

No.

IN THE

SUPREME COURT OF THE UNITED STATES

JIMMY D. WOODS, Pro Se - PETITIONER

vs.

KRIS MAYES, ARIZONA STATE ATTORNEY GENERAL – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MOTION FOR LEAVE TO PROCEED AS A VETERAN

The undersigned Petitioner Jimmy D. Woods, a veteran, hereby moves for leave to proceed in this matter before this Court without prepayment of fees or cost, pursuant to 38 U.S.C. 2022 and Supreme Court Rule 40, the petitioner veteran status is affirmed by attached affidavit or declaration.

AFFIDAVIT OF VETERAN STATUS

I, Jimmy D. Woods, solemnly affirm that I am an honorably discharged army veteran as defined by applicable law. I have served in the armed forces of the United States, and I am entitled to the VA benefits and exemptions granted to veterans. I declare under perjury that the information herein is true and accurate.

1. DD 214 (Honorable Discharge Record).
2. Board of Veteran Appeals Ruling, Appendix E.
3. Department of Veterans Affairs, Veterans Benefits Adm. Washington DC

RELIEF REQUESTED

The petitioner respectfully requests that the Court grant leave to proceed as a veteran, waive any fees or cost associated with this case, and allow the attached motion to precede and be attached to the Petition for a Writ of Certiorari, or any other substantive document filed by the veteran.

Respectfully Submitted:

Jimmy D. Woods, 7138 N. 45th Ave. Apt C 122, Glendale, Az. 85301

Jimmy D. Woods

CAUTION: NOT TO BE USED FOR
IDENTIFICATION PURPOSES

NO. 14-15 280
THIS IS AN IMPORTANT RECORD
SAFEGUARD IT

ANY ALTERATIONS IN SHADED
AREAS RENDER FORM VOID

DD FORM 214
1 JUL 79

5 EDITIONS OF THIS
ARE OBSOLETE.

STATE OF RELEASE OR DISCHARGE
FROM ACTIVE DUTY

1. NAME (Last, first, middle) WOODS JERRY C		2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE		3. SOCIAL SECURITY NO. [REDACTED]																																					
4. GRADE, RATE OR RANK EFS	4. PAY GRADE E-4	5. DATE OF BIRTH 471217	6. PLACE OF ENTRY INTO ACTIVE DUTY Indianapolis IN																																						
7. LAST DUTY ASSIGNMENT AND MAJOR COMMAND SGU Co 74th AMC Aurora CO USA Med Activity (W2WVA) Ft Sill OK w/dy HS		8. STATION WHERE SEPARATED Pittsburgh AMC Aurora CO																																							
9. COMMAND TO WHICH TRANSFERRED EA		10. SGU COVERAGE AMOUNTS 35 00 <input type="checkbox"/> NONE																																							
11. PRIMARY SPECIALTY NUMBER, TITLE AND YEARS AND MONTHS IN SPECIALTY (Additional specialty numbers and titles involving periods of one or more years) 64C10 Motor Transport Operator 2 yrs 6 6 mos		12. RECORD OF SERVICE <table border="1"><tr><td>a. Date Entered AD This Period</td><td>YEAR (s) 79</td><td>MON (s) 08</td><td>DAY (s) 21</td></tr><tr><td>b. Separation Date This Period</td><td>82</td><td>10</td><td>08</td></tr><tr><td>c. Net Active Service This Period</td><td>83</td><td>01</td><td>18</td></tr><tr><td>d. Total Prior Active Service</td><td>00</td><td>00</td><td>00</td></tr><tr><td>e. Total Prior Inactive Service</td><td>00</td><td>00</td><td>12</td></tr><tr><td>f. Foreign Service</td><td>00</td><td>00</td><td>00</td></tr><tr><td>g. Sea Service</td><td>00</td><td>00</td><td>00</td></tr><tr><td>h. Effective Date of Pay Grade</td><td>82</td><td>12</td><td>03</td></tr><tr><td>i. Reserve Oblig. Term. Date</td><td>EA</td><td></td><td></td></tr></table>				a. Date Entered AD This Period	YEAR (s) 79	MON (s) 08	DAY (s) 21	b. Separation Date This Period	82	10	08	c. Net Active Service This Period	83	01	18	d. Total Prior Active Service	00	00	00	e. Total Prior Inactive Service	00	00	12	f. Foreign Service	00	00	00	g. Sea Service	00	00	00	h. Effective Date of Pay Grade	82	12	03	i. Reserve Oblig. Term. Date	EA		
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13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) Hartman Badge w/Rifle Bar (M-16)																																									

BEST IMAGE
AVAILABLE

14. MILITARY EDUCATION (Course Title, number weeks, and month and year completed)

Motor Transport Operator Course 5 wks Nov. 79

15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	16. HIGH SCHOOL GRADUATE OR EQUIVALENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	17. DAYS ACCRUED LEAVE PAID 334
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18. REMARKS

Immediate reenlistment this period: 790821 - 820224 "NOTHING POLICIES"

19. MAILING ADDRESS AFTER SEPARATION 1814 Cedar St (Madista) Anderson IN 46011	20. MEMBER REQUESTS COPY & BE SENT TO <input checked="" type="checkbox"/> IN DIR. OF VET AFFAIRS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
21. SIGNATURE OF MEMBER BEING SEPARATED <i>Michael P. Kogel</i>	22. TYPED NAME, GRADE, TITLE AND SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN Michael P. Kogel MICHAEL P. KOGEL, CPT, MSC, Asst Chief NPD

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION Discharge	24. CHARACTER OF SERVICE (Includes upgrades) HONORABLE
25. NARRATIVE REASON FOR SEPARATION Unfulfilled or erroneous enlistment commitments	26. DATES OF TIME LOST DURING THIS PERIOD None
27. MEMBER REQUESTS COPY & BE INITIALS (IDK)	28. VETERANS ADMINISTRATION - 3

S/N 0102-LF-000-2140



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington DC 20420

MAR 05 2008

In Reply Refer To:

211B

WOODS, Jimmy D.

SUBJECT: Administrative Review

The veteran's claims folder was referred to this Service for completion of a Statement of the Case (SOC) following the receipt of a Notice of Disagreement with termination of benefits due to presentation of false and fraudulent statements.

Our review of the claims folder indicates that the veteran has been service-connected for arthritis of both knees and tendonitis of the left shoulder at the 40 percent rate since 1994, and the 60 percent rate effective May 2003.

The case was referred to the Department of Veterans Affairs Office of Inspector General (OIG) by the United States Postal Inspection Service alleging that the veteran submitted false claims to the Department of Veterans Affairs in order to obtain disability benefits.

On August 21, 2006, a jury found the veteran guilty in the Superior Court of Arizona of two counts of theft, two counts of fraudulent schemes and artifices and two counts of felony. The veteran was sentenced to seven years probation and ordered to pay restitution to the VA. The OIG requested that the Phoenix VA Regional Office terminate the veteran's disability compensation. On February 15, 2007, the veteran was informed that his benefits were terminated. He submitted a Notice of Disagreement with the decision and requested a hearing with the Decision Review Officer stating that he was wrongfully charged.

This Service finds that the veteran should be scheduled for a hearing, an SOC prepared, and he should be informed of his appellate rights. This Service is unable to prepare an SOC in this case, as after September 1, 1959, the provisions of 38, United States Code, Section 6103(a) do not apply to individuals who are residents of the United States. As such this is not a case where forfeiture of benefits is involved. A

Bradley G. Mayes

Director

Compensation and Pension Service

TO ACCOMPANY FOLDER

Reply to RBA memo to CO (211B) dated 8-15-07
Appeal Review, VAOCIS Reactivated,
Various days up to, 19 JUL 08 to