

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

**JURISDICTION**

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 09/07/2021

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 09/28/2021, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th Amendment of The U.S.  
Constitution.

"Nor be deprived of Life, Liberty or  
Property without due process of  
Law"

## QUESTION PRESENTED

IS IT THE SECRETARY OF THE DEPARTMENT OF DEFENSE OR THE RESPECTIVE SECRETARY OF THE MILITARY BRANCH OF SERVICE OF THE U.S. ARMED FORCES OR THE SERVICEMEMBER HIMSELF WHO BEARS THE ULTIMATE RESPONSIBILITY FOR THE CHARACTER OF HIS DISCHARGE WHEN SUCH A MEMBER BECAME MENTALLY DISABLED AND UNABLE TO FEND FOR HIMSELF FROM A SEVERE TRAUMATIC BRAIN INJURY(TBI) SUFFERED AND/OR SERIOUS MENTAL DISEASES CONTRACTED AND DIAGNOSED DURING ACTIVE DUTY SERVICE?

## STATEMENT OF THE CASE

Appellant Eddy Jean Philippeaux suffered a permanent life changing disability from a severe traumatic brain (TBI) injury which he suffered on October 12, 1977 while on active duty on a U.S. Battleship onboard of the USS McCandless (FF-1084) and during his second active duty service enlistment tour which expired on October 1, 1980. In the preceding years following the traumatic event, was diagnosed with serious residual complications of the TBI while on active duty, including, hyperthyroidism, severe headaches, nerves issues, eyes trauma, eyes infections, malaise and fatigue, cardiovascular issues, muscles spasms or seizures, weight loss, anxiety and mood disorders and showed signs and symptoms of cognitive and memory deficits, post traumatic amnesia was discharged two (2) years later at his expiration of his enlistment without referral to a disability board, disability pension, contrary to laws: Title 10, Chapter 61, 10 U.S.C. 1216a. The head injuries involved internal brain organs damage including damage to the hypothalamo-pituitary axis, spinal cord injury, thyroid injury, cardiovascular injury, digestive system, immune system, nervous system injury was provided with an honorable discharge at the expiration of his

enlistment instead of being processed for a disability discharge resulting in the eventual diagnoses of psychosis, schizophrenia, diabetes mellitus type 2 and others is unconscionable in a civilized society, leaving him to fend for himself while exposing him to the hazards of the natural environment while debilitated, and mentally incapacitated destined to become permanently unemployable for the remainder of his natural life resulting in homelessness and permanently disabled is violation of the 5<sup>th</sup> amendment of the United States constitution.

"In order for the DoD Disability Process to begin, a service member must first be referred to the Medical Evaluation Board (MEB) by a military physician. A service member who feels that their medical conditions make them Unfit for Duty can speak with their military physician and request for a referral to be made. If the physician agrees, they will officially make the referral."

## ARGUMENT

If you are mentally incapacitated from a devastating brain injury suffered in the military, and you was examined and found to be in perfect health upon entry in the military and no one had told you the nature of your injuries and how it had changed your health status and you are not able to protect yourself from potential injustices, you are incapable of reasoning out issues that will protect your interest and you can only assume that your health status had not changed after entry in service; you should not be responsible for any statement that you might have made during your military discharge processing specially when the military service had not informed you of very serious diagnoses contained in your service medical record files which renders you permanently disabled and in fact require that you are referred to a disability board pursuant to their regulations and the U.S. Court of Appeals failed to adhere to the statutory provision 10 U.S.C. § 1219.

"10 U.S.C. § 1219. Statement of origin of disease or injury: limitations A member of an armed force may not be required to sign a statement relating to the origin, incurrence, or aggravation of a disease or injury that he has. Any such statement against his interests, signed by a member, is invalid. (Added Pub. L. 85-56, title XXII, §2201(31)(A))"

## **REASON FOR GRANTING THE PETITION**

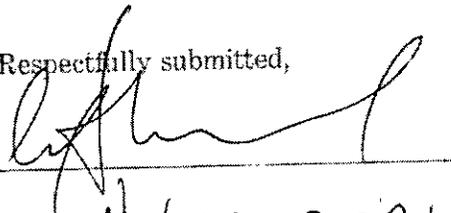
Traumatic brain injury (TBI) has been called a "signature injury" of Iraq and Afghanistan Conflicts.<sup>1</sup> The Defense and Veterans Brain Injury Center (DVBIC) report nearly 350,000 incident diagnoses of TBI in the U.S. military since 2000. Among those deployed, estimated rates of probable TBI range from 11–23%.

Numerous consequences of traumatic brain injury are reported in the literature. Among veterans with positive TBI screens in Veterans Affairs (VA) facilities, 80% indicate comorbid psychiatric diagnoses. Up to half of all service members with combat-related mild TBI (mTBI) meet criteria for Posttraumatic Stress Disorder (PTSD). Over one-third with a history of mTBI have depression,<sup>3</sup> with increased risk of suicidal ideation, suicide attempts, and suicide completion. Adjusting for psychiatric comorbidities, veterans with a history of TBI are 1.55 times more likely to die from suicide than those without TBI.<sup>4</sup> Additional sequelae associated with mTBI in veterans include cognitive impairment, alcohol misuse and binge drinking, pain disorders, and unemployment. This corresponds to civilian research where TBI has been linked to suicide,<sup>12</sup> lower quality of life,<sup>12</sup> and mood and anxiety disorders.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "L. F. ...", written over a horizontal line.

Date:

Nov 12, 2021