

The Honorable
Lyndon B. Johnson
United States Senate

With regard to Doctor Garcia's inquiry as to whether appeals are being "automatically turned down," the records maintained by the Veterans Administration show that during the fiscal year 1957 the Board of Veterans Appeals entered 3,300 allowed decisions and remanded over 3,700 appealed claims for more complete development and further adjudication by the field offices, a considerable number of this latter group being allowed by the originating agencies on the basis of the additional evidence adduced. The Board of Veterans Appeals is dedicated to a policy of liberality to the extent permitted by the confines of the law. The Chairman of the Board informs me that it is emphatically impressed upon the Board's personnel that while a duty is owed to the Government to grant benefits only in accordance with the laws, an equal duty is owed to the claimant and he assures me that the Board is vitally interested in protecting the appellants' rights to the fullest extent possible. The Board will be glad to furnish you with a complete report on any case in which it is felt that the appellate decision was not in accordance with the facts and the law.

As pertains to the type of discharges given servicemen by the Army, the Veterans Administration, of course, has no control over this matter. If a claim is filed by a veteran whose service discharge is other than honorable, the Veterans Administration reviews the facts and circumstances in his individual case and is bound to make its independent determination as to whether the character of discharge is such as to entitle him to benefits under laws administered by the Veterans Administration.

Sincerely yours,


Deputy Administrator

For and in the absence of H. V. HIGLEY
Administrator