**FORMAL PRO SE TORT CLAIM**

***For “Article 15 Scam” by the United States Army against Billy Kidwell that Occurred After[[1]](#footnote-1) he was Discharged from the Army***

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***To*: THE UNITED STATES ARMY**

***C/O* General Counsel of the Army**

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**Washington, D.C. 20310-0104**

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**RA 1165 7829 SSN 404-62-5536**

**Date of Claim 2/14/2020**

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# I. INTRODUCTION

This document is a Formal Federal Tort Claim being filed with the United States Army against “*Unknown individuals authorized to act on behalf of the United States Army*”.

It includes Intentional Torts committed against *Billy Kidwell* by “*Unknown Investigative, and/or, Law Enforcement Officers authorized to act on behalf of the United States Army[[2]](#footnote-2)*”.

This Tort Claim also incorporates Constitutional Claims pursuant to the doctrine of Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971) against “*Unknown Individuals authorized to act on behalf of the United States Army*”, along with seeking redress for Non-Bivens Standard Federal Tort Claims Act[[3]](#footnote-3) Torts.

The Bivens Claims seek damages for Recently Discovered Torts, and Wrongful Conduct, violating the Constitutional, and/or, Statutory Rights of Claimant, *Billy Kidwell*, which are actionable pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971).

These torts occurred after *Billy Kidwell* was discharged from the Army and therefore are not subject to a Feres Doctrine Defense, as is more fully explained herein.

To promote efficiency, hereinafter the term “*Unknown individuals authorized to act on behalf of the United States Army*”, and/or term “*Unknown Investigative, and/or, Law Enforcement Officers authorized to act on behalf of the United States Army* shall be represented simply by the term “*United States Army*”, or simply “*Army*”.

When the allegations are merely neglect the term that applies is “*Unknown individuals authorized to act on behalf of the United States Army*”.

When the allegation alleges the Torts are intentional the term that applies is “*Unknown Investigative, and/or, Law Enforcement Officers authorized to act on behalf of the United States Army*.

The term “*Investigative Officers*” includes Army Personnel, and/or, Employees, including anyone contracted by the Army, that research, and investigate, the records of former service members, including those that send, forward, and/or, mail, Army Records to Government Agencies, and/or, Officials, including the Veterans Administration[[4]](#footnote-4).

This Tort Claim shall clarify when the doctrine of Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971) applies.

Please keep in mind that these claims are being presented, **Pro Se**, by *Billy Kidwell*, a 100% Service-Connected, Disabled Vietnam Combat Veteran, severely disabled with Post-Traumatic Stress Disorder, including Severe Depression, all of which hinders, and obstructs *Kidwell* from exercising “*Meaningful*” Access to this process.

THEREFORE, *Billy Kidwell* requests a very liberal construction of this action similar to the doctrine of Haines v. Kerner, 404 U.S. 519 (1972).

## (a) The Federal Tort Claims Act Time Limits Must Be Tolled on Equitable Grounds Pursuant to United States v. KWAI Fun Wong, v. Marlene June, 135 S. Ct. 1625 (2015)

The Federal Tort Claims Act has a Two (2) Year Statute of Limitations, however a long line of Cases provide that pursuant to the Discovery Rule the FTCA’s limitations period may be delayed during a period in which an injured party has no way of knowing he has been injured, or that it was the government that caused the injury. [See Rakes v. United States, 442 F.3d 7].

In a Tort Claim, *almost exactly in theory to the instant Tort Claim*, United States v. KWAI Fun Wong, v. Marlene June, the United States Supreme Court specifically addressed the tolling issue presented in this Tort Claim, and decided that **the Tort Claim Time Limits must be tolled based on Equitable Grounds**. [Emphasis added.]

In United States v. KWAI Fun Wong, v. Marlene June, in the second case discussed by the Court, the Marlene June Case, the Claimant spent years suing the State of Arizona for a deadly car crash, and after five (5) Years discovered that the Federal Highway Administration had approved installing a crash barrier, knowing that it had never been properly tested.

The Federal Highway Administration had concealed that it had installed the crash barrier causing the Claimant to file his Tort Claim Five Years late.

The Ninth Circuit held that the Federal Tort Claim Time Limits are NOT Jurisdictional and may be tolled.

The United States Supreme Court in United States v. KWAI Fun Wong, v. Marlene June **AGREED**.

In this case the United States Army violated the Freedom of Information Act[[5]](#footnote-5), for Forty-Seven (47) Years, and concealed all records of the Army providing copies of *Billy Kidwell’s* Article 15’s to the Veterans Administration.

The Army also concealed from *Billy Kidwell*, by ignoring the F.O.I.A. for Forty-Seven (47) Years, that it was negligent in destroying the Records of *Billy Kidwell’s* Minor, Company-Level, Article 15’s.

The Army concealed from *Billy Kidwell*, by ignoring the F.O.I.A. for Forty-Seven (47) Years, that it was negligent by providing Records of *Billy Kidwell’s* Minor, Company-Level, Article 15’s to the VA, which is **PROHIBITED** from seeing Billy Kidwell’s Article 15’s.

The Army is still engaged in a cover-up, and as of the present is still concealing the records of *Billy Kidwell’s* United States Army Service from *Billy Kidwell* obstructing his access to the FTCA.

*Billy Kidwell* only recently learned that his Minor, Company-Level Article 15’s were given to the VA by the United States Army, thanks to a Sporadic, Partial, F.O.I.A. Records Release by the Department of Veterans Affairs that exposed the Torts by the Army, contained in this Tort Claim, to *Billy Kidwell* for the first time.

These recently discovered VA Records contained United States Army Records of Minor, Company-Level, Article 15’s that were required to have been destroyed over Fifty (50) Years ago, and are **PROHIBITED** from being given to the VA, by the Army.

This is almost exactly like what happened in United States v. KWAI Fun Wong, v. Marlene June, except instead of the Federal Highway Administration concealing the Tort Claim Facts for Five (5) Years, *the Army has concealed the Tort Claim Facts for Forty-Seven (47) Years*, making the conduct of the government in this case lightyears more inexcusable, and shocking to the conscience, while making Billy Kidwell’s request for Equitable Tolling far more appropriate, and necessary, ***in the interest of justice***.

Failure to grant Equitable Tolling in the instant case would not only violate the Doctrine of United States v. KWAI Fun Wong, v. Marlene June, but it would render the FTCA Process to be a complete farce, encouraging future wrongful acts by the government, while making a mockery of the Tort Claim Judicial Process.

## (b) Background

The Claimant, *Billy Kidwell*, a 100% Service-Connected, Disabled Vietnam Veteran, is dying[[6]](#footnote-6) because of Neglect, Intentional Abuse, Neglect, and Crimes committed against him, including the Intentional Violation of his Bivens Constitutional Rights, *with extreme Malice*, by the United States Army.

The Claimant, *Billy Kidwell*, according to the Surgeon General of the United States, returned from the Vietnam War suffering from the Prodromal Phase of a developing Post-Traumatic Stress Disorder[[7]](#footnote-7).

Newly obtained evidence now proves the P.T.S.D. was severe, and completely disabling, rendering Kidwell unable to perform his Military Duties.

The Surgeon General could not make a finding that *Kidwell’s* Stress Disorder met the criteria for a Mental Disorder in DSM II, and an Honorable Medical Discharge, at the time of *Kidwell’s* separation from the Army, because the Surgeon General just scanned *Kidwell’s* Army Records, and did not closely examine *Billy Kidwell’s* Army Record of Assignments Form, or closely examine *Billy Kidwell’s* Complete Army File.

*For example*, *Billy Kidwell’s* Army Record of Assignments Form proves a drastic change in *Kidwell’s* ability to do his duties as a soldier, immediately after his return to the states, after a Horrific Stressor Incident in Vietnam.

*In addition*, during the Vietnam War the Army engaged in **Medical Deprivation Torture**, towards *Billy Kidwell*, and other soldiers returning from the Vietnam War, and did not provide *Kidwell*, and soldiers returning to the States from Vietnam, with access to Mental Health Care, Mental Health Evaluations, or even Mental Health Counseling, after horrific Combat Experiences, and service where they were subjected to Combat Conditions every day of the year.

The Army was fully aware that many Vietnam Veterans returning from Vietnam suffered from Combat Stress Disorders, and were completely disabled, and unable to perform their Military Duties, when they returned to stateside duty after serving in Vietnam, and were in need of Mental Health Evaluations, Mental Health Care, and/or, Mental Health Counseling.

As far back as the Civil War the United States Army made Medical Attempts to address the problems of Military Veterans exposed to combat.

The claim by the Army that “*the Army was not aware of P.T.S.D. during the Vietnam War*” is an out, and out lie.

During World War I P.T.S.D. was known as “*Shell Shock*”, or “*War Neuroses*”, and the Army was fully aware of Stress Disorders, and Stress Disabilities from Combat.

During World War II Shell Shock, *the Army’s name for P.T.S.D.*, was replaced with “*Combat Stress Reaction (CSR)*” which is more commonly known as “*Battle Fatigue*”.

Research shows that about 30% of all soldiers in the Korean War suffered from Post-Traumatic Stress Disorder.

Although the Medical Community may not have started using the formal name of Post-Traumatic Stress until after the Vietnam War, the Army was fully aware of the Stress Disability, “*P.T.S.D.*”, and how it affected soldiers, making them Medically Unfit for Military Service, needing Mental Health Evaluations, Mental Health Care, and Mental Health Counseling, when soldiers, *like Billy Kidwell*, returned from the Vietnam War.

And the Army refused to provide needed Mental Health Care, Mental Health Examinations, and/or, Mental Health Counseling, during the Vietnam War, and instead engaged in **Mental Health Care Deprivation Torture**.

This was especially true in the case of Claimant, *Billy Kidwell*, who returned from the Vietnam War demonstrating *strong* indications of being Medically Disabled, and Unfit for Duty, due to Stress, and/or, Mental Disorders, from excessive combat, which needed Mental Health Care, and/or, Counseling, according to the Army’s Official Record of *Billy Kidwell’s* Conduct, and Efficiency, in each Army Unit, or Company, *Kidwell* served in.

This is indisputably proven with *Billy Kidwell’s* Official Army Record of Assignments Form. [See Attached Exhibit A.]

*Billy Kidwell’s* Official Army Records prove that *Billy Kidwell* was a very Heroic Career Soldier, who as a Teenager enlisted in the Army, *during the height of the Vietnam War*, Re-Enlisted, and *Volunteered for Vietnam*, and once he arrived in Vietnam *Kidwell Volunteered for the Most Dangerous Assignment in his whole Battalion*. [See Exhibit A.]

You cannot get more Heroic.

*Billy Kidwell’s* Army Record of Assignments Form prove *Billy Kidwell* received the Very Highest Rating in every Company, and Military Unit, he was Assigned to for his Conduct, and Efficiency, ***UNTIL*** a Horrific Stressor Incident in Vietnam. [See Exhibit A.]

And then *Kidwell’s* Army Record of Assignments Form proves *Billy Kidwell* abrupted changed, and became Unfit for Service, receiving the very lowest rating for Conduct, and Efficiency, in every Company, and Unit of Assignment *Billy Kidwell* was in, ***AFTER*** the Horrific Stressor Incident in Vietnam. [See Exhibit A.]

The United States Army, *in a scheme to avoid their duty to provide Mental Health Medical Care to soldiers suffering with P.T.S.D. from combat in Vietnam*, branded those soldiers, *the Army knew had P.T.S.D.*, as suffering with “*Unable to Adjust to Stateside Duty after Service in the Vietnam War Syndrome*”.

This “*Unable to Adjust to Stateside Military Duty*” term, or title, was well-known, and extremely common, during the Vietnam War, and was often used by the Army, in referring to soldiers that returned to the states from Vietnam during the Vietnam War, disabled, and suffering with severe Stress Disabilities making them Unfit for Military Duty Stateside.

The Army even developed its own special treatment for soldiers returning from Vietnam suffering with P.T.S.D., that the Army referred to as being “*Unable to Adjust to Stateside Duty After Returning from Service in the Vietnam War*”.

A substantial number of soldiers unable to adjust to Stateside Military Duty after returning from Vietnam were allowed, *and strongly encouraged*, to request to be sent back to Vietnam.

*Billy Kidwell* requested that he be allowed to return to Vietnam because he was Unfit for Military Duty in the States, and his Company, the 503rd HEM cut ORDERS for Kidwell to return to Vietnam.

Many of the rest of the soldiers returning to Stateside Duty with the P.T.S.D. “*Unable to Adjust to Stateside Duty Syndrome*” were denied Mental Health Care, and Counseling, and instead were placed in the stockade for very minor offenses, ***caused by their Combat Stress Disorder***, and their inability to function stateside because of their Combat Stress Disability.

This also happened to Billy Kidwell who was placed in the Stockade, severely beaten by Army Prison Guards, Tortured, Starved, and placed in a “*Box*” without Medical Care, and threatened into accepting an AR 635-200 Discharge.

*Billy Kidwell* was having constant Nightmares from a Horrific Stressor Incident in Vietnam, where a fellow soldier committed suicide by shooting himself in the head with an M-79 Grenade Launcher, which has a very large round.

Despite being a Career Soldier, with a long record of Impeccable Heroic Military Service, and despite trying his best, *Billy Kidwell* found that the Combat Nightmares, and the deep depression he was suffering from, made him unable to keep track of time, and made it impossible for him to timely do his Army Duties.

In addition, *Billy Kidwell* had extreme family emergencies, and hardships, in that he had been supporting both his Mother, and Father, and his six (6) brothers, and sisters, while he was in Vietnam with two (2) Army Allotments, that the Army stopped sending because the Army had lost his records when he returned to the states from Vietnam.

*Billy Kidwell’s* Army Unit had disbanded when *Kidwell* was sent back to the states, and his Army Records proving his rank of E-4, and providing allotments for his family, had been lost by the Army, including records of several Combat Medals *Kidwell* was awarded as he was leaving Vietnam for being wounded from Rocket Attack, and being so Heroic he was the only soldier in the whole Battalion to volunteer for the most dangerous Assignment in the Battalion, as a Vietnamese Honcho .

*Kidwell’s* Mother had a bad Heart and couldn’t work, and *Kidwell’s* Dad was dying from cancer, and in 1970 there was No Food Stamps, or welfare in Kentucky, just Commodities in the form of bags of rice, powdered milk, cheese, and a few other food items given to poor farmers to keep them from starving.

Because of all the family problems aggravating his Combat Stress Disability, and his inability to adjust to Stateside Military Duty, and the refusal of the Army to provide any Mental Health Evaluations, Mental Health Care, or Mental Health Counseling, *Billy Kidwell* asked to return to Vietnam, his request was accepted, and *Billy Kidwell* received Orders for a thirty (30) day leave, and reassignment back in Vietnam.

With only about a week to go before his thirty (30) day leave, and return to Vietnam, *Kidwell* was suffering Combat Nightmares, and deep depression, losing track of time being unable to sleep, and at the last minute realized there was a morning work formation.

Despite running and trying his best to make the Work Formation on time, *Billy Kidwell* was about five (5) minutes late for the work formation.

Normally being five (5) minutes late for a Work Formation would get a soldier chewed out, and on rare occasions, the most punishment the soldier would receive was a Company-Level Article 15 and some extra duty, and maybe a fine.

In *Kidwell’s* Company the Commanding Officer didn’t like soldiers returning from Vietnam, and so *Kidwell’s* CO told *Kidwell* to get in a jeep, and he drove *Kidwell* to the stockade.

*Billy Kidwell* was put in the stockade for being five (5) minutes late to a work formation, which was caused by a Combat Sleeping Disorder, Nightmares, and Deep Depression where *Kidwell* lost track of time, worrying about extreme family hardships.

An MP Officer at the Stockade even argued with *Kidwell’s* Commanding Officer about locking *Kidwell* up stating something to the effect of “*the soldier just came back from Vietnam and Volunteered to return to Vietnam. Why in the Hell would you put him in the stockade for being a few minutes late for a formation? Can’t you just give him an Article 15 and let him go home on his leave?[[8]](#footnote-8)*”.

*Billy Kidwell* was given a Quick Court Martial, *without an Attorney*, *without talking to an Attorney*, and *was not allowed to hire an Attorney*, as he was placed in the stockade, for being five minutes late for a Work Formation due to Combat Nightmares, and Severe Depression, he suffered from due to his Combat Stress Disability.

***Billy Kidwell’s* Medical Problems were not documented by the Army because the Army refused to provide *Billy Kidwell*, and other soldiers returning from the Vietnam War to Stateside Duty, with Mental Health Evaluations, Mental Health Treatment, or Counseling.** [Emphasis Added.]

The Army at Fort Bragg, the “*Home of the 82nd Airborne*” considered soldiers returning from Vietnam with Stress Disabilities to be “*weak*” and in need of Punishment, and NOT Treatment, so there was NO Mental Health Evaluations, NO Mental Health Care, and NO Mental Health Counseling.

*Billy Kidwell* was suffering deep depression and does not remember what occurred at the Summary Court Martial, nor does he remember being placed in the stockade, and only has sporadic memories.

*Billy Kidwell* ended up in the Fort Knox Stockade, where he was severely beaten by a group of Prison Guards, and Tortured, as “*Punishment*” for returning from Vietnam Disabled with a Combat Stress Disability, and unable to adjust to Stateside Military Duty after his Vietnam Service.

The Torture consisted of *Billy Kidwell* being placed in the “*Box*”, after being severely beaten by the Prison Guards, where he was kept hungry, and only given “*Rabbit Chow*” each day, which consisted of a small bowl of cereal, with some lettuce, and a cup of water each morning.

At night the guards would spray the “*box*” with a fire hose to keep *Kidwell* wet, and cold, so he couldn’t sleep.

*Kidwell’s* mother came to see him at the stockade visiting room and *Kidwell* was told that cake would be offered in the visiting room, but that it was only for visitors, and no matter how hungry *Kidwell* was, that if he took a piece of cake he would be immediately taken out of the visiting room, severely beaten again, and put back in the “*box*”.

No Medical Care was provided at the stockade for *Billy Kidwell’s* Combat Stress Disability, and Severe Sleeping Disorder.

Because of the Inhuman Treatment, and the Torture by the Army, and because of Threats, and Blatant Lies, by Kidwell’s Army Attorney, fraudulently claiming that *Billy Kidwell* would get a Dishonorable Army Discharge at his Special Court Martial if he went to trial, *Billy Kidwell* accepted an AR 635-200, “*For the Good of the Service*” Army Discharge.

*Billy Kidwell* has only recently learned that his Army Attorney constantly lied to him, **and that he was not even charged with an offense authorizing a Dishonorable Discharge**. [Emphasis Added.]

The Special Court Martial *Billy Kidwell* was scheduled for, was a “*Misdemeanor*” Court Martial, that did not have the authority, or jurisdiction, to issue a Dishonorable Discharge. [See Exhibit B attached hereto.]

*Billy Kidwell* was Tortured, Threatened, and Defrauded into accepting an AR 635-200 “*For the Good of the Service*” Army Discharge.

*Billy Kidwell* was discharged from the Army on October 8, 1970 with an AR 635-200 “*For the Good of the Service*” Army Discharge.

*Billy Kidwell* immediately went to the Veterans Administration Office in Cincinnati, Ohio and applied for Service-Connected Disability due to a Combat “*Nerve Disorder*”, we now know is Post-Traumatic Stress Disorder.

The VA accepted *Billy Kidwell’s* Application for Disability Compensation, and VA Medical Care.

A year later the VA told Kidwell they had “*lost*” his 1970 VA Application for VA Service-Connected Compensation Benefits, and VA Medical Care, so *Billy Kidwell* filed a second VA Claim on April 21, 1972. [See Exhibit C.]

On August 15, 1972 the VA sent *Billy Kidwell* a letter of Denial of Benefits that simply stated;

“*We have determined that the conditions under which you were discharged from service preclude the payment of VA Benefits*”. [See Exhibit D.]

*Billy Kidwell* went to the VA to inquire as to the reason for the denial of benefits, and all they would tell him is that the VA had determined, *based on Army Records the VA received from the Army*, that *Billy Kidwell’s* service in the Army was under **Dishonorable Conditions**, and the VA said that the Army had informed the VA that *Billy Kidwell’s* AR 635-200 Discharge is the same as a **Dishonorable Discharge**.

From April 21, 1972, *the date of Billy Kidwell’s 1972 VA Claim for Benefits*, until October 1, 1984, a time period of Twelve (12) Years, *Billy Kidwell* was denied VA Benefits, despite being severely Disabled with P.T.S.D. and unable to work because of his Army Service in the Vietnam War.

From April 21, 1972 to the present Billy Kidwell has suffered Public Embarrassment, Loss of Income, Prejudice in the Courts, Loss of Friends, and Family, Extreme Mental Anguish, and Mental, and Emotional Distress, and a very Substantial Aggravation of his Stress, and other Disabilities, as a result of the Stigma of having his Army Discharge being fraudulently alleged to be a Dishonorable Discharge, which requires Kidwell to have committed not only a Felony, but to have committed an Extremely Reprehensible, and Immoral, Crime.

From 1972 to the present *Billy Kidwell* has been filing F.O.I.A. Record Requests with the United States Army, and the VA, wanting to know what Army Records the VA got from the Army, and used, to determine that his Extremely Heroic, and Honorable Service in the Army was somehow “*Dishonorable*”, and that *Kidwell’s* AR 635-200 Discharge is the same as a Dishonorable Discharge.

From 1972 until the present, a time period of Forty-Eight (48) Years the United States Army has refused to respond to Billy Kidwell’s F.O.I.A. Request.

The VA, on the other hand, *about a year or so, ago*, sent *Billy Kidwell* a PDF File that contains Army Records proving a Conspiracy between the United States Army, and the VA, to violate the Statutory, and Constitutional Rights of *Billy Kidwell*, including violating 38 CFR §3.12, and *Kidwell’s* Due Process Rights, in a scheme to defraud *Billy Kidwell* out of his VA Benefits, while inflicting Massive, Unspeakable, Damages, Shame, and the Fraudulent Stigma of *Kidwell* being a Felon in the Army, and receiving a Dishonorable Discharge.

In reality both the United States Army, and the VA, knew *Billy Kidwell’s* Army Military Service was extremely Heroic, and Honorable, and that *Billy Kidwell* was legally entitled to VA Benefits, and that *Kidwell* would be Massively, Irreparably Harmed by the Army, and VA’s, Conspiracy, and illegal conduct.

The United States Army, and the VA, knew that at no time in his extremely Heroic, and Honorable Army Military Service, did *Billy Kidwell* commit a Felony, or engage in any conduct even close to entitling *Billy Kidwell* to be given a Dishonorable Discharge, or authorizing anyone to determine, that his Military Service was under Dishonorable Conditions.

The United States Army, and VA, were able to get by with their illegal fraudulent scheme to steal Billy Kidwell’s VA Benefits, while Intentionally Inflicting Massive, Irreparable, Horrific Damages on Billy Kidwell, including the Stigma of Dishonorable Discharge, by the Army, and VA, illegally using Army Article 15’s *Billy Kidwell* had accepted in the Army, for extremely minor, *far less than misdemeanor conduct*.

Those Extremely Minor, Company-Level, Article 15’s were Required by Law to have been completely destroyed years earlier, and are **PROHIBITED** from being given to the VA, and **PROHIBITED** from being used by the VA in any proceeding, including **PROHIBITED** being used to determine benefits.

When the Army, and VA, inflicted these Horrific Damages on *Kidwell*, including the Horrific Lifetime Stigma of a having Dishonorable Discharge, both the United States Army, and the VA, knew that *Billy Kidwell* had never, ever committed an offense in the Army that could result in a Dishonorable Discharge.

And the Army, and VA, knew that *Billy Kidwell* had never, ever, been charged with, or even alleged, to have committed, or engaged, in any conduct that a Dishonorable Discharge could be issued for.

Both the Army, and the VA, knew, *at all times*, that 38 CFR §3.12 specifically **PROHIBITED** *Billy Kidwell’s* Army Service from being determined to be Under Dishonorable Conditions.

The Army, and the VA, knew, *at all times*, that 38 CFR §3.12 specifically **REQUIRED** *Billy Kidwell’s* Army Service to being determined to be good enough to entitle him to all VA Benefits that he met the other qualifications for.

Those VA Records exposed that the Army illegally gave the VA Records of *Billy Kidwell’s* Article 15’s in the Army, that were **REQUIRED** by law, and Army Regulations, to have been destroyed *prior* to Kidwell’s Discharge from the Army.

By illegally giving records of *Billy Kidwell’s* old Article 15’s to the VA to be used to determine his qualifications for VA Benefits the United States Army violated Military Regulations, violated *Billy Kidwell’s* Constitutional Due Process Rights, and violated 38 CFR §3.12, while intentionally inflicting Enormous Damages on *Billy Kidwell*, clearly with extreme Malice.

This “*Background*” is necessary to understand the Torts, and the Damages, in this Tort Claim against the United States Army.

# II. THE FERES DOCTRINE DOES NOT APPLY

The Claimant, *Billy Kidwell*, would like to clarify that this Tort Claim does not contest, or seek damages, for any conduct that occurred while the Claimant was on active duty serving in the United States Army.

It is the intent of *Billy Kidwell* that this Tort Claim fully comply with the Feres Doctrine.

Damages for the wrongful conduct of the United States Army in torturing *Billy Kidwell* for returning from the Vietnam War disabled, needing Mental Health Care, and the Army’s Medical Deprivation Torture, are NOT sought.

The facts about torture, and other wrongs by the Army during Kidwell’s Service, are described herein only to help the reader understand the other parts of this Tort Claim, that are actionable, and authorized by the Feres Doctrine, and cannot be understood without those facts.

The Army putting *Billy Kidwell* in the stockade for the extremely minor offense of being five (5) minutes late for a Work Formation, due to *Kidwell* having nightmares about a fellow soldier’s suicide with an M-79, and due to a sleeping disorder *Kidwell* suffered from due to his Vietnam Combat Service, *that normally would be addressed with a minor Article 15, and a little extra duty*, are NOT being sought in this Tort Claim because of the Feres Doctrine.

Damages for *Billy Kidwell* being gang-beaten by Prison Guards at the Fort Knox Stockade, and being subjected to Food Deprivation, and other torture, *as Punishment for becoming Disabled in Vietnam*, are NOT sought herein because of the Feres Doctrine.

Damages are NOT being sought for the Army forcing *Billy Kidwell* to seek an AR 635-200 “*For the Good of the Service*” Army Discharge, ***to avoid more beatings, and more torture***, when *Kidwell* was a career soldier, and wanted to stay in the Army, but couldn’t because the Army would not provide Disabled Vietnam Veterans, disabled with Stress, and Mental Problems, Mental Health Care.

.It is solely *conduct that did NOT occur in the performance of Claimant’s Duties as a soldier*, and occurred AFTER the Claimant was discharged from the Army, that is at issue in this Tort Claim.

This Tort Claim seeks damages for the wrongful, and often illegal, conduct of the United States Army, and/or, individuals authorized to act on behalf of the United States Army towards Claimant, *AFTER his Army Discharge*, when *Kidwell* was no longer a soldier.

This includes negligence by the Army in failing to destroy records of Kidwell’s Article 15’s ***AFTER his Army Discharge***, and negligence, and other wrongful conduct, by the United States Army in providing Article 15’s that were supposed to have been destroyed to VA Officials, **AFTER** the Claimant was discharged, that is the subject of this Tort Claim.

It should be noted that most of the wrongs at issue in this Tort Claim were discovered by Claimant for the first time, *about a year ago*, in sporadic Freedom of Information Act Records provided to Claimant by the VA, that were intentionally concealed from Claimant, by the United States Army, and/or, the Veterans Administration (now Department of Veterans Affairs), for Forty-Seven (47) Years.

Most of the wrongful conduct that occurred in this Tort Claim started in 1972, approximately two (2) Years AFTER the Claimant was discharged from the Army, and is “*ongoing*”, and was intentionally concealed from Claimant by the United States Army, and VA, from that date, to the present.

THEREFORE, the Feres Doctrine does not apply in this Claim, and the United States Army is clearly liable. [See Feres v. United States, 340 U.S. 135 (1950).]

# III. ANY TIME LIMITS MUST BE WAIVED

Any time-limits MUST be waived due to the Intentional Obstruction by the United States Army, and Department of Veterans Affairs, which resulted in Claimant, *Billy Kidwell*, not being aware of the wrongful conduct until recently.

# IV. THE ARMY’S ARTICLE 15 “CON GAME”

## 1. Article 15 Training by the United States Army

The United States Army trained Claimant, *Billy Kidwell*, that Company-Level Article 15’s are extremely minor, Non-Judicial Punishment, and that Company-Level Article 15’s cannot be used in any Court Proceeding against a former United States Army Soldier.

The United States Army trained Claimant, *Billy Kidwell*, that minor, Company-Level Article 15’s cannot be used by any Government Agency, including the Veterans Administration (now Department of Veterans Affairs) to determine Benefits, Character of Service, or any other matter.

The VA is prohibited from receiving, or even viewing, *Billy Kidwell’s* former Article 15’s, and the Army is PROHIBITED from providing those Article 15’s to the VA.

The United States Army trained Claimant, *Billy Kidwell*, that minor, Company-Level Article 15’s **MUST be destroyed** each time *Kidwell* was transferred to a new assignment, or unit, in the Army. [Emphasis added.]

The United States Army trained Claimant, *Billy Kidwell*, that Under no Circumstances are records of Company-Level Article 15’s allowed to exist for more than Two (2) Years, that all records of minor, Company-Level Article 15’s **MUST be destroyed** within two (2) years of their being accepted as very minor, Non-Judicial Punishment by the soldier. [Emphasis added.]

The United States Army trained Claimant, *Billy Kidwell*, that Company-Level Article 15’s **are not a conviction, and cannot be used as being a conviction**, or used to even imply a soldier has done anything wrong. [Emphasis added.]

*Billy Kidwell* was trained by the United States Army that Company-Level Article 15’s were not serious, and were *solely used* to discipline soldiers for minor infractions of the Uniform Code of Military Justice (UCMJ).

*Billy Kidwell* was personally trained by the United States Army and told that if he accepted a Company-Level Article 15 for some alleged minor infraction of the UCMJ that;

1. The Maximum Punishment he could receive from his Company Commander was 14 days restriction.

2. 14 days of extra duty.

3. Forfeiture of 7 day’s pay.

4. *Billy Kidwell* was told that an E-1 to E-4 could be reduced one Grade.

5. *Billy Kidwell* was told that a Company-Level Article 15 cannot be considered a Conviction, or be used in Court, *or by any Federal Agency*, that it is Minor Non-Judicial Punishment only used by Company Commander to maintain discipline.

6. *Billy Kidwell* was told that Article 15’s do not reflect the Character of one’s Military Service, that Article 15’s are primary a means for the Company Commander to keep order in his company when there are very minor violations of the UCMJ that can be punished with Non-Judicial Punishment.

7. *Billy Kidwell* was told by the United States Army that under no circumstances could he receive a Dishonorable Discharge, or lose his VA Benefits, because of an Article 15, that Article 15’s are destroyed and cannot be used to affect the Character of Discharge, or the receipt of VA Benefits.

8. Billy Kidwell was told by the United States Army that there is no way a Record of a Minor, Company-Level Article 15 can exist after a soldier is discharged.

It should be noted that minor, Company-Level Article 15’s were handed out like candy during the Vietnam War, ***often to soldiers that had done nothing wrong***, for example if a soldier was on leave, and on the way back to his company his plane was snowed in, or had a mechanical failure, and the soldier was late returning from leave, ***through no fault of his own***, the soldier would usually be given a minor, Company-Level Article 15, charged with AWOL, and the soldier would receive a very small fine, or a couple hours of extra duty. [Emphasis added.]

And the Record of the minor, Company-Level Article 15 is REQUIRED to be destroyed when the soldier is transferred to a new Company, and no longer than within two (2) years.

That under no circumstances can there be a Record of the minor, Company-Level, Non-Judicial, Article 15 two (2) years AFTER the soldier is discharged, and under no circumstances can the United States Army send a Record of the minor, Company-Level, Non-Judicial, Article 15 to the VA to be used to deny the soldier his VA Benefits, two (2) years AFTER the soldier is discharged.

This is what all the soldiers in *Billy Kidwell’s* Basic Training were taught, *and Promised*, by the United States Army.

## 2. The most Decorated Soldier in the Vietnam War got Article 15’s All the Time

*Billy Kidwell’s Company Commander* at Fort Benning Georgia told the whole Company that there is a long-standing adage in Combat Arms Branches that “*you haven’t had a full career until you’ve gotten an Article 15*”.

It should be noted that the most decorated soldier in the Vietnam War, *Joe Ronnie Hooper*, racked up **115 confirmed kills**, and was awarded the Congressional Medal of Honor, two (2) Silver Stars, six (6) Bronze Stars with V Devices, an Air Medal, the Republic of Vietnam Gallantry Cross with Palm, and Eight (8) Purple Hearts.

*Joe Ronnie Hooper’s* Military Awards substantially eclipse the awards of both *Alvin York*, and *Audie Murphy*.

And yet *Joe Ronnie Hooper* loved to drink, and party, when he was off duty, resulting in his frequently getting Article 15’s for being drunk, or being late getting back to the base.

## 3. The Secretary of the Army, and President of the United States, said Article 15’s do NOT reflect on a Soldier’s Character of Service

According to the Secretary of the Army, and President *Nixon*, when presenting *Joe Ronnie Hooper* his Congressional Medal of Honor in 1969, Article 15’s **do not reflect on a soldier’s Character of Service**, and *Joe Ronnie Hooper’s* Character of Service was as high as it gets, and is what every soldier should aspire to, despite his often getting minor, Company-Level Article 15’s. [Emphasis added.]

## 4. The United States Army Intentionally Inflicted Massive Harm on Billy Kidwell

The United States Army entered into a Contract with *Billy Kidwell* that if he accepted Company-Level Article 15’s they would be destroyed within two (2) years, and not be used in Court, or provided to any Government Agency.

*Billy Kidwell* accepted these terms, as to accepting Company-Level Article 15’s and believed that the Army would comply with the Agreement, or Contract, and destroy any Company-Level Article 15’s within two (2) years, as Agreed.

*Billy Kidwell* *would have never accepted a Minor, Company-Level Article 15*, *or even considered accepting a Minor, Company-Level Article 15* if he had any idea the Army would conspire with the VA, illegally provide copies of the Article 15s to the VA, and illegally use them to deny him VA Benefits, and to fraudulently claim *Billy Kidwell’s* extremely Heroic, and Honorable Army Service was Dishonorable.

The United States Army knowingly, and intentionally, violated that Contract two (2) years ***AFTER*** *Billy Kidwell* was discharged with the intent of inflicting great harm on *Billy Kidwell*, and helping the VA to steal VA Benefits *Billy Kidwell* is lawfully entitled to, and to intentionally destroy *Billy Kidwell’s* Life by fraudulently injecting the Stigma of *Billy Kidwell* having a Dishonorable Discharge, or a Army Discharge Under Dishonorable Conditions.

## 5. The Wrongful Tort-Claim Conduct Described Herein was only Recently Discovered

*Billy Kidwell*, has only recently become aware of the wrongful, and/or, negligent, conduct of the United States Army in failing to destroy records of Claimant’s Company-Level Article 15’s either when *Billy Kidwell* was transferred from his duty unit, or Company, where *Kidwell* accepted the Minor, Company-Level Article 15, or no later than two (2) years after the Article 15’s were given, which is REQUIRED by Army Regulations.

*Billy Kidwell* recently discovered, by means of a sporadic Freedom of Information Act Request, *that was partially granted after Forty-Eight (48) Years*, that the United States Army, and Department of Veterans Affairs conspired, and worked together in 1972 to have the United States Army illegally provide copies of *Billy Kidwell’s* Company-Level Article 15’s to the Veterans Administration, in a scheme to defraud *Kidwell* out of Statutory VA Benefits he had earned with his Honorable Army Service, and to wrongly, fraudulently, impose the Stigma of Dishonorable Army Service on *Billy Kidwell*.

For Forty-Seven (47) Years the United States Army, and Veterans Administration, hid, *and intentionally concealed*, that in 1972 the Army had illegally provided records of *Billy Kidwell’s* Company-Level Article 15’s to the Veterans Administration in direct violation of Army Regulations REQUIRING that the Article 15’s should have been destroyed.

*Billy Kidwell* has only recently become aware of the wrongful, and/or, negligent, conduct of the United States Army in providing *Kidwell’s* Company-Level Article 15’s to Veterans Administration Adjudicators in direct violation of the Army’s Promise, and/or Contract with Claimant.

This violation, obstruction, and scheme by the Army, occurred AFTER the Claimant was discharged from the United States Army.

THEREFORE, any time limits must be waived.

## 6. The Effect of the Army Illegally Providing Billy Kidwell’s Minor, Company-Level Article 15s to the Veterans Administration

On April 21, 1972 *Billy Kidwell* filed a VA Claim for Compensation for his Combat Stress Disorder, (now called Post-Traumatic Stress Disorder), that caused his Army AR 635-200 Army “*For the Good of the Service*” Discharge, and filed a claim for VA Medical Care. [See Exhibit C attached hereto.]

On August 15, 1972 the VA sent *Billy Kidwell* a letter denying all VA Benefits by simply stating that “*We have determined that the conditions under which you were discharged from service preclude the payment of VA Benefits*.” [See Exhibit D attached hereto.]

The VA Denial Letter states that the decision was based on all the evidence of record including a review of *Billy Kidwell’s* Service Records.

*Billy Kidwell* went to the VA Office in Cincinnati, Ohio to inquire what Service Records were used and he was told he would have to contact the Army.

*Billy Kidwell* immediately filed a Freedom of Information Act Records Request with the Secretary of the United States Army asking for a copy of all of *Kidwell’s* Army Records that were provided to the VA for his VA Claim.

From 1972 to the present *Billy Kidwell* has prosecuted his 1972 F.O.I.A. Request for Army Records given to the VA by sporadically writing the Secretary of the Army requesting same.

From 1972 to the present the United States Army has refused to comply with *Billy Kidwell’s* Freedom of Information Act Request and has concealed the Army Records of *Billy Kidwell* the Army provided to the Veterans Administration that were used to deny *Billy Kidwell* his VA Benefits.

In 1972 the Claimant, *Billy Kidwell*, also filed a Freedom of Information Act Request for a copy of all of *Kidwell’s* Army Records that were provided to the VA by the Army and used to deny him VA Benefits in 1972.

*Billy Kidwell* constantly prosecuted his F.O.I.A. Request with the VA and about a year ago the VA sent *Billy Kidwell* a Redacted VA PDF File on CD titled “*Kidwell 6408\_Redacted*” that had records of the 1972 VA Denial of Benefits, including Army Records that were used, that the VA, and United States Army had been hiding for the past Forty-Eight (48) Years.

In 1972 all *Kidwell* received from the VA was the Denial Letter that did not explain what evidence was used, or what statutes, or Federal Regulations, the VA’s conduct was based on.

The VA’s denial letter did not expose that the VA had received Article 15’s from the Army, and that the VA had illegally used *Billy Kidwell’s* Minor, Company-Level, Article 15’s as the reason for denying *Billy Kidwell* VA Benefits, and imposing the Horrific Stigma of Dishonorable Military Service on *Billy Kidwell*.

The United States Army, and VA, intentionally concealed that Article 15’s had been illegally provided to the VA by the United States Army, and used.

In the recent VA PDF File on CD titled “*Kidwell 6408\_Redacted*” Billy Kidwell discovered a VA Document titled “*Administrative Decision Character of Discharge Determination*”. [See Exhibit E attached hereto.]

This *Newly Discovered* VA Document, the United States Army, and VA, has been hiding for Forty-Eight (48) Years, it was exposed for the first time to *Billy Kidwell* that there had been some type of hearing, or Formal Discharge Determination Process, by the VA that had been kept secret from *Billy Kidwell* for Forty-Eight (48) Years. [See Exhibit E.]

According to the *Newly Discovered* VA Document (*See the Yellow Highlighted Area on said document*) the VA was using *Billy Kidwell’s* Minor, Company-Level, Army Article 15’s as evidence, and treating them as if they were Convictions, and proof of “*willful and persistent Misconduct*” (*See the Blue Highlights*). [See Exhibit E].

The Red Highlights show that *Billy Kidwell* was accused of a period of AWOL from 4/20/70 to 4/22/70, a time period of Two (2) Days, and for a second AWOL from 6/22/70 to 8/10/70, a time period of Forty-Nine (49) days.

*Billy Kidwell’s* TOTAL alleged AWOL was Fifty-One (51) days.

**There was NO conviction for AWOL!**

According to 38 CFR §3.12(6) (See the yellow highlights on Exhibit F) to bar VA Benefits with an AR 635-200 Army Discharge requires a **continuous** period of AWOL of at least 180 days. [Emphasis added.]

*Billy Kidwell’s* longest alleged AWOL was a continuous period of Forty-Nine (49) days, and therefore was **PROHIBITED** pursuant to 38 CFR §3.12 from being used as a bar to benefits.

And even if *Kidwell* had been AWOL for the required 180 continuous days *Billy Kidwell’s* lengthy Military Service, his Re-Enlistment, and Highest Possible of rating for Character of Service, and Efficiency, in every unit *Kidwell* was in, until the stressor incident, and his return from Vietnam, **PROHIBITED** the VA from baring VA Benefits. [See the second Yellow Highlight on Exhibit F.]

In a very dishonest effort to use 38 CFR §3.12(6)(d)(4) the VA ignored *Billy Kidwell’s* Legal United States Army Record, with *Billy Kidwell’s* long record of Heroic Honorable Army Service, his Re-Enlistment, his Vietnam Combat Service, and Vietnam Combat Medals, and Awards, proving extremely honest, faithful, and meritorious Service[[9]](#footnote-9), and instead conspired with the United States Army to obtain Illegal Article 15’s from the Army, that were unlawful to use, and were required by Army Regulations to have been destroyed, by the Army.

These Newly Discovered VA Records of *Billy Kidwell* prove that the ONLY reason *Billy Kidwell* was denied the 100% Service-Connected Benefits the VA has sense admitted *Billy Kidwell* is entitled to was because of the Illegal Article 15 Records of *Billy Kidwell* that were illegally given to the VA by the United States Army, and Illegally used by the Veterans Administration. [Attached hereto and marked as Exhibit G is a copy of the Article 15’s the Army gave to the VA.]

## 7. The United States Army engaged in Neglect by failing to Destroy Billy Kidwell’s Minor, Company-Level, Article 15’s, and engaged in Neglect by providing those Article 15’s to the Veterans Administration, and to the VA Court, in direct violation of Army Regulations.

The United States Army engaged in Neglect by failing to destroy *Billy Kidwell’s* Minor, Company-Level, Article 15’s as soon as *Kidwell* was transferred out of the company he was in when he received the Article 15.

**The United States Army engaged in Neglect by not destroying Billy Kidwell’s Minor, Company-Level Article 15’s within Two (2) Years inflicting Massive Damages on Billy Kidwell.**

The United States Army engaged in Neglect by failing to destroy *Billy Kidwell’s* Minor, Company-Level, Article 15’s no longer than two (2) years after the Article 15’s were issued.

**The United States Army engaged in Neglect by providing copies of Billy Kidwell’s Minor, Company-Level Article 15’s to the Veterans Administration, knowing that the VA was PROHIBITED from having copies of Billy Kidwell’s Article 15’s, which inflicted Massive Damages on Billy Kidwell.**

The United States Army engaged in Neglect by providing copies of *Billy Kidwell’s* Minor, Company-Level, Article 15’s to the Veterans Administration.

# V. DAMAGES

*Billy Kidwell* suffered the damages below as a direct result of the United States Army wrongly providing copies of his Article 15’s to the Veterans Administration, as described herein;

1. *Billy Kidwell* was wrongly denied his VA Benefits of Compensation at the rate of 100% Service-Connected from April 21, 1972 to October 1, 1984, including interest he could have gotten on said money to the present.

2. *Billy Kidwell* was denied needed VA Medical Care for Twelve (12) Years from April 21, 1972 to October 1, 1984 which substantially aggravated his Disabilities.

3. *Billy Kidwell*, who is 100% Service-Connected, and unable to work, was wrongfully denied his VA Income for Twelve (12) Years from April 21, 1972 to October 1, 1984 which starved *Billy Kidwell*, requiring him to “*beg for spare change*”, search for pop bottles along roads to return for the 2 cent deposit to eat, and requiring him to sell blood, eat out of garbage cans, and search for half eaten food in restaurants for twelve (12) years.

4. *Billy Kidwell* was unable to provide for his family from April 21, 1972 to October 1, 1984 which resulted in causing him to lose his family due to divorce, which denied him access to his son.

5. *Billy Kidwell* had no VA Income because of the Army’s wrongful acts resulting in Kidwell sleeping in the woods, and under bridges, freezing, and often wet, and cold, covered with buy bites, for twelve (12) years from April 21, 1972 until October 1, 1984.

6. *Billy Kidwell* had to get cloths from the Salvation Army, had to live in filth, and in danger from other homeless individuals, *Billy Kidwell* suffered more than can be described here with mere words, all because the United States Army is hostile to Disabled Vietnam Combat Veterans, and does not respect their rights, and intentionally harmed *Billy Kidwell* by violating the regulations, and/or, laws as to Article 15’s, in a scheme with the VA to steal *Billy Kidwell’s* VA Benefits, while the Army inflicted as much harm on *Billy Kidwell* as possible.

7. *Billy Kidwell* was at all times Medically Unable to Stand Stress because of his Vietnam P.T.S.D. Disability, which resulted in the damages the Army intentionally inflicted on *Billy Kidwell* causing *Billy Kidwell* to suffer Massive Emotional, and Mental Distress, and Mental Torture, so severe *Billy Kidwell* was suicidal most of those Twelve (12) Years, because death would have been far less painful then living the way *Billy Kidwell* had to live, because of the Army’s wrongful acts.

8. The Massive, Undue Stress the Army inflicted on *Billy Kidwell* caused him to develop Stress-Caused Bleeding Ulcers, and caused him to have Stress-Caused Heart Attacks, resulting in *Billy Kidwell* suffering from those disabilities for the past Forty-Seven (47) Years, and to now be dying from damage by the Stress-Caused Heart Attacks causing *Kidwell’s* Present Severe Heart Failure.

9. From 1972 to the present *Billy Kidwell* has suffered the Stigma of being alleged to have a Dishonorable Discharge, and/or, claims that his Military Service in the Army was under Dishonorable Conditions, despite *Billy Kidwell* never committing any offense that would even come close to having such a Horrible Stigma placed on him, and inflicting such Horrendous Damage on his formerly good name.

No amount of damages can adequately describe the damage of such a Stigma, of being alleged to have a Dishonorable Army Discharge.

The illegal actions of the United States Army in illegally providing copies of *Billy Kidwell’s* Minor, Company-Level Article 15s to the VA to intentionally harm *Kidwell*, did inflict Massive, Irreparable, Unspeakable Harm, and Damages, on *Billy Kidwell* that continue until today, and are *ongoing*.

It is nearly impossible to place a Price Tag on the constant Emotional, and Mental Torture, the Aggravation of *Billy Kidwell’s* Disabilities, the Complete Destruction of *Billy Kidwell’s* Life, and his body, for the past Forty-Seven (47) Years, the loss of *Billy Kidwell’s* Family, and being degraded to eating from garbage cans, and sleeping under bridges, being driven to wanting to die, and for *Billy Kidwell* to now be dying from the Torts inflicted on him.

No amount of money will return *Billy Kidwell’s* life to him.

*Billy Kidwell* has researched Tort Claims and found cases where Twenty to Thirty Million Dollars was awarded with damages not even close to what *Billy Kidwell* has suffered these past Forty-Seven (47) Years at the hands of the Army.

# VI. AMOUNT CLAIMANT WILL ACCEPT TO SETTLE TORT CLAIM

In an effort to avoid years of litigation, substantial discovery, the costs of trial, and Appeals, in a Good Faith Effort to resolve this matter the Claimant, *Billy Kidwell*, will settle all claims herein against the United States Army for the amount of Five Million Dollars ($5,000,000).

This Amount the Claimant will accept to Settle this Matter with this Tort Claim, prior to a trial, does not reflect the actual amount of damages, or the amount actually sued for should this offer not be accepted.

Those amounts shall be decided by Professional Counsel, in compliance with all FTCA Rules, and laws, once *Billy Kidwell* hires counsel, should this Tort Claim not be resolved.

All of the facts in this Tort Claim are true, and correct, to the best of my knowledge, and beliefs, and are given Under Penalty of Perjury.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ February 14, 2020

Billy Kidwell, (941) 627-0433

5064 Silver Bell Drive

Port Charlotte, Florida 33948

Copy: File

1. Since the Torts in this Claim occurred AFTER Billy Kidwell was discharged from the Army they are not “*protected*” by the Feres Doctrine. The Army is liable. [↑](#footnote-ref-1)
2. See the so called “*Law Enforcement Proviso*” in Millbrook v. United States, 569 U.S. 50 (2013). [↑](#footnote-ref-2)
3. The Federal Tort Claims Act is hereinafter referred to as the “*FTCA*”. [↑](#footnote-ref-3)
4. Now Department of Veterans Affairs. [↑](#footnote-ref-4)
5. The Freedom of Information Act is hereinafter referred to as the “F.O.I.A.”. [↑](#footnote-ref-5)
6. See the Damages Section herein. [↑](#footnote-ref-6)
7. Post-Traumatic Stress Disorder is hereinafter referred to as simply “P.T.S.D.”. [↑](#footnote-ref-7)
8. This was fifty (50) years ago so the exact words may not be correct but this is basically what the MP said. [↑](#footnote-ref-8)
9. 38 CFR §3.12(6)(d)(4) PROHIBITED baring VA Benefits if there was a long record of Heroic Honorable Army Service, a Re-enlistment, Heroic Combat Service in Vietnam, Vietnam Combat Medals, and Awards, and the kind of Extremely Honest, Faithful, and Meritorious Army Service *Billy Kidwell’s* Army Records prove he provided. [↑](#footnote-ref-9)