

Judge Fines 'Callous' VA \$115,000

Associated Press

SAN FRANCISCO, Jan. 8—A federal judge ordered the Veterans Administration today to pay about \$115,000 in fines and legal fees for destroying documents and making evasive responses to a suit by veterans who were exposed to radiation during World War II.

U.S. District Court Judge Marilyn Hall Patel said the VA destroyed numerous documents after learning that they were needed for a suit challenging the VA's 115-year-old limit of \$10 on fees for lawyers in disability claims.

She also said the agency, in resisting the veterans' requests for documents, had failed to reveal the existence of computer systems that tracked radiation claims.

The VA displayed a "callous disregard for all processes of court," was guilty of "a reckless disregard for a litigant's obligations" to respond fairly to requests for information in a suit, and provided answers filled with "distortions, misrepresentations and misleading information," Patel said.

She ordered the agency to pay the veterans' legal fees and costs on all matters related to its failure to produce information, an amount estimated at \$100,000 by Gordon Erspamer, a lawyer for the veterans. Patel also fined the VA \$15,000 for taking up the court's time on the issue, ordering the money paid into a court fund for student aides to the federal judges.

The judge's action "sends a strong message to the VA that it is not outside our legal system," said Erspamer, whose father took part in a post-World War II atom bomb test and died in 1980 of leukemia.

Justice Department lawyer Gena Cadieux declined comment.