

FILED: September 24, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1022
(1:20-cv-00636-JKB)

TERRY RENE CHAPMAN

Plaintiff - Appellant

v.

SOCIAL SECURITY ADMINISTRATION, Office of the Commissioner;
DEPARTMENT OF DEFENSE, Department of the Army

Defendants - Appellees

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge
requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Wilkinson, Judge Agee, and
Judge Diaz.

For the Court

/s/ Patricia S. Connor, Clerk

UNITED STATES
COURT OF
APPEALS FOR
THE FOURTH
CIRCUIT

No. 21-1022
(1:20-cv-00636-JKB)

TERRY RENE CHAPMAN,

Plaintiff - Appellant,

SOCIAL SECURITY ADMINISTRATION, Office of the
Commissioner; DEPARTMENT OF DEFENSE, Department of the
Army,

Defendants - Appellees.

ORDER

Terry Chapman has filed a motion to vacate this court's order denying rehearing and rehearing en banc. We construe his motion as a motion to recall the mandate and conclude that he

has failed to establish the extraordinary circumstances needed for recall of the mandate. Calderon v. Thompson, 523 U.S. 538, 549-50 (1998); Alphin v. Henson, 552 F.2d 1033, 1035 (4th Cir. 1977) (recognizing that "in exceptional cases, we may even recall our mandate to avoid injustice"). Accordingly, we deny his motion. For the Court

Is/ Patricia S.
Connor Clerk

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

November 9, 2021

Mr. Terry R. Chapman
714 W. Cherry Blossom
Baltimore, MD 21201

Re: Terry Rene Chapman
v. Social Security Administration, et al.
Application No. 21A121

Dear Mr. Chapman:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to The Chief Justice, who on November 9, 2021, extended the time to and including February 21, 2022.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Ch
Claude Alde
Case Analyst

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

NOTIFICATION LIST

Mr. Terry R. Chapman
714 W. Cherry Blossom
Baltimore, MD 21201

Clerk
United States Court of Appeals for the Fourth Circuit
1100 East Main Street
Room 501
Richmond, VA 23219

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

October 19, 2021

Terry R. Chapman
714 W. Cherry Blossom Way
Baltimore, MD 21201

RE: Chapman v. SSA, et al.
USCA4 No. 21-1022

Dear Mr. Chapman:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked October 12, 2021 and received October 19, 2021. The application is returned for the following reason(s):

The application does not set forth with specificity the reasons why the granting of an extension of time is thought justified. Rule 13.5.

A copy of the corrected application must be served on opposing counsel.

Sincerely,
Scott S. Harris, Clerk
By: 
Emily Walker
(202) 479-5955

Enclosures

FILED: October 4, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1022
(1:20-cv-00636-JKB)

TERRY RENE CHAPMAN

Plaintiff - Appellant

v.

SOCIAL SECURITY ADMINISTRATION, Office of the Commissioner;
DEPARTMENT OF DEFENSE, Department of the Army

Defendants - Appellees

MANDATE

The judgment of this court, entered July 22, 2021, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

/s/ Patricia S. Connor, Clerk

FILED: August 5, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1022
(1:20-cv-00636-JKB)

TERRY RENE CHAPMAN

Plaintiff - Appellant

v.

SOCIAL SECURITY ADMINISTRATION, Office of the Commissioner,
DEPARTMENT OF DEFENSE, Department of the Army

Defendants - Appellees

TEMPORARY STAY OF MANDATE

Under Fed. R. App. P. 41(b), the filing of a timely petition for rehearing or rehearing en banc stays the mandate until the court has ruled on the petition. In accordance with Rule 41(b), the mandate is stayed pending further order of this court.

/s/Patricia S. Connor, Clerk

FILED: July 22, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1022
(1:20-cv-00636-JKB)

TERRY RENE CHAPMAN

Plaintiff - Appellant

v.

SOCIAL SECURITY ADMINISTRATION, Office of the Commissioner;
DEPARTMENT OF DEFENSE, Department of the Army

Defendants - Appellees

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 21-1022

TERRY RENE CHAPMAN,

Plaintiff - Appellant,

v.

**SOCIAL SECURITY ADMINISTRATION, Office of the Commissioner,
DEPARTMENT OF DEFENSE, Department of the Army,**

Defendants - Appellees.

**Appeal from the United States District Court for the District of Maryland, at Baltimore.
James K. Bredar, Chief District Judge. (1:20-cv-00636-JKB)**

Submitted: July 20, 2021

Decided: July 22, 2021

Before WILKINSON, AGEE, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Terry R. Chapman, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terry Rene Chapman appeals the district court's order granting Defendants' motion to dismiss and dismissing his amended complaint for failure to state a claim. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Chapman v. Soc. Sec. Admin.*, No. 1:20-cv-00636-JKB (D. Md. Dec. 11, 2020). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 East Main Street, Suite 501, Richmond, Virginia 23219

January 26, 2021

DOCKETING FORMS NOTICE

No. 21-1022, Terry Chapman v. SSA

1:20-cv-00636-JKB

TO: Terry R. Chapman

REQUESTED FORM DUE: February 8, 2021

The form identified below must be filed in the clerk's office by the due date shown.

Disclosure Statement

Ashley Brownlee, Deputy Clerk
804-916-2704

FILED: January 26, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1022
(1:20-cv-00636-JKB)

TERRY RENE CHAPMAN

Plaintiff - Appellant

v.

SOCIAL SECURITY ADMINISTRATION, Office of the Commissioner;
DEPARTMENT OF DEFENSE, Department of the Army

Defendants - Appellees

ORDER

Upon consideration of the motion for extension of the informal briefing schedule and for filing of the disclosure statement, the court extends the time for serving and filing the informal opening brief and disclosure statement to 03/10/2021. Any further request for an extension of time in which to file the informal opening brief and disclosure statement shall be disfavored.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN

Plaintiff

Civil Case No. JKB-20-0636

v.

SOCIAL SECURITY ADMIN., et al.

Defendants

* * * * *

MEMORANDUM AND ORDER

Now pending before the Court is the Defendant's MOTION TO DISMISS (ECF No. 19).

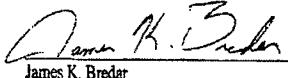
The Plaintiff has responded (ECF No. 23). The Motion will be GRANTED.

The Plaintiff filed his initial Complaint on March 10, 2020 (ECF No. 1). It was largely incoherent. The Judge to whom the case was then assigned granted leave to the Plaintiff to file an Amended Complaint, and he did so on June 30, 2020 (ECF No. 6). Although less lengthy, the Amended Complaint is only *slightly* more coherent than the initial Complaint. After careful review of the latter document, and after examining the other materials that the Plaintiff has docketed in this case, the Court remains uncertain as to the claims and allegations the Plaintiff wishes to present. In general, the Plaintiff seems to allege that he has illnesses and/or disabilities, and that he is entitled to relief, perhaps pursuant to the Social Security Act or the Americans with Disabilities Act, or perhaps in relation to his service in the Army, and under U.S. Code provisions relating to veterans. *Pro se* petitions are to be given liberal construction, but the Court is unable to discern the Plaintiff's claims. It is not for the Court to guess or speculate, or to construct claims from the bits and elements that might be floating in the various papers and arguments submitted.

Instead, because the Amended Complaint is largely unintelligible, and for the further reasons set out in the Government's brief (ECF No. 19-1), which the Court adopts herein as its own, this case is DISMISSED. The Clerk is instructed to CLOSE THIS CASE.

Dated this 11 day of December, 2020.

BY THE COURT:



James K. Bredar
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY CHAPMAN,

Plaintiff

v.

CIVIL NO. JKB-20-0636

SOC. SEC. ADMIN., et al.,

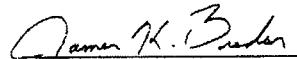
Defendants

ORDER

The Court has reviewed Plaintiff's submission post-marked December 28, 2020, which has been docketed as ECF No. 26 and ECF No. 27. The Court interprets the submission as a Notice of Appeal, and the Clerk has accordingly transmitted the Notice of Appeal and Docket Sheet to the Court of Appeals for the Fourth Circuit. (See ECF No. 28.) Because the Notice of Appeal is timely, the Court DENIES as moot Plaintiff's request for an extension of the time in which to file an appeal (ECF No. 27).

DATED this 7th day of January, 2020.

BY THE COURT:


James K. Bredar
Chief Judge

Case 1:11-cv-00274-SAG Document 26 Filed 12/21/12 Page 3 of 3
Terry R. Chapman v. Commissioner, Social Security Administration
Civil No. SAG-11-274
December 21, 2012
Page 3

Mr. Chapman's RFC.² Social Security Ruling ("SSR") 96-8p states, in relevant part:

[T]he RFC assessment must always consider and address medical source opinions. If the RFC assessment conflicts with an opinion from a medical source, the adjudicator must explain why the opinion was not adopted.

1996 WL 374184. The ALJ's error is not inconsequential. According to SSR 96-8p, the mental activities required by competitive, remunerative, unskilled work include: responding appropriately to supervision, coworkers, and work situations, and dealing with changes in the work setting. See SSR 96-8p, 1996 WL 374184, at *6. Dr. Moore found a limitation precluding this activity, and the ALJ did not address it. I cannot determine whether findings are supported by substantial evidence unless the agency clearly indicates the weight given all of the relevant evidence. *Gordon v. Schweiker*, 725 F.2d 231 (4th Cir. 1984); see also SSR 96-8p. In so finding, I do not express any opinion on whether the ALJ's ultimate conclusion that Mr. Chapman was not disabled was correct or incorrect.

For the above reasons, the Commissioner's decision is reversed and the case is remanded for further proceedings in accordance with the foregoing Memorandum. A separate Order shall

Sincerely yours,

/s/

Stephanie A. Gallagher
United States Magistrate Judge

² In finding that Claimant could perform "light work," and determining that he could perform his past relevant work as an office worker, the ALJ failed to explain how he considered the medical evidence from Dr. Moore. (Tr. 47-49).

(14)

(13)

525

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN,)
)
Plaintiff,)
)
vs.) Civil Action No. 1:20-cv-636-JKB
)
SOCIAL SECURITY)
ADMINISTRATION, *et al.*,)
)
Defendants.)
)

MOTION TO DISMISS

Defendants, the United States Social Security Administration, the Department of Defense, and the Department of the Army, by and through undersigned counsel, and pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, respectfully move to dismiss this case for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. The grounds and authorities for this Motion are set forth in the accompanying Memorandum of Law, which Defendants incorporate by reference.

WHEREFORE, Defendants respectfully request that the Court grant their Motion and dismiss Plaintiff's Amended Complaint.

1

Respectfully submitted,

Robert K. Hur
United States Attorney

By: /s/ Kelly M. Marzullo
Kelly M. Marzullo (Bar No. 28036)
Assistant United States Attorney
36 South Charles Street, 4th Floor
Baltimore, Maryland 21201
(410) 209-4800
(410) 962-2310 (fax)
kelly.marzullo@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 22nd day of September 2020, a copy of the foregoing Motion to Dismiss and accompanying Memorandum of Law and Proposed Order were served, via U.S. mail, first class, postage prepaid on: Terry Chapman, 714 Cherry Blossom Way, Baltimore, Maryland 21201, *Plaintiff pro se*.

/s/ Kelly M. Marzullo
Kelly M. Marzullo (Bar No. 28036)
Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN,)
)
Plaintiff,)
)
 vs.) Civil Action No. 1:20-cv-636-JKB
)
SOCIAL SECURITY)
ADMINISTRATION, *et al.*,)
)
Defendants.)

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

Defendants, the United States Social Security Administration, the Department of Defense ("DoD"), and the Department of the Army ("Army"),¹ by and through undersigned counsel, respectfully move to dismiss this case for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. Plaintiff's Amended Complaint fails to comply with the federal pleading standards, remaining—even as amended²—largely incomprehensible, lacking a jurisdictional basis, and devoid of any factual information sufficient to state a plausible claim of relief against Defendants.

¹ It is unclear whether Plaintiff files suit against the DoD, the Army, or both agencies (and, if so, as discussed below, on what grounds). For the avoidance of doubt, in submitting this motion, Defendants DoD and the Army neither concede that they are properly named parties to this action nor waive their right to contest that Plaintiff has properly effected service.

² On March 10, 2020, Plaintiff filed a Complaint in this matter, supplementing it on April 27, 2020. ECF Nos. 1, 2. On May 15, 2020, the Court allowed Plaintiff, due to his self-represented status, to file an amended complaint because, "[a]s presented, Plaintiff's Complaint is largely incomprehensible." Order at 2, ECF No. 3. On June 30, Plaintiff filed an Amended Complaint. ECF No. 6.

ARGUMENT

The Amended Complaint is defective because it does not include any grounds for the Court to exercise jurisdiction over this matter or sufficient factual allegations, even taken as true, to state a plausible claim for relief against any of the defendants. Thus, the Amended Complaint should be dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(1), 12(b)(6).

Under Rule 8(a)(2) of the Federal Rules of Civil Procedure, a complaint must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Rule 12(b)(6) authorizes the dismissal of a complaint that fails to state a claim upon which relief can be granted. "The purpose of Rule 12(b)(6) is to test the sufficiency of the complaint and not to resolve contests surrounding the facts, the merits of a claim, or the applicability of defenses." *Presley v. City of Charlottesville*, 464 F.3d 480, 483 (4th Cir. 2006) (citing *Edwards v. City of Goldsboro*, 178 F.3d 231, 243 (4th Cir. 1999)).

Even a *pro se* complaint must be dismissed if it does not allege "a plausible claim for relief." *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* at 663 (citing *Bell Atlantic v. Twombly*, 550 U.S. 544, 556 (2007); *see also Robertson v. Sea Pines Real Estate Cos.*, 679 F.3d 278, 291 (4th Cir. 2012) ("A 'complaint need not "make a case" against a defendant or 'forecast evidence sufficient to *prove* an element' of the claim. It need only 'allege facts sufficient to *state* elements' of the claim." (quoting *Chao v. Rivendell Woods, Inc.*, 415 F.3d 342, 349 (4th Cir. 2005) (emphasis in original)). And "[w]hile *pro se* complaints may 'represent the work of an untutored hand requiring special judicial solicitude,' a district court is not required to recognize 'obscure or

extravagant claims defying the most concerted efforts to unravel them.” *Weller v. Dept’ of Social Servs.*, 901 F.2d 387, 391 (4th Cir. 1990) (quoting *Beaudell v. City of Hampton*, 775 F.2d 1274, 1277 (4th Cir. 1985)).

Here, Plaintiff appears to allege that his claim (or claims) against the Social Security Administration relate to his resignation from employment due to illness incurred during his employment, his denial of worker’s compensation and unemployment benefits, and the lack of retirement or separation counseling. Am. Compl. at 4-5, ECF No. 6. With respect to the Army and the DoD, Plaintiff alleges that the Army breached “its promises of delay entry program [and] its Portfolio for ES Rank, which Plaintiff Never Received,” that the Army did not send him, as promised, to the Noncommissioned Officer Academy, and that the Army did not pay his enlistment bonus or back pay “after winning Motion @ Court Martial.” *Id.* at 5-6. Even construed liberally, Plaintiff’s contentions lack facial clarity or plausibility and do not provide this Court or the defendants with sufficient allegations to adduce any causes of action or even the nature of his claims. The Complaint also is devoid of sufficient factual content to understand what exactly he alleges each Defendant has done, let alone to draw the inference of liability.

Additionally, the Complaint is also defective—and should be dismissed—because it lacks “a short and plain statement of the grounds for the court’s jurisdiction.” Fed. R. Civ. P. 8(a)(1).³ “The burden of establishing subject matter jurisdiction rests with the plaintiff.” *Demetres v. E.W. Const. Inc.*, 776 F.3d 271, 272 (4th Cir. 2015). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3); *United*

³ Plaintiff’s initial complaint, invoking “SSR 96-8P” as his purported basis for jurisdiction, also failed to set forth a valid statement for the Court’s jurisdiction. Compl. at 6, ECF No. 1. SSR 96-8P is a Social Security Administration policy interpretation ruling regarding the assessment of residual functional capacity in initial claims for disability benefits under Titles II and XVI of the Social Security Act. See Social Security Ruling 96-8p, 1996 SSR LEXIS at *5.

States ex rel. Carson v. Manor Care, Inc., 851 F.3d 293, 303 (4th Cir. 2017); *see Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (noting the independent obligation of courts to determine whether subject-matter jurisdiction exists). Because Plaintiff's Amended Complaint fails to include a statement for this Court's jurisdiction, it should be dismissed.

Moreover, because Defendants are agencies of the United States, they are shielded by sovereign immunity and are immune from suit unless the United States has consented to be sued. *United States v. Mitchell*, 463 U.S. 206, 212 (1983) ("It is axiomatic that the United States may not be sued without its consent and that the existence of consent is a prerequisite for jurisdiction."). "All waivers of sovereign immunity must be 'strictly construed . . . in favor of the sovereign.'" *Welch v. United States*, 409 F.3d 646, 650 (4th Cir. 2005) (citing *Lane v. Pena*, 518 U.S. 187, 192 (1996)). "For that reason, it is the plaintiff's burden to show that an unequivocal waiver of sovereign immunity exists and that none of the statute's waiver exceptions apply to his particular claim." *Id.* (citing *Williams v. United States*, 50 F.3d 299, 304 (4th Cir. 1995)). "If the plaintiff fails to meet this burden, then the claim must be dismissed." *Id.* (citing *Medina v. United States*, 259 F.3d 220, 223 (4th Cir. 2001)). Because Plaintiff's Amended Complaint fails to identify a waiver of sovereign immunity, it should be dismissed for that reason, as well.⁴

⁴ Even if Court were to construe Plaintiff's claims(s) against the Army and the DoD as arising under the Administrative Procedure Act ("APA"), those claims should nonetheless be dismissed as nonjusticiable because Plaintiff fails to show that he exhausted military remedies. *See Williams v. Wilson*, 762 F.2d 357 (4th Cir. 1985) (requiring that plaintiff show exhaustion of all "available intraservice corrective measures" before a court should review a military decision). Upon information and belief, Plaintiff in fact has a matter pending with the Army Board for Correction of Military Records (ABCMR) ostensibly related to some (or perhaps all) of these claims. *See Bowman v. Brownlee*, 333 F. Supp. 2d, 554 (W.D. Va. 2004) (dismissing plaintiff's claims for lack of jurisdiction where plaintiff had a pending appeal with the ABCMR); *see also Guerra v. Scruggs*, 942 F.2d 270, 277 (4th Cir. 1991) (finding plaintiff had no likelihood of success on the merits because he failed to exhaust administrative remedies). Nor does Plaintiff show how these claims—which appear to have arisen at some point in the 1980s—would survive the statute of limitations under the APA or the Tucker Act. *See* 28 U.S.C. §§ 2401(a), 2501.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court dismiss Plaintiff's Amended Complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

Respectfully submitted,

Robert K. Hur
United States Attorney

By: /s/ Kelly M. Marzullo
Kelly M. Marzullo (Bar No. 28036)
Assistant United States Attorney
36 South Charles Street, 4th Floor
Baltimore, Maryland 21201
(410) 209-4800
(410) 962-2310 (fax)
kelly.marzullo@usdoj.gov

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN,)
)
Plaintiff,)
)
vs.) Civil Action No. 1:20-cv-636-JKB
)
SOCIAL SECURITY)
ADMINISTRATION, *et al.*,)
)
Defendants.)
_____)

ORDER

Upon consideration of the Motion to Dismiss filed by Defendants United States Social Security Administration, Department of Defense, and Department of the Army, all matters in support thereof and in opposition thereto, it is, on this _____ day of _____ 2020, by the United States District Court for the District of Maryland:

ORDERED that the Motion to Dismiss BE and HEREBY IS GRANTED; and it is further ORDERED the above-captioned case BE and HEREBY IS DISMISSED.

James K. Bredar
Chief United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Terry Rene Chapman *
Plaintiff(s) *
*
vs. * Civil Case No.: 1:20-cv-00636-JKB
*
Soc. Sec. Admin., et al. *
Defendant(s) *

NOTICE

The defendant(s), DOD-Dept. of the Army, Soc. Sec. Admin., has/have filed a motion to dismiss or for summary judgment. If this motion is granted, it could result in the dismissal of your case or the entry of judgment against you.

You have the right to file a response to this motion within twenty-eight (28) days from the date of this notice, unless otherwise ordered by the presiding judge. Your response should address the facts and arguments made by defendant(s) in their motion, but please note that Local Rule 105.3 limits the length of a memorandum to 35 pages, excluding attachments such as affidavits and exhibits. Your response should include affidavits (statements made under oath); declarations (statements made subject to the penalty of perjury under 28 U.S.C. § 1746); or other materials that contest the affidavits, declarations, or records filed by the defendant(s), which are needed to show the Court that a genuine issue of material fact remains to be determined and the case should proceed to trial or evidentiary hearing. If you cite to materials in support of your complaint that have NOT been filed with the Court already, you MUST attach them to your opposition. You may cite to any other materials filed by defendant(s) or submitted with your complaint without filing an additional copy.

If you do not file a timely written response, or if your response is inadequate, the Court may dismiss the case or enter judgment against you without further opportunity to present written argument. If you file no written response, the Court will resolve the case based on the materials submitted by defendant(s). For your reference, a copy of excerpts of Federal Civil Rules 12 and 56, which govern a motion to dismiss or summary judgment, are attached to this notice.

FELICIA C. CANNON, CLERK

Dated: September 22, 2020 By: H. Lee
Deputy Clerk

cc: Opposing Counsel

EXCERPTS OF FEDERAL RULES OF CIVIL PROCEDURE
Rule 12 and Rule 56 (effective December 1, 2010)

Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions, Waiving Defenses; Pretrial Hearing

- (a) **Time to Serve a Responsive Pleading.** [OMITTED, but explained in attached Notice]
- (b) **How to Present Defenses.** Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:
 - (1) lack of subject-matter jurisdiction;
 - (2) lack of personal jurisdiction;
 - (3) improper venue;
 - (4) insufficient process;
 - (5) insufficient service of process;
 - (6) failure to state a claim upon which relief can be granted; and
 - (7) failure to join a party under Rule 19.

A motion asserting any of these defenses must be made before pleading if a responsive pleading is allowed. If a pleading sets out a claim for relief that does not require a responsive pleading, an opposing party may assert at trial any defense to that claim. No defense or objection is waived by joining it with one or more other defenses or objections in a responsive pleading or in a motion.

- (c) **Motion for Judgment on the Pleadings.** After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings.
- (d) **Result of Presenting Matters Outside the Pleadings.** If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.
- (e) **Motion for a More Definite Statement.** A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired. If the court orders a more definite statement and the order is not obeyed within 14 days after notice of the order or within the time the court sets, the court may strike the pleading or issue any other appropriate order.
- (f) **Motion to Strike.** The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:
 - (1) on its own; or
 - (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.
- (g) **Joining Motions.**

- (1) **Right to Join.** A motion under this rule may be joined with any other motion allowed by this rule.
- (2) **Limitation on Further Motions.** Except as provided in Rule 12(h)(2) or (3), a party that makes a motion under this rule must not make another motion under this rule raising a defense or objection that was available to the party but omitted from its earlier motion.

(h) **Waiving and Preserving Certain Defenses.**

- (1) **When Some Are Waived.** A party waives any defense listed in Rule 12(b)(2)–(5) by:
 - (A) omitting it from a motion in the circumstances described in Rule 12(g)(2); or
 - (B) failing to either:
 - (i) make it by motion under this rule; or
 - (ii) include it in a responsive pleading or in an amendment allowed by Rule 15(a)(1) as a matter of course.
- (2) **When to Raise Others.** Failure to state a claim upon which relief can be granted, to join a person required by Rule 19(b), or to state a legal defense to a claim may be raised:
 - (A) in any pleading allowed or ordered under Rule 7(a);
 - (B) by a motion under Rule 12(c); or
 - (C) at trial.
- (3) **Lack of Subject-Matter Jurisdiction.** If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.

(i) **Hearing Before Trial.** If a party so moves, any defense listed in Rule 12(b)(1)–(7)—whether made in a pleading or by motion—and a motion under Rule 12(c) must be heard and decided before trial unless the court orders a deferral until trial.

Rule 56. Summary Judgment

- (a) **Motion for Summary Judgment or Partial Summary Judgment.** A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.
- (b) **Time to File a Motion.** Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.
- (c) **Procedures.**
 - (1) **Supporting Factual Positions.** A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:
 - (A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

- (B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.
- (2) **Objection That a Fact Is Not Supported by Admissible Evidence.** A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.
- (3) **Materials Not Cited.** The court need consider only the cited materials, but it may consider other materials in the record.
- (4) **Affidavits or Declarations.** An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

(d) **When Facts Are Unavailable to the Nonmovant.** If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

- (1) defer considering the motion or deny it;
- (2) allow time to obtain affidavits or declarations or to take discovery; or
- (3) issue any other appropriate order.

(e) **Failing to Properly Support or Address a Fact.** If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may:

- (1) give an opportunity to properly support or address the fact;
- (2) consider the fact undisputed for purposes of the motion;
- (3) grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or;
- (4) issue any other appropriate order.

(f) **Judgment Independent of the Motion.** After giving notice and a reasonable time to respond, the court may:

- (1) grant summary judgment for a nonmovant;
- (2) grant the motion on grounds not raised by a party; or
- (3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.

(g) **Failing to Grant All the Requested Relief.** If the court does not grant all the relief requested by the motion, it may enter an order stating any material fact—including an item of damages or other relief—that is not genuinely in dispute and treating the fact as established in the case.

(h) **Affidavit or Declaration Submitted in Bad Faith.** If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for delay, the court—after notice and a reasonable time to respond—may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or subjected to other appropriate sanctions.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN,

Plaintiff,

v.

CIVIL NO. JKB-20-636

SOCIAL SECURITY
ADMINISTRATION, *et al.*,

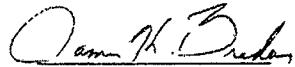
Defendants.

ORDER

Pursuant to Rule 6(b)(1), Plaintiff's motion for an extension of the time to respond to Defendants' motion to dismiss (ECF No. 21) is hereby GRANTED. Plaintiff shall have until November 6, 2020 to file his response.

DATED this 6th day of October, 2020.

BY THE COURT:



James K. Bredar
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN,

Plaintiff,

v. * Civil Action No. JMC-20-636

SOC. SEC. ADMIN., *et al.*,

Defendants.

ORDER

The above-captioned Complaint was filed with the full filing fee, and therefore Plaintiff Terry Rene Chapman bears the responsibility for effecting service of process on Defendants. Plaintiff may effectuate service by presenting summons to the Clerk for signature and seal and then serving a copy of the summons and Complaint on Defendants. Plaintiff has provided summons to the Clerk. Pursuant to Fed. R. Civ. P. 4(c)(2), service of a summons and Complaint may be effected by any person who is not a party and who is at least 18 years of age. Plaintiff is reminded that under Fed. R. Civ. P. 4(l), the person effecting service of the summons and Complaint must promptly notify the Court,¹ through an affidavit, that he or she has served Defendants. Under Fed. R. Civ. P. 4(i), Plaintiff must effect service on a federal agency by serving the summons and Complaint by registered or certified mail on the agency, the United States Attorney General, and the United States Attorney for the District of Maryland.

If there is no record that service was effectuated on Defendants, Plaintiff risks dismissal of this case. Pursuant to Fed. R. Civ. P. 4(m) and Local Rule 103.8.a., if a party demanding

¹ If Plaintiff does not use a private process server, and instead uses certified mail, restricted delivery, return receipt requested, to make service, Plaintiff must file with the Clerk the United States Post Office acknowledgement as proof of service.

affirmative relief has not effectuated service of process within 90 days of filing the Complaint, the Court may enter an order asking the party to show cause why the claims should not be dismissed. If the party fails to show cause within the time as set by the Court, the Complaint shall be dismissed without prejudice.

Accordingly, it is this 2nd day of July, 2020, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Clerk TAKE ALL NECESSARY STEPS to issue summons and to return summons to Plaintiff. If service copies of the Complaint were provided, the Clerk SHALL RETURN them to the Plaintiff; and
2. The Clerk SHALL SEND a copy of this Order to Plaintiff.



J. Mark Coulson
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN,

Plaintiff,

v.

SOCIAL SECURITY
ADMINISTRATION *et al.*,

Defendants.

Case No. 1:20-cv-00636-JMC

*Granted
JP 9/8/2020*

MOTION FOR EXTENSION OF TIME TO RESPOND TO AMENDED
COMPLAINT

The Social Security Administration and the United States Department of the Army (together, the "Defendants"), by their counsel, Robert K. Hur, United States Attorney for the District of Maryland, and Alan C. Lazerow and Kelly M. Marzullo, Assistant United States Attorneys for that district, submit this *Motion for Extension of Time to Respond to Amended Complaint*.

1. On March 10, 2020, Terry Rene Chapman (the "Plaintiff") filed the *Complaint for Employment Discrimination*, *see* ECF No. 1, commencing the above-captioned case. On June 30, 2020, Plaintiff filed an *Amended Complaint*, *see* ECF No. 6 (the "Amended Complaint"). Defendants' current deadline to respond to the Amended Complaint is September 14, 2020.

2. Due to a death in Ms. Marzullo's family, Defendants require additional time, through September 25, 2020, to respond to the Complaint.

3. Defendants have not contacted Plaintiff to determine whether Plaintiff consents to the requested extension, but Defendants submit that Plaintiff will not be prejudiced by the requested brief extension.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN,

Plaintiff,

v.

SOCIAL SECURITY
ADMINISTRATION *et al.*,

Defendants.

Case No. 1:20-cv-00636-JMC

MOTION FOR EXTENSION OF TIME TO RESPOND TO AMENDED
COMPLAINT

The Social Security Administration and the United States Department of the Army (together, the "Defendants"), by their counsel, Robert K. Hur, United States Attorney for the District of Maryland, and Alan C. Lazerow and Kelly M. Marzullo, Assistant United States Attorneys for that district, submit this *Motion for Extension of Time to Respond to Amended Complaint*.

1. On March 10, 2020, Terry Rene Chapman (the "Plaintiff") filed the *Complaint for Employment Discrimination*, *see* ECF No. 1, commencing the above-captioned case. On June 30, 2020, Plaintiff filed an *Amended Complaint*, *see* ECF No. 6 (the "Amended Complaint"). Defendants' current deadline to respond to the Amended Complaint is September 14, 2020.
2. Due to a death in Ms. Marzullo's family, Defendants require additional time, through September 25, 2020, to respond to the Complaint.
3. Defendants have not contacted Plaintiff to determine whether Plaintiff consents to the requested extension, but Defendants submit that Plaintiff will not be prejudiced by the requested brief extension.

WHEREFORE, Defendants request that the Court extend the time through September 25, 2020 to file a response to the Complaint.

Respectfully submitted,

Robert K. Hur
United States Attorney

By: /s/
Alan C. Lazerow (Bar No. 29756)
Kelly M. Marzullo (Bar No. 28036)
Assistant United States Attorneys
36 S. Charles St., 4th Floor
Baltimore, Maryland 21201
(410) 209-4800
Alan.Lazerow@usdoj.gov

Assistant United States Attorney

Alan C. Lazear

/s/

Baltimore, MD 21201

714 W. Cherry Blossom Way

Terry Anne Chapman

Examination of Plaintiff to Respond and to Amend and Complete, with First-class mail, postage pre-paid, to:

I hereby certify that, on September 8, 2020, I sent a copy of the foregoing Motion for
Certification of Service of Process to: *[Redacted]*

CERTIFICATION OF SERVICE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN, *

Plaintiff, *

v. * Civil Action No. JMC-20-636

SOC. SEC. ADMIN., *et al.*, *

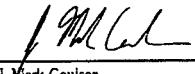
Defendants. *

ORDER

On May 19, 2020, the Court directed Plaintiff Terry Rene Chapman to file, within 28 days, an Amended Complaint that succinctly states his claims as to each Defendant. (ECF No. 3). On June 5, 2020, Plaintiff filed a Motion for Extension of Time to comply with the Court's Order. (ECF No. 4). The Motion shall be GRANTED. Plaintiff is reminded that the Amended Complaint should include brief, concise, and clear factual allegations in compliance with the federal pleading standards. *See* (ECF No. 3). The Amended Complaint should not exceed 10 pages.

Accordingly, it is this 9th day of June, 2020, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Motion for Extension of Time (ECF No. 4) IS GRANTED;
2. Plaintiff is GRANTED twenty-eight (28) days from the date of this Order to file an Amended Complaint not to exceed 10 pages; and
3. The Clerk shall MAIL a copy of this Order to Plaintiff.



J. Mark Coulson
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY RENE CHAPMAN, *
Plaintiff, *
v. * Civil Action No. JMC-20-636
SOC. SEC. ADMIN., *et al.*, *
Defendants. *

ORDER

Self-represented Plaintiff Terry Rene Chapman filed a 91-page Complaint in the above-captioned case on March 10, 2020 and supplemented it on April 27, 2020. (ECF Nos. 1, 2). Upon review of the filings, it is unclear what Plaintiff's claims are against the named Defendants.

Under Federal Rule of Civil Procedure 8(a), a pleading which sets forth a claim for relief shall contain: (1) a short and plain statement of the grounds for the court's jurisdiction; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought. The "short and plain statement of the claim" must simply "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." *Swierkiewicz v. Sorema N. A.*, 534 U.S. 506, 512 (2002) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Under Rule 8(d)(1), each allegation in a complaint should be "simple, concise, and direct." Furthermore, a pleading that offers labels and conclusions or a formulaic recitation of the elements of a cause of action does not satisfy Rule 8's basic pleading requirements. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

Although a complaint need not contain detailed allegations, the facts alleged must be enough to raise a right to relief above the speculative level and require "more than labels and conclusions," as courts "are not bound to accept as true a legal conclusion couched as a factual

allegation." *Twombly*, 550 U.S. at 555. A complaint must contain "enough facts to state a claim to relief that is plausible on its face." *Id.* at 570. Once a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint. *Id.* at 561.

Pro se pleadings, however, are liberally construed and held to a less stringent standard than pleadings drafted by lawyers. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citing *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)); *accord Brown v. N.C. Dep't of Corr.*, 612 F.3d 720, 722 (4th Cir. 2010). *Pro se* complaints are entitled to special care to determine whether any possible set of facts would entitle the plaintiff to relief. *Hughes v. Rove*, 449 U.S. 5, 9-10 (1980). Nonetheless, "[w]hile *pro se* complaints may 'represent the work of an untutored hand requiring special judicial solicitude,' a district court is not required to recognize 'obscure or extravagant claims defying the most concerted efforts to unravel them.'" *Weller v. Dep't of Soc. Servs. for Balt.*, 901 F.2d 387, 391 (4th Cir. 1990) (quoting *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277 (4th Cir. 1985)).

As presented, Plaintiff's Complaint is largely incomprehensible. Due to his self-represented status, Plaintiff shall be afforded the opportunity to file an Amended Complaint to provide *brief, concise, and clear factual allegations* in compliance with the federal pleading standards. Plaintiff should succinctly state his claims as to each Defendant. Plaintiff is forewarned that the failure to file an Amended Complaint within the time specified herein may result in dismissal of the case without prejudice and without further notice.

Accordingly, it is this 19th day of May, 2020, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. Plaintiff is GRANTED twenty-eight (28) days from the date of this Order to file an Amended Complaint addressing the deficiency noted herein;

2. Plaintiff is FOREWARNED that the failure to file an Amended Complaint may result in the dismissal of this case without prejudice and without further notice from the Court; and
3. The Clerk shall MAIL a copy of this Order to Plaintiff.


J. Mark Coulson
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Terry Rene Chapman

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

The Dept. of the Army - DOD
AND

Soc. Sec. Administration

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment
Discrimination

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: Yes No
(check one)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>TERRY R. CHAPMAN</u>
Street Address	<u>714 W. Cherry Blossom Way</u>
City and County	<u>BALTIMORE, MD.</u>
State and Zip Code	<u>MD. 21201</u>
Telephone Number	<u>(410) 468-4442</u>
E-mail Address	_____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>SOC. Sec. Admin.</u>
Job or Title (if known)	<u>OFC. of the Comm'r.</u>
Street Address	<u>Rm#617, ALTY. Bldg., 6401</u>
City and County	<u>Sec. BLVD., Woodlawn, MD.</u>
State and Zip Code	<u>21235-1401</u>
Telephone Number	_____
E-mail Address (if known)	_____

Defendant No. 2

Name	<u>DOD - Dept. of The Army</u>
Job or Title (if known)	<u>Corp. Headquarters Ofc.</u>
Street Address	<u>1500 Defense Pentagow</u>
City and County	<u>Washington</u>
State and Zip Code	<u>DC. 20310</u>
Telephone Number	
E-mail Address (if known)	

Defendant No. 3

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

*(If there are more than three defendants, attach an additional page
providing the same information for each additional defendant.)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s)
is:

Name	<u>Social Security Admin.</u>
Street Address	<u>DO-283</u>
City and County	<u>Glen Burnie</u>
State and Zip Code	<u>MD. 21060</u>
Telephone Number	

An attempt to secure A Notice of Right from the EEOC

Page #4 of js44, Sec II:

* The Plaintiff request for Jurisdiction is of Other Federal Law: A request to Proceed in Federal Court without EEOC Notice of Right.

In Brief:

Dec. 30, 2019, Plaintiff called the Md. Ofc. of EEOC @ 800 669 4000; Plaintiff than was ref. to SSA-EEO Ofc., 866 744 0374, in which Plaintiff left msg., as to the Complaint Based on being a Pro Se Litigator & of VA standings; not aware of time limits in filing, to prove why a case should be taken in the US. Courts; to review issues classified based on Constitutional Matters & Rulings within another agency that led to the current state of the Plaintiff. In that, what is unique about this case is the Element of Relevancy in Pro Se being the issue Courts don't want to face in...SSR 96-8p; & in support of section 423(d) to mean the length of time out of work & its prejudicial conflicts. What is legal-ly correct in subject matter? Is Pro se right on complaint for Mr. Chapman vs, SSA & US. Army, as reason VA don't step-up to Inter-Agency Matters on Veterans Rights; & in this case what led-up to the Action of Wrongful Termination.

The Pro se happen to be a Veteran who feel He is not protected @ Relevant Parts. 12 31 19, EEO, Ofc., Ms. Crystal Johnson, 410 966 2748, return call number. Return call was made & no one was in. Plaintiff left msg to acknowledge her call & as to what steps is needed in this matter.

* Constitutional Provisions like Articles 24 or 26 of the Maryland Declaration of Rights or Article III sub sec 40, of the Maryland Constitution, are specifically designed ... the purpose of the Constitutional Provisions ...

* With respect to those causes of action, statements or promises made to the Vet not an isolated incident. The violated Dismissal Standards should had been considered by the Higher Courts to protect the veteran. Without Explanatory Opinion by the Supreme Court & the US Atty Gen.; discretion should vacate or reverse lower decision in remand with instructions to instate substantial Evidence in defense of the Plaintiff (evidence of the meds, the portfolio & other non-corrected issues). Than Ruled on the Matter of Legal Correctness; documents tracking SSR, for relevant parts for jurisdiction of the Appeal Council & not that of the ALJ: Summary Judgment 2012; to the Rehearing & Rehearing En Banc, request by Petitioner, A Motion to the 4th Cir. to Vacate ... thus, a traditional common law action not to overturn the ALJ, where a Statute establishes Substantial Evidence violations against (1520) for being out of work in Disability Law & the resolution of grievances in Merit System cases for pensions. The abuse is having to live after being violated; the use of opioids; & Unemployment Laws not enforced to protect under Stress Relief, filed for by Plaintiff: Md Dept of Lic Labor & Regulations, Sept. Term 2006, no. 00072.

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (*specify the federal law*):
SSR 96-8P

Relevant state law (*specify, if known*):

Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

* Page #4 of js44, Sec III:

Plaintiff believe he had enter into the military as a recruiting tool & not that of the Delay Entry Program in 1985. Plaintiff believe he was not given the journeymen level employment in 1992, due to transferring inter-agency with no proof of promise by the departing Finance Director-SSA, from St. Gov't. to Fed. Gov't.

Plaintiff believe he was "Harmed" due to being a Protected Individual: The Veteran Service Act; An American with Disabilities; but not limited to.

The Defendants overlook at Relevant Parts that which show'd Disabilities to the wide scope of the Law Judges. Thus, the reason why SSA Management stated, I hope you don't come back; doing the process of being out on leave, prior to separation from Fed. Service...2005...& that the Pro Se must fail...Memo. Sum. Dist. Court of Md.

The Military @ Court Martial didnot agree to change Plaintiff's MOS; to save His willingness to stay in the military; compare to those who were allow to change MOS to maintain service. Thus, the recon in why Plaintiff was used as a Recruiting Tool for the War on Terror & not fulfilling contract of 20yrs in the Delay Entry Program...garrison quarters 1987. Scarred as a soldier; than not being looked at in the light of RIF, as a Veteran too a Reserve Individual Force when or if that of a Gov't shut-down or Fur low, made the Plaintiff feel scarred as well; Personnel had problems with showing RIF on his personnel forms, as the Plaintiff lack the respect of that of a Discharged Officer. This hurt when one Enlist or try to be all he or she can be. Sown to Victory & Vanguard in Nature. The US. Army – Whooraw to God & Country.

DA 3499, Section II, Terry R. Chapman.

A) Heavily discovered evidence. Prior to and at trial, PVT Chapman made it clear that he had severe feet problems and that was the cause of his absences. At trial PVT Chapman presented medical documents from his medical record documenting that problem, all the way back to his initial medical exam. The newly discovered evidence is the Physical Profile Board Proceedings (Enclosure 1). This document further documents the severe problems with his feet and also states that the profile is permanent and that he is not world wide deployable because of it. This evidence, combined with the fact that PVT Chapman has no previous record, again shows that the Summary Court-Martial action is very harsh. PVT Chapman was in pain during the time that these incidents took place and this pain was a direct cause of his absence. If the Summary Court-Martial Officer and the Convening Authority could not understand that before, they cannot ignore the profile.

B) Error prejudicial to the substantial rights of the accused. At the Summary Court-Martial, PVT Chapman made a Motion to Dismiss Charge II because it was multiplicitous with Charge I (Enclosure 2). The Summary Court-Martial Officer (MAJ Mitchell) dismissed Charge II and informed the accused of such. Additionally, the Summary Court-Martial Officer called PVT Chapman's attorney, CPT Hugo and informed him of the same during one of the recesses. The Record of Trial by Summary Court-Martial shows that Charge II was not dismissed, but that two figures were excepted and PVT Chapman was found guilty of the remaining charge. This error was pointed out to the Convening Authority in the 1105 and 1106 metters, yet no corrective action was taken. Attached at Enclosure 3 is a sworn statement by CPT Hugo.

C) Inappropriateness of the sentence. As stated earlier, PVT Chapman has no previous record. He has been in the Army less than a year and his only crime is that he has severe feet problems. Because of these feet problems, (that are well documented and are not being faked by the patient) the Army has convicted PVT Chapman at Summary Court-Martial for failing to go to work because his feet hurt. The appropriateness of this action, let alone the sentence, is uncalled for and demands reversal and/or disapproval. PVT Chapman is not a criminal but a soldier with a medical problem. The cure will not be found in our military justice system but only in our medical treatment facility. The chain of command was aware of this prior to, during, and after the Summary Court-Martial action. Their cure has not cured his medical problems but rather has scarred his record for life.

Case 1:11-cv-00274-SAG Document 26 Filed 12/21/12 Page 3 of 3
Terry R. Chapman v. Commissioner, Social Security Administration
Civil No. SAG-11-274
December 21, 2012
Page 3

Mr. Chapman's RFC.² Social Security Ruling ("SSR") 96-8p states, in relevant part:

[T]he RFC assessment must always consider and address medical source opinions. If the RFC assessment conflicts with an opinion from a medical source, the adjudicator must explain why the opinion was not adopted.

1996 WL 374184. The ALJ's error is not inconsequential. According to SSR 96-8p, the mental activities required by competitive, remunerative, unskilled work include: responding appropriately to supervision, coworkers, and work situations, and dealing with changes in the work setting. See SSR 96-8p, 1996 WL 374184, at *6. Dr. Moore found a limitation precluding this activity, and the ALJ did not address it. I cannot determine whether findings are supported by substantial evidence unless the agency clearly indicates the weight given all of the relevant evidence. *Gordon v. Schweiker*, 725 F.2d 231 (4th Cir. 1984); see also SSR 96-8p. In so finding, I do not express any opinion on whether the ALJ's ultimate conclusion that Mr. Chapman was not disabled was correct or incorrect.

For the above reasons, the Commissioner's decision is reversed and the case is remanded for further proceedings in accordance with the foregoing Memorandum. A separate Order shall

Sincerely yours,

/s/

Stephanie A. Gallagher
United States Magistrate Judge

² In finding that Claimant could perform "light work," and determining that he could perform his past relevant work as an office worker, the ALJ failed to explain how he considered the medical evidence from Dr. Moore. (Tr. 47-49).

(14)

525

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- Failure to hire me.
- Termination of my employment.
- Failure to promote me.
- Failure to accommodate my disability.
- Unequal terms and conditions of my employment.
- Retaliation.
- Other acts (specify): Pro Se - Obligations

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

1985 AND 1992 Respectful To The Deter's.

C. I believe that defendant(s) (check one):

- is/are still committing these acts against me. *Form 3/06/09*
- is/are not still committing these acts against me.

D. *OPM SSA - For NOT OWNING-UP To The OPIoid Crisis.*
Defendant(s) discriminated against me based on my (check all that apply and explain):

- race _____
- color _____
- gender/sex _____
- religion _____
- national origin _____
- age. My year of birth is _____. (Give your year of birth only if you are asserting a claim of age discrimination.)
- disability or perceived disability (specify disability)
For NOT Being Able To Do Under OPIoids.

As a Vol. Worker with VA. Hosp., a Coordinator yell @ Plaintiff, you can't help me with a dam thing ... for what reason the Plaintiff did not know. Employees stated Coordinator has health problems ... but people in authority having mental & physical issues don't want others to know. That effects the well-being of others. At the last position Plaintiff held @ the State Ofc., the Plaintiff's supervisor would say why did you do that; the Plaintiff's response was why did you give me a manual if you didnot want me to read it; on calls coming to my work station. Are Blacks not to be in certain positions or around upper management making decisions? Not limited to those of hate or insensitivity. The law address issues when authority don't apply Relevancy fairly, equally & in whole for the betterment of man & the poverty state as a result of being wrongfully treated as an employee & a Pro se for Justice.

Sincerely,

Terry Chapman, Pro Se.

E. The facts of my case are as follows. Attach additional pages if needed.

See Attachment associated To
The Question(s) and Statements
Presented For Review.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

See Exhibit #8a-d.

B. The Equal Employment Opportunity Commission (check one):

has not issued a Notice of Right to Sue letter.
 issued a Notice of Right to Sue letter, which I received on (date)

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

60 days or more have elapsed.
 less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See ATTchments.

Presently the Plaintiff cannot hold his Head High in Rank or @ the income level of the College Degrees: Plaintiff live @poverty levels & base it on the lack of Jurisprudence in applying the law at Relevant Parts. The entitlement is due to losses in not applying the Law fair & in Whole. The entitlement claim is to help maintain what life the Plaintiff has left.

Exemplary:

Plaintiff was told he was a model soldier but never received rank due to documents under seal or never apart of Portfolio. Plaintiff was told that because he was working in fiscal he could come into a journeymen level in accounting which never happen.

Punitive:

For not making the Wrong Right when Court Rulings indicated erred judgment & non correcting of matter; but also include entitlements not limited to those that one brought-out in cases where people are treated differently for being Protected; but those Plaintiff is un aware of. These issues actual damages & any way to express the hurt monetarily would help to say, loss of income + what had been stated is about 10million in fairness for issues of ongoing matter in loss of life to those who also were recruiting tools or the pro se litigant in judicial matters.

* 2million for Pro se work...who was disabled in the Opioid Crisis.

* 3million for bring to light that of the Recruiters; & the Military for not fulfilling the Promise. The Plaintiff is still under Doctors Care @ VA who administer the Opioids.

* To determine the bases of damages of the questions presented for review to be valid toward the loss of income & if the constitutional question had been satisfied @ relevant part. From day one Plaintiff claim non receipt of journeymen level

journeymen level position @ SSA up to not being allow to be a part of a Class Action for being a field employee. For not being allow to participate in the delay entry promise of "The Portfolio" left Plaintiff without that of an Officer, the lack of dignity & income. Thus loss of income + satisfaction = a lifetime from 1992 to 2005 + 1985 to date without due, as a military recruiting tools; no pension; & for loss of employment in the opioid crisis. Plaintiff left gov't @ 50,000 a yr...wrongfully terminated in 2005.

* If Plaintiff worked until 66; 16x50,000 plus (& overtime & grade increases) = 800,000 +, Est 1.5million\$. the Plaintiff was not able to continue his education, Est undeterminable @ this time about a 1.5million\$; the military 20yrs of ser., from 1985: Plaintiff would not have been @ Ft. Stewart & situations undeterminable Est: depression was placed on Plaintiff about the "Portfolio", 1.5million\$. Plaintiff want more for being Black with no reparations or restitution, Title VII. Plaintiff is still feeling ostracized to a Slave Mentality; over worked and under staff, with the work falling on the ones that get little for their efforts & subordinate ways; hung out like he ant nothing; we don't respect Him; & misinformed on the sf3106.

* Harm or Discrimination do to Employment Practices, 2million\$. Not to respect that of the Pro Se in the judicial system; is in need of the Courts to improve Relations: The same with the Delay Entry Program as a Recruiting Tool. The issue of the Plaintiff's Relevancy to that of the Defendants, & the adjudication of not knowing if subject matter is correct, & not correcting the wrongs, 2million\$.

* Compensatory Damages:

Total to be awarded in damages 13million\$ to the Plaintiff. Atty fees + interest since 1985, over the amount of the Settlement is to be paid by the Defendants to the Pro Se.

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* Compensatory Damages:

Total to be awarded in damages 13million\$ to the Plaintiff. Atty fees + interest since 1985, over the amount of the Settlement is to be paid by the Defendants to the Pro Se.

* Notes: Not limited to the Color of Law: The reallege of being sensitive to that which is Harmful to the Victim. A total judgment for Favor in Rank E5; E6 due to

hardship vs. an Academy life style; Title 2 of the Soc. Sec. Act; My FERS-Pension; and Total Damages. Reparations & or Restitution, Title VII : Plaintiff is still feeling ostracized to a Slave Mentality, the Question remains as to a formula to pay this as well. POD, Beneficiary, Todd S. Oliver, Brother.

The Basis for these amounts are: The fundamental interest of poverty after the opioid medications on the Plaintiff. The Plaintiff had a job prior to the opioids; & the gov't did not aid in the veteran's need for hardship changes prior to termination. The administration's errors & the court system's abuse in discretion in granting SSA's Motion in not knowing of legal correctness within their decisions: and the Military to not adjust to the Delay Entry Promises @ Court Martial. These judgments must be reversed: Defendants were mal adjusted to the conditions of the Law. These deviations are mal to the practice of the law. Malfeasance by Defendants to the Plaintiff not to adjust to the evidence of the Plaintiff to correct the wrong in adjudicating what matters, is relevant.

Sincerely,

Terry Chapman, Pro Se,

Jan. 28, 2020.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3-9-2020,

Signature of Plaintiff _____
Printed Name of Plaintiff _____

(If more than one plaintiff is named in the complaint, attach an additional certification and signature page for each additional plaintiff.)

B. For Attorneys

Date of signing: _____, 20 ____

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Address _____
Telephone Number _____
E-mail Address _____

In The United States District Court for the District of Maryland

Baltimore, Md. 21201 -

(410)

Terry R. Chapman

Plaintiff

v.

Soc. Sec. Admin. & The Dept. of The Army

Defendants.

NO. 1120-2V-00636-JAC

(Plaintiff's Home Address)

Terry Chapman - Pro Se

(410) 468 4442

714 W. Cherry Blossom Way

Baltimore, Md. 21201

Question(s) and Statements Presented for Review:

MSPB - Doc.# PH-0841-0440-I-1; Public Law 102-166-Nov. 21, 1991:105stat.1072,102d Congress.

SSA - Ref.: Supreme Court File # 17-0471; and

4th Cir. Case # 16-1173.

MSPB - Case # DC-3443-97-0153-I-1(12-16-96)

EEOC - Appeal No. 01a23860 (BMFJ) (2-22-02).

DLLR - No. 00072, Sept. Term, 2006; cc#24-c-05-007687, Appeal #0511238; Stress Relief Act, Rule 7 & Article 8 for unemployment, Appeal #0607151.

US. Army - DA 3499, Sec II (1985 - 1987).

In Brief: Jurisdiction for Wrongful Termination and Restitution of loss(es).

I'm filing to this Court for Jurisdiction & the Judication of a Wrongful-Termination of Employment: Federal Gov't & Military Service. At the time of Plaintiff's separation from the Federal Gov't. & Military Service; SSA, & the Dept. of the Army, were the agencies of record; they had records that Mr. Chapman was under and is still under medical care: now as a Disabled Veteran. Plaintiff, the Petitioner try(ed) to get SSA's management to help as his disabling conditions worsen: The Petitioner received false information about the forms he was to sign and return back for separation from federal service; as the Plaintiff failed to understand what the forms in his separation package indicated; and if He was mis-led (Military & Federal Service). I am petitioning this Court to review the Attorney General of the U.S., & The US. Supreme Court's review of the Constitutional Matter in Terry Chapman vs. SSA: case # 17-0471(2017); & address The Md. Declaration of Rights, as to Mr. Chapman's recourse in taking jurisdiction in Mr. Chapman's Wrongful Termination for restitution of loss(es)) as a citizen of

Maryland.

Unable to get Relief from the Supreme Court on a matter of Law, from the 4th Cir., to the lower Courts; as a 100% disabled veteran since 2005; in that the Plaintiff was not protected by OPM nor SSA where he was separated from work. Plaintiff lost his FERS Pension and had not been able to get Representation, in legal matters. Acting as Pro Se, yield little in his efforts to get disability retirement from SSA; as well as proving relevance in being under Doctors care and on opioid prescriptions in 2005, the year of separation. Plaintiff's separation was done, by phone to the Phila., Pa., Regional Office of SSA and OPM: because of the lack of hands-on counseling needed in this issue, Mr. Chapman was out of work from the Glen Burnie Field Office in Md., and unable to do any work with pain and opioid induce issues. So, Plaintiff asked the Maryland Human Relations Commission to accept this case, but was advise to the Md. Court of Special Appeals, in hope that relief would aid in Plaintiff's quest for getting his FERS Pension; his Disability Retirement and his Rank as per stated to him in the Delay Entry Process of the Military. Due to being a federal matter, the State was no help. I, Terry Chapman, is writing to find-out, if there is anything I can do at this time to receive help from your Magistrate; toward a decision that will yield a favorable outcome for Title 2 of the Soc. Sec. Act; my FERS Pension; and Promises made from The Dept. of the Army; since some of these issues are out of this Court & the 4th Cir., of prior Rulings @ Relevant Parts?

To Conclude:

Your Honor, Mr. Chapman separated from Military Service, in which he believed He was to enter at the rank of E5, & with a signing bonus, based on his Portfolio, 1984. Then, Mr. Chapman vs SSA (MSPB) Appeal 06-24-1997, Chapman argue, Merit in Adverse Action: than at the 2009 and 2010 Remand issues for T2: than 2017 on the 4th Cir. level, for the jurisprudence's in the law, pleading for the Plaintiff's Rights at Relevant Parts. SSA use only portions of the law to address disability of a disabled veteran of the Arm Forces. I was not heard on these issues as no Judge would take-up the Rules established in prior cases. Unless

the Agency or the Judicial Body uphold the Rights of Due Process, the individual will be discriminated against his/her Constitutional Rights; and the agency will not be bond to ensure the individual the nature and scope of that Constitutional Right. I'm arguing the fairness that lead to the action; and that which lead too, not being heard by the US. Atty. General and the US. Supreme Court. This implies a judgment of the Court deciding the Matter as oppose to a proceeding in which the Merit of the cause of action (were not reached, e.g.). Public Law 102-166- nov.21, 1991: 105 stat.1072, 102d Congress. In case # DLLR - No. 00072, Sept. Term, 2006, the Judge was prejudice to Mr. Chapman, in why Management was trying to oust Mr. Chapman. Mr. Chapman stated that Management told him, "I hope you don't come back. Mr. Chapman asked the Judge to question Management about the issue & the Judge did not question why Management had ousted Mr. Chapman; as Management continued with more mere procedural formalities to close out Mr. Chapman's case for no unemployment & no worker's compensation; saying He quit his job vs. He resign due to Health. Then, Mr. Chapman's reason for why the Judge did not show just cause for not questioning Management's part in ousting Mr. Chapman, was not heard in rebuttal; common to all aspects of the Veterans Act, and why the violations of Mr. Chapman's Rights in accordance to the Stress Relief Act, DLLR; but not limited to what was mounting(I solicit the Court to address Citizens Right to be heard on all levels)(in SSA discrimination on Plaintiff: females vs. males; male vs. male or more SSA discrimination on Black Men; or the medicating of the Veteran in Doctors' Care). Mr. Chapman would like full judiciary authority in applying of laws in this matter of Disability and Wrongful Termination; & a review of the writ of Certiorari filed Aug., 2017: If not a matter of ones rights, per Rule 10; but a judicial discretion: the right to be heard is part of due process, & due process is constitutional; which is compelling to the same group of people who think Arguments are given more weight to rich people than those characterize as Pro Se; or to the average American seeking justice. The last step of being Judge Fairly is the Highest Court: The relevant element is Due Process. To be Heard. This fulfilling matter is the Constitutional Element for Justice. I believe discrimination is due to not applying the law to all people: This allow the winning party(s) a decision(s) to stand in the Higher Courts against the Prudence

in the Law & the Institution to reign or stand over Citizens as lord over how to apply the law for control over the mockery of mis-stakes; or slavery to the controlling party to keep the pattern of the little man from being heard! That is the Discriminatory Element, I have been facing,@ Relevant Parts.

Petition for Consideration:

I am petitioning the court for jurisdiction in a matter of law to help a Maryland Citizen of Baltimore City: to be heard over a legal Constitutional Right. Petitioner had been denied by several agencies and is seeking recourse on these matters.

The lack of due process in the law for jurisprudence for a fair hearing ... to determine a decision without errors or prejudice ... preconceived in judgment for being protected from that which constantly face the Black Man and Disabled Veteran and a Pro Se: A Pro Se with limited resources do not get the same respect as an attorney within the juridical system: but not limited to cases of discrimination in the Federal Gov't. But to uphold Rights, taken away due to the Supreme Court not wanting to hear Writs of Certiorari: or taking-up causes when the US. Atty Gen., is not willing to review or made to hear, as stated in the attached documents of Exh. #7f: or for not having the Circuit Court to address precedents of prior rulings addressing Relevant Parts: or the lower Courts not willing to overturn an ALI's decision, with substantial evidence by the petitioner in place as a defense to show Defendants their errors: and how the defendants have and had been prejudice toward Petitioner. Thus, the Original Complaint of the Law in whole vs. a wide scope of the ALI's imagination for being able to feel the Petitioner's pain and argument for working under pain in past relevant work (& not being able to do past relevant work) that lead to the disabilities and chronic issues: and the prescriptions prescribed by VA Medical Hospital that lead to the separation from work: and bed dependency: or a period of disability once the Law was material in the Dist. Ct. of Md's proceedings' "for being out of work for at least a year as Relevant".

The Act

Sec.3. Purpose.

(3) to confirm statutory authority and provide statutory guidelines for the adjudication disparate impact suits, under title vii of the Civil Rights Act of 1964 (42USC 2000(e) et seq.); and to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims...

Relevant scope could also respond to the Americans with Disabilities Act of 1990. Reasonable and good faith efforts. e.g. complaining party, appellant demonstrated, that a respondent uses a particular employment practice that causes a Disparate Impacts; with respect to T2 or (Title2); a scope outside the Law to avoid a disabled veteran from T2 of the Soc. Sec. Act for Disability Retirement, when out of work for more than a year: on opioids by the Veterans Admin. Health Care, which led to no FERS Pension in Aug. of 2017, age 62: and a Wrong-full Termination from Federal Gov't. Service in 2005: As well as Good Cause for needing help in Chapman vs. OPM: and if possible to address the help to allow Mr. Chapman into the Class Action Suite, Black Males against SSA; that denied him, due to Mr. Chapman being a "Field Employee" and not of HQ in Woodlawn, Md.

42USC

2000e-4

Note. An employer shall not be excused from compliance with the requirements, sec.111. Education and outreach targeted to individuals who historically have been victims of employment discrimination. In hopes that I don't remain without my FERS Pension or Title 2 Retirement; and other issues of Merit; The US. Military.

I thank you very much Chief Judge.

Terry R. Chapman, Pro Se,

Parties Associated with Case

- * The US District Court for the District of Maryland, 101 W. Lombard St., Balt., Md. 21201.
- * US. MSPB, Clerk of the Board, 1615 M. Street, NW., Washington, DC. 20419.
- * US. OPM, Retirement Ser. - Appeals, Rm# 3449, 1900 E. Street, NW., Wash., DC. 20414-3551.
- * DOD-Dept. of the Army - Corp. Headquarters Ofc., 1500 Defense Pentagon, Wash., DC. 20310.
- * SSA, Atty Bldg., 6401 Security Blvd, Woodlawn, Md. 21235-6401
- * U.S. EEOC - 131 M Street, 4th Fl., Ste# 4nw02f, NE., Wash., DC. 20507-0100.
- * U.S. Dept. of Justice, 900 Penn Ave., NW., Wash., DC. 20530-0001.
- * DLLR - St. of Md. Ofc of The Atty Gen., 500 N. Calvert St, Ste406, Balt., Md. 21202-3651.
- * Md. Disability Determination Service, 211 Schilling Cir., Hunt Valley, Md.



SOCIAL SECURITY

TEH2
209011AM

October 6, 2020

Terry R. Chapman
714 West Cherry Blossom Way
Baltimore, MD 21201

Dear Terry R. Chapman:

This letter is in response to your April 20, 2020 inquiry. We regret the delay in responding.

The Department of the Army has jurisdiction over this matter. Therefore, we are referring your inquiry to that agency at Chief of Public Affairs, 1500 Army Pentagon, Washington, DC 20310.

We invite you to visit our website at www.socialsecurity.gov/myaccount to learn what you can do online when you create a secure and easy-to-use *my* Social Security account. You can also get answers to frequently asked questions at www.socialsecurity.gov/faqs.

If you have any other questions or have problems creating a *my* Social Security account, we suggest that you call our National 800 Number, 1-800-772-1213 (1-800-325-0778, if you are deaf or hard-of-hearing). Our representatives will be glad to help you.

Social Security Administration

SOCIAL SECURITY ADMINISTRATION BALTIMORE, MD 21235-0001

Progress Notes

Printed On Aug 26, 2021

TEETH FOR AT LEAST 1 MINUTE. SPIT OUT TOOTHPASTE;
DO NOT RINSE MOUTH. DO NOT EAT OR DRINK FOR 30
MINUTES.

13) THERAPEUTIC VITAMINS & MINS CAP/TAB TAKE 1 TABLET ACTIVE
EVERY DAY * MULTIVITAMIN SUPPLEMENT *

14) WITCH HAZEL TOPICAL PADS (EACH) USE 1 PAD TO AFFECTED ACTIVE
AREA EVERY DAY WHEN NEEDED AS DIRECTED.

Pending Outpatient Medications	Status
--------------------------------	--------

1) TRAMADOL HCL 50MG (CS) TAB TAKE ONE TABLET EVERY PENDING
SIX HOURS

15 Total Medications

I HAVE RECEIVED AND UNDERSTAND THE ABOVE INSTRUCTIONS.

Patient/Caretaker Signature: _____
Date: JUL 28, 2020

/es/ WALTER G BELLERZA, MD
ATTENDING PHYSICIAN, ECS
Signed: 07/28/2020 13:55

LOCAL TITLE: ED TRIAGE NOTE
STANDARD TITLE: EMERGENCY DEPT TRIAGE NOTE
DATE OF NOTE: JUL 28, 2020 12:31 ENTRY DATE: JUL 28, 2020 12:31:55
AUTHOR: POBRE, JOSEPH M EXP COSIGNER:
URGENCY: STATUS: COMPLETED

Emergency Department Triage Note
Patient age: 64 Sex: MALE
On arrival patient was: AMBULATORY
Patient phone number: 443-802-1060

Subjective/Chief Complaint:
Patient came in reporting lower back pain, left shoulder pain, arm pain
and head s/p MVC 5 days ago.

Objective:

1a. Does patient have a fever > 100.4 with a cough? No
1b. Patient with cough and/or hemoptysis given a facial mask to wear?
No
1c. Patient with cough and fever placed in a private room?

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)
CHAPMAN, TERRY RENE
714 W CHERRY BLOSSOM WAY
BALTIMORE, MARYLAND 21201

VISTA Electronic Medical Documentation
Printed at BALTIMORE VA MEDICAL CENTER

Page 6

Progress Notes

Printed On Aug 26, 2021

<p>6. If yes, at any time in the past month did you intend to carry out this plan? Response not required due to responses to other questions.</p> <p>7. In your lifetime, have you ever done anything, started to do anything, or prepared to do anything to end your life (for example, collected pills, obtained a gun, gave away valuables, went to the roof but didn't jump)? No</p> <p>8. If YES, was this within the past 3 months? Response not required due to responses to other questions.</p> <p>PAIN ASSESSMENT Patient is ABLE to verbalize pain status</p> <p>Patient states he/she does have pain at this time CURRENT PAIN LEVEL:6 PATIENT VERBALIZES: Pain interferes with his/her life</p> <p>LOCATION: Lower back, shoulder and head QUALITY OF PAIN: Sharp Comment:</p> <p>ONSET: Jul 24, 2020 Emergency Severity Index (ESI) level Level 3</p> <p>/es/ JOSEPH M POBRE, BSN, RN Staff Nurse, Emergency Department Signed: 07/28/2020 12:36</p>

LOCAL TITLE: PRIMARY CARE FOLLOW-UP NOTE-BOILERPLATE
STANDARD TITLE: PRIMARY CARE NOTE
DATE OF NOTE: MAY 02, 201908:23 ENTRY DATE: MAY 02, 201908:23:18
AUTHOR: ABICHANDANI, SONIA J EXP COSIGNER:
URGENCY: STATUS: COMPLETED

*** PRIMARY CARE FOLLOW-UP NOTE-BOILERPLATE Has ADDENDA ***

Reason for visit:

Interval history:

Mr. Chapman is a 63yo M with PMhx of HTN, HLD, and CAD s/p nuclear medicine stress test in December 2015 showing anterior myocardial ischemia and possible inferior ischemia (unchanged from 2012) and low back pain who is presenting for R knee pain.

HTN: He reports compliance with HCTZ 37.5mg daily and his home BP.readings range

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)	VISTA Electronic Medical Documentation
CHAPMAN, TERRY RENE 714 W CHERRY BLOSSOM WAY BALTIMORE, MARYLAND 21201	Printed at BALTIMORE VA MEDICAL CENTER

Page 6

IN THE SUPREME COURT OF THE UNITED STATES

CHAPMAN, TERRY R.
Petitioner

vs.

No: 17-0471

COMMISSIONER, SOCIAL SECURITY

WAIVER

The Government hereby waives its right to file a response to the petition in this case,
unless requested to do so by the Court.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

October 30, 2017

cc:

TERRY R. CHAPMAN
714 W. CHERRY BLOSSOM WAY
BALTIMORE, MD 21201

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-7780
Fax (410) 962-1612

December 21, 2012

LETTER TO COUNSEL

RE: *Terry R. Chapman v. Commissioner, Social Security Administration;*
Civil No. SAG-11-274

Dear Counsel:

Pending, by their consent, are the parties' Motions for Summary Judgment¹ concerning the Commissioner's decision denying Mr. Chapman's claim for Disability Insurance Benefits ("DIB"). ECF Nos. 8, 13, 18, 23. I must uphold the Commissioner's decision if it is supported by substantial evidence and if proper legal standards were employed. 42 U.S.C. § 405(g); *Craig v. Chater*, 76 F.3d 585, 589 (4th Cir. 1996); *Coffman v. Bowen*, 829 F.2d 514, 517 (4th Cir. 1987). A hearing is unnecessary. Local Rule 105.6 (D. Md. 2011). For the reasons that follow, I will deny both Motions and remand this case for further proceedings in accordance with this opinion.

Terry R. Chapman ("Mr. Chapman") applied for DIB on March 1, 2007, alleging that he was disabled as of March 1, 2006 due to degenerative joint disease, arthritis in his feet, mental issues, low red and white blood count, and anemia. (Tr. 47, 108, 131). His claim was denied initially, and upon reconsideration. (Tr. 40-41). At Mr. Chapman's request, a hearing was held before Administrative Law Judge ("ALJ") J. Robert Brown on July 14, 2009. (Tr. 18-39). After the hearing, the ALJ concluded in a decision dated July 23, 2009 that Mr. Chapman's bilateral flat feet, torn right rotator cuff, hemorrhoids, osteoarthritis in his ankles and two fingers of the right hand, and hypertension were all severe medically determinable impairments. However, the ALJ found that Mr. Chapman's impairments did not meet or medically equal any of the listed impairments ("The Listings") contained in 20 C.F.R. Part 404, Subpart P, App. 1. (Tr. 47, 49), and that Mr. Chapman retained the residual functional capacity ("RFC") to perform "light" work. Based on his age, education, and RFC, and testimony from a vocational expert ("VE"), the ALJ found that Mr. Chapman could perform his past relevant work as an office worker. (Tr. 52). Accordingly, the ALJ found that Mr. Chapman was not disabled. (Tr. 45-53). On December 10, 2010, the Appeals Council denied Mr. Chapman's request for review, leaving the ALJ decision as the final decision of the agency. (Tr. 1-5).

¹ Terry R. Chapman, who is *pro se*, has filed his "Motion in Summary" in accordance with the scheduling order. Because Plaintiff is a *pro se* litigant, I am construing his filing liberally. ECF No. 18.

Terry R. Chapman v. Commissioner, Social Security Administration

Civil No. SAG-11-274

December 21, 2012

Page 2

Mr. Chapman alleges that the ALJ made several errors. As explained below, I conclude that the ALJ's decision is not supported by substantial evidence. After review of the entire record, I find that the ALJ failed to apply the appropriate standard concerning medical opinions when assessing the severity of Mr. Chapman's mental impairments at step two, and consequently in determining Mr. Chapman's RFC.

The primary problem in this case is the ALJ's failure to adequately discuss all the pertinent medical evidence when explaining his rationale for his finding at step two. (Tr. 236-53). The ALJ found that Mr. Chapman's medically determinable "mental impairments of delusional disorder, adjustment disorder, and psychotic disorder considered singly or in combination do not cause more than minimal limitation in the claimant's ability to perform basic mental work activities and therefore are non-severe." (Tr. 47). The ALJ documented specific findings as to the degree of limitation in each of the four areas of functioning described in paragraph (c) of § 404.1520a, stating that Mr. Chapman had: (1) "mild" limitations in activities of daily living; (2) "mild" limitations in social functioning; (3) "mild" limitations in concentration persistence or pace; and (4) experienced "no" episodes of decompensation. (Tr. 47-48) (emphasis added). To support these findings, the ALJ discussed the reports from Dr. Steven A. Hirsch, and Dr. Alan Langlieb, Exhibits 4-F and 9-F respectively. However, the ALJ never discussed the reports submitted by state agency physician Dr. C.B. Moore, Exhibits 11-F and 12-F. (Tr. 236-52). Dr. Moore's report supports Mr. Chapman's allegations that his mental illness is severe and that it impacted his ability to perform work.

In November-2007, Dr. Moore reviewed Mr. Chapman's medical records and completed a Psychiatric Review Technique Form ("PRTF") and a Mental Residual Functional Capacity Assessment ("MRFCA") assessing Mr. Chapman's ability to perform work related activities. (Tr. 236-52). Dr. Moore stated that Mr. Chapman had: (1) "mild" limitations in activities of daily living; (2) "moderate" limitations in social functioning; (3) "moderate" limitations in concentration persistence or pace; and (4) experienced "one or two" episodes of decompensation. (Tr. 246) (emphasis added). Dr. Moore also stated in his PRTF that Mr. Chapman was "moderately" limited in his ability to: (1) understand and remember detailed instructions; (2) carry out detailed instructions; (3) maintain attention and concentration for extended periods; (4) perform activities within a schedule, maintain regular attendance, and be punctual within customary tolerances; (5) work in coordination with or in proximity to others without being distracted by them; (6) complete a normal work-day without interruptions from psychologically based symptoms and to perform at a consistent pace without an unreasonable number and length of rest periods; (7) accept instructions and respond appropriately to criticism from supervisors; (8) get along with coworkers or peers without distracting them or exhibiting behavioral extremes; (9) maintain socially appropriate behavior and to adhere to basic standards of neatness and cleanliness; and (10) respond appropriately to changes in the work setting. (Tr. 250-51).

The ALJ did not even note Dr. Moore's report in his decision. The ALJ did not find a severe mental limitation at step two, and did not consider Dr. Moore's opinion in determining

Note: VA 1462-0 Plaintiff unemployable; 2005.

Terry R. Chapman v. Commissioner, Social Security Administration
Civil No: SAG-11-274
December 21, 2012
Page 3

Mr. Chapman's RFC.² Social Security Ruling ("SSR") 96-8p states, in relevant part:

[T]he RFC assessment must always consider and address medical source opinions. If the RFC assessment conflicts with an opinion from a medical source, the adjudicator must explain why the opinion was not adopted.

1996 WL 374184. The ALJ's error is not inconsequential. According to SSR 96-8p, the mental activities required by competitive, remunerative, unskilled work include: responding appropriately to supervision, coworkers, and work situations, and dealing with changes in the work setting. See SSR 96-8p, 1996 WL 374184, at *6. Dr. Moore found a limitation precluding this activity, and the ALJ did not address it. I cannot determine whether findings are supported by substantial evidence unless the agency clearly indicates the weight given all of the relevant evidence. *Gordon v. Schweiker*, 725 F.2d 231 (4th Cir. 1984); see also SSR 96-8p. In so finding, I do not express any opinion on whether the ALJ's ultimate conclusion that Mr. Chapman was not disabled was correct or incorrect.

For the above reasons, the Commissioner's decision is reversed and the case is remanded for further proceedings in accordance with the foregoing Memorandum. A separate Order shall issue.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States Magistrate Judge

² In finding that Claimant could perform "light work," and determining that he could perform his past relevant work as an office worker, the ALJ failed to explain how he considered the medical evidence from Dr. Moore. (Tr. 47-49).

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)		2. Social Security Number		3. Date of Birth		4. Effective Date	
CHAPMAN, TERRY R				08/12/55		01/11/04	
FIRST ACTION							
S-A. Code		S-D. Nature of Action		G-A. Code		S-D. Nature of Action	
894 PAY ADJ				G-C. Code		S-D. Legal Authority	
S-C. Code		S-D. Legal Authority		G-C. Code		S-D. Legal Authority	
QUM REG 531.205				G-E. Code		S-F. Legal Authority	
S-E. Code		S-F. Legal Authority		G-E. Code		S-F. Legal Authority	
ZLM EO 13332 DTD 03/03/04				G-F. Code		S-G. Legal Authority	
15. TO: Position Title and Number							
SOCIAL INSURANCE SPECIALIST				SOCIAL INSURANCE SPECIALIST			
CLAIMS REPRESENTATIVE				CLAIMS REPRESENTATIVE			
S2D3LZ02 03C3610				S2D3LZ02 03C3610			
16. Pay Basis		10. Grade/Level		12. Step/Rate		13. Pay Basis	
GS 0105		11 02		\$ 51129		PA	
12A. Basic Pay		12B. Locality Adj.		12C. Ad. Pay		12D. Other Pay	
\$ 45075		\$ 6054		\$ 51129		\$ 0	
17. Grade/Level							
GS 0105		11 02		\$ 52279		PA	
12A. Basic Pay		12B. Locality Adj.		12C. Ad. Pay		12D. Other Pay	
\$ 45607		\$ 6672		\$ 52279		\$ 0	
18. Name and Location of Person's Organization							
OPERANS DRC OFC REGNL COMM PHILADELPHIA AREA DIR #2 FO, GLEN BURNIE, MD							
19. Name and Location of Person's Organization							
OPERANS DRC OFC REGNL COMM PHILADELPHIA AREA DIR #2 FO, GLEN BURNIE, MD							
20. Employee Data							
21. Veterans Preference							
4		1-None 2-2 Pt. 3-10 Pt. 4-10 Pt. Comp.		5-10 Pt. Other 6-10 Pt. 33% Comp.		22. Agency Use	
27. FEGLI		WAIVED		1-None 2-Confidential 3-Indefinite		M SEX	
28. FEGLI Coverage				25. Agency Use		26. Veterans Preference for <i>REF</i>	
B0				1-None 2-Confidential 3-Indefinite		<input type="checkbox"/> YES <input type="checkbox"/> NO	
29. Authorization Indicator							
30. Retirement Plan		9 NOT APPLICABLE		31. Pay Rate Determinant			
K FERS & FICA		02/07/87		0			
32. Work Schedule							
33. Position Data		F FULL-TIME		34. Part-Time Hours Per Week/ Pay Period			
34. Position Occupied		35. FLSA Category		36. Appropriation Code		37. Bargaining Unit Status	
1-Competitive Service 2-Executive Service		3-SES General 4-SES Career Reserved		N E-Exempt E-Nonsuperv		4006283	
38. Duty Status Code		39. Duty Status (City-County-State or Overseas Location)		40. Duty Status (City-County-State or Overseas Location)		1535	
24-0673-003		GLEN BURNIE, ANNE ARUNDEL, MARYLAND					
41. Agency D/P/UNC		42. EDUC LVL		43. SUPV LVL		44. POSITION SENSITIVITY	
CLS 00		P		17		8 NONSENSITIVE/LOW RI	
45. Remarks							

NEW EXECUTIVE ORDER IN NARRATIVE SUPERSEDES E.O. 13322, DATED 12/30/03
SALARY INCLUDES A GENERAL INCREASE OF 1.2 PERCENT AND, IF APPLICABLE, A
LOCALITY PAYMENT (OR OTHER GEOGRAPHIC ADJUSTMENT) FOR THIS AREA.

56. Requesting Department or Agency			58. Signature/Identification and Title of Approving Official		
SZ - SOCIAL SECURITY ADMIN			SZ00091166		
57. Agency Code	58. Personnel Office ID	59. Approval Date	60. Authorization Official		
SZ00	1166	01/11/04	040444114		

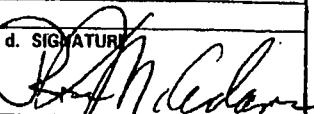
(22)

PPOL.CJC

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES

ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

**CORRECTION TO DD FORM 214,
CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

1. NAME <i>(Last, First, Middle)</i> CHAPMAN TERRY RENE	2. DEPARTMENT, COMPONENT AND BRANCH ARMY/RA	3. SOCIAL SECURITY NUMBER <i>(Also, Service Number if applicable)</i> ██████████
4. MAILING ADDRESS <i>(Include ZIP Code)</i> 8256 OLD MILL RD PASADENA MD 21122		
5. ORIGINAL DD FORM 214 IS CORRECTED AS INDICATED BELOW:		
ITEM NO.	CORRECTED TO READ	
4A	SEPARATION DATE ON DD FORM 214 BEING CORRECTED: 23 JAN 87	
4B	E-3//NOTHING FOLLOWS	
6. DATE <i>(YYYYMMDD)</i> 20020208	7. OFFICIAL AUTHORIZED TO SIGN	
	a. TYPED NAME <i>(Last, First, Middle Initial)</i> ADAMS ROSE M	b. GRADE G39
	c. TITLE MPMS ARPERSONCOM	d. SIGNATURE 

DD FORM 215, FEB 2000

PREVIOUS EDITION IS OBSOLETE.

Medications

Printed On Aug 8, 2019

	<p>Status: EXPIRED Start date: DEC 01, 2005 Stop date: DEC 02, 2006 Refills remaining: 1 Days supply: 20 Quantity: 24</p> <p>Comments:</p> <hr/> <p>RISPERIDONE 1MG TAB TAKE ONE TABLET AT BEDTIME</p> <p>Status: EXPIRED Start date: NOV 03, 2005 Stop date: NOV 04, 2006 Refills remaining: 11 Days supply: 30 Quantity: 30</p> <p>Comments:</p> <hr/> <p>CLOTRIMAZOLE TOPICAL CR 1% (gram) APPLY CREAM TO AFFECTED AREA TWICE A DAY</p> <p>Status: EXPIRED Start date: SEP 09, 2005 Stop date: SEP 10, 2006 Refills remaining: 0 Days supply: 30 Quantity: 30</p> <p>Comments:</p> <hr/> <p>CONDOM NON-LUBRICATED (EA) USE CONDOM AS DIRECTED (SUPPLY ITEM)</p> <p>Status: EXPIRED Start date: AUG 05, 2005 Stop date: AUG 06, 2006 Refills remaining: 3 Days supply: 7 Quantity: 12</p> <p>Comments:</p> <hr/> <p>HYDROCHLOROTHIAZIDE 25MG TAB TAKE ONE-HALF TABLET EVERY DAY</p> <p>Status: EXPIRED</p>
--	--

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)
CHAPMAN, TERRY RENE
714 W CHERRY BLOSSOM WAY
BALTIMORE, MARYLAND 21201

VISTA Electronic Medical Documentation
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DEPARTMENT OF THE ARMY
ARMY REVIEW BOARDS AGENCY
1901 SOUTH BELL STREET 2ND FLOOR
ARLINGTON, VA 22202-4508

February 3, 2005

SFMR-RBR-QC/ras
CHAPMAN, TERRY R.
Q20040004000

Mr. Terry R. Chapman
714 West Cherry Blossom Way
Baltimore, Maryland 21201

Dear Mr. Chapman:

I am responding to your letter, dated December 10 2004, to the Army Board for Correction of Military Records (ABCMR), concerning reconsideration of your applications. My office provides support to the ABCMR.

On August 27, 2002 and on April 22, 2003, the ABCMR denied your applications for a medical discharge and for promotion pay grade E-4. Accordingly, the ABCMR has directed me to file your letter without action. If you wish to pursue your case, you should do so in a Federal court of competent jurisdiction.

I trust this information is helpful.

Sincerely,

Rick A. Schweigert
Rick A. Schweigert
Chief, Congressional and Special Actions

Printed on Recycled Paper

(tr.17, 87-88).

Social Security Administration Office of Disability

Adjudication and Review; transcript: 11-26-13, Melvin

Olmscheid, ALJ; page # (tr.577, 637).

No. 00072, September Term, 2006: (tr. 54, 55, 56, 58).



DEPARTMENT OF VETERANS AFFAIRS
Maryland Healthcare System

Mental Center
10 North Greene Street
Baltimore MD 21201

Mental Center
5500 North Point Road
Fort Meade MD 21052

Mental Center
Perry 7 3rd MD 21202

Rehabilitation and
Extended Care Center
3800 Locust Avenue Boulevard
Baltimore MD 21218

Outpatient Clinic
5510 Veterans Shore Drive
Columbia MD 21046

11/1/04

Ms. Linda Faulkner-Martin
SSA District Manager
791 Aquabat Road
Glen Burnie, Maryland 21061

Dear Ms. Faulkner-Martin:

Mr. Terry Chapman has been in treatment with me since March, 2004 for a work related mental health problem. Part of my recommendation to him was that he consider other employment which would not require as much one-on-one interaction with the public as his current position. As a follow up to that recommendation, he has sought counseling and actually met with the Vocational Rehabilitation Office of the Veterans Benefit Administration on October 27, 2004 for evaluation.

If you have any questions or need additional information, please feel free to call me at 410 605-7000 ext. 5526. You may leave a message with your telephone number if I am unable to answer your call.

Yours truly,

Rosemary F. Bronzert, LCSW-C

Rosemary F. Bronzert, LCSW-C
Social Worker

"S/P"

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Medications

Printed On Aug 8, 2019

<p>HEMORRHOIDAL RECTAL SUPPOSITORY (EACH) INSERT 1 SUPPOSITORY RECTALLY TWICE A DAY WHEN NEEDED</p> <p>Status: EXPIRED Start date: DEC 02, 2002 Stop date: DEC 03, 2003 Refills remaining: 0 Days supply: 6 Quantity: 12</p> <p>Comments:</p> <p>HYDROCORTISONE TOPICAL CR 2.5% (gram) APPLY TO AFFECTED AREA THREE TIMES A DAY WHEN NEEDED</p> <p>Status: EXPIRED Start date: DEC 02, 2002 Stop date: DEC 03, 2003 Refills remaining: 1 Days supply: 15 Quantity: 30</p> <p>Comments:</p> <p>NAPROXEN 500MG TAB TAKE ONE TABLET TWICE A DAY WHEN NEEDED WITH FOOD</p> <p>Status: DISCONTINUED Start date: DEC 02, 2002 Stop date: DEC 03, 2003 Refills remaining: 1 Days supply: 30 Quantity: 60</p> <p>Comments: Headaches</p> <p>WITCH HAZEL TOPICAL PADS (EACH) USE AS DIRECTED EVERY DAY</p> <p>Status: EXPIRED Start date: DEC 02, 2002 Stop date: DEC 03, 2003 Refills remaining: 1 Days supply: 30 Quantity: 100</p> <p>Comments:</p> <p>NAPROXEN 500MG TAB</p>	
---	--

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)
CHAPMAN, TERRY RENE
714 W CHERRY BLOSSOM WAY
BALTIMORE, MARYLAND 21201

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Progress Note

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Apr 21, 2005

TITLE: PRIMARY CARE FOLLOW-UP NOTE-BOILERPLATE
DATE OF NOTE: APR 11, 2005@14:46 ENTRY DATE: APR 11, 2005@14:47:12
AUTHOR: TABATABAI, ALI EXP COSIGNER: YORKOFF, BENJAMIN K
URGENCY: STATUS: COMPLETED

Reason for visit:f/u

Problem List:

Flat Foot
Delusional disorder (ICD-9-CM 297.1/297.9)
Occupational Circum
Elevated Liver Function Tests
Positive Ana
Erectile Dysfunction
Hemorrhoids
Hypertension
Arthralgia
Degenerative Joint Disease

All:

knda

Vaccines:

- Td 1999

Interval History:

Pt depressed recently with thoughts of quitting job. Positive PTSD screen with nursing visit today, but nightmare was not related to service or trauma.

Medications:

Active Outpatient Medications (including Supplies):

Active Outpatient Medications	Status
1) CHLORHEXIDINE ORAL RINSE (PERIDEX) (ml) USE 1 CAPFUL (15ML) TWICE A DAY ; SWISH IN MOUTH UNDILUTED FOR 30 SECONDS, THEN SPIT. USE BEFORE BREAKFAST AND BEDTIME.	ACTIVE
2) CLINDAMYCIN 300MG CAP TAKE ONE CAPSULE EVERY SIX HOURS	ACTIVE
3) HYDROCHLOROTHIAZIDE 25MG TAB TAKE ONE-HALF TABLET EVERY DAY	ACTIVE (S)
4) HYDROCORTISONE TOPICAL CR 2.5% (gram) APPLY CREAM TO AFFECTED AREA TWICE A DAY	ACTIVE
5) IBUPROFEN 800MG TAB TAKE ONE TABLET TWICE A DAY WHEN NEEDED	ACTIVE
6) OXYCODONE 5MG & ACET 325MG TAB (PERCOCEP TAKE 1 OR 2 TABLETS EVERY FOUR HOURS FOR PAIN	ACTIVE

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)

CHAPMAN, TERRY
714 W CHERRY BLOSSOM WAY
BALTIMORE, MARYLAND 21201

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Progress Note

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Apr 21, 2005

- 7) PENICILLIN VK 500MG TAB TAKE ONE TABLET EVERY SIX ACTIVE HOURS
- 8) RISPERIDONE 1MG TAB (RISPERDAL) TAKE ONE TABLET AT ACTIVE BEDTIME
- 9) SILDENAFIL 100MG TAB (VIAGRA) TAKE 1/2 TABLET (50MG) ACTIVE (S) ONCE PER WEEK PRIOR TO SEXUAL ACTIVITY
- 10) TED STOCKINGS, KNEE, LARGE REG (7203) USE STOCKING AS ACTIVE DIRECTED (SUPPLY ITEM)
- 11) WITCH HAZEL TOPICAL PADS (EACH) USE 1 PAD TO AFFECTED ACTIVE AREA EVERY DAY WHEN NEEDED

PE:

DATE/TIME	TEMP	PULSE	RESP	BP	PAIN	WEIGHT
3/15/05 @ 1016	98.2	57	16	136/78	10	
11/2/04 @ 1510	98.2	65	22	147/84	5	
10/25/04 @ 0822		53	18	134/82	0	

Gen: nad

heent: op clear with mmm.
neck: supple, no lad, no jvd,
cv: rrx without m/x/g
pulm: cta bilat without w/r/r

Labs:

CBC; BLOOD

Coll. Date: 06/16/03 14:27 03/10/03 16:42

Test Name	Result	Result	Units	Range
WBC	3.4 L	3.4 L	K/cmm	4.8 - 10.8
RBC	4.60 L	4.94	M/cmm	4.7 - 6.1
HGB	11.9 L	12.8 L	G/dL	14 - 18
HCT	36.2 L	39.2 L	%	42 - 52
MCV	78.6 L	79.3 L	fL	80 - 100
MCH	25.9 L	25.9 L	uug	27 - 31
MCHC	32.9	32.7	gm/dL	32 - 36
RDW	14.9 H	14.7 H	%	11.5 - 14.5
PLT	174	208	K/cmm	140 - 440
MPV	10.0	9.7	fL	7.4 - 10.4
NEUTROPHIL #	1.7 L	1.5 L	k/cmm	1.8 - 7.2
LYMPHOCYTE #	1.2 L	1.5	k/cmm	1.5 - 4.0
MONOCYTE #	0.4	0.4	k/cmm	0.2 - 0.9
EOSINOPHIL #	0.0	0.0	k/cmm	0 - 0.7
BASOPHIL #	0.0	0.0	k/cmm	0 - 0.15
NEUTROPHIL %	49.6	43.9	%	40 - 75
LYMPHOCYTE %	36.2	43.4	%	15 - 45
MONOCYTE %	13.1 H	11.6	%	2 - 12
EOSINOPHIL %	0.7	0.4	%	0 - 4
BASOPHIL %	0.4	0.5	%	0 - 2

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)

CHAPMAN, TERRY
714 W CHERRY BLOSSOM WAY
BALTIMORE, MARYLAND 21201
[REDACTED]

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Medications

Printed On Aug 8, 2019

<p>Status: DISCONTINUE Start date: NOV 02, 2004 Stop date: NOV 03, 2005 Refills remaining: 1 Days supply: 90 Quantity: 45</p> <p>Comments:</p> <hr/> <p>TED STOCKINGS, KNEE, LARGE REG (7203) USE STOCKING AS DIRECTED (SUPPLY ITEM)</p> <p>Status: EXPIRED Start date: NOV 02, 2004 Stop date: NOV 03, 2005 Refills remaining: 0 Days supply: 30 Quantity: 2</p> <p>Comments:</p> <hr/> <p>RISPERIDONE 1MG TAB TAKE ONE TABLET AT BEDTIME</p> <p>Status: DISCONTINUE Start date: AUG 11, 2004 Stop date: AUG 12, 2005 Refills remaining: 4 Days supply: 30 Quantity: 30</p> <p>Comments:</p> <hr/> <p>IBUPROFEN 800MG TAB TAKE ONE TABLET TWICE A DAY WHEN NEEDED</p> <p>Status: DISCONTINUE Start date: JUL 14, 2004 Stop date: JUL 15, 2005 Refills remaining: 0 Days supply: 30 Quantity: 60</p> <p>Comments:</p> <hr/> <p>SILDENAFIL CITRATE 100MG TAB TAKE 1/2 TABLET (50MG) ONCE PER WEEK PRIOR TO SEXUAL ACTIVITY</p> <p>Status: DISCONTINUE</p>
--

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)
CHAPMAN, TERRY RENE
714 W CHERRY BLOSSOM WAY
BALTIMORE, MARYLAND 21201

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Medications

Printed On Aug 8, 2019

<p>Start date: JUL 14, 2004 Stop date: JUL 15, 2005 Refills remaining: 0 Days supply: 30 Quantity: 2</p> <p>Comments:</p> <hr/> <p>CLINDAMYCIN 300MG CAP TAKE ONE CAPSULE EVERY SIX HOURS</p> <p>Status: EXPIRED Start date: MAR 17, 2005 Stop date: APR 16, 2005 Refills remaining: 0 Days supply: 10 Quantity: 40</p> <p>Comments:</p> <hr/> <p>PENICILLIN VK 500MG TAB TAKE ONE TABLET EVERY SIX HOURS</p> <p>Status: EXPIRED Start date: MAR 15, 2005 Stop date: APR 14, 2005 Refills remaining: 0 Days supply: 10 Quantity: 40</p> <p>Comments:</p> <hr/> <p>CHLORHEXIDINE ORAL RINSE (PERIDEX) (ml) USE 1 CAPFUL (15ML) TWICE A DAY ; SWISH IN MOUTH UNDILUTED FOR 30 , SECONDS, THEN SPIT. USE BEFORE BREAKFAST AND BEDTIME.</p> <p>Status: EXPIRED Start date: MAR 15, 2005 Stop date: APR 14, 2005 Refills remaining: 0 Days supply: 4 Quantity: 480</p> <p>Comments:</p> <hr/> <p>OXYCODONE 5MG & ACET 325MG TAB (PERCOCEP) TAKE 1 OR 2 TABLETS EVERY FOUR HOURS FOR PAIN</p> <p>Status: DISCONTINUED Start date: MAR 15, 2005</p>

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)
CHAPMAN, TERRY RENE
714 W CHERRY BLOSSOM WAY
BALTIMORE, MARYLAND 21201

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REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our web site, www.va.gov.

SSA, DO - 283
01 27 03

Notes:

I presented management with my request for a hardship relocation, to a position without face-to-face interviewing of disability claimants. This is due to my body system breaking down from what I believe is from job related matters (my body system does not seem to be able to handle the illnesses of the claimants).

Sincerely,
Terry R. Chapman
Terry R. Chapman

DEPARTMENT OF VETERANS AFFAIRS
Maryland Health Care System



Mr. Terry Chapman
714 W CHESTNUT BLOSSOM WAY
BALTIMORE, MD 21201

Baltimore VA Medical Center
10 North Greene Street
Baltimore MD 21201
(410) 605-7000

Perry Point VA Medical Center
Perry Point MD 21902
(410) 642-2411

Loch Raven VA Community
Living & Rehabilitation Center
3900 Loch Raven Boulevard
Baltimore MD 21218
(410) 605-7000

December 31st, 2013

Dear Mr. Chapman,
I am writing you to update you on the results of your most recent stress test. This test showed that you do have areas of your heart which show lower blood flow but they are NOT changed from your previous stress test in 2012.

Because your heart does show that you have areas of lower blood flow, we want to make sure that you are on the best medications for your heart. I have placed a consult for you to see the Cardiologists (heart doctors) for help in determining the best possible medications for you. They will be contacting you to make an appointment.

I look forward to seeing you at your next visit with me on January 25th. Happy New Years!

Sincerely,

Alexandra N Byrne MD

Dr. Byrne
Alexandra Byrne, MD
BT PACT Resident 23

Progress Notes

Printed On Jan 17, 2017

Sprain, Ankle (ICD-9-CM 845.00)
Bunion (ICD-9-CM 727.1)
Health maintenance alteration (ICD-9-CM V65.8)
Flat foot (ICD-9-CM 734.)
Delusional disorder (ICD-9-CM 297.9)
Occupational Circum (ICD-9-CM V62.2)
Elevated Liver Function Tests (ICD-9-CM 794.8)
Positive Ana (ICD-9-CM 799.9)
Erectile Dysfunction (ICD-9-CM 607.84)
Hemorrhoids (ICD-9-CM 455.6)
Hypertension (ICD-9-CM 401.9)
Arthralgia (ICD-9-CM 719.40)
Degenerative Joint Disease (ICD-9-CM 715.96)

Problem List/Summary:
Erectile dysfunction (ICD-9-CM 397.803000)
Depression, NOS (ICD-9-CM 311.1)
Onychomycosis (ICD-9-CM 110.1)
Hyperlipidemia (ICD-9-CM 272.4)
Colon, Adenoma, Villous (ICD-9-CM 759.9)
Supraspinatus (muscle) (tendon) sprain (ICD-9-CM 840.6)
Disorders of bursae and tendons in shoulder region (ICD-9-CM 726)
Scoliosis (ICD-9-CM 737.30)
Low Back Pain (ICD-9-CM 724.2)
Mantoux: positive (ICD-9-CM 795.5)
Chondromalacia, Other (ICD-9-CM 733.92)
Joint Pain-Ankle (ICD-9-CM 719.47)

Progress Note

Printed On Jun 23, 2006

O. NVSI.
Ortho: Severe pes planus bilaterally left greater than right both on clinical evaluation and radiographic evaluation. X-rays reveal a negative calcaneal inclination angle, 25-40° articulation of the talonavicular joint, anterior talar beaking.

A. Severe Pes Planus (Flatfoot)
P. After evaluation of the patient I would concur that his foot type is consistent with painful pes planus deformity that would limit his ability to stand or walk for prolonged periods of time. The patient will continue to have problems for life. I have discussed with him the nature of the problem and the treatment options including surgery. He will return to clinic as scheduled for further evaluation.

/es: R D ADAMS, DPM
CHIEF OF PODIATRY
Signed: 02/06/2003 14:44

TITLE: PODIATRY NOTE
DATE OF NOTE: FEB 28, 2002810:28 ENTRY DATE: FEB 28, 2002810:28:57
AUTHOR: GANDHI, SANJAY P EXP COSIGNER: ADAMS, RICKY D
URGENCY: STATUS: COMPLETED

S: 46 yo male presents for two pedal complaints. He states he has itching symptoms between the toes and also has callouses on both big toes. He has been told by PCP to apply cortisone cream between the toes.

PW: HTN, Arthralgia, DJD, hemorrhoids
Meds: see chart
Allergies: NKDA

O: Vasc: +2/4 pedal pulses b/l, cft<3 sec b/l, no edema
Neuro: light touch intact b/l
Derm: hpk lesions medial hallux ipj b/l, no ulcerations, there is maceration to L 3rd and R 4th webspaces, discolored but well-groomed nails
Mus: 5/5 strength b/l, limited hallux dorsiflexion to approx 50 degrees b/l

A: Hallux limitus b/l with assoc'd hpk lesions
Interdigital tinea pedis

P: -pt to discontinue steroid cream for webspace tinea, to use rx castellani's paint bid x 3 weeks and then on prn basis for itching
-debride hpk lesions



Department of
Veterans Affairs



TERRY RENE CHAPMAN

DUE TO SPECIAL PRODUCTION OR HANDLING
REQUIREMENTS, YOU MAY RECEIVE YOUR
MEDICATIONS IN SEPARATE SHIPMENTS
WITHIN THE NEXT WEEK

This refill request lists available prescriptions with refills
as of 05/15/2019. Please discard previous refill requests.

Refill Document
See reverse side for address correction.

Please check each of the refill slips for which you would like a refill.
Please return this entire document.

HYDROCHLOROTHIAZIDE 25MG TAB



RX# 11202559 Check here to refill this prescription
3 refills remaining before Sep 14, 2019

RANITIDINE 150MG TAB



RX# 11202565 Check here to refill this prescription
3 refills remaining before Sep 14, 2019

CARBOXYMETHYLCELLULOSE NA 0.5%



RX# 11217336 Check here to refill this prescription
4 refills remaining before Oct 5, 2019

WITCH HAZEL TOPICAL PADS (EACH



RX# 11331331 Check here to refill this prescription
11 refills remaining before Mar 28, 2020

PHYSICAL PROFILE BOARD PROCEEDINGS						MEDICAL TREATMENT FACILITY	DATE												
For use of this form, see AR 40-501; the proponent agency is the Office of The Surgeon General						UACH													
1. NAME (Last, First, MI)						2. SSN	3. GRADE												
CHAPMAN, TERRY R.							I-2												
4. ORGANIZATION						5. COMPONENT													
HHC 2/34 INF FORT STEWART, GA 31314						USA													
						PHYSICAL PROFILE													
6. FACTORS						7. PHYSICAL DEFECTS (Non-technical language)													
<table border="1"> <tr> <th>F</th> <th>U</th> <th>L</th> <th>H</th> <th>E</th> <th>S</th> </tr> <tr> <td>1</td> <td>1</td> <td>3</td> <td>1</td> <td>1</td> <td>1</td> </tr> </table>						F	U	L	H	E	S	1	1	3	1	1	1	Severe Flat Feet with Arthritis, EPTS. (Enter T when applicable)	
F	U	L	H	E	S														
1	1	3	1	1	1														

ASSIGNMENT LIMITATIONS ARE AS FOLLOWS:

NO RUNNING OVER 2 MILES/DAY; APET WILL BE LAW FM 21-20.
NO STANDING OVER 50 MINUTES/HOUR.
SOLDIER IS NOT WORLD WIDE DEPLOYABLE IN CURRENT N.O.S. 94B.

This profile

is permanent is temporary and expires on _____ (Enter date).

1. TYPED NAME AND GRADE OF PROFILING OFFICER BARNEY YARKLOWITZ, MAJ, MSC	SIGNATURE
2. TYPED NAME AND GRADE OF PROFILING OFFICER CHARLIE J. TALBERT, MAJ, MC	SIGNATURE

ACTION BY APPROVING AUTHORITY

3. Permanent change of profile is approved is not approved.

4. TYPED NAME, GRADE AND TITLE OF APPROVING AUTHORITY JOSEPH T. ANDRONACO, COL, MC Deputy Commander for Clinical Services	SIGNATURE	DATE
		27 AUG 86

ACTION BY UNIT COMMANDER

5. The permanent change in the physical profile serial does does not require a change in the member's military occupational specialty duty assignment because: (State the specific details concerning the physical functions required of the member and why the member can or cannot continue satisfactory performance of duty).

6. TYPED NAME AND GRADE OF UNIT COMMANDER	SIGNATURE	DATE
MARKS		

DISTRIBUTION: Unit Commander - Original and 1 copy (to be delivered by means other than the individual on whom report is made);

Supreme Court of the United States

Office of the Clerk

Re: Terry R. Chapman v. The 4th Circuit of Appeals,

Application No. USCA4 No. 21-1022.

Dear Mr. Chapman:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked Oct. 12, 2021 & received Oct. 19, 2021.

Returned, reason Rule 13.5. The corrected copy must be served on opposing counsel; postmark to opposing counsel 10.26.21. Nov. 9, 2021 The Chief Justice extended time to & including 2.21.2022, Application No.21A121; to file Writ of certiorari. Notification list, Clerk - 4thCir. US. Court of Appeals, Richmond, Va. 23219.

Sincerely,

Scott S. Harris, Clerk, 202 479

3011

by Emily Walker, &

Claude Alde

Case Analyst "s/".

202 479 5955

Notification List

Mr. Terry R. Chapman

714 W. Cherry Blossom Way, Baltimore, MD 21201.

Mr. Merrick B. Garland

Atty. General Ofc., United States Department of Justice

950 Pennsylvania Avenue, N.W., Washington, DC 20530-
0001.

Clerk

United States Court of Appeals for the Fourth Circuit, 1100
East Main Street, Room 501, Richmond, VA 23219.

Appendix 1b.)

Discretionary Advice.

SSA stated that because of their RFC records, if Mr. Chapman can live

alone and care for-self, he can work in today's economy. Discretionary advice was being sort since case no. 17-0471, in Senatorial & Congressional Inquiries for help. The question was pose, for help that would provide assistance to a disabled veteran; with issues as far back as the 3volumes of material presented in case no. 1:20cv00636-JMC. To intervene in decisions which would eliminate prejudice within the adjudication of laws that hurt in matters of a person's Right to be judge fair unto the law in issues that denied Plaintiff in the above stated issues is needed (what is a valid claim or complaint). It is very harmful to the Petitioner, as SSA had adopted ways in their Policies to Adjudicate; as in the fast track matters of prior years (applying the same law fairly to everyone). VA Records indicate since 2005, 70% Physically Debilitation & 100% Permanent and Totally Disability effective May 5, 2005. Official records of the Veterans Affairs, Regional Office, 6437 Garners Ferry Rd., Columbia, SC 29209. In Reply, refer to: 319/ncc/rsm. Oct. 13, 2011. 38USC.

Wayne R. Oswald

National Call Center Manager. "s/".

37: Cannot be ignored and must be considered. Id. Accordingly, we still evaluate the opinion evidence from medical sources, as well as "non-medical sources" who have had contact with the individual in their professional capacity, used by other agencies, that are in case records, in accordance with 20C.F.R. subsection 404.1527, Social security Rulings 96-2p and 96-5p&6p for what is rescinded; and the applicable factors listed in the section "Factors for weighting Opinion Evidence." SSR85-16, RFC for Mental Impairments. Id., an ALJ may give less-than-substantial weight to a VA disability rating when the record clearly demonstrates that such a deviation is appropriated. If there are no genuine disputes Id., as a matter of law entitled to judgment reasonable to say employment knew of Plaintiff's sickness with *prima facie* to give equal wt. to VA; or of zombie state or vertigo on the job trying to work under narcotics; that he was qualified under ADA & was not give equal weight to 699f.3d 337,345(4th Cir. 2012) or 669f.3d at 343-344 progressive degeneration as listed in medical documents; under what matters 184f.3d 296,313(3rd Cir. 1999). F.R.C.P.56. Since date of on set no

one would hire the Plaintiff. Bird v. Comm'r of Soc. Sec. Admin, 669 F.3d 337.343 (4th Cir. 2012). On September 13, 2007, a Veterans service manager wrote a letter certifying that Mr. Chapman has service connected disabilities rated as 100 percent for being permanent and totally disabled due to unemployability (tr.470,1163). The ALJ did not address this specific letter; and any errors of harm it had done. 18usc242. There are no records that the ALJ specifically considered or DDS to warrant the deviation in using this tactic in not addressing all the listed issues to the earlier or the latter VA disability rating decision dated August 21, 2006 (tr. 508, 1158-63) or of 9.13.07. 669 F.3d. Administrative adjudications, including those of the Commissioner, are subjects of harm & erred rules on which reversal on account of errors require a determination of prejudice & injustice for uncompleted RFCs for all the listings; for reversal by the appellate court that didnot want to hear argument or on unpublished matter for Precedent. A bias for unpublished matter. See 556 U.S.396, for not having a defect in the latter certified letter from VA dated 2007. This type of erred ruling against the Plaintiff had a Natural Effect of producing prejudice. The Federal Circuit Court

didnot take addressing these erred ways to be reversible to address Rehearing & En Banc matters of the Informal Brief as a claim for complaint of js44. 38US Scope of Review for unreasonably delayed. Sub Sec 7261(b)(2) frame work conflicts. MSPB for Case No. PH-0841-17-0440-I-1, (6-15-18) (5-16-18) & other matters cross referenced herein. Id. Two President Administrations not working case as the MSPB, pending matters of such. (APA approach) vs. Mandatory presumptions 328us.750,760 not to put unreasonable burden on the Plaintiff to explain the ALJ board range of deviations when ALJ knew of the narcotics in the body and to move for the correct findings of law. Facts Pro Se presented in not being able to work under Opioids, retrospective or progression before & after onset for not being able to work or be hired; but not limited to 418f.2d 1224,1226(4th Cir. 1969). Title 5 sec 703 on the merit for loss in employment, pension & T2 for more than controlling weight prima facie for ADA in the work force (pain & opioids)(for technical rulings on eligibility matters). Persuasive in limitations & explicit to the lack of analysis by the ALJ to the doctors & VA. See Comm'r for statement why the Plaintiff must fail in all recurring statements to

why the ALJ is being supported by erred ways. see also 38C.F.R. for neurological impairments for lost of & fatigue & records for low blood cells. ("[A]ny errors are for review, error doctrine."). Mr. Chapman had identified that any prejudice resulted from this, the alleged errors had resulted in Harm. (Pl. Mem. 2). The ALJ never stated what was appropriate for the massive deviation in Law (Chapman v. Soc. Sec. Admin. 2007 and 2011, reasonable acceptance as important in law of 42USC). Multi-conditions left Mr. Chapman out of work todate. Mr. Chapman unique unto his situation is left with little alternative when sitting and standing is not an option. In hope that Supervision from The Supreme Court will prevail to see the uncompleted reports in comparison with the law is en banc to support Appellant in rehearing for this type of discover. It is prejudicial not only to Mr. Chapman and others, but to the Institution of Justice in a Writ of enormous importance to find out that SSA is still guilt of some of the Fast Track issues of the 90's; but not limited to suffering to loss of income. Misapplication of property (FERS, T2) in stated rules of law, but not limited to 405g as a loophole; not to consider the latter certified letter addressing ongoing worsening

conditions of the previous letter from VA.

Appendix 1c.)

Discretionary Review.

In hope that this document finds a judicial explanation to why a Judge in the judicial court system, in this case, Terry Chapman v. Social Security, et al., would force a disabled veteran to prove prejudice; when SSA deviated from a certified VA Report in 2007 as conditions worsen over time, to an earlier Report in 2006; and from 20cfr404.1520(a) to 42uscsubsection 405(g) & the loopholes 405(g) brings: and address as ample support ones living daily activities to being able to function in a work environment. SSR96-2P. The later Report indicated ongoing or chronic conditions a year later & again in later years. 405g represent a narrative to fashion as Comm'er desired to deviate from lab findings to the ALJ's erred ways & not give equal weight or better to military lab findings. Review of the records; the ALJ is question about substantial evidence; & the fashioning of 405(g) by the Comm'er that the court than approved; as stated in the writ case no.17-0471) 205(g) of the Act 42usc. Social Security is

denying Petitioner's case based on what SSA is calling Harmful Errors: case no.16-1173, (1:14-cv-03761WMN) as if the defendants are telling the court that the "Petitioner must fail". 510us.266,268. 2007

Mr. Chapman filed for disability with SSA: and why sedentary work, worsen his conditions. Never did DDS or SSA develop for or distinguish between exertional & non-exertional work for the ruling therein between ranges of work and his erosion of the occupational base for SSR83-12. With no support in the medical vocational guidelines ("Grids"); in the first instance 42usc423(d)(1)(A); 42usc1382c(a)(3)(A) The Act for medications that kept Plaintiff out of work due to pain & narcotics on his thinking & interacting abilities in the work force, the defendants move to motion with the court preventing the request for jury trials in all instances to prevent rebuttal in uniformity to PCA (Per Curiam Affirmates). Thinking, standing and setting help break his body down in pain. Unable to move or concentrate or react in a zombie state, the defense legal team failed at the appeal level & at reconsideration as well. Other issues; computers gave him headaches. Sitting increase his pain in hemorrhoids and back. Typing became difficult with joint pain and

talking made him lightheaded. Then there are his feet issues for standing; calluses and blisters, joint pain and nerve damage in feet and toes. The illnesses of the claimants that made Petitioner weak & sick. The Judge took the ALJ findings and made a decision; not knowing if the correct legal standards were applied to the initial claim for disability, DeNovo & what a complaint is. Pro Se believe this decision was not justified by law & as a matter of law the appellant is entitle to recourse in T2 disability retirement & other matters sort.

Appendix 1d.)

Discretionary Review and Advice:

Added little help in that what was stated is a matter for the Courts; by Congressman Elijah Cumming's Office; and possible phone numbers that may assist, from Senator Benjamin Cardin's Staff. US. Atty Gen., Barr denied review of 17-0471. Question presented for review: indicated the U.S. Appeals Court for the 4th Circuit was not interested in ruling over a case that weighted evidences toward Petitioner: based on its 1984 and 1996 published findings in Gordon v. Schweiker, 725f.2d231 and 1996WL374184,at*6, (see SSR96-8p).

The Petitioner presented this ruling to the District Court who did not want to address the remand that was order back for administrative remedy; but took the stand not to deviate from the ALJ; but to decide on what was called "A Broad Range". Civil No. SAG-11-274 December 21, 2012, Page 3. Mr. Chapman's RFC.2 Social Security Ruling ("SSR") 96-8p states, in relevant part: 1996WL 374184, The ALJ error is not inconsequential: For a reasonable mind to differ on the ongoing matter that lead to getting sick on the job & its medications for pain in a work environment. According to SSR 96-8p, the mental activities required by competitive, remunerative, unskilled work include: responding appropriately to supervision, coworkers, and work situations, and dealing with changes in the work setting. The Plaintiff was on several opioidals for his conditions. Dr. Moore found a limitation precluding this activity, and the ALJ did not address it. We are here in that the U.S. 4th Cir., stated on 3-21-17, in this case no. 16-1173, no Judge requested a poll under Fed.R.App. P.35 on the petition for Rehearing and Rehearing en banc: for a binding Published Opinion in Relevant Part. The 4th Cir., denied the petition (1996WL374184 relevance). Note, the Office of the U.S. Attorney did

not want to address the ALJ errors for the Law in 2017: (20cfr404.

1520(a)) or 42usc405(g) on progression of sickness with advancing in

age; SSR-96-8p and 201.ooh: found to be severe 7-14-09 ALJ Hearing:

To denying case JMC-00636 against the Fed. Notice. The defendants

& the courts allowed the errors for the law to grow beyond the

Balance of Scale (4sentence of 205(g)) of the Social Security Act. The

lower Courts granted no relief when Administrative judgment deem

valid to aging conditions (243d). When remand was sort to address

judgment by the Appeals Council, to justify why they did not want

jurisdiction, see 28u.s.c.; for the lack of judgment by the District

Court to require immediate determination for a favorable decision,

Id., as legal standards for a court to do in addressing inter-agency

rules in veterans' affairs; for what is not inconsequential. Some

Congressional Review is needed on Adjudication Policy. The same

circuit than denied the Petitioner in case no.21-1022 from the same

federal district court for Pro Se actions in filing a form js44; on a

complaint the 4th Cir., address wrongly in adjudicating an issue that

was not the complaint of record. This as a matter of Law. The federal

notice pleading standards for addressing that "a complaint should

not be dismissed for failure to state a claims...which would entitle him to relief."... for constitutional rights. Fundamental fairness to rebut charges of no reversible error in a meaningful decision of binding precedent for what was found as errors. Aspect of due process. Credible evidence supported explanations in Pro Se ability; but not limited to procedural protection in certain types of cases for depriving longterm pending issues or the issues looked at as importance to the category of person or people who might object to deprivation; the property right of time extended legitimate to entitlement(s) to factors of weighing interest in processing without Stare Decisis. The loss of being looked at as an NCO verses a E3, showing years of not being able to present self in a higher light. As a right to the due process clause in a light of liberty for carrying self though life.

* Review & Advice not sort since Pandemic or 2019: Chapman, Terry
- VA Medical Center, Baltimore, MD.

Male Black Sinus Bradycardia with 1st degree AV block.
Left ventricular hypertrophy with QRS widening and repolarization abnormality. Abnormal ECG.

Technical: GKL. "s/".

Note: Each accident of an air bag not deploying in his vehicle, a
Nissan; Petitioners heart enlarges as it is today: Chapman vs. Nissan

- US Federal District Court for Maryland; since 7.24.20. 1:21-cv-
01903-JMC, to the Federal District Court of Md., filed on 7.29.21.

On several occasions The Air Bags of VIN - JN1AS44D3SW009345
DID NOT DEPLOYING inside the car's cabin of a 1995 Nissan 240sx;
in which the Plaintiff was driving & was owner at the time of these
occurrence.

* * * * *

Order:

Dear District Judge Griggsby,

Per scheduling order, case no. 21-cv-01903-LKG, doc.#21, dated 12.7.21; I, Terry Chapman, Pro Se, request the court not to allow Defendant's Preliminary Motion to Dismiss under Rule 12: F.R.C.P.12(g)(2): There is no grounds for Jurisdiction for the Defendant's Preliminary motion of intent to file a motion; due to The Defendant's Motion for the Responsive Motion due 1.10.22 was not filed or accepted as written in the Preliminary Motion; that I never received. Rule 5. The Js44 Complaint should not be dismissed for Failure to state a claim...which would entitle Plaintiff to relief. The Air Bag didnot deploy under moderate to severe conditions; a plausible claim for relief. The Federal Notice Standard Pleadings.

- * To limit Further Motions by Defendant under Rule 12; Rule 12(h) for Rule 15(a)(2) due to Federal Pleading Standard that Plaintiff does have a claim.
- * A Pre Motion Conference to discuss a settlement in favor of Plaintiff. Plaintiff is a disabled veteran unable to respond to court orders at the pace of train legal minds.
- * Could I, Pro Se, get an updated copy of form FEEPRO,MAG25.

Due to the above request for denying Defendant's Motion, Plaintiff is requesting the maximum amount of time as an enlargement to extend beyond the Plaintiff's current time to file, currently 1-24-22:

- * This Declaration is being made to certify that in accordance; Document 21 was addressed as Nissan Corporation. Oppose to what Pro Se addressed as Nissan North American, Inc.; Ms. Dakota McGregor.
- * Nissan Corporation & Nissan Motor Company or Nissan Motors as co-defendants to Nissan North America, Inc., as applicable to not forgo any other names by law to avoid legal requirements.

Certification of service

I hereby certify that on this date 12.22.21, a copy of the foregoing was mailed 1st class certified postage; to: Atty. of Record, Steven R. Freeman, Freeman Rauch, LLC, 409 Washington Ave., Suite 200, Towson, Md. 21204

Sincere, Terry Chapman, Pro se., 443-802-1060.

Date: 1.20.22.

- Motion to Vacate.

Motion by Plaintiff: Case 21-1022, 4th Cir. of Appeals: Made request to vacate the 9.24.21. decision based on compelling matters of the judicial form js44. With no binding precedent to reflect stare decisis in what is a valid claim in these proceedings. Herein the 4th Cir. Appellate Court, now This Court; on a 12.11.20 memorandum & order from the Dist. Court for Maryland, case jkb-20-0636, as to say, the Petitioner has no grounds for being dismissed on a false claim by the defendant. The court allowed the error to move away from the original complaint. Stating no precedent for appeal or where to file in an appellate court (Supreme Court Rule 25). Due to the federal notice pleading standards for addressing that "a complaint should not be dismissed for failure to state a claim...which would entitle him to relief..." for constitutional rights, as persuasive as the pleading standards. Also, the 3-21-17 Judgment, case no. 16-1173 & 17-0471 was based on 1996WL374184, a binding published opinion. Mr. Chapman believe He was not treated fairly at relevant parts to this ruling. Nothing should be Informal; reporting violations for not treating all matters fairly in relevant parts for why the defendants

donot show beyond a reasonable doubt that the errors are harmless.

They dispense this case, never correcting the erred ways.

III.sup.ct.r.23(e)(1), but not limited to if other rules apply to these

circumstances; for affirming the evidence as not closely balance for

a wide range of deviating, S.P.Rule 472(e): Suppressing the Latter

Certified VA Letter dated 2007. As if the 4th Cir. is counsel with the

defendants. Why have a briefing order, if Pro Se has no case; there

is a arguable bases of merit, 386u.s.18? Accordance with the

foregoing Memorandum of Law, what was over-looked; no binding

precedent? All of the medical advice indicate no new developments

by a Defendants' Doctor to re-evaluate the evidence or to complete

the Report by a Doctor. The erred ways to adhere to the rules of

applicable law in relevant parts in this case Id.; several ongoing issues

of prejudice of counsel not to address pain on the skeletal, it's

muscles and the immune system from Bilateral Pes Planus. By Law,

Pro Se presented a T2 case; & workers comp claim for getting sick on

the job as a front line employee; than there was no unemployment

given or a pension for FERS. The primary reason for discharge in 1987

was for pain on the body: The Petitioner worked until his body gave

out in 2006. The ongoing chronic conditions recorded a rating to include Unemployable as well.

U.S. Court of Appeals For The Fourth Circuit

1100 E. Main St., Ste#501, Richmond, VA 23219.

Cross Ref. Case

Case No. 17-0471 :

No. 16-1173, Terry Chapman v. Commissioner, Social Security 1:14-cv-03761-WMN.

Case No. USCA4-21-1022 : 1:20-cv-00636-JKB.

To: Terry Chapman

We are in receipt of your papers in this case. A petition for writ of certiorari may be filed in the office of the Clerk, Supreme Court of the United States, 1 First St, NE, Wash., Dc 20543-0001. Oct. 19, 2021 Rule 13.5 ... A copy of the corrected application must be served on opposing counsel. Application No. 21A121, extend file by The Chief Justice until 2.21.2022. www.supremecourt.gov. The Supreme Court Clerk's Office at (202) 479-3011. Notification List: Clerk, US

Court of Appeals for the 4th Cir., 1100 East Main Street, Rm#501,
Richmond, Va. 23219.

Emily Walker, Sincerely, Scott S. Harris.

"s/".

Terry R. Chapman

Plaintiff - Appellant,

v.

Commissioner, Social Security, et al,

Defendant - Appellee.

Mandate:

The judgment of this court, entered October 4, 2021, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Ruling of Appellate Procedure.

/s/Patricia S. Connor, Clerk "s/".

Appendix (i) :

Rehearing and Rehearing En Banc

The federal notice pleading standards for addressing that "a complaint should not be dismissed for failure to state a claim...which would entitle him to relief."... for constitutional rights.

The court was presented this case on the appellate level to show that there are arguable legal issues that were raised. surely the court is in understanding of pleading standards to take jurisdiction to establish merit against opioids Purdue and Big Pharma's roll in FDA & here Veterans Administration for pushing Opioids in that manner... For an employee to be working clear-up to the time Opioids was administered to the Plaintiff on or about 2004 along with Ranitidine & other narcotic medications as listed in the records. The Plaintiff also had no knowledge that oxycodone was being administered. The Plaintiff then learned Ranitidine cause cancer as Zantac & the addictive qualities of Risperidone, OxyContin, tramadol & Percocet lead to the issue addressed as ADA in the work force: Known as the Complaint. These were some of the issues in the 3vol material presented with the complaint of JMC-20-636. These issues & suspiciousness resulting in failing to report or halt the use under law to even inform the Plaintiff that he was being given them & in generic

form to cover-up him being ostracized & used as a guinea pigs & the hurt for life lost in this manner. The precedent over the portion of the law showing disability: 20cfr., subsection 1520(a)(4)(ii). Document #28, filed 1-7-16: upon remand the ALJ, not a Doctor, gave weight to the opinion of Dr. Moore ... (tr.507) ...Id...the Court stated pg#4of8...and (3) determining from the evidentiary record whether substantial evidence supports the ALJ's findings.. . Is this not deviating from the oral hearing and support for weighted evidence for conditions both by VA & the law for weight given in VA matters notwithstanding substantial evidence by Pro Se in the records as a matter of law favorable for granting Petitioner over the Defendants; His disability & the Presentation of a valid Complaint? Is it not part of the Court's ability to determine if a report is based on home environment activities, to justify one in the work force on opium in addictive properties or physiological effects? As pro se, it is not clear as to why the Court accepted the ALJ assessment of the RFC and not that of identifying of the listing of law Pg. 5of8 (1560c) Narcotic on the body for pain; as a matter of law. As noted to develop and the effect to the public interest: 20cfr404.1520 and where the defense team

failed at 20cfr404.970; and 20cfr416.921; not being able to work in pain (ADA). The broad range of the ALJ did not list the specifics where the Process would have stopped for disability; but gave a wide range to cover the deviation. VA has all the Petitioners consults for prosthesis, but the defensive team's updates are incomplete records per remands and if any opinion was expressed on tr.47-49; the question for a valid claim per js44 requirements for a complaint; & what qualify as injustice to Pro Se action for en banc action. Surely one would have to include Hypotheticals in Veteran's relief for work place help, even for a close period. The 11-26-13 Hearing(tr.636-637); 10-11-11 Hearing; the briefings in 21-1022. I could not work on cyclobenzaprine, Risperdal, Zantac, oxycodone or Tramadol; 7-14-09 Hearing the VE stated "that there would be no work that such a person would be able to perform (tr.38)." SSR96-6 for (ADA); for trespass on rule 50a.2 for relief as a matter of law. This evidence should show a need to reverse a non precedent ruling that there is not a claim here. Exception to The Rule, a Persuasive Argument for being over medicated. 21-1022 4th Cir.

Judgment - Filed 7.22.21, Accordance with F.R.App.P.41

Mandate. Notice of Judgment filed 7.22.21 F.R.A.P. 36. See Rule 13. Unpublished no. 21-1022, before Wilkinson, Agee & Diaz, Circuit Judges. 7.22.21. Affirmed by unpublished per curiam opinion. Unpublished opinion are not binding precedent in this circuit. AFFIRMED 12-11-2020 decision by the district court Chief judge JKB-1:20 cv00636. For failure to state a claim. 8.5.21 Temporary Stay of Mandate FRAP. 41(b). 4th Cir. Appellate Court. Filed 9.24.21 Order : The court denies the petitioner for rehearing and rehearing en banc. No judge requested a poll under Fed.R.App.35 on the petition for rehearing en banc. Entered at the direction of the panel: Judge Wilkinson, Judge Agee, and Judge Diaz. Mandate entered 7.22.21, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the federal rule of appellate procedure.

For the Court Filed 10.4.21.

/s/Patricia S. Connor, Clerk "s/".

Appendix (ii) :

4th Circuit Decision.

In 21-1022 the Court had adjudicated on an issue where errors were found in case 00636jkb, failure to state a claim, file 3.9.20 form js44 case no. 1:20cv00636-JMC. The federal notice pleading standards for addressing that "a complaint should not be dismissed for failure to state a claim...which would entitle him to relief."... for constitutional rights... A false complaint being adjudicated, with no way to contest the wrong of the court for (ADA) of the complaint form js44 to Document 17 of the false complaint point #1, dated 9.8.20 attached in opinion section. The defense is trying to base this case on discrimination & not its erred ways in the judicial process for what matters in law to its deviations from the law. The court compared the Plaintiff in 16-1173 to Bird v. Comm'er., for reason why they deviated from developing the remand for the RFC assessments. This may not be appropriate to do in cases like Mr. Chapman; who left work due to health, opioids in the body; pain from standing, sitting, thinking and talking. Chapman has Military injuries; that the Defendants' Legal Team and the Courts deviated from in not giving equal weight in (1520); Plaintiff was able to manage a life style back into civilian life with his disabilities until opioids were administered. Never did the appellate court reflex on the 3volumes of exhibits associated with the case 00636-JKB; Title 5USC - CFR Title 5, Administrative Personnel (GS) Pay Plans. 5USC2108 or not limited to not getting credit for RIF, OPM for factors in releasing employees. Doing the War on Terror Plaintiff left Federal employment for the US Military, but was not able to return to his employment back into the Federal Gov't., granted by The Uniformed Service Employment Reemployment Rights Act (RIF); but not limited to the Merit System Principles sub sec 2301 for loss of pension & termination of the veteran. The Courts have

options when both side show evidence to the state of the economy on aged individuals. The 4th Cir., could had accepted Mr. Chapman reason for why he wanted a hearing to convey his ref. to CV-SAG-11-274 and CV-PWG-11-274 on why the VE stated several times, there are no jobs for Mr. Chapman, with those limitations (pg#61-62 of the 11-26-13 hearing). The hypothetical question should reflect the specific capacity/ limitations established by the record in whole; pg3of3 per the (AC) remand; or if not to deviate for a broad range in "Paragraph B" to establish a Doctor's view to complete the incomplete records of 2007 for each of the specific listing. Then comes the District Court who also remanded and still did not address correctly by adjudicating the deviations from the 4th Cir., 1984 relevant evidence issued in SSR-96-8p. Once the deviation became known: the 4th Cir., stated a hearing would not add to their decision, as the Petitioner requested a motion to vacate for what a reasonable jury would decide in what is & was prejudice to Mr. Chapman and the facts deviated from. Notice the Benchmarks, in these cases for what was adjudicated in case 21-1022 in & for relevant parts; consequentially to say the standard form for filing a complaint was used & to deviate from the stated complaint on the form to a false complaint of the defense is unjust; Benchmarking the Landmark issue of why the Defendants and the Courts denied Mr. Chapman: and Mr. Chapman's limitations requiring a binding decision from the Courts of law in whole; 1996WL 374184, Stephanie A. Gallagher, U.S. Magistrate Judge, Document filed 12-21-12 pg3of3. These decisions are very Harmful and place Mr. Chapman in a situation of stress and in an environment of a lower life style. Plaintiff was 50 in 2005 and work until 2006 when his body gave out. As to the ALJ giving weight to the VA rating; the remand didnot addressed the VA Service Manager (tr.470, 1163) nor adjusted for the difference. The non-completing of ordered remands & omitted information by the defendants. Doc.25,

memorandum & order dated 12.11.20, the court accepted Doc.19-1 as its own with no addressing of the complaint filed as (ADA) in the work place for the jurisdiction & nature of the case jmc-20-636 was filed under.

To Conclude:

The Petitioner Id., errors and indicated that in these cases adjustments in findings' were not done according to remands to certify the 9-13-07 Veterans Service Manager's Findings (tr.470,1163) nor the omitted corrected records of the court martial for Petitioners DD215. Thus, several times since 2007, a VE testimony determine there are no jobs for Mr. Chapman. Than once records indicate advancement in age, Mr. Chapman had noted medical evidence of secondary to primary conditions that the defense team was prejudice to in Mr. Chapman's Right to be heard on 18usc242, his declaration of rights for worker comp & unemployment as the termination left petitioner without his FERS Pension & Rank of E5. The Administrative Appeal Council level and on the Court level may have conveyed the importance of concerns in 20cfr404.1520c and for 405(g) and 1383(c) of title42 of the

USC; post 2007. The 4th Circuit than overlook Binding Precedents to advise or force the lower Court, & the defendants to make a decision to support the Law in Whole for a Decision not based on Errors. *Id.*, that Plaintiff was qualified under ADA & was not give equal weight to 699f.3d 337,345(4th Cir. 2012) or 669f.3d at 343-344 progressive degeneration as listed in medical documents; under what matters 184f.3d 296,313(3rd Cir. 1999).

United States Court of Appeals

For The Fourth Circuit 21-1022, 1:20cv-00636-JKB; cross ref.

Case No. 16-1173

(1:14-cv-03761-WMN)

Terry R. Chapman

Plaintiff - Appellant

v.

Commissioner, Social Security, et al,

Defendant - Appellee.

Judgement

In accordance with the decision of this court, the

judgment of the district court is affirmed. This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R.App. P. 41.

/s/ Patricia S. Connor, Clerk "s/".

UNPUBLISHED

United States court of Appeals

For The Fourth Circuit

No. 21-1022, X-Ref. 16-1173

Terry R. Chapman, Pro Se, 714 W.Cherry Blossom Way, Balt.,
Md. 21201, 443-802-1060.

Informal Briefing Order 4th Cir., filed 1-26-21, No. 21-1022
(1:20-cv-0636-JKB). The U.S. District Court for the District of
Md., Case No. 1:20-cv-00636-jkb, filed 3-9-2020. Affidavit
Filed 10-30-2020, Case No. 1:20-cv-00636-JKB, Atty of
Record, Alan Carl Lazerow & Ms. Kelly Marie Marzullo, US:
Atty's Ofc. The Initial Claim Filed 3-9-2020; Defendants'
Motion to dismiss was Granted, filed 12-11-20 by The Dist.
Court for The State of Maryland. Memorandum Order.

AFFIRMED.

Case 1:11-cv-00274-SAG Document 26 Filed 12/21/12 Page

3 of 3. Terry R. Chapman v. Commissioner, Social Security

Administration Civil No. SAG-11-274 December 21, 2012,

Page 3. Mr. Chapman's RFC.2 Social Security Ruling ("SSR")

96-8p states, in relevant part: 1996WL 374184, The ALJ error

is not inconsequential. According SSR 96-8p, the mental

activities required by competitive, remunerative, unskilled

work include: responding appropriately to supervision,

coworkers, and work situations, and dealing with changes in

the work setting. See SSR 96-8p, 1996 WL 374184, at *6. Dr.

Moore found a limitation precluding this activity, and the ALJ

did not address it. I cannot determine whether findings are

supported by substantial evidence unless the agency clearly

indicates the weight given all of the relevant evidence.

Gordon v. Schweiker, 725F.2d 231 (4th Cir. 1984); see also

SSR 96-8p In so finding, I do not express any opinion on

whether the ALJ ultimate conclusion that Mr. Chapman was not disabled was correct or incorrect.

For the above reasons, the Commissioner's decision as reversed and the case is remanded for further proceedings in accordance with the foregoing Memorandum. A separate Order shall issue.

Sincerely yours,

/s/Stephanie A. Gallagher

United States Magistrate Judge "s/".

2 In finding that Claimant could perform "light work," and determining that he could perform his past relevant work as an office worker, the ALJ failed to explain how he considered the medical evidence from Dr. Moore. (tr. 47-490).

525

Terry R. Chapman appeals the district court's order, the recommendation of the magistrate judge, granting summary judgment to the Defense, to uphold the lower ruling. Chapman's application for disability insurance benefits: We have reviewed the

record and find reason stated by the district court. Chapman v. Comm'r, no. 1:14-cv-03761-WMN (D. Md. Feb. 12, 2016). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

Appeal from the United States District Court for the District of Maryland, at Baltimore, William M. Nickerson, Senior District Judge. (1:14-cv-03761-WMN)

Submitted: December 30, 2016 Decided:

January 9, 2017

Before Wilkinson, Duncan, and Thacker, Circuit Judges.

Terry R. Chapman, Appellant Pro Se. Gabriel Robert
Deadwyler, Social Security Administration, Baltimore,
Maryland; Alex Gordon, Assistant United States Attorney,
Bethesda, Maryland, for Appellee.

Appendix (iii) :

The U.S. Dist. Court for the Dist. of Md.

The Initial Claim Filed 3-9-2020; & Document #28, filed 1-7-16; is the law being applied fairly to incorporate the fairness of justice to the disabled veteran act, as Pro Se had documented as prejudice in the statement "the Plaintiff must fail": In trying to find out what is meant in these cases to address why the court don't allow a jury or the law to address in Stare Decisis the end to the means? Pg#22of34, document 23-1, filed 9-28-11: case no.1:14-cv-03761-WMN & case no. 1:20cv00636-jkb; in a long struggle with an issue of Law, noted in briefings a false complaint; & a Note 12-21-12, Doc#26 Letter to Counsel, states: Pending by their consent...I must uphold the decision if it is supported by substantial evidence and if proper legal standards were employed. The Petitioner never deviated in the Matter of Law. Alex Gordon's transaction enter for 1:11-cv-00274PWG, 9-28-11; section 423(d) to mean (1)(A) ...or which has lasted or can be expected to last for a continuous period of not less than 12months...for purpose of paragraph (1)(A) -- does the Process Stop for Disability? These question to the Supreme Court for

Resolution in Inter-Agency findings. The Plaintiff's 5-19-15 request to the District court was to not assign the case back into the same channels that not address the issue in earlier rulings as relevant evidence; still a matter in the law of SSR-96-8p(4thcir.). If SSA evidence is substantial, why is it based on uncompleted documents and deviations for the Courts to see Harmful activities toward the Petitioner as Prejudicial in Law. As in more fast track formalities to deny a formal complaint on a 3-9-20 claim, on a federal question for relevance to disability under 404.1520(a) & pension obligations for FERS & what constitute a Complaint. The issue always been (ASG:MCV2011v00152) reference to source exhibits of Informal Briefs or Motions leaving Petitioner to address the Defendants' actions as Subparts to P. Appendix 1(listings) as being Harmful or deviating from SSR-96-8p and the downsizing as a Global initiative in the work force doing those years had changed, much like the current pandemic years (technology for change & ability to work under disabilities in older citizens). This Question for Contemporary than & now. All Relevant Parts as in the Thethical & Hypothetical that was address as no job for Mr. Chapman. The court addressed the

Defendants' arguments as relevant to treat this case as a Pro Se for denial; & why the Plaintiff had no jurisprudence in his favor, as to what matters in the Law for en banc issues, (in writ for rule 14.1.d) for conflict; so far that ignored all question presented in factual persuasive arguments to explain (14.1.f) for 14.1.e(iv) Properly pointing out, A decision in which viewing substantial evidence in support of Section 423(d) to mean the length of time out of work due to multiple conditions was grounds in support for the prejudicial conflict in what is missing in not addressing the writ for the importance of Stare Decisis to mean what is abridged or unabridged.

5C.F.R (VEOC) for being protected. Pg# 56-57 of case no. 17-0471 Writ of Certiorari for work related conditions. Steroids could only be used for a period of time as; I aged; I sort other treatments; as the ALJ could not determine pain in the petitioner's body at any point of the process 404.1520. Injury to back led to discharge; scoliosis is painful if sitting or standing; flat feet is painful from shoulders to feet, aiding in cognitive limitations; these are extreme importance to 20cfr.part404, subpart P: even for a close period. Under the Act, impairments as diagnosis as unable to do past relevant work or light

or sedentary work or any work. Selective Rulings abled the Process not to be looked at in Whole. As "Paragraph B" of Criteria in the step Process was look at as a board policy or procedural issue that may affect Public Interest in the ALJ methods. Steroid injections gave the ALJ a false sense of what the disabled could do. Relevant factors are creditable when pills and steroids do not fix the problems, but show retardation& deterioration of the body when no longer can be used or to give a junky behavior. Consequently, a broad range of issues notwithstanding to applicable law by the ALJ; for being out of work for more than a year with many chronic conditions as reason for leaving work in developing a life style for the disabled; of the De novo Review. Thus, leaving Mr. Chapman to face an uphill battle of poverty without the junkie mindset. Mr. Chapman statements, 6-6-11 and 10-5-11, supporting Memorandum of Law for judgment, the Appeals Officer lack in applicable law 201.00h, reasonable acceptance as important in law for a hearing in 42USC...as Magistrate Judge stated health is a good reason to look for a less stressful job or to leave work. I made a decision based on my health advisors (pg#56 of 17-0471. The Courts decided a decision which is controversial to

the VA Rating of Disability & a Wrongful Termination suit 21-1022.

Rulings for reversal of the findings that support a Veteran of the 1980's and being out of work for more than a year is warranted.

Concentration on the irregularities of this case findings to mandates from memorandum & briefs of overall dependency on unbinding measures in issues of pain to the body with Bilateral Pes Planus, with formerly Bilateral Shin Splints, leg and Ankle pain with limited Motion. ...but stated elements of Narcissistic; is being pointed out in doc.#23-1 filed 9-28-11. Why is the Petitioner not disabled under The Social Security Act Under Relevant Law as an en banc matter for law?

This evidence preponderates against the Defense legal team as a Termination case of employment in 1:20cv0636-jkb. This left Plaintiff to ask a Supreme Question as a Petitioner. To view this writ for The Disabled Veteran's Case questions for justice; & the Defendants as to the two stage issue in governing the Rule(s) of Disability in conflict due to the disabled Veteran's grounds of his sustainable and substantial evidence in the Law: for the Law to be look at in whole.

The js44 as a valid complaint. If the ALJ broad range could had covered the disabled veteran as a person with special needs not

trying to be bed dependent or on narcotic or handicapped to drugs; as stated in Appeal Letter dated 7-27-09: Thus, why the court issue pg#517 of transcript, 2-11-13; 4th sentence of section 205(g) of the Soc. Sec. Act. As this case pointed out in 3-1-16, issues for review of Supporting Facts: formulated evidences weight(ed) to a person going to work every day, to illnesses in maintaining a job; Relevant Part in SSR96-8p. Sec423(d) of The Act 404.1520, as to when the body gave out to pain & narcotics.

Case 1:20-cv-00636-JKB, Filed 03/09/20 - In The United States District Court For The District of Maryland.

Terry R. Chapman, Pro Se, 714 W. Cherry Blossom Way, Balt., Md. 21201, 443-802-1066.

ORDER; X-Ref. Case

I have reviewed U.S. Magistrate Judge Stephanie A. Gallagher's January 7, 2016 Report and Recommendations, the Plaintiff's objections (ECF no. 29), and the Defendant's response thereto (ECF no.30). Having conducted a de novo review of those portions of the

Report and Recommendations to which an objection has been made,
Judge Gallagher's recommended disposition in accordance with
Fed.R. Civ.P. 72(b)(3). It is, therefore, this 12th day of February, 2016,
ORDERED that:

Judge Gallagher's report and Recommendations (ECF no. 28)
is ADOPTED as an order of the Court; the Defendant's Motion
for Summary Judgment (ECF no. 25) is GRANTED; the
Plaintiff's Motion for Summary Judgment (ECF no. 23) is
DENIED; the Court AFFIRMS the Commissioner's judgment
pursuant to sentence four of 42USC.ss405(g); the Clerk of
Court shall Close this case; and the Clerk shall mail of copy of
this Order to Mr. Chapman. /s/ William M. Nickerson.

Senior United States District Judge "s/".

Case 20-00636-JKB : This case was Dismissed and AFFIRMS
Judgment 12.11.20: to a Brief: Objecting to adopt js44 to be a valid
Complaint. Judge Bredar rejected Petitioners Motion objecting to
the defendants' false claim to Grant favor as a Matter of Law in
support that there was indeed a valid complaint for ADA. Evidence
of a complaint @ rule 56c.4, ecf.23, 56.3 for a false complaint by the

defendants legal team; pg# 41-42 of the Informal Brief dated 3.4.21:

Implementation of the Judicial Conduct & Disability Act of 1980; not

to respond to a claim of wrongful termination, based on an

American with disabilities in the work place (ADA) see JS44.

* Contrary to law 28usc636(b)(1)(A); FRCP.72(a) - an open question

to address all the issues plenary to DeNovo, Judge Gallagher &

WMN for not addressing if the ALJ was legally correct; & if Judge

JKB & the 4th Cir. Panel was correct on what is reversible.

Appendix (iv) :

Civil Cover Sheet.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

(a) PLAINTIFFS		DEFENDANTS	
Terry R. Chapman		The Dept. of the Army + Sec. Sec. AOMIN.	
(b) County of Residence of First Listed Plaintiff <u>BALTIMORE CITY</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>US of Amer. Ca</u>	
(c) Attorneys (Firm Name, Address, and Telephone Number) <u>Pro Se.</u>		Attorneys (If Known)	
714 W. Cherry Blossom Apt. 101, BALTIMORE, MD 21201			
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input checked="" type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of This State <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Incorporated or Principal Place of Business in This State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	PTF DPF <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> PTF DPF <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
IV. NATURE OF SUIT (Place an "X" in One Box Only)			
<input type="checkbox"/> 100 Insurance		PERSONAL INJURY	PERSONAL INJURY
<input type="checkbox"/> 120 Marine		<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability
<input type="checkbox"/> 130 Miller Act		<input type="checkbox"/> 315 Airplane Products Liability	<input type="checkbox"/> 367 Health Care/Pharmaceuticals Personal Injury - Product Liability
<input type="checkbox"/> 140 Negotiable Instrument		<input type="checkbox"/> 320 Assets, Libel & Slander	<input type="checkbox"/> 384 Asbestos Personal Injury Product Liability
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment		<input type="checkbox"/> 330 Federal Employees' Liability	<input type="checkbox"/> 385 Product Damage
<input type="checkbox"/> 151 Medicare Act		<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 386 Product Liability
<input type="checkbox"/> 152 Recovery of Delinquent Student Loans (Excludes Veterans)		<input type="checkbox"/> 345 Marine Products Liability	<input type="checkbox"/> 387 Other Fraud
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits		<input type="checkbox"/> 350 Motor Vehicles	<input type="checkbox"/> 371 Truth in Lending
<input type="checkbox"/> 160 Stockholders' Suits		<input type="checkbox"/> 355 More Vehicles	<input type="checkbox"/> 382 Other Personal Property Damage
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 383 Product Damage
<input type="checkbox"/> 195 Contract Practice Liability		<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 384 Product Liability
<input type="checkbox"/> 196 Franchise		PERSONAL PROPERTY	
<input type="checkbox"/> 200 Real Property		<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 400 Bank/Non-Bank Financial Institutions
<input type="checkbox"/> 210 Land Compensation		<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 422 Appeal 28 USC 158
<input type="checkbox"/> 220 Foreclosure		<input type="checkbox"/> 373 Other Personal Property	<input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 374 Title	<input type="checkbox"/> 425 False Claims Act
<input type="checkbox"/> 240 Torts to Land		<input type="checkbox"/> 375 Other Personal Injury	<input type="checkbox"/> 476 Qui Tam (3) USC 3729(a))
<input type="checkbox"/> 245 Tort Product Liability		<input type="checkbox"/> 376 Other Product Liability	<input type="checkbox"/> 480 State Responsibilities
<input type="checkbox"/> 250 All Other Real Property		<input type="checkbox"/> 377 Other Professional Liability	<input type="checkbox"/> 481 Arbitration
<input type="checkbox"/> 260 Other Civil Rights		<input type="checkbox"/> 378 Other Professional Liability	<input type="checkbox"/> 482 Cable/Sat TV
<input type="checkbox"/> 270 Foreclosure		<input type="checkbox"/> 379 Other Professional Liability	<input type="checkbox"/> 483 Banks and Banking
<input type="checkbox"/> 280 Rent Lease & Ejectment		<input type="checkbox"/> 380 Other Personal Injury	<input type="checkbox"/> 484 Commerce
<input type="checkbox"/> 290 Torts to Land		<input type="checkbox"/> 381 Family and Medical Leave Act	<input type="checkbox"/> 485 Deportation
<input type="checkbox"/> 295 Tort Product Liability		<input type="checkbox"/> 382 Family and Medical Leave Act	<input type="checkbox"/> 470 Radiator Influenced and Comp. Organizations
<input type="checkbox"/> 300 All Other Real Property		<input type="checkbox"/> 383 Product Damage	<input type="checkbox"/> 486 Customer Credit
<input type="checkbox"/> 310 Other Civil Rights		<input type="checkbox"/> 384 Product Liability	<input type="checkbox"/> 487 FDC Act
<input type="checkbox"/> 311 Voting		<input type="checkbox"/> 385 Product Liability	<input type="checkbox"/> 488 GAO
<input type="checkbox"/> 312 Employment		<input type="checkbox"/> 386 Product Liability	<input type="checkbox"/> 489 Securities/Commodities/ Exchange
<input type="checkbox"/> 313 Civil Rights - Other		<input type="checkbox"/> 387 Product Liability	<input type="checkbox"/> 500 Other Statutory Actions
<input type="checkbox"/> 314 Housing/ Accommodations		<input type="checkbox"/> 388 Product Liability	<input type="checkbox"/> 501 Agricultural Act
<input type="checkbox"/> 315 Family and Medical Leave Act		<input type="checkbox"/> 389 Product Liability	<input type="checkbox"/> 503 Environmental Matters
<input type="checkbox"/> 316 Other Disabilities		<input type="checkbox"/> 390 Other Employment	<input type="checkbox"/> 505 Freedom of Information Act
<input type="checkbox"/> 317 Employment		<input type="checkbox"/> 391 Employee Retirement Income Security Act	<input type="checkbox"/> 506 Arbitration
<input type="checkbox"/> 318 Employment - Other		<input type="checkbox"/> 392 Health Care	<input type="checkbox"/> 509 Administrative Procedure Act
<input type="checkbox"/> 319 Education		<input type="checkbox"/> 393 Health Care Corp/	<input type="checkbox"/> 510 Judicial Review (252)
<input type="checkbox"/> 320 Other Disabilities		<input type="checkbox"/> 394 Mental Health	<input type="checkbox"/> 511 Motions to Vacate Sentence
<input type="checkbox"/> 321 Other Employment		<input type="checkbox"/> 395 General	<input type="checkbox"/> 512 General
<input type="checkbox"/> 322 Other Employment - Other		<input type="checkbox"/> 396 Other	<input type="checkbox"/> 513 Death Penalty
<input type="checkbox"/> 323 Other Employment - Other		<input type="checkbox"/> 397 Mandamus & Other Civil Rights	<input type="checkbox"/> 514 Mandamus & Other Civil Rights
<input type="checkbox"/> 324 Other Employment - Other		<input type="checkbox"/> 398 Prison Condition	<input type="checkbox"/> 515 Prison Condition
<input type="checkbox"/> 325 Other Employment - Other		<input type="checkbox"/> 399 Civil Descent - Conditions of Confinement	<input type="checkbox"/> 516 Civil Descent - Conditions of Confinement
V. ORIGIN (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened
<input type="checkbox"/> 5 Transferred from Another District (specify) <input type="checkbox"/> 6 Multidistrict Litigation - Transfer			
<input type="checkbox"/> 7 Multidistrict Litigation - Direct File			
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>TITLE VII 42 USC</u>			
VI. CAUSE OF ACTION Brief description of cause: <u>Wrongful Termination of Employment</u>			
VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ <input type="checkbox"/> CHECK YES only if demanded in complaint <u>13 Million</u> JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No			
VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE <u>The Supreme Ct</u> DOCKET NUMBER <u>17-0471</u>			
DATE <u>3-9-2020</u> SIGNATURE OF ATTORNEY OF RECORD <u>Pro Se.</u>			
FEE FOR USE ONLY			

ASG:mcv
2011v00152

In the US. Dist. Court
For the District of Maryland

Terry R. Chapman
Plaintiff

v.
Commissioner, Soc. Sec. Admin.
Defendant

civil no. PWG-11-274

Date: 06 06 11

Scheduling Order in accordance: The Plaintiff's Motion in Summary and Supporting Memorandum of Law.

* The defendant asserted action by an Appeal Officer's denial of plaintiff's right to a hearing before an Admin. Appeal Judge. Thus, over-looking the facts as to the reason for the Claimant's request: In its error in following the Law Decision 07 23 09 of Applicable Law. The process should stop for a Favorable Decision: "the above impairments are found to be severe as they have more than a minimal effect on the claimants ability to perform basic work activities"(20cfr 404.1520); at step 2&3; and under 201.00h prior to advanced age, page #46 of transcript. Finding of Fact and Conclusion of Law (20cfr 404.1520c) page #47.

The claimant had gone from being 10% disabled by the Veteran Admin. to 100% disability from 1985 to 2005; when health was reason for separation from employment in 2006. The claimant summarized his health as multiple conditions with chronic ongoing issues: as descrip in medical evidence; along with mental health evidence supporting a less stressful job would be suited. After, an unsuccessful work attempt in 2006, the claimant had not worked since March 2006.

In Brief:

- The legal argument in favor of this case: 42usc(405(g)), to certify Mr. Chapman as the plaintiff who continued to get sicker with advancing age.
- Certified by VA as unemployable in 2005.
 - 205(g), 205(a), 702, 1631(e)(1)(a)&(b), 1869(b)&(c), 201.00h, 216(i) and 223(d), 20cfr404.1567(b) & 223(a) meet sga(substantial gainful work).
 - Ex. #3a, page50 of transcript stated: After careful consideration of the evidence, the undersigned finds that the claimant's medically determinable impairments could reasonable be expected to cause the alleged symptoms; ..." However, not inconsistent to the medication the claimant had been taking ding the years in question and the period of being bed ridden: With degenerative joints and muscle conditions.

Pg. #470, ex. #23f: and Pg. #474, ex. #23f.

Note: Cause of Action: 405(g) and 1383© of Title 42 of the USC: Disabling conditions and aging in this economy; post 2007.

1.) I Considered:

- a. Not being able to do past relevant work (1565).
- b. The Appeal Officer had no evidence to support a work economy for an aging person with chronic disabilities.
 - i. Medical evidence show over the years white and red blood cells were low -- Naproxen for the heart.
 - ii. Pg. #337 -- positive ANA ... repeat, and other conditions in 2006. I was unable to type, pg. #341: mental disorder (20cfr 404.1512g), pg. #343 and other issues. Currently, I'm on two types of HBP medications. At one time I was on rispidol, cyclobenzaprine, and cholesterol medications. Page #47 of transcript -- SSA is responsible for providing evidence (1560c) that I could had work since 2006.
 - iii. It is painful to work, standing or sitting with hyperkeratotic lesions on feet (pg. 352).
 - iv. Page 361 of transcript -- working with knee pain, feet and degenerative joint disease, since 2001 and 2002, three 800mg of ibuprofen was need to get through the day, verses one pill or two in 1995; when I was not on the tranquilizers. In 2009 muscles started giving away (pg. 363 & 364 of transcript)(ibuprofen, salsalate, analgesic balm and tramadol were meds).
 - v. I do not feel like a man because of erectile dysfunction (along with the side effects caused by the different types of erectile dysfunction medication, I became less interested in sex). I felt awful. My head and eyes were paining with dry mouth and a rapid heart beat; I hated what I had become (pg. 376).
 - vi. Page 378; by 2009, I had been to rehab, for heat pool treatments and back treatments (feet, scoliosis and arthrolgia).
 - vii. Chondromalacia, and others (occupational circum) pg. 424.
 - viii. Heart problems: from pg 440 to 451&452 and 479 to 482.
 - ix. Vicoden for pain & hydrocodone.
- c. SSA nor the Vocational Expert proved that I could perform any type of work: but testified that a "hypothetical individual... in the National Economy..."
- d. Notice of Appeal Council: Rules applied dated 12 10 10.
 - i. Abused discretion.
 - ii. Error in law.
 - iii. Decision is not supported by substantial evidence.
 - iv. There is a broad policy or procedural issue that may effect the public interest: Delusional or Mental Health.

To Conclude:

As of the date of the appeal council decision the claimant is defined as 55 years old and had been out of the work force since 2006 (20CFR part 404). The same date used to meet insured status, 12 31 10 (pg 47 of transcript).

The claimant had been under a disability as defined in the Soc. Sec. Act from 03 01 06, through the date of this decision (20CFR part 404), (216(i)) and 223(d), (ex 3a, pg. 50 of transcript). It states: ... impairment could reasonable be expected to cause the alleged symptoms; ...

SSA error when sequential evaluation process determine "the above impairments are found to be severe as they have more than a minimal effect on the claimant's ability to perform basic work activities" (20CFR 404.1520). The process should stop for a Favorable Decision.

Sincerely,

Terry R. Chapman
Plaintiff.

Terry R. Chapman
714 W. Cherry Blossom Way
Baltimore, Md. 21201

Dept. Of The Army
SFMR - RBR
AR2004102928

Date: 10 Dec. 2004

Dear Director, Army Board for correction of Military Records:

I have received your decision dated 10 Dec 2004. I had made an original request for reconsideration of an error of law that has not been substantiated by facts, in which I understand.

The reconsideration ask for was to change my separation from a bar in reenlisting to a medical discharge. The question was asked, could a soldier be discharged with a service connected disability and not have a medical discharge. Two, if the soldier was promoted prior to a bar for reenlistment, is the promotion received not valid to the correctness of the dd215.

These were the issues I requested reconsideration on.

In brief:

Your records only indicated that the soldier is not eligible for an e4 rank prior to a year after entry. AR2002081591 indicated that promotion shows that his proficiency warranted promotion.

So am I to believe that this case will never show a correctness as to the current service connected disability as a veteran and the promotion actually received.

Sincerely,

Terry R. Chapman

Terry R. Chapman

Appendix (v) :

Admin. & Dept. Remedies 1985 Todate.

Judgments Granted for These situations in which statements are made, Although corrections were not made or reflected. Plaintiff claimed limitations far in excess of those reflected in the documentary of record and accepted by formalities; that the law is clear on. Subjective allegations, standing alone, can't sustain a finding as a matter of law. Is form js44 subjective or sustain a complaint. To the contrary, the law is clear that the impairments alleged by the plaintiff are disabling & some not disabling per se, but only to the extent that they precluded him from performing substantial gainful activity. 32cfr581.3 for Army Board Corrections not made. That which the complaint addressed from his administrative claim to court issues for justice from the Bench. In which the plaintiff's Jag Officer laid out the addressed matter for getting sick that was adjudicated but the Board didnot make the corrections. Plaintiff was discharged with a pending matters for bonus entry pay, E5 rank at entry & backpay from E3 to E5. Leaving Plaintiff to address an exceptional Matter as a civilian citizen in a

Matter of Law for a valid complaint to be addressed. The right to be unabridged is the help the Petitioner had been seeking since pending actions & non jurisdiction for Pleading Standards that a complaint does exist. The Defense efforts should be dismissed as not supported by substantial evidence, but the deviant behavior from relevant prejudice in nature to what was being asked in this complaint; to address the claim plausible for relief. The Defendants motion in case no. 21-1022 can be reversed in en banc action based on the defendants had no grounds to say a claim in the complaint do not exist. I now ask this Court as a matter of law to dismiss the Defensive Motion, as they appear to have strong language for the Court to dismiss Petitioner, Pro se as immaterial. Immunity for proper pleading standards in this certiorari to govern high risk Bench action to belittle pro se to the injust for the law being applied to an unpublished decision. An action for high ranking officials in inter-agency involvement with Big Pharma and the military. Executive benefits whether high level officials knew & agree to push opioids onto veterans, sufficient to state the individual's capacity to a claim & to the body giving out to the work force to the administering of the

medications called drugs known as Narcotics. The grounds that subordinates not adjudicating the law properly to keep citizens at bay to due process. The issue against the defendants are relevant to all matters of the Petitioner's Complaint & statements of records. The notice that the US. Atty Gen will not react unless a court order; as the Atty Gen is the highest Atty of the judicial branch; for the laws & constitutional matters that are left to the Supreme Court; as we saw under Wm. Barr, in 17-0471. So where does the chicken or the egg come in if not with Stare Decisis for a Precedent. Facts, the recruiting tools used in the delay entry program that took advantage; and the drugs leaving Petitioner too weak to work. See collateral exception to res judicata. Relitigated for narcotics Petitioner made known in reconsideration of initial claim 2007 & 2008. The immunity question for being a veteran, the 4th amendment for being secure to the law for protection. Applied Rights at levels of Responsibility for time under color of Federal Authority 56(b) FRCP. The Plaintiff had motion the appellate Court to vacate its decision; other than to address the defensive motion on Pro Se to Reply to the Informal Brief as unreversible: to support a case of Law for ADA when Precedents was

needed. Stare Decisis for a binding matter. Pro Se was asking if the Preponderance for the reasonable protection of the Rights of the Petitioner or the Citizen of this country, is that of Constitutional Law?

A valid pled in this Complaint. For the Procedural Process Clause.

The Petitioner was at and still is at a great degree of impairment and needed the Courts to address these actions for the help sort as working became difficult; and to protect the Petitioner's Rights.

* Hostile work environment in 2005 did not support a sick man in a downsize economy for jobs and Global Initiatives when Plaintiff could not keep-up his work load. behavior created statements by supervisor like I hope you don't come back. This made others uncomfortable to have a disabled veteran on narcotics around. Grounds for basis in the Fair Employment Act: created an abusive and abnormal workplace for harassment from employees: and what is meant by the "Plaintiff's statement that he was working until opioids was place in his body; too the defendant's statement Pro Se must Fail" (page 22 of 34 of document 23-1, Filed 9-28-11. Civil No. 1:14-cv-03761-WMN. Notice is hereby given that the above captioned case, hereby appealed to the United States Court of Appeals for the

Fourth Circuit, the order entered in this case on 12th day of February,

2016, case no.16-1173 is ref. with case no. 21-1022. Did the

limitations equal Relevant Part in VA Rating or equal 4th Circuit Rules

for de novo review; knowing the 4th cir., didnot look at the matter

for legal correctness in the ruling being judge on (this really is

prejudicial prejudice on the bench to not review the levels of

responsibilities & or on the en banc motion not to let the erred ways

stand)? The defense disregarded the Rule to address 1520 @ 423d,

Steps based on listings, for another wide range of the ALJ for not

being specific, to the years Plaintiff had been disabled and the steps

of the VA rating for its completeness & The US. Army's Contributable

Negligence in the disabilities of the Petitioner, Title 38; as it increased

in disableness as he aged (Plaintiff went from 10% in 1985 to 100%

in 2005 too giving out to opioids in 2006 his initial filing for wkers

comp, unemployment than T2). The question to the military board

was, can a solider be discharged with a disability & not be disabled

on this corrected records. Issues of the DD215. For what is Legally

Correct in Inter-Agency Rules of Law. Civil No. JMC-20-636; Title VII

42usc Amer, w/Disabilities-Employment, 445; js44, Federal Law

SSR96-8p; 3.9.2020 for Writ in Pleading Standards for what is a Complaint. Terry R. Chapman, 714 W. Cherry Blossom Way, Balt., MD. 21201, 443-802-1060. This is Pro Se's steps set forth in this Writ's development to the best of my knowledge to address jurisdiction from the 4th Circuit Mandate to The Supreme Court of America reasons to address Precedent for Stare Decisis in this case & others; & to approve Writ of Certiorari in The Supreme Court of The U.S., for Favor in Pro Se judgment for changes to address the laws to keep Unabridge Matters unabridged. Process, applicable law (20cfr404.1520); there are no jobs for his limitations (1520a) 5-18-15, 14-3761WMN. Case No. 21-1022 The Petitioner does have a Valid Complaint F.R.C.P.56.

Appendix (vi) :

Action by SSA, Army, OPM, VA, MSPB Hearings & a Court Martial, as address in JMC-20-636 was on a consolidated claim. Disability Alleged 3-1-06 for T2 & 1987 upon discharged. Disability @10% in 1987 to 100% in 2005 @ time of separation wrongfully from SSA. There is a conflict of jurisdiction and

applying of law; to the Standards Pleading to uphold a complaint filed as Wrongful Termination & not that of the defendant's legal team in 20-00636 Judge JMC. The Petitioner is looking for relief at the point where a decision is needed as to the form js44 as the cover sheet complaint & its content for the complaint that was filed 3-9-20 as a complaint. While there is finding of substantial evidence to support Relevance as a federal issue for disability; the hearings of this case and the list of problems attached within these writing, support multi-conditions as been debilitating from work and life. Some documents do not have as submitted, the corrections that has led to a long pending matter of law for judgment. See **Table of Authorities** for what Petitioner seek in judgment for legality in relevance for omitted corrections & abridgement in Petitioners Rights. Sociology in the aim of creating a more egalitarian society through Precedence in Stare Decisis giving preferential access to the The US. Supreme Court Rules for accuracy essential to prior understanding for what the Petitioner believe is misjudgment or unjust in an opioid induce society under FDA & others for what helped in preventing a ADA Veteran from being able to work & address issues for why He has no FERS Pension

or T2 or His Rank for Portfolio materials of The Delayed Entry Program. A violation on the basis protection under the law (DHHS)(ADA) the basic right to help Pro se covert underhanded behavior not to prolong any longer pending issues herein -- behavior to continue systematic influence intended not to take the Appellant as intelligent as a Pro Se to challenge legal actions (but not limited to Title 10 codified & cited with Title38 for equal weight) & that which suppress the law for its loopholes not to support the prudence in the juris doctrine of experts or overt ways (jurist) the symptom for bias toward the wrong in ruling against (ADA) Americans with disabilities in the work force as a legal complaint. Pointing to the defendants as erred in their false claim against the complaint of the js44.

* Promissory estoppel, reasonably aligned with the tort of an issue (Delay Entry Profile for a Portfolio). Plausible for relief of damages to the life not given when promises were kept away from the Appellant. It is unjust to rescind from the recruiting tool of promise. To morph from the complaint to employment discrimination...

Filed 3.4.21, case no.21-1022. Also see the initial complaint 20-636-JMC; US. Army Court Martial: Exh. 8d.) Surely the Plaintiff has

special Needs @ Relevant Parts. To forgo the 8 years at E4 for the 20years at E5 or the recruiting tool to get in the door at E1 & his rank for E5 after Boot Camp, the 1984 Contract.

* The court shall have power to enter...with or without remanding the cause for a rehearing. 4th sen. of sec. 205(g) of the soc. sec. act, 42usc405(g).

* Chapter 47A of Title 10 - Rule 1104. Records of trial: Authentication; service; losses; corrections; forwarding; but not limited to Rule 1105,1106, 1107 or Chapter XII, Appeals & Review Rule 1201 & 1202: Manual For Military Commissions United States.

* 20cfr 404.1520(a), Code of Federal Regulations - Evaluation of disability. The conflict called for a ruling to uphold the plaintiff's grounds on the basis of why the Remands was ordered and why the Courts nor the Defendants Legal Team want to apply Trial Law against Policies or rule as a matter of law; appellate rule 35.a.2, when one could not get help from Headquarters cause employee was a Field employee & other examples but not limited to rule 35.b.1.B for which the Petitioner writ is about; Id., no reversible errors from the bench as if form js44 does or does not carry a legitimate complaint

for ruling on. How important is this question to be uniform to the Cover Sheet for pleading standards? This prevented the "Informal Briefing" from being ruled on and or to keep the Plaintiff from a jury trial. The Appeals Council not taking Jurisdiction over the original complaint & the question for pleading standards, left a legitimate complaint unheard and issues unresolved. As justice without per se supervision. The District Court Official stated, health problems are good reason to leave a job, (but did nothing for what was question as what is Legally Correct); inter-agency issues, as the Psych Dept. VA, did more to put one on drugs; as hardship relocation was sort for help from the Employees Asst. Program at work (EAP) to prevent the hostile environment: resulting in management having to make a decision per Ms. Troxell of (EAP). Management released Petitioner; and in May of 2005 new employment base on the Psych Dept., to seek a less stressful job. After several unsuccessful attempts, VA upgrade condition to be unemployable; an aged individual with chronic conditions. VA submitted documents to Defendants; as SSA continue to deviate from VA medical; and continued the Step Process that did not prove Mr. Chapman is able to compete or work or learn

in today's work force or that he is not disable; as the defense look at him as an individual with neat habits. SSA reports disorders, but did not consider delusion to be one they address in remand with a doctor but old incomplete reports; but not once would the defense indicate health issues for Resignation; papers dated 4-12-05, the Two Week Notice; as May 3, 05 last official day in service with Federal Gov't. The state pointed out several time that mindset seems to be on discrimination as if that is not a trauma of living in a behavioral state of traits in systematic issues. The second consultation of mood swings was uncompleted in this Report. The meds put Petitioner in a junky state of mind that was not helping; but made more bed depended. VA then issued another medication after risperidone, oxicodon and naproxen; another straight-up narcotic or tranquilizer; Putting Plaintiff into another world for mood swings. ADA in the work place for sake of a solution; led to VEOA being rejected in several request for EEOC to assist. The Psych Dept., was giving Plaintiff as much headache as the job; it requires thinking. As His immune system is weak to deceases as a front liner in claim review; to shingles in later years. Plaintiff was advised to stay away

from the different vires that are out now days and unless He has to go out, He may have to get use to being shut-in to the likes of west nile or the different strains since the s1, s2 virus or mercer, CoVid 19, but not limited to delta or s25 & beyond for yearly shots to Omicron currently. These long pending issues from 1985 to date, brings no reflection that unbinding decisions will help in court supervision for support in Memorandum of Law for Judgement in Favor of Plaintiff; who presented constitutional questions surrounding medical proof; and errors needing proof of prejudice and errors being prejudicial as harm prejudicially; explained in great detail the unjust of a complex matter. The Rights of innocence without prejudice; until proven, a decision should not violate the Rights of that Citizen: Questions the 4th Circuit's Opinions in Chapman v. SSA and the Parties thereto, as in 1996WL374184, at*6, or what constitute a claim: To uphold the constitutional General welfare of the Veteran, the Disabled Citizen and the Matter of Law. In Relevant Mentioning Parts, did defendants assist or impair the interest of those laws the agencies suppose to serve (see 38usc subsection5013A(a)(1)? Evidence for disability applicable to what matters, this case needs a binding based on

longterm pending issue. 21-1022 Ruling is corrosive to Veterans or Citizens in this system with persuasive arguments, without help of a Higher Court. Errors has force Citizens to limit their ability in Judicial Matters in the Wholeness of the Law, but not limited to error in DA 3499 Sec.II. In support of the request, pursuant to R.C.M.1105

In Conclusion:

The federal notice pleading standards for addressing that "a complaint should not be dismissed for failure to state a claim...which would entitle him to relief."... for constitutional rights, is the help in The Court System if a blind eye for justice don't, as a Legal Matters, base a clone Right to be innocent without Errors? This require Policy changes within the Adjudication Process: as an important Matter of Law. To do nothing is criminal to the causes, signs & symptoms, dangerous to not diagnosis & treat (Stare Decisis). Super Precedence herein for denying justice; these are Longterm pending issues. What is disbarment if Necessary Due Process for Discretionary Review or when masses are able to see justice not working; do to the Bench not showing Precedent in a matter for

detail? I.e., The review of the Petitioner's claim in a complaint; lose at Relevance for T2, of Pension & Rank not adjusted for in Wrongful Termination. The protection of the veterans' interest in certain procedures ("due process") before depriving Petitioner as he showed his interest in Civil Service & FERS & Soc. Sec., with no pension as he worked until opioids was placed in the body. Procedural Due Process; that would had kept Petitioner from wrongful deprivation of interest. The basic fairness to answer the question for what the Petitioner stated as a complaint on form js44 at a meaningful time in a meaningful way. The aggravating factors. Board of Regents v. Roth. Adjudication and Review for proceedings in accordance with the fourth sentence 205(g) of the Social Security Act., for resolution of the stated issues: How important is it to address opioids & other narcotics on the body for pain & working in the force under pain & narcotics in (ADA) for a precedent in stare decisis for a binding decision to a procedural outcome in pleading standards for form JS44 for Writ Protection to The US. Supreme Court?

- Unjust for not helping doing a Pandemic & for what help the disabled needed in the Opioid Crisis by the Federal

Government.

MSPB, No. PH-0841-17-0440-I-1, (6-15-18) (5-16-18) &

Disability Retirement (T2).

No.

In The Supreme Court of The US.

I, Terry Chapman, Pro Se, here by served this Writ of Certiorari to the Clerk of The US. Supreme Court & the parties listed below these writings 1st class mail, certified proof of service; accordingly, I declare under penalty of perjury that the foregoing is true and correct in compliance with 28usc1746, as my declaration to the best of my knowledge. Executed on 2.18.2022, as required by Rule 33.1, Rule 29 & Rule 12 Supreme Court Rules.

1.) The U.S. Appeals Court for The 4th Circuit.

1100 E. Main St., Richmond, Va. 23219-3517

2.) The Office of The U.S. Attorney General-Mr. Merrick B. Garland; Solicitor General Rm 5616, Dept. of Justice, 950 Penn Ave., NW., Wash., DC. 20530-0001

Date of this Writ of Certiorari : 02-18-2022.

Terry R. Chapman, Pro Se.

Terry Chapman

714 W. Cherry Blossom Way, Balt., Md. 21201.

443-802-1060.