

A second inspection was done on October 13, 2009 showing the property secure. There was no mention of any damages to the property in the appraisal completed August 22, 2009.

9. Subsequent to the reconveyance an appraisal in the nature of a Broker's Professional Opinion has been performed on the property by one Richard Creo and the value of the property is shown at \$24,900.00.

10. During the period of time between November 2009 and a final inspection December 28, 2010, while in the care and custody of the Department of Veterans Affairs, the property was vandalized and damage suffered in the amounts reflected in both the appraisals and the estimates of repair attached hereto.

WHEREFORE, Demand is made for the difference between the appraisals and for the cost of repair submitted by the plumbers, severally and jointly or individually as the Department of Veterans Affairs and the real parties in interest may agree.

By:   
Louis P. Vitti

# **Exhibit “ 18 ”**



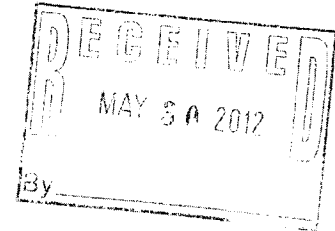
U.S. Department of Veterans Affairs  
Office of Regional Counsel  
Region 4

James C. Sinwell, Esq.  
Assistant Regional Counsel  
Direct Dial (412) 954-5174

VA Pittsburgh Healthcare System  
7180 Highland Drive  
Pittsburgh, PA 15206-1297

May 24, 2012

Louis Vitti  
215 Fourth Avenue  
Pittsburgh, PA 15222



Re: Administrative Claim  
VITTI, Louis  
Our File No. RC4-46262

Dear Mr. Vitti:

We have concluded our investigation of the administrative tort claim you filed, alleging the Department of Veterans Affairs was liable for the damage to a home that occurred while the property was in VA's possession prior to reconveyance to you due to insufficient title. Our investigation of the circumstances of these claims did not reveal evidence of any negligent or wrongful act or omission of any employee of the federal government acting within the scope of his office or employment resulting in harm to your client. For this reason we are denying your claim.

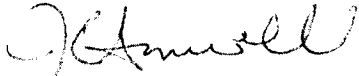
If you are dissatisfied with our decision, you may file a request for reconsideration of this claim with the VA General Counsel by any of the following means: (1) you may mail your request to the Department of Veterans Affairs, General Counsel (021B), 810 Vermont Avenue, N.W., Washington, DC 20420; (2) you may file your request by data facsimile (fax) to (202) 273-6385; or you may e-mail your request to [OGC.torts@mail.va.gov](mailto:OGC.torts@mail.va.gov). In order to be timely filed, the VA must receive this request prior to the expiration of six months from the date of the mailing of this final denial. Upon filing such a request for reconsideration, the VA shall have 6 months from the date of that filing in which to make a final disposition of this claim, and your option to file suit in an appropriate U.S. District Court under 28 U.S.C. §2675(a) shall not accrue until 6 months after the filing of such requests for reconsideration (28 C.F.R. §14.9). Please note that a request for reconsideration is considered to be "filed" on the date received by the General Counsel not the date mailed.

In the alternative, your attention is invited to the provisions of the Federal Tort Claims Act (28 U.S.C. §1346(b) and §2675), which provide that a tort claim, which is administratively denied, may be presented to a U.S. district court for judicial consideration. Such suit must be initiated within six (6) months after the date of mailing of this notice of final denial (28 U.S.C. §2401).

Please note that FTCA claims are governed by a combination of Federal and state laws. Some state laws may limit or bar a claim or law suit. VA attorneys handling FTCA claims work for the Federal government, and cannot provide advice regarding the impact of state laws or state filing requirements.

If you decide to initiate a suit against the Department of Veterans Affairs, you are advised that the proper defendant is the United States of America (28 U.S.C. §1346(b) and §2671, et. seq.) Should you have any questions for our office, please contact Lisa Wolfe at (412) 954-5180.

Sincerely,



James C. Sinwell  
Assistant Regional Counsel

