

---

Posted on Thu, Oct. 05, 2006

## Widow finally wins fight for benefits after his death

By Julie Edgar

Detroit Free Press

(MCT)

DETROIT - John Stempien fought for his nation in World War II, serving in the Special Forces.

Then he came home and fought for himself.

After being blown off an Italian mountainside by an explosive, his body battered by combat and frostbite, Stempien returned home to Michigan to battle the government and six decades' worth of paralyzing postwar flashbacks.

He was due disability compensation, but it didn't come - not in full - until this summer: \$236,000, which will be sent in installments to his widow, Caroline.

John Stempien died at 84 in 2004.

"They took my man, chewed him up, spit him out and gave him back to me," said Caroline Stempien, 86. The accrued benefit, which goes back to 1946, is one of the largest settlements ever given an American veteran.

"We're glad we could help the surviving spouse," said Brad Flohr, chief of the U. S. Department of Veterans Affairs' advisory review staff. "We don't do it a lot."

The VA has a troubling history of either failing to compensate injured veterans or making inconsistent decisions about benefits.

Last year, the U. S. Government Accountability Office reported the backlog of veterans' claims had shot up from 254,000 in 2003 to 340,000 last year. It also said the VA hasn't been able to ensure that vets get consistent decisions for compensation and other benefits across its 57 regional offices.

The problems, the GAO said, are not enough staff members and procedures that don't adequately address concerns.

Flohr acknowledged last week that the department erroneously reduced John Stempien's disability benefits in 1950 and again in 1956 and that those mistakes influenced subsequent decisions about how much money Stempien received for his disability.

On Aug. 31, Caroline Stempien finally got word about the compensation. She said she received her first check in the past few weeks.

"The VA never regarded him as being ill," she said, stroking the head of her Yorkie pup.

"You had to have a scar. His nerves were his scar."

In 1942, nine months into their marriage, John Stempien was called up. He joined the Army as an antitank driver but didn't care for it. So he joined the Special Forces.

Two years later, he was discharged to a hospital in Battle Creek after that explosion in Italy. It took him another two years to recover from his leg injuries.

But when he returned to Detroit, Stempien was not the same man who had gone off to war, his wife said. And over the years, she would have to walk a mental minefield with him because of his experiences in Europe.

He was haunted by flashbacks.

He had seen a buddy die next to him and could not shake the image of an eyeball tangled with blood, bone and tissue.

"When he would get nervous or in trouble, he'd see the eye. And when he saw the eye, he would become insane," Caroline Stempien said.

Once, the horrible images led him to shred a woolen housecoat he had bought for her - while she wore it. She hid the silverware so he couldn't hurt himself or anyone else.

And they never had children - her most profound regret.

John Stempien worked as a truck driver, and because the Stempiens rarely went out - a result of his fear of losing control, she said - they saved money to buy and rehabilitate houses. They built their own.

The VA periodically examined John Stempien and, at one point, increased his disability benefits to 80 percent.

But in 1982, the VA inexplicably reduced them again, to 30 percent.

That's when the couple went to Diana Calvin at Oakland County Veterans' Services for help. She championed their cause for the past 24 years.

He should have been fully compensated, but his monthly checks continued to fluctuate. Today, full compensation would be \$ 2,400 a month, Calvin said

Calvin said she spent the past two decades sending letters and documents and making phone calls, trying to convince the VA that the reduction was unjust.

She said the VA, at one point, told her that Stempien's condition was a matter of opinion.

"Every time they'd write back saying the decision was proper. You'd go from one step to the next step to the next step. You can go to a Court of Appeals, but it takes years to get your turn," Calvin said.

She ultimately tapped the Veterans of Foreign Wars to facilitate the case. It was the VFW that finally convinced the VA of its mistake, basing its arguments on court decisions from the veterans appellate court, established in 1988.

That, said Flohr of the VA, led his department to reopen the file - something it rarely does. The department agreed that Stempien's disability rating, based on a mental health exam in 1950, should not have been reduced.

"For a reduction, there should have been more than one exam," said Janice Jacobs, deputy director of compensation and pension services for the VA.

Caroline Stempien is emphatic on many points, but feels strongest that families of veterans should be better prepared by the government for the return of their loved ones.

But it wasn't the argument over disability benefits that rankled her most.

Over the course of the last 24 years, she said, the VA insisted her husband was already ill when he joined the First Special Service Force, a joint U.S. Canadian commando unit that was in action between July 1942 and January 1945.

And it insisted that Hamtramck, where he was born, was in Canada and not the United States, she said.

Flohr denied that the government made such claims, saying John Stempien would have received benefits even if there had been a mistake about his birthplace.

Michael Zehnder, the director of Oakland County Veterans' Services who served as a Marine in the Vietnam War, said the VA's

obstinacy in the Stempiens' case wasn't rare.

The bureaucracy is so vast, he said, that it takes the kind of tenacity Calvin applied to receive benefits.

"I've always been puzzled at the treatment veterans get," he said.

"I'm not saying they should come back and get carte blanche, but the hoops you have to jump through to get any benefits at all are ridiculous."

---

© 2006 KRT Wire and wire service sources. All Rights Reserved.  
<http://www.kansascity.com>