

## Forgotten Warriors Project, Inc.



*"Leave No One Behind"*

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U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Attorney General William P. Barr:

*Brief Introduction: This information in this request evolved from years of research and analysis. My task presented by the committee was to look into probable abuse of authority by state civil courts against disabled combat veterans whose compensation was used to determine child support.*

The Rule of Law is premised on the principle that all people and institutions are subject to and accountable to law that is fairly applied and enforced; the principle of government by law, while Civil Rights guarantees the rights of citizens to political and social freedom and equality.

In 1975 Congress passed the Child Support Enforcement Act, U.S.C. 42 § 659 of the Child Support Enforcement Act to diminish government public assistance. For over 45 years state civil courts with the aid of the United States Health and Human Services (USDHHS) were given mandates for managing and collaborating the operations of Child Support Enforcement Programs pursuant to § 659 with added operational specificity criteria pursuant to § 666.

If the rule of law dictates accountability of laws that are fairly applied and enforced why do states Child Support Programs continue to ignore the enforcement and application of congressional laws alluding to child support mandates among combat service-connected veterans? Still today the rule of law for child support continues to be unfairly enforced or applied when combat veterans' disability compensation is used by state civil courts to determine child support orders.

State Civil Courts are using combat veterans' disability compensation as MONEY SUBJECT TO PROCESS in calculating child support orders. Some states have gone, as far as redefining what is INCOME, contrary to federal laws pursuant to § 666. Interesting enough, § 659 has already defined what income is subject to process for a majority of disabled combat service-connected veterans. While combat disabled veterans see bleak hopes for some benefit protection in 38 USC 38 § 5301, it has proven not to be conclusive enough to warrant state courts from ignoring the fundamental basis in the rule of law.

Notwithstanding all previous sections under 42 USC § 659 part (a) (h) Moneys subject to process has a special interest in one particular exclusion, (1) (A) (ii) (V) by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay, if the former member has waived a portion of the retired or retainer pay in order to receive such compensation. The problems for most state civil courts they have no idea who is retired and who is not, so they treat everyone as such.

In all reality, without reading the entire legal optics in Part (V) it can be very misleading that MONEY SUBJECT TO PROCESS is compensation for a service-connected disability paid to a former member

of the Armed Forces. The rest of the statement is easily dismissed as insignificant, though it clearly defines what is subject to process under the 42 U.S.C. § 659 and § 666. The rest of the statement in part (V) remains conclusive and indisputable. If a military retired (*over 20 years of service*) service member of the Armed Forces waives (*38 U.S. Code § 5305 Waiver of retired pay*) retired or retainer pay for veterans' disability compensation benefits these moneys are subject to process.

The violation of federal laws and its legal consequences on many combat disabled veterans with child support arrearages is one that was produced by state courts when they violated veterans' civil rights and due process based on a flawed rule of law when using their disability compensation as money subject to process, contrary to the same federal laws they are mandated to enforce. This malfeasance can well be associated with increasing suicide rates, homelessness, and financial hardships, to say the least.

We are asking the Department of Justice to look into our claims that state civil courts have violated combat disabled veterans' due process rights and civil rights by engaging in criminal activities through frauds, intimidation by threats of incarceration, false imprisonment, racketeering, thus causing child support arrearages, in order to create situations where veterans are unable financially to hire legal counsel to defend their property rights to their disability compensation.

The impotence by the Department of Veterans in protecting these benefits has caused a cozy relationship between state Child Support Programs with an intense conflict of claiming that combat disabled veterans are employees of the VA, this subjecting them to garnishments under Title 5, although 5 U.S. Code § 2101 clearly defines (1) the "civil service" consists of all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services. We have documents available for review that supports the actions of some VA Regional Offices, as these same documents were presented to the VAOGC in a meeting in Washington D.C. with absolutely no action in correcting the problem.

There has to be a right to a wrong for the many years disabled combat veterans have struggled having their disability compensation benefits wrongly used in state civil courts. My colleagues and I welcome the opportunity to discuss this matter to correct the injustices and abuses of our most vulnerable defenders who gave of themselves, so justice and freedom could prevail.

A memorandum from the DOJ to all states clarifying the language in 42 U.S.C. § 659 could provide a temporary solution to abuses by state civil courts when considering using combat veterans service-connected compensation as money to process, unless the veteran has waived any retired or retainer pay for VA disability compensation.

God Bless and God speed in discussing this disturbing matter.

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