

Korean War Vet Denied VA Benefits for 50 Years, Granted His Retroactive Due - 5 Years after his Death

By Matt London | Fox News

Thomas Nielson, a veteran who served the U.S. military in Korea from 1950 to 1954, first applied for VA disability benefits in 1960 when an autoimmune disease he developed in the service rendered him unable to pursue full time employment according to a statement by Elite Lawyer Management.

This week, some 50+ years of VA bureaucracy and appeals later, his widow finally received his check for retroactive benefits and her own survivor benefits.

According to the Nielson's lawyer Eric Gang, a veterans disability appeals expert whose law practice exclusively serves veterans filing disability appeals,

"A record 50 plus years of spurious VA denials culminating in one of the largest retroactive payments in VA history is a legal victory but unfortunately also one of too many

“A record 50 plus years of spurious VA denials culminating in one of the largest retroactive payments in VA history is a legal victory but unfortunately also one of too many examples of the VA's deny till they die policies horrifically visible in human terms,” said attorney [Eric] Gang. “I'm thrilled we got this done for Thomas Nielson, albeit posthumously, and his wife, but the VA's half century of inaction is reprehensible, indefensible, and way too typical.”

examples of the VA's deny till they die policies horrifically visible in human terms," said attorney Gang. "I'm thrilled we got this done for Thomas Nielson, albeit posthumously, and his wife, but the VA's half century of inaction is reprehensible, indefensible, and way too typical."

Eric Gang is a well-known national advocate for massive overhaul of the politicized Veterans Administration, the subject of his forthcoming nonfiction book, *Betrayal of Valor* (Sutton Hart Press, Spring 2020) and his recent MENSA annual conference keynote on the topic.

According to Gang, Thomas Nielson's medical problems were first evidenced by malnutrition during his service, only some years following his discharge being diagnosed as Sjögren's Syndrome which affects the kidneys, gastrointestinal system, blood vessels, lungs, liver, pancreas and nervous system.

To prove a claim that has been denied, the VA requires reports and studies by multiple experts defining the disability and confirming the malady is "service related". Attorney Gang funded these experts with his own funds to break the logjam between Nielson and the disability benefits that were his due.

Adding insult to injury, even after decades of frustration, the VA appeals process approved both Thomas Nielson's claim and his wife's widow's benefits, but the VA refused to implement the Board's decision, i.e. pay the retroactive

sums, claiming that Mrs. Nielson, a woman in her 80's, failed to sign one of the countless forms.

In April, 2019 attorney Gang had to seek an order from a Federal Appeals Court to force the VA to pay the claim.

The strategy was successful and the VA capitulated and awarded \$663,000 in retroactive pay for 20 years of back pay. "It's the largest award I have ever seen," says Gang.

In addition, in October 2017 Gang won his wife's claim for her widow's benefits, 3 years after her husband's death. Nielson's wife received \$57,000 for that aspect of the claim. In total, Gang obtained over \$720,000 in retroactive VA benefits for the family. ■