

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

SSGT EDWARD STARLING - APPELLANT

VS.

JUDGE AMIT P. MEHTA -- APPELLEE

MOTION FOR LEAVE TO PROCEED AS A VETERAN
ON PAPERS PREPARED AS REQUIRED BY RULE
33.2 UPON RULE 40

The appellant asks leave to file this proceeding above-captained motion for a timely writ of certiorari to the United States District Court for the District of Columbia on Petition For A Writ Of Mandamus without prepayments of costs and to proceed as Counsel Pro Se.

Appellant has previously proceeded as Counsel Pro Se in the following court(s) herein below:

- A. In The United States Tax Court;
- B. In The United States District Court for the Middle District of Georgia, Macon Division; before Tax Court Appointment of Special Trial Judge/Chief District Court Judge; in a Dual Capacity pursuant to Title 26, U.S.C., Sections 7441 and 7443A; to Re-Try 1100 Docketed Cases already Adjudicated to Appellant; but Tabled Payment Orders by Granting an Ex parte Motion For Continuance with no-time-limit; as well as Remanding the Re-Trial Results back to the Tax Court for All Case(s) resolution purposes;
- C. In The Eleventh Circuit Court of Appeals;
- D. In The United States District Court for the District of Columbia;

No.: Motion For Leave To Proceed As A Veteran,
Page 2 of 2 pages.

- E. In The Court Of Appeals for the District of Columbia Circuit,
- F. In The Court Of Appeals for the Federal Circuit, and
- G. In The Court Of Veterans Appeals.

Appellant's Motion For Leave To Proceed As A Veteran is accompanied by an Affidavit setting out the moving party's veteran status.

SSgt Edward Starling
SSGT EDWARD STARLING
USAF RET

CERTIFICATE OF SERVICE

This certifies that a copy of the above and foregoing Motion For Leave To Proceed As A Veteran was served upon United States District Court Clerk in a pre-postage paid envelope addressed to Clerk of the Court for the District of Columbia, United States Court House, 333 Constitution Avenue, N.W., Washington, D.C. 20001, on this 16th day of March, 2020.

SSgt Edward Starling
SSGT EDWARD STARLING
USAF RET
Plaintiff-Appellant
Counsel Pro Se

AFFIDAVIT
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED AS A VETERAN

I, SSG EDWARD STARLING, am the appellant-petitioner in the attached-entitled case. In support of my motion to proceed as a veteran from the payment of fees or court costs, may proceed without prepayment of fees or costs or furnish security therefor and may file a motion for leave to proceed on papers prepared as required by Rule 33.2 upon Rule 40.

My setting out the moving party's veteran status is that I was first required to Register with the Local Draft Board upon graduation from High School; and was summoned to The Fort Benning Army Post-Fort, Columbus, Georgia in 1950 for assignment to The 97th Inf Div, but was given relief for immediate medical problems of my Mother who needed my care and support.

In 1952, I voluntarilly enlisted into the United States Air Force and underwent Basic Training at Lackland Air Force Base, San Antonio, Texas.

As an Airman-Third-Class, I attended Technical School at Frances Air Base, Cheyenne, Wyoming, For Accounting and Airways-And-Air Communications; and following completions; I was assigned to The 803rd Supply Squadron, Stregit Air Command; but; after six (6) months after being there; the Fort Benning Army Commander was granted his request to send me back to Post-Fort Benning as a SCARWAF (Special Catagory Army With Airforce).

I did Active Duty in The States and Foreign Countries in Europe, Puson Korea, and Vietnam War Zones and was exposed to the Chemical Agent Orange and Other Gasses, and thereafter, was given An Honorable Discharge for Medical Reasons.

Official copies of my TDRL Orders and thereafter, my Permenant Retirement Orders are attached hereto; and I am now a Totally Disabled American Veteran with a One-hundred Percent (100%) Rated Disabled American Veteran.

I declare pursuant to the Penalty of Perjury that the foregoing and within is True and Correct pursuant to Title 28, U.S.C.A., Section 1746.

SSG Edward Starling
SSGT EDWARD STARLING
USAF RET

WILFORD HALL USAF HOSPITAL (WHHRD)
OFFICE OF THE STAFF JUDGE ADVOCATE
LACKLAND AFB, TX 78236

Reply to

Attn. Of: Physical Evaluation Board
Official Records Department

Subject: PERMANENT RETIREMENT FINDINGS
SSgt Edward Starling
AF 1447 1464, 29 Jan 68
Retired: (11 Mar 68)

To: DEPARTMENT OF VETERANS AFFAIRS
Atlanta Regional Office
730 Peachtree Street, N.E. 30365

ATTN: Adjudications Officer

Dear Sir/Madam:

This is in response to your Certification-verification Requests to the above-named subject.

The Order convening the Formal Hearing was called to Order at 1044 hours, 29 Jan 68.

Voting Members of the Board present were: Jack S. Jenkins, Col., President; Herbert T. Clough, Jr., Col.(MC) Medical Member; Joseph A. Schiefen, Jr., Major, Personnel Member; and Myself, Word L. Gidden, Lt.Col., USAF, JAG, to represent the Rights of SSgt Edward Starling before the Board.

The Personnel Member then submitted into evidence papers pertaining to the Case marked as exhibits "A" through "F", as applicable, in accordance with AFM 35-4, for service-connection disabilities sustained by SSgt Edward Starling in line of duty for: Lower Back, Hip and Spinal Nerve Center Columns in 1953, at Wiesbaden Air Base, Germany (supported by Official Accident Report done by Lt. Col.J.P. Ryan, Materials Officer, and USAF Dispensary-Hospital Medical Treatment Records).

Residual Head Trauma sustained by falling 50 Cal.USA F-86-D Metal Gunnery Rack (supported by Official Accident Report from Major C. E. Yeager, Commander, 50th Ftr.Bmr. Wing, Hahn Air Base, Germany in 1954).

Both of these sustained service connected disabilities occurred in line of duty during peace time but while SSgt Edward Starling was entitled to receive active duty pay. They can be seen at exhibits "A" and "B", attached.

The disabilities for Diabetes Mellitus, type II; Tinnitus; Heart Disease(s); and Leg Wounds (from metal fragments exposures while on Med Evac Duties), were all sustained by SSgt Edward Starling while in the Republic of Vietnam in 1966, while he was deployed by Special Order Amendment Return to Active Duty for six (6) months TDY Status pursuant to Title 10, US Code, Thomas A. Goodman, Wilford Hall USAF Hospital, San Antonio, Texas, who controlled all activities of SSgt Edward Starling from 1964 through 1968.

All of these Four (4) described injuries sustained by SSgt Edward Starling in 1966 were supported by the Official Records from the Charlie Field Hospital, Doctor O.B. Long, MC, Bien Hoa Air Base, Vietnam, while dispensing Toxic Agent Orange and Other Deadly Herbicides by both from the air and on the ground, at ongoing Combat Targeted Cites activities.

These Four (4) service connected disabilities sustained by SSgt Edward Starling occurred while in line of duty and were as a direct result of armed conflict or caused by an instrumentality of war and incurred in line of duty during period of was.

Because no objections were made by any of the voting members of the board, the united Decision was accepted as both Certification and Verification of All Claims, "A" through "F" as service connected disabilities submitted by Personnel Officer Joseph A. Schiefen, Jr., Major, on behalf of SSgt Edward Starling's Claims.

Disability Ratings were, therefore, established at Ten-Percent (10%), initially, for each of the Six (6) Disability Claims for service connected active duty activities, in addition to SSgt Starling's theretofore Mental Disability service connected Claim.

The Records for these Four (4) Claims can be viewed at exhibits "C" through "F".

W. L. Gidden
WORD L. GIDDEN, LT COL USAF JAG
20 MAR 70

Enclusions:

1. Copy of Hearing Transcript, and
2. Copies of Medical and Treatment W/Accident Reports Records.

HEADQUARTERS
USAF SPECIAL OPERATIONS SQUADRON
BIEN HOA AIR BASE
4TH APO, Republic Of Vietnam

SPECIAL ORDERS
NUMBER TD-2178

7 August 1966

1. SSGT EDWARD STARLING, AF14471464, (CAFSC 64570) (September 66 Returnee) ASSIGNMENT: Relieved from Assignment this Organization, this Station, Assigned to Willford Hall United States Hospital, (WHRD), (COMMAND), (AFPMARXL), San Antonio, Texas.

REPORTING DATE: No DALVP. Leave Address: Ward # 4, Willford Hall USAF Hospital, San Antonio, Texas. Sergeant will depart this Station on or about 29 September 1966. Report to the Military Air Transport Service (MATS) Liaison Officer, TAN SON NHUT Air Base, Saigon, Vietnam not later than 30 September 1966 for Transportation to ZI. Sergeant will report to Connecting Passenger Services Directive Officers, as Scheduling Connecting Routes for Departure Times dictate, under AMD: (As Applicable). Sergeant will Report to: THOMAS A. GOODMAN, CAPT, USAF, MD, MC, Willford Hall USAF Hospital (WHRD), Lackland Air Force Base, San Antonio, Texas, (DIRECTLY), upon Arrival ZI from the MATS Officers at Kelly Air Force Base, San Antonio, Texas.

EDCSA: 1 November 1966.

GENERAL INSTRUCTIONS: All AFM and AFR Compliances, including the Sergeant's New Address as Authorized by the Willford Hall USAF Hospital STAFF, GRADE, FULL NAME, AFSN, (IN FULLY COMPLIANCE), are Authorized by the Willford Hall USAF Hospital (WHRD), Specifically Assigned Doctors, Lackland Air Force Base, Texas, are Authorized by Title 10, U.S. Code Annotated, for THEIR TDRL PEB Board's Final Evaluation Ratings on All Issues involved concerning the Seargent's Final Disposition Decisions with regards to his Future.

FOR THE COMMANDER:

DISTRIBUTION

Nr. Cys to all Ind.,
Pmp, gaining Org.,
6962nd Seq. Sqn.,
USAFSS, & Willford
Hall USAF Hospital
Command.

Chester D. Simpson
CHESTER D. SIMPSON
Captain, USAF
Administrative Officer

rcs

RETIREMENT ORDER

DATE
22 JAN 65
SPECIAL ORDER NUMBER
AC-1098

DEPARTMENT OF THE AIR FORCE
WASHINGTON

STAFF SERGEANT STARLING, EDWARD AFL4471464
AIR FORCE CRYPTOLOGIC DEPOT, USAFSS
SAN ANTONIO, TEXAS 78241

SERVICING CBPO

MAILING ADDRESS

C/O A. C. WILLIAMS
130 ANDERSON, SAN ANTONIO, TEXAS

REMARKS

EFFECTIVE ON DATE INDICATED, YOU ARE:

Relieved from above assignment, organization, and station and from active duty.
 Retired per authority cited and in grade specified.
 Placed on the temporary disability retired list in grade specified.
 Removed from the temporary disability retired list and retired in grade specified.
 To proceed as authorized. PCS. TDN. 5753500 325 P578.01-02. S503725 2112 2122 2132
 2220 2230 2293 2295.

SDN 270								
DATE RELIEVED FROM ACTIVE DUTY 02 FEB 65			DATE RETIRED 03 FEB 65			SECTION OF TITLE 10, USC 1202	GRADE IN WHICH RETIRED E5	
ACTIVE SERVICE FOR RETIREMENT			SERVICE FOR BASIC PAY			HIGHEST GRADE HELD ON ACTIVE DUTY E5	DATE OF BIRTH 16 JUN 32	
YEARS 12	MONTHS 07	DAYS 24	YEARS 12	MONTHS 07	DAYS 24			
SERVICE PER SECTION 8888 OR 8927, TITLE 10, USC			SERVICE PER SECTION 1405 TITLE 10, USC			SERVICE PER SECTION 1333, TITLE 10, USC	COMPENSABLE PERCENTAGE OF PHYSICAL DISABILITY 50	
YEARS	MONTHS	DAYS	YEARS	MONTHS	DAYS	YEARS		
RESERVE GRADE AND SERVICE NUMBER			PROCEED TO HOME OF			ASSIGNMENT	DISABILITY INCURRED IN COMBAT OR INSTRUMENTALITY OF WAR NO	
			SELECTION X	RECORD OR ENTRY ON AD	RET. RES. SEC.	INACTIVE (ISRS)		

BY ORDER OF THE SECRETARY OF THE AIR FORCE



CURTIS E. LE MAY
Chief of Staff

R. J. PUGH
Colonel, USAF
Director of Administrative Services

DISTRIBUTION
C - OFFICERS
D - AIRMEN

REPLACES AFHQ 0-940 THRU 0-945, 0-947 THRU 0-949, 0-954 AND 0-955 WHICH ARE OBSOLETE

AFHQ 0-124
MAY 64