

Supreme Court, U.S.  
FILED  
JUL 05 2022  
OFFICE OF THE CLERK

No. \_\_\_\_\_  
22-5933

IN THE  
SUPREME COURT OF THE UNITED STATES

Gemmett M. Holmes-Smith PETITIONER  
(Your Name)

vs.

VA Hosp & OWC P — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Courts of Appeals for Federal Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Gemmett Maria Holmes-Smith  
(Your Name)

4304 Peridot Parkway  
(Address)

Stockbridge, GA 30281  
(City, State, Zip Code)

770-549-9584  
(Phone Number)

**ORIGINAL**

1. Why did they Neglect me to Suffered about Spine Injury & left Shoulder Medical Neglect Evidence dont ~~lie~~ lie (Got worst)
2. Why was Discriminated against me on my job and with OWC P ever since I got Injured treated different and ~~half~~ <sup>have</sup> proof I reported to AFCEE Union of My Discrimination
3. Why did UFI Administration let OWC P Uermell Ranzer and Others Control me not getting Surgery Medical Neglect

MRI's I have proof of all 3 Questions 2011 and 2013 thru 2022 CT scans & Alot Evidence from Doctors & Employee Health at UAMC please accept my claim

## QUESTION(S) PRESENTED

In April 8, 2022 Federal Circuit Court Case 21-2235 turn-down my case because jurisdiction but Federal places carry alot power like VA Hospital + OWC P (Dept of Labor) As I explain on page (15)

Throughout 10 years I've been discrimination against and Medical Neglected Just Mistreated I got Injury and My Spine C4, 5, 6, 7 and Nerve Damages On Both Arms S + R left wrist + 10 fingers numb weakness in legs + The Doctor says its my spine condition making my legs weak I waited 6 years delaying my Surgery because VA + OWC P My Doctors agree that Delay my Surgery says DR Michelle Johnson, who did my Surgery October 12, 2017<sup>th</sup> Cont..... pg 8 1/2

**LIST OF PARTIES**

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

**RELATED CASES**

UAMC Salisbury, NC  
UAMC Decatur GA  
OWCP Washington DC  
London, KY  
Jacksonville, FL.

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**CASES**

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Atlanta Regional Office At-3443-21-0379I1  
U.S. Federal Circuit Court 21-2235

**STATUTES AND RULES**

**OTHER**

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 \_\_\_\_\_ 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 B 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 B 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 \_\_\_\_\_.

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: \_\_\_\_\_, 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 21-2235.  
A copy of that decision appears at Appendix A.

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

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).



STATEMENT OF THE CASE

pg 15

attached

7 pages

Explain the whole  
Case

the  
Statemente of case  
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pgs 15  
Cont-----  
06/29/2022

Gennett Holmes-Smith  
4304 Peridot Parkway  
Stockbridge, GA 30281  
Home number 470-270-8943

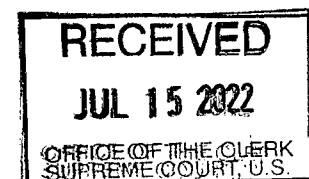
Supreme  
Dear U.S. ~~District~~ Court,

I am writing this response letter to my case 2021-2235. My argument against VAMC/OWCP is they are responsible for all my injuries. On February of 2011 I had my first injury at Salisbury VA in North Carolina in Unit 421D behavioral unit (**Case 062274924**). I went to see the Workers Comp. Dr. T. Adman on July 31, 2012. Dr. Adman said I had carpal tunnel. Surgery was done to take out some of the fluid out of my left wrist. After two weeks I was told I could return to work. I kept complaining about the pain and was told repeatedly. I just have carpal tunnel. I asked the doctor if I could get an MRI done on my wrist, left arm, left shoulder, and spine. I asked this request because I was still in a lot of pain in those areas. I just to make sure nothing else was wrong. I was denied the request to have the MRI done by both Dr. T. Adman and Tonya Barber from OWCP.

On February of 2011 (**Case 062274924**) when my co-worker Ron Pierce, John (the charge nurse), and myself were trying to put attends underwear on patient. During this time, the patient grabbed my left arm and put my arm behind my back. When this took place, I heard my arm crack. My whole arm was then swollen, and I had to leave work to go to the doctor.

In 2012 (**Case 062296292**) I had a sprained wrist on my left arm in North Carolina. A patient grabbed my left arm and twisted it. I saw D. Jeffrey Bakery, Dr. Robert Steele, and Dr. Kennedy for that injury.

On February 3, 2013, I had a second injury (**Case 06231142**). Where co-worker Ron Pierce and I was repositioning a patient in behavioral unit in building 422B. When I went to lift



the patient up. The patient was holding on the bottom of the chair while I was trying to reposition the patient. Which cause me to injury my shoulder, spine, and re-injury my arm.

When my charge nurse saw my arm has swollen up. He sent me to the employee health doctor. When this took place, I was told I needed to make sure I filled out the claim paperwork. Which was done and given to Tonya Barber. This doctor said I had a spine injury and sent me to Rowan Regional Medical Center to get a CT scan. The reason the doctor had me to get a CT scan, the doctor thought I had a stroke. He gave me a referral to see Dr. Stephen Furr. I saw Dr. Stephen Furr on Feb 15th, May 29<sup>th</sup>, and Feb 17<sup>th</sup> of 2013.

The doctor recommended EMO testing and MRI so he could see what was going on. My test results showed I had nerve damaged. Dr. Stephen Furr wanted me to have surgery to fix my nerve damaged. However, Tonya Barber had denied my request two times. Tonya and April Ford the claim examiner along with VAMC kept denying my claim. Despite of my severe stenosis, weakness, numbness and tingling in my left arm, hand, and neck.

As time went on, I asked April Ford if I could get a referral to see a doctor. I was told no due to the Federal shutdown. She said I would have to wait until the shutdown was over. In October or November, of 2013 I was able to see Dr. Murray Robinson. Dr. Murray Robinson said I needed to have surgery based on what he saw on my MRI. This request was denied again by April Ford (OWCP) and Tonya Barber in November of 2013. In January of 2014 I was also denied by Vernell Razor.

Vernell Razor had cancelled my claim on January 31, 2014 through September 9, 2014. Due to Dr. Alexander Doman stating I was not injured on February 3, 2013. Dr. Alexander Doman said I was born with my spine condition. Which caused Vernell to turn me down for surgery before she canceled my claim. Because both Vernell Razor and Tonya Barber represent

VAMC and workers comp (OWCP). They felt I did not need any further medical care or financial help. After this took place, I submitted an appeal to ECAB. ECAB overturned Vernell's decision regarding my claim on May 14, 2017.

In May of 2019 I saw Dr. Alexander Doman again. This time he stated I did in fact get my injury on my job. However, Dr. Alexander Doman said I can return to work with no restrictions. Even though he knew Dr. John Rhee had reported that I had non-union of the spine and adjacent joint syndrome. I also sent this report to OWCP on September 22, 2018.

The non-union: is failure of a fracture bone to not heal. The adjacent joint syndrome: means changes to the joint between the spinal bones. The cartilage inside the facet joint can break down. Become inflamed triggering pain signals in nearby nerve endings, which cause excruciating pain.

After Dr. Alexander Doman insisted that I could return to work. I went and got three other doctor's opinions. After seeing the three doctors they all agreed with Dr. John Rhee report that I did have non-union of the spine and adjacent joint syndrome. Each doctor gave me a report stating my injury was non-union and adjacent joint syndrome which was sent to OWCP. OWCP then forward all the report to Dr. Alexander Doman. Even after he read these reports, he still insisted I could return to work.

Due to this my claim was canceled again on May 14, 2019 to July 2020. I did receive my schedule award during December 20, 2019 to March 7, 2020. I returned to work in March of 2015. I got re-injured again with the same left arm, shoulder, and spine on March 9, 2015 (**Case 062351968**).

On March 6, 2020, and August 14, 2020 I found out I had non-union and adjacent joint syndrome. I found this out by Dr. John Rhee who did my MRI. Dr. Said Elshihabi diagnose me

with adjacent joint syndrome with my CT scan. Due to this my health issues are related to my injuries and was not known until both doctors did the MRI and CT scan. Please see the attached files showing this.

Since February of 2011, I have been in excruciating pain every day, all day, all night. You can see all my MRI's and Cat Scans from 2013 to 2020 through my insurance. However, I was not approved to get any MRI's, Cat Scans, or x-rays in 2011 and 2011. If this was done the doctors would have seen what was wrong with me. They would have known I have a hard time standing, and walking. Both of my arms have nerve damages. They left arm, hand, and fingers are numb because of the nerve damage. The right-hand fingers are numb due to the nerve damage. The left shoulder, and spine is damage because of waiting six years of getting medical care along with the medical neglect from 2011. Please see Spine Cat Scan 4/5/6/7 and legs are week please see attached IME from Dr. Davis.

I wrote letters and emails to the Antonio Iros, Tonya Taylor, Tisha Carter, Patrick Pizzillo, and Julia Healthway. I wrote them so I could try to get my back pay and any other damages from the VA. My current claim adjuster Ivy T. supervisor contact me March of 2020 and stated someone was looking into it. As of today, I have not heard anything from him or the OWCP.

I also wrote letters to both executive secretary Patrick Pizzella in 2019 and 2020. In 2021 I wrote to Martin J. Walsh. In 2019 and 2020 I wrote to both Julie Healthway in the director office. In 2021 I wrote to Christopher Godfrey in the director office. I also wrote to the director office in 2014 to have the decision of terminating my case overturned. Because Vernell Razor and Dr. Alexander Doman stated I was born with the spinal condition.

Vernell Razor had cancelled my claim on January 31, 2014 through September 9, 2014. Due to Dr. Alexander Doman stating I was not injured on February 3, 2013. Dr. Alexander Doman said I was born with my spine condition. Which caused Vernell to turn me down for surgery before she canceled my claim. Because both Vernell Razor and Tonya Barber represent VAMC and workers comp (OWCP). They felt I did not need any further medical care or financial help. After this took place, I submitted an appeal to ECAB. ECAB overturned Vernell's decision regarding my claim on May 14, 2017. Mrs. Vernell never contacted me regarding this overturned decision. When I contacted her about the decision being overturned, she still did not accept the fact that the decision was overturned. Neither did she ever give me benefits due to the decision being overturned.

I also have proof of when I sent them emails. You will find copies in my case file 062311542. Which my claim examiner Mrs. Ivy T. stated she saw my emails that I had sent to both the executive secretary and director office. You will also see attached my letter from ECAB stating the decision was overturned.

Please note due to my current condition I was told by Dr. Davis who did my IME rating. If I do not get surgery soon. I can lose the function in both arms and possibly be paralyzed. I was also told by Dr. John Rhee and Dr. Davis because I waited so long to try and have the surgery. It would be a very high risk for me to have the surgery. Therefore, I feel the VA and OWCP should be held reliable.

Please see attached MRI's for April 28, 2013, July 23, 2014, September 29, 2015, March 3, 2017. CT scans along with MRI's in 2018, and 2020. Along with all other doctor's documentation. In the documentation you will see I have deteriorated even more so since I had the surgery.

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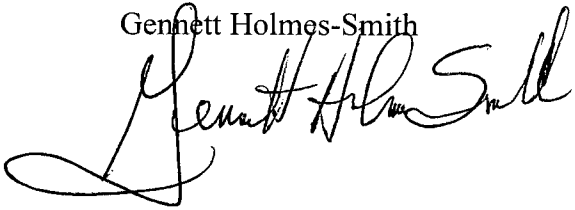
Due to medical neglect, I am asking for damages for my spine injury non-union and adjacent joint syndrome in both arms. My shoulder is also dislocated from the injury that happened in 2011, 2013, & 2015. My injuries happened at the VA hospital.

I am seeking damages from the VA hospital/department of labor (OWCP). Because since February of 2011, I have been in excruciating pain every day, all day and night. I am seeking damages in the amount of \$70 million for the following compensatory damages: punitive, pain and suffering, disfigurement, impairment, loss of income because of damages, enjoyment of life, mental depression, emotional distress, and related economic damages. My husband must assist me with daily activities like getting dress, taking a shower, and helping me with the children. My husband and daughter both must assist me in cooking as well. Because I am totally disable because of department of veteran's affairs, and US department of labor (OWCP).

Sincerely,

***Gennett Holmes-Smith***

Gennett Holmes-Smith

A handwritten signature in black ink that reads "Gennett Holmes-Smith". The signature is written in a cursive style with a large, looping initial "G".

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Attach Documents

Letters from:  
District Director Tisha Carter

If letters are need from the Executive Secretaries and Directors of OWCP.  
Please look in my case file 062311542

Executive Secretaries,  
Patrick Pinnella and Martin J. Walsh

Directors of OWCP  
Julie Healthway and Christopher Godfrey

MRI's and from 2013, 2014, 2015, 2017, 2018, and 2020  
CT scans from 2018 and 2020  
IME from 2021

Letters and notes from the following doctors that agree with my conditions.

Dr. Michelle Johnson, MD

Dr. Davis, MD

Dr. Stephen Furr, MD

Dr. Chris Yukon, MD

Dr. John Rhee, MD

Dr. Mark Robinson, MD

Dr. Fred Koch, MD

Dr. Howard Levy, MD

Dr. Elishibabi Said, MD

Dr. Brian Adams, MD

Elizabeth Flemming, PA



**REASONS FOR GRANTING THE PETITION**

Please grant Certiore Waive The Fee as well Im Homeless since April 30<sup>th</sup> 2022 with my spouse & two kids and grant my Case with Supreme Courts need this I deserve justice for All Medical Neglect and Financial Struggle & A lot Discrimination I need the Courts to hear my Surgery & suffered that Im mist of 10 years gone bad and I have Proof, Letters, Emails, Names.

Thank You  
Kenneth M. Alma Smith  
770-549-9584

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dennett M Helms Smith

Date: Aug 15 2022