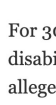
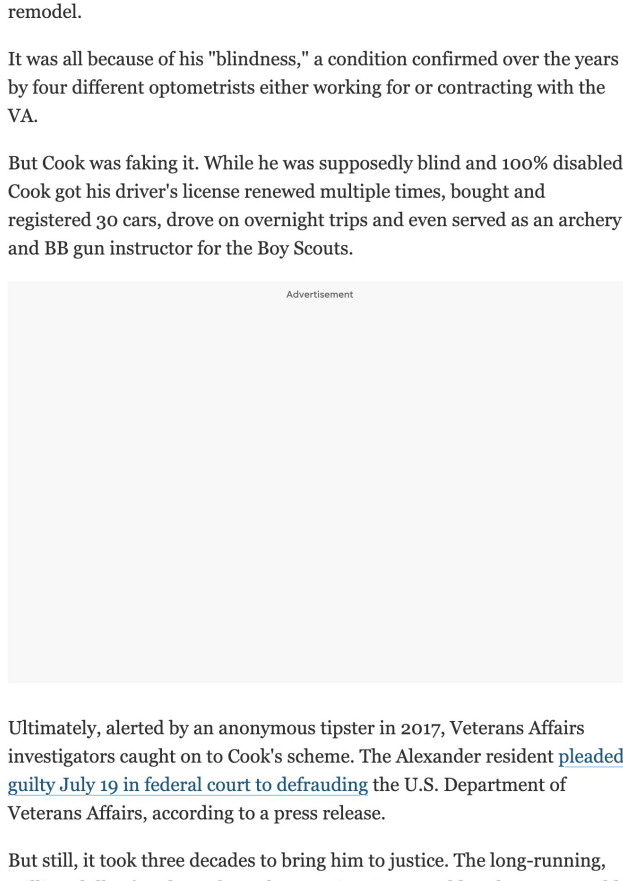


LOCAL

'Blind' veteran who scammed \$1M in disability payments: How did it go on so long?



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For 30 years, Buncombe County resident John Paul Cook collected VA disability payments, even garnering several increases along the way as his allegedly poor condition continued to worsen.

By 2016, with those increases for the severity of his "disability," he was pulling in \$4,990 a month. In total, from 1987-2017, Cook, 57, hauled in \$978,138 in VA disability payments and perks such as money for a home remodel.

It was because of his "blindness," a condition confirmed over the years by four different optometrists either working for or contracting with the VA.

But Cook was faking it. While he was supposedly blind and 100% disabled, Cook got his driver's license renewed multiple times, bought and registered a gun, drove over 100,000 miles and even served as an archery and BB gun instructor for the Boy Scouts.

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Ultimately, alerted by an anonymous tipster in 2017, Veterans Affairs investigators caught on to Cook's scheme. The Alexander reporter pleaded guilty July 19 in federal court to defrauding the U.S. Department of Veterans Affairs, according to a press release.

But still, it took three decades to bring him to justice. The long-running, million-dollar fraud case begs the question: How could such a scam could go on for so long?

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One reason is the way federal law is set up, according to Joe Williams, a public affairs specialist with the VA's Office of Public and Intergovernmental Affairs.

"Under federal law," Williams said, citing the statute number, "veterans will not be subjected to reexamination of their service-connected disabilities once VA determines that the disabilities become static, without material improvement over five years. Mr. Cook presented a disability picture to VA, beginning in 1987 that established the static nature of his alleged disability."

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In a nutshell, once the VA finds the disability is not changing, the law prohibits the administration from requesting more exams to determine if disability payments should continue.

Williams added that after the VA has rated a disability at a level resulting in compensation for at least 20 years or more, the law "prohibits any adjustment to that rating unless the initial rating was based on fraudulent activity," Williams added.

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Cook worked up to that 100% rating over the years, and that may have played a role in keeping the ruse undetected.

"OK, the question is, 'How could it go on this long?'" said Eric Gang, a veterans disability attorney based in Washington, D.C., who has handled thousands of cases on behalf of veterans. "I think, initially, (Cook's) initial grant of service connection may have had some merit. At that time, he was rated at only 60%. Then he went back and applied for increases."

Gang said Cook's apparent greed, and maybe a little narcissism — and applying for more compensation — apparently did him in. Gang read the indictment in the case, as well as an initial Citizen Times story about Cook pleading guilty to fraud charges.

"What eventually caused him to get into trouble was because he kept wanting more and more, so they had to go back and examine him again," Gang said. "In the process of that, he finally got to touch with another examiner who actually began to question the whole thing."

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The Citizen Times called a number for Cook, who lives in Alexander in northern Buncombe County, but the man who answered said he was not John Paul Cook. However, shortly afterward, the same man called back from the same number and left a voicemail on the reporter's phone, apparently thinking he was calling a friend, and identified himself as "John Paul."

Cook's attorney, Emily M. Jones of the Federal Public Defenders Western District office, did not respond to a request for comment.

Cook's original crime carries a mandatory penalty of 10 years in prison and a \$250,000 fine, according to a press release about his guilty plea. A sentencing date for Cook has not been set.

Vision tests are subjective

Fraud cases such as Cook's are rare, Gang says, and they damage "legitimately disabled veterans who run into horrific delays and claim denials" with the VA system.

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Gang said vision cases are particularly tough from his standpoint of getting a certain benefit, partly because the disability rate is usually based on a combination of the vision in both eyes. So it can often combine terrible vision in one eye with good vision in another, Gang said.

But the system can be belittled by the unscrupulous, because most vision tests are based on the patient's answers about what they can and can't see.

Cook does have poorer vision in his right eye, which is also a "lazy eye," but his case is so flagrantly fraudulent that Gang says he understands why prosecutors went after him.

On first blush, Gang said, it seems baffling that four VA-affiliated doctors would find Cook's vision to be at or near blindness levels, while three doctors examining Cook he could get his driver's license renewed and he had vision in the 20/40 range. Normal vision is considered 20/20, meaning a person who's 20 feet from an eye chart can read it.

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By contrast, someone with 20/100 vision who stands 20 feet from an eye chart, can only see what someone with unimpaired vision could see from 100 feet away.

"In this particular case, the vision tests were subjective," Gang said. "What I think eventually caught up with him was that one doctor started to question the correlation. There's no physical, objective findings on clinical observation versus his subjective assessments of what visual acuity he had."

Report: Meadows pushed Justice Department to probe election conspiracy theories

That doctor, an Asheville optometrist who conducted the exam in August 2017, found Cook had vision in the 20/200 range. She acknowledged that a brain injury — Cook claimed a fall from a ladder in 1986 while he was in the Army caused his vision to worsen — can exacerbate vision woes.

But she also added a special note to the record that was particularly damning.

"There is no objective evidence that correlates to the veteran's degree of vision loss," the doctor wrote, according to the federal indictment.

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She diagnosed Cook with cataracts, floaters and epiretinal membranes (the development of thin sheet of fibrous tissue on the retina) but said they were "all mild in clinical presentation and would not be expected to cause any vision loss."

"While TBI (traumatic brain injury) can certainly cause vision loss, the veteran's ability to independently move about the office, navigate around coffee tables in the waiting room unaided, and watch for his ride approaching from the windows does not correlate to the degree of vision loss that is suggested from the visual acuity measurements and visual field testing, which are highly subjective," the optometrist concluded.

The indictment only identified the optometrists by initials, not their names.

How it started

Cook, who wore glasses and had a lazy eye when he joined the Army in 1985, claimed in 1986 he fell from a ladder and hit his head, causing his vision to drastically worsen, according to the indictment. In 1987, an Army ophthalmology evaluation concluded Cook had 20/200 vision in the right eye and 20/100 in the left eye and was "unfit for retention."

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The Army discharged Cook in August 1987 and granted him a 60% disability rating, meaning he could start receiving benefits. In December of that year, Cook applied for increased compensation, stating he could not get employment because of his eye injury.

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION		FILED AUG 11 2021 U.S. DISTRICT COURT WESTERN DISTRICT OF NC ASHEVILLE
UNITED STATES OF AMERICA	DOCKET NO. 1:20-cr-00229-CG-NC	
v.	JOHN PAUL COOK	
	Violations:	
	18 U.S.C. § 1343	
	18 U.S.C. § 1344	
	18 U.S.C. § 1345	
THE GRAND JURY CHARGES		
INTRODUCTION		
At all times relevant to this Bill of Indictment:		
1. The VA Programs Defrauded		
A. Disability Compensation Program		
1. Disability compensation is a benefit paid to United States military veterans by the Veterans Benefits Administration of the United States Department of Veterans Affairs (VA) due to injuries or diseases sustained while on active duty, or for injuries or diseases that were made worse by active military service.		
2. "Individual Unemployability" (IU) is a unique part of the VA's disability compensation program. It is a benefit paid to veterans who are unable to obtain substantially gainful employment by reason of a service-connected disability.		
Because County resident John Paul Cook, who pleaded guilty to defrauding the government out of disability payments, was unable to obtain substantially gainful employment by reason of a service-connected disability, he was eligible for IU.		

The VA approved the request and issued Cook a rating of "individual unemployability" because of his "severe visual deficit." He started receiving \$1,411 per month in disability payments, beginning a three-decade, money-making odyssey.

Three weeks after his Army discharge, in September 1987, Cook renewed his North Carolina driver's license, which required a vision test and meeting a 20/40 acuity standard. That can be reached with corrective glasses. He passed the test.

Pattern of deceit continues

In April 1980, Cook got an eye exam at the VA Medical Center in Johnson City, Tennessee. It was a subjective test, based on Cook's responses, and the doctor concluded Cook's corrected distance vision in his left eye was 20/40 and his corrected near vision was 20/100.

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Six years later, Cook renewed his North Carolina driver's license again, with vision test results finding he'd 20/30 when using both eyes, and 20/200 in his right eye, with corrective lenses. Cook correctly identified and read all the road signs on the test.

In July 2003, Cook encountered a hiccup, initially failing the vision exam for his N.C. driver's license renewal, with 20/50 vision when using both eyes. He also failed to read two road signs in the vision test and was required to get checked by a doctor.

That August, a physician's vision exam rated Cook at 20/50 vision using both eyes, with 20/50 in the left eye and 20/70 in the right. The state renewed his driver's license.

In June 2006, Cook submits another claim for benefits to the VA, based in part on an April eye exam — again based on Cook's responses — that concluded he had "light perception only" in his right eye and had 5/200 vision in his left eye. That October, the VA increased his disability rating from 90% to 100%, and Cook qualified for additional federal dollars, including money to remodel his home.

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Officially, Cook was legally blind.

The next year, 2006, he sought more money from the VA, claiming he didn't have a driver's license and was blind in one eye and had impaired vision in the other. In February 2008, he again renewed his driver's license, with 20/40 vision using both eyes.

In 2009, Cook got a driver's license in South Carolina, with a 20/25 vision report using both eyes, but a year later he put in a VA application for adaptive equipment, claiming he had no driver's license and was blind in one eye, 90% impaired in the other.

The VA approved the request. It approved two more similar requests in 2012 and 2016, with Cook again claiming he's blind in one eye and 90% impaired in the other. His monthly disability check rose to \$3,990.

During much of the 2020s, while Cook was asking the VA for adaptive equipment to cope with his blindness, he was also serving as a den leader and cubmaster with the Daniel Boone Council of the Boy Scouts of America. Cook completed courses that qualified him to be a range officer for BB guns and archery, and was certified for land navigation, which involves reading maps and using a compass, according to the indictment.

Cook also frequently drove himself and others to scouting events, including a trip to Charleston, S.C.

The Citizen Times requested answers to numerous questions from Joshua Chase, CEO of the Asheville-based Daniel Boone Council of Boy Scouts of America, but received no response.

"I was saddened by the fact that the Boy Scouts tries to instill values of honesty and integrity, and things of that nature, and at the very same time you have a scoutmaster who was living a lie, so to speak," Gang said. "That was disturbing on that level as well."

Anonymous tip, and the jig is up

Williams said the VA Office of Inspector General received a tip about Cook and launched an investigation, which started in 2017. He did not divulge the tipster's name or position.

"Based on the tip, OIG proceeded to obtain North Carolina Department of Motor Vehicle records, information from Boy Scouts of America, video surveillance showing (the) veteran driving, pumping gas, etc.," Williams said.

The federal indictment states VA's Inspector General agents interviewed Cook in February 2017, informed him of his alleged fraud, and told him that he had been surveilled. Agents told him they'd observed Cook driving various vehicles, and that they know he'd passed driver's licenses tests while claiming to the VA that he was blind. They say they also have observed him driving himself to and from numerous appointments at the Charles George VA Medical Center in Asheville, North Carolina.

"They specifically cited as an example of surveillance that they had observed him drive himself to and from numerous appointments at the Charles George VA Medical Center in Asheville, North Carolina," the indictment reads.

After that interview, Cook started using the Mountain Mobility public transportation service for his VA appointments. But, according to the indictment, Cook still submitted mileage reimbursement forms for the trips.

'It's unconscionable'

While \$3,990 a month may not seem like an extravagant living to some, Gang points out that it's a pretty sweetheart deal for not working a lick.

"This is \$498,000 net, because you're not paying taxes on it," Gang said, referring to federal disability payments. "And there's a lot of fringe benefits that go with it that result in the overall benefits package being much greater than what it seems on its face."

But Gang is also convinced that Cook will come to realize the gravity of his dishonesty.

"Unfortunately, he's faced with almost a million dollar judgment against him, and it's not a dischargeable bankruptcy," Gang said. "He's screwed. He hasn't worked since the '80s. Even if he does no jail time, he's got to pay that back. He's put his family in ... it's unconscionable."

For the 2020 fiscal year, the VA's Office of the Inspector General found the VA had reported \$100.5 million in confirmed fraud. Gang, who at times has spent decades securing benefits for deserving veterans, says fraud is poisonous because it can turn the public against veterans.

"It's an affront to deserving veterans who deserve these benefits, and now they have to deal with a VA system that's already difficult and they're more on guard than ever," Gang said.

Williams, the VA spokesman, said the department "takes these fraud cases very seriously as ultimately, they harm the men and women who have served and sacrificed for our nation so selflessly."

"Many VA employees are Veterans themselves, so we have a vested interest in addressing these fraud-related situations as expeditiously as possible," Williams said.

Williams also noted that the Office of Financial Management, Benefits Delivery Protection & Restoration is looking at "standing up future analysis to detect abnormalities and addressing similar cases."

Gang said statistics show it takes 40-50 years on average for claims to peak after a given military conflict. Vietnam disability cases are peaking now, and the Gulf War 30th anniversary is this year, so those cases will likely surge as veterans age and service-related ailments worsen.

"When you hear about people gaming the system like this it's not good," Gang said, adding that some skeptics consider disability benefits a type of welfare for veterans. "There's a certain skepticism that is out there, and this kind of stuff doesn't help. It feeds that skepticism."

John Paul Cook fraud timeline (Source: U.S. Attorney's Office indictment)

November 1985 — John Paul Cook enters the U.S. Army.

May 1986 — Cook falls from a ladder while on duty and claims he had hit his head. While Cook had previously been diagnosed with amblyopia, or "lazy eye," in his right eye, and had been wearing glasses before joining the Army, he said his vision worsened, especially in his right eye, after the accident.

May 1987 — An Army ophthalmology evaluation concluded Cook had 20/200 vision in the right eye and 20/100 in the left eye and was "unfit for retention."

August 1987 — Cook is discharged from the Army and granted a 60% disability rating.

December 1987 — Cook applies for increased compensation, stating he could not get employment because of his eye injury. The VA approves the request and issues Cook a rating of "individual unemployability" because of his "severe visual deficit." He receives \$1,411 per month in disability payments.

September 1987 — Three weeks after his Army discharge, Cook renews his North Carolina driver's license.

February 1988 — Cook tells a VA visual impairment support worker his "major life center on not being able to drive, shop, or read."

April 1989 — Cook gets eye exam at VA Medical Center in Johnson City, Tennessee. Based on Cook's responses, the doctor concludes Cook's corrected distance vision in his left eye is 20/40 and his corrected near vision was 20/100.

January 1990 — Cook renews his North Carolina driver's license again, with vision test results finding he'd 20/30 when using both eyes, and 20/200 in his right eye, with corrective lenses. Cook correctly identifies and reads all the road signs on the test.

July 2003 — Cook initially fails the vision exam for his N.C. driver's license renewal, with 20/50 vision when using both eyes. He fails to read two road signs in the vision test. He's required to get a vision test.

August 2003 — A physician's vision exam shows Cook has 20/50 vision using both eyes, with 20/50 in the left eye and 20/70 in the right. The state renews his driver's license.

June 2006 — Cook submits another claim for benefits to the VA, based in part on an April eye exam — based on Cook's responses — that concluded he had "light perception only" in his right eye and had 5/200 vision in his left eye.

October 2006 — The VA increases Cook's disability rating from 90% to 100%, the maximum allowed. Cook is also granted additional benefits, including an extra monetary allowance and funds for adapting and remodeling his home.

April 2006 — Cook submits two VA applications for adaptive equipment for a motor vehicle, claiming that he did not have a driver's license and stating his disability as, "Blind one eye, impaired vision other."

February 2008 — Cook again renews his driver's license, with the vision test with corrective lenses showing 20/40 vision using both eyes, 20/40 in the left eye and 20/70 in the right eye. He correctly read all road signs in the test.

September 2009 — Cook applies for a South Carolina driver's license, using an Imman, S.C. address. South Carolina requires 20/40 vision or better, with corrective lenses. In handwritten answers on the application, Cook, under penalty of perjury, says he has no physical condition preventing him from safely operating a motor vehicle, and that his doctor, "Dr. SM" in Asheville, has not restricted his driving. He also submitted an eye exam from an Asheville doctor from that July that showed with new prescription lenses, his vision was 20/25 using both eyes, 20/25 in the left and 20/70 in the right. South Carolina issues Cook a license.

August 2010 — Cook submits VA application for adaptive equipment, claiming he had no driver's license and was blind in one eye, 90% impaired in the other. VA approves request.

August 2012 — Cook submits VA application for adaptive equipment, again claiming he had no driver's license and was blind in one eye, 90% impaired in the other. VA approves request.

March 2016 — Cook submits VA application for adaptive equipment, again claiming he had no driver's license and was blind in one eye, 90% impaired in the other. VA approves request.

2016 — Cook's monthly disability payment has risen to \$3,990.

2010-2016 — Cook serves as a Den Leader and Cubmaster with the Daniel Boone Council of the Boy Scouts of America, completing courses that qualified him to be a range officer for BB guns and archery. He's also certified for land navigation, which involves reading maps and using a compass. Cook also frequently drove himself and others to scouting events, including a trip to Charleston, S.C.

February 2016 — Cook renews his North Carolina driver's license, claiming he had no driver's license and was blind in one eye, 90% impaired in the other. VA approves request.

November 2016 — The VA directs Cook to undergo a "Compensation and Pension Examination" for his eyes. A Weverville optometrist performs the tests, which were "all subjective, that is, the results were based on the answers provided by the defendant." The optometrist found Cook's uncorrected and corrected vision in both eyes was 5/200, and that his vision in each was "limited to no more than light perception," and that he could not recognize test letters at one foot or closer and could not perceive hand movements or count fingers at three feet. The doctor further concluded that Cook "cannot see to perform any visual task," adding a final diagnosis of, "Bilateral blindness, bilateral."

January 2017 — The VA contracts with an optometrist who conducts another eye exam of Cook at the VA Medical Center in Johnson City, Tennessee. Cook claims he has only light perception in his right eye and cannot recognize test letters at one foot or closer with either eye.

February 2017 — Special agents of the VA's Office of Inspector General interview Cook, informing him he was being investigated for fraud and that he had been surveilled. Agents say they've observed Cook driving various vehicles, and that they know he'd passed driver's licenses tests while claiming to the VA that he was blind. They say they also have observed him driving himself to and from numerous appointments at the Charles George VA Medical Center in Asheville, North Carolina.

August 2017 — The VA contracts an Asheville optometrist for another eye exam. It's based on Cook's responses and finds that with corrective lenses, Cook has 5/200 vision in each eye for distance, and 5/200 near vision in the right eye and 20/200 in the left. The vision tests to be unable to recognize test letters at a foot less, but said he could perceive objects, hand movements and count fingers at three feet with each eye. The optometrist concluded that the defendant had a visual acuity of 20/200 or less in the better eye using corrective lenses, and that he was legally blind. "But the optometrist also notes, 'There is no physical, objective findings that correlate to the veteran's degree of vision loss. While TBIs (traumatic brain injuries) can certainly cause vision loss, the veteran's ability to independently move about the office, navigate around coffee tables in the waiting room unaided, and watch for his ride approaching from the windows does not correlate to the degree of vision loss that is suggested from the visual acuity measurements and visual field testing, which are highly subjective.'"

October 2017 — The VA terminates Cook's disability payments.

December 2020 — Cook is indicted on multiple fraud charges in U.S. District Court in Asheville.

July 19, 2021 — Cook pleads guilty to defrauding the U.S. Department of Veterans Affairs out of \$978,138 over 30 years.

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