



M E M O

**County
Administrator**

Robert W. Wilson
701-241-5770
wilsonro@casscountynd.gov

TO: County Commission
FROM: Robert W. Wilson
DATE: October 28, 2021
SUBJECT: VSO Agreement and Release of Claim

An unfortunate incident has come to the attention of my office, the Veterans Service Office, and the State's Attorney's office. Ms. Robyne Fournier, a military service widow was unable to collect benefits due to her in the amount of \$18,901.32 because the application was not properly submitted by a former employee of the Cass County Veterans Service Office (CCVSO).

The offices listed above began reviewing the incident as soon as we learned about it. We have confirmed the failure was on the part of Cass County and must be rectified. Cass County Veterans Service Officer Christopher Deery conducted a review to insure there are no other similarly unresolved applications. He identified other cases with similar application errors, but those were identified early enough that the issues were corrected without a loss of benefits.

Ms. Fournier met with a former CCVSO employee in May 2020 about filing a claim related to the death of her husband. Ms. Fournier then submitted documents required to process the claim to the CCVSO, believing the CCVSO was filing the claim with the American Legion and no additional action was needed.

After not hearing anything from the CCVSO for more than a year, Ms. Fournier contacted the American Legion directly in July 2021. At that time Ms. Fournier, Mr. Deery, and the American Legion discovered the claim had not been filed, and a deadline for claiming past benefits that are owed had been missed. Working directly with the American Legion, Ms. Fournier is now receiving the benefits she is entitled to.

Because of this delay in finding and correcting the error, Ms. Fournier lost benefits she was otherwise eligible for between May 11, 2020 and July 8, 2021. Those benefits total \$18,901.32.

PO Box 2806
211 Ninth Street South
Fargo, North Dakota 58108

www.casscountynd.gov

SUGGESTED MOTION: Authorize the Chair to sign the Agreement and Release of Claims and approve a payment in the amount of \$18,901.32 to Ms. Robyne L. Fournier.



The American Legion

Department of North Dakota

For God and Country

2101 Elm St N • Rm 210 • Fargo, ND 58102

October 22, 2021

I am the National Service Officer for the American Legion for the State of North Dakota. Due to an error from Cass County Veteran Service Representative Susan Feakes, Robyne Fournier came to my office July 8, 2021 to assist in filing her claim for Dependent Indemnity Compensation (DIC) benefits.

Ms. Fournier met with Ms. Feakes on May 13, 2020 to begin the process of collecting information to complete the necessary paperwork for both the DIC claim and burial claim. Ms. Fournier was under the impression that her claim for DIC had been filed by Ms. Feakes in July 2020.

Ms. Fournier followed up with my office after not hearing from Ms. Feakes and then learning she no longer worked at Cass County. Upon investigation we learned the claim had never been filed. We filed this claim through my office on July 8, 2021 and it was granted through the VA on August 19, 2021.

Due to the grave error by Ms. Feakes, Ms. Fournier lost out on \$18,901.32 of retroactive benefits through the Department of Veterans Affairs. Please see the breakdown previously provided.

Sincerely,

Summer Kristianson
American Legion Veteran Service Officer
2101 Elm St N Room 210 | Fargo ND 58102
701-451-4646
summer.kristianson@va.gov

**AGREEMENT
AND
RELEASE OF CLAIMS**

This agreement and release of claims (“Agreement”) is between Robyne L. Fournier (“Ms. Fournier”), 1027 N. University Drive, apartment #2, Fargo, North Dakota, 58102, and Cass County Veterans Services, located at the Cass County Courthouse, 211 9th Street South, Fargo, ND 58103.

WHEREAS, on May 11, 2020, Ms Fournier met with a Cass County Veterans Service Representative about filing a claim for death after her husband, Richard Fournier passed away;

WHEREAS, Ms. Fournier provided the appropriate documentation to the veterans service representative;

WHEREAS, the veterans service representative failed to file the appropriate paperwork in Ms. Fournier’s claim with the American Legion resulting in a loss of benefits between May 11, 2020 and July 8, 2021;

WHEREAS, the loss of benefits incurred by Ms. Fournier is Eighteen Thousand Nine Hundred One Dollar and Thirty Two Cents (\$18,901.32);

WHEREAS, the Cass County Veterans Services Office wishes to resolve Ms. Fournier’s claim in a fair and reasonable manner;

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Consideration/payment**. In exchange for Ms. Fournier’s promises and understandings in this Agreement, Cass County Veterans Services will pay Ms. Fournier the lump sum amount of Eighteen Thousand Nine Hundred One Dollar and Thirty-Two

Cents (\$18,901.32), the check made payable to Ms. Fournier.

2. **Waiver and Release.** In exchange for the consideration/payment in ¶1, Ms. Fournier irrevocably and unconditionally releases and forever discharges Cass County Veterans Services, Cass County Government, and all the related insurers, officers, directors, agents and employees of those three entities, in their official and individual capacities, from any and all claims of any nature, both past and present, whether known or unknown, that in any way relate to or arise out of Ms. Fournier’s claim for benefits relating to her husband’s death up to the date this Agreement was signed.

3. **Other Understandings.** Ms. Fournier further acknowledges that: (1) she has carefully read and understands the terms of this Agreement, and enters it knowingly and voluntarily; (2) this Agreement contains the entire understanding between Ms. Fournier, Cass County Veterans Services, and Cass County Government.

Robyne L. Fournier

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by Robyne L. Fournier.

Notary Public

**APPROVED ON BEHALF OF CASS COUNTY VETERANS SERVICE AND
CASS COUNTY GOVERNMENT**, dated this 1st day of November, 2021.

Print: _____