compensation. For the nation's oldest generation of veterans, whose numbers dwindle by the day, the VA's record backlog takes on a special urgency.

Maxson's ordeal began in May 2002, when he filed his initial disability claim. After a series of denials, re-filings and doctors appointments, Maxson was rated 80 percent disabled in January. That same month, he sent a notice of disagreement to the Houston VA Regional Office to increase his rating to 100 percent.

In September, a VA official said the department had lost his paperwork and he might have to start the appeal process all over again. No one from the VA has returned his family's phone calls since.

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"Well, I just hope they find them," Maxson said. "You'd think they could at least call and let you know."

'Facts are so simple'

VA officials in Houston and Washington, D.C., did not respond to questions from the Houston Chronicle about Maxson's situation. They also could not say how many World War II vets, like Maxson, have been waiting more than six months for word on their claims.

"In my father's case, the facts are so simple," said Maxson's son, Denis Maxson, a retired Air Force Lt. Col. who helps his father with the voluminous paperwork and follow-up required by the VA. "Systems are in place, but there is no accountability. Unfortunately, I believe that there are many more stories like my father's."

Maxson's problems are all too familiar to Debbie Burak, the daughter of a World War II veteran from Virginia.

In 2005, Burak started a Web site, VeteranAid.org, to help older veterans and their relatives navigate the VA's bureaucracy after a harrowing experience with her own mother, who died before the government released \$6,000 in accrued benefits she was entitled to as a widow of a World War II veteran.

"We have a system that's letting them down," Burak said. "They're not the Greatest Generation, they're the Forgotten Generation."

Burak said elderly veterans are at a disadvantage in the VA claims and appeals process because they are not Internet savvy and can easily be confused by VA's complex forms. Their plight has been eclipsed by the needs of younger veterans

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returning from wars in Iraq and Afghanistan, she said. "Everybody's addressing the Afghanistan and Iraq veterans and what's happened is the veteran who's not saying anything is the older veteran and he's the one who's getting his file pushed down to the bottom of the pile," Burak said.

Denis said an official at a VA Call Center told him his father's appeal could take anywhere from seven months to 30 years. As of last week, there were 174,891 appeals pending nationwide and more than 11,000 at the Houston VA Regional Office, the most in the country.

"The World War II veterans like my father, they're dying a thousand a day," Denis said. "The strangest thing is that if somebody at the VA in Houston said, 'Hey let's take care of these cases, there's not that many of them left,' maybe something would get done before it's too late."

For now, his father's monthly \$1,644 disability check from the VA does not cover the cost of his assisted living facility, The Heritage, in Tomball.

Transfer suggested

In January, Denis asked a social worker at the Michael E. DeBakey VA Medical Center to add The Heritage to the VA-approved nursing home list so the VA could compensate his father for living there. Ten months later, the social worker still hasn't made it to Tomball for a required inspection.

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Hospital spokeswoman Bobbi Gruner said Houston's VA currently has 23 nursing homes on its VA-approved list and receives many requests to perform site visits.

"These requests are prioritized by area need, number of requests for a particular facility, and staff availability," Gruner said in a statement. "Each veteran's needs are important to us and VA staff is attempting to respond to this request as quickly as they can. If the family and the veteran wishes, we can transfer the veteran to the Michael E. DeBakey VA Medical Center's nursing home here in Houston."

Denis said until his own savings run out, he'd rather continue to pay the difference between his father's disability check and the cost of living at The Heritage.

"Let's face it, they know my father has been up at the Heritage for five years," he said. "Can you imagine doing that to a 91-year-old World War II veteran, drag him off to a place he doesn't know?"

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