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## BRAIN Joseph Arthur Hugh



 **22 October 2005** Just how did Joe Brain manage this charade and get away with it? This case is very complex and time consuming and to ensure all the facts are correct, we will draw upon statements and information obtained from the court case to show you just how much effort these frauds are prepared to put in to claim Vietnam Veteran status and sometimes claim repatriation benefits to which they have no entitlement.

The case of Joe Brain is one that all ESO, Veteran's Advocates and the DVA can learn from. We will attempt to highlight some areas where the above fail and hopefully through this explanation they will be able to close yet further, the gap that this type of person slips through.

This factual story is going to be long. It is not going to be completed overnight, but bear with us, we will enlighten you on how Brain and possibly others have managed to infiltrate the Veteran's Entitlements System.

The basis of Brains claim for repatriation benefits stems back initially to his being falsely issued with the Australian Active Service Medal (AASM) and the Vietnam Logistic Support Medal (VLSM). We will attempt here to show you just how easily this man slipped through the crack and has effectively brought disrepute to some of the genuine Officers who thought they were doing Brain a favour via the "old boy" system. The names of these Officers has been deleted from documentation received. They are now fully aware of what the problems the old boy network has cause them and there is no need to discredit them further. All of them embraced outstanding Military careers. This episode has tarnished their reputation and we dont wish to add further to this.

Lets start right at the very beginning, but first of all, all information shown on these pages is available for public access. No underhanded methods have been used to obtain any and all of the images shown on these pages. They are all in the public arena as are all Service persons documents after 30 years.

Joseph Arthur Hugh Brain enlisted in the Citizens Military Forces (CMF), now Army Reserves (ARES) when he was 18.5 years old, on 17 October 1957. He was initially enlisted as a Private soldier in Signals Corps.



Between 14 Oct 1959 and 4 May 1971 Brain was fairly active in the CMF and attended many courses. He obviously didn't like being a Signaller and transferred to 1 Infantry Battalion (Commando) on 1 Jul 58 as a PTE. He was promoted to LCPL in a clerical position, 12 Nov 59 and then over the years he attended and completed many course, some after a second attempt. He continued to do advancement courses up until 27 Nov 73 when he completed his last course and then it would appear, the wheels started to fall off, but Brain wont tell you this as he was the best there was, according to himself.

He was commissioned on 4 Jun 63 as a 2nd Lieutenant (2LT) and was posted as the Transport Officer, 1 RNSWR (CDO). Next promotion to Lieutenant (LT) occurred on 26 January 1966. He continued attending, failing and re-attending courses until eventually he was promoted to Captain (CAPT) effective from 27 Oct 70. On 4 May 1971, 1 Commando Company (1 CDO) was born. Brain was transferred, on paper, to the strength to this unit as a Captain and in 1973 was awarded the Efficiency Decoration (ED), 22 January. This to an "average to below average" Officer. Now he has just about everything. The rank of Captain, a medal and he is on the downhill run career wise at 16 years service. Now the years turn into decline. From here on in his records reflect non efficient service and finally on 3 August 1978, RO Number 51950/485/78 he is discharged. Joe does not give up though. He applies for and is granted the Reserve Force Decoration (RFD) on 18 Mar 84 and then the clasp to the RFD on 30 Jan 86. He is now retired and can sign his name J.A. Brain, RDF, ED, JP (Justice of the Peace) Major (RL). Now that sounds distinguished doesnt it. But wait there is more to the post nominals and we will come to these when he applies for the AASM.

The list of courses this distinguished man attended, or completed throughout his career are shown below:



























































Brain obviously had a mediocre career in the CMF/ARES as his course reports reflect comments such as:  
3/63 Storeman's course....."A disappointing result. This student did not apply himself to the course to any degree."

This did not change when he was commissioned as an Officer on 4 Jun 1963. The course reports continue as:  
6/64 Air Photo Reading (All ARMS)....."2LT Brain failed to reach the required standard."  
13/64 Basic Diving Course....."This student proved to be psychologically unsuited for diving. He tried hard but was not able to overcome the psychological barrier. Did not complete the course".....but wait there's more on his diving abilities to come.  
28/64 Basic (CMF) Short Parachute Course....."This student failed to complete the course due to ground training injury being aggravated by parachuting. LT Brain tried hard and made every effort to remain on the course." He repeated the Basic Para course again on the 42/71 course and passed....as a Captain. This is 7 years since his first attempt.....and he is in a Commando unit where you are to be qualified and remain proficient to remain in the unit?

and so it goes on.....8/73 Small Craft Handlers Course....."An average student on this course, however, considering his experience in work of this nature over a long period of time, his results should have been much higher."  
34/72 Assault swimmers course....."This officer has a keen sense of humour which was an asset to the course, however, once given a task it was carried out with the greatest of haste. Because of haste attention to detail was overlooked."

Comments like the above are relative to all his course reports. We have indicated here only the course reports that will be relevant to the information presented during his trial. which we will explain further in this site story.

So basically we have a CMF Commando Officer, who went up through the ranks, who in reality is a basic civilian motor mechanic, and who is what would be described as average to below average by his Military course reports, but this man tells it in a much different way when he courts the woman in his life [he has had 5 wives] with his tales of derring do. All will come out in the wash as we proceed.

How did Joseph Arthur Hugh Brain manage to obtain medals for Service in Vietnam? As servicemen would be aware there were CMF Officers who did go to Vietnam for short periods of time. How did Brain manage to get accepted as one of these people? This is the crux of Joe Brain's fraud and how he cunningly manipulated Service Personnel and then rorted the DVA repatriation system.

Could this also happen to you as a RSL, ex service advocate or person with the responsibility to check the service of a member wanting to join your organisation?....Read on. The following information has been provided to us by one of the Officers who was conned by Brain. All reference to other than Brain has been removed from this statement as there is no requirement to know the names of those who now regret not checking the bonafides of this man.

Dear XXXXXXXXXXXX,

**RE: JOE BRAIN**

*I refer to our recent telephone conversations regarding Joe Brain.*

*You asked me to recall whether I remember Joe being in South Vietnam between 18 May 1971 and 2 June 1971.*

*By way of background: I was the Assistant Adjutant of 4RAR/NZ (ANZAC) Battalion during its second tour. I recall travelling from Australia to Vietnam aboard HMAS Sydney. I left Townsville on 13 May 1971 and flew from the ship into Nui Dat on 23 May 1971.*

*The Battalion book ("The Fighting Fourth") says that, until 2 June 1971, the Battalion (save for the Kiwi Company) was in Nui Dat. During this time, I was working at Battalion Headquarters, also in Nui Dat. The Battalion book says that the Australian rifle companies remained at Nui Dat until deployed on Operation BHOWANI JUNCTION on 3 June 1971.*

*You say that Joe was in country, and attached to 4RAR/NZ as a CMF observer, from 18 May 1971 to 2 June 1971. As I did not arrive at Nui Dat until 23 May 1971, I do not know if Joe was in country before that date. I do not recall meeting any CMF officers between 23 May and 2 June 1971. I may have but I do not recall it.*

*As we had just arrived, and were undergoing acclimatisation and familiarisation training, it seems strange (in my view) that the Commanding Officer, the Operations Officer or the Adjutant would agree to accept CMF observers into the Battalion area. It seems more likely they would go to 3RAR. Nevertheless, I cannot say that Joe was not with 4RAR/NZ. I just do not recall his being there.*

*As I said in our telephone conversations, I kept an administrative diary between 25 July 1971 and 1 October 1971. I still have that diary. In accordance with your request, I have searched my memory. I have also searched the diary. I can*

only recall one group of CMF officers visiting 4RAR/NZ. However, there may have been more.

My diary has the following entry for 4 August 1971:

“3 CMF offrs arrive tomorrow. They are:

- a. MAJ A XXXXXXXXXXXX
- b. CAPT AS XXXXXXXXXXXX
- c. CAPT GC XXXXXXXXXXXX

Accn is fixed. On Fri 6 Aug at 1415 they commence a familiarisation flt of province. This will incl a visit to Courtenay (sic).”

On 5 August 1971, the RSM made the following entry:

“From RSM

As the RD WO and CC are going on R&C from the 6/8 Aug 71, the 2IC has recommended that at this stage 1 [one] only visit D Coy and don't remain for the 5 days.”

This entry has been initialled by Captain (later Lieutenant Colonel) XXXXXXXXXXXX, Adjutant.

I remember meeting CMF officers who were part of the RVR. I do not remember if they were part of the group detailed above or part of another group. I remember meeting a CMF Major and a CMF Captain, one or other of whom was an RVR officer. I recall the RVR connection because our Transport Officer, Lieutenant (later Major) XXXXXXXXXXXX, was ex-RVR.

In about 1985, I was posted as a Staff Officer Grade Two to Headquarters, Second Military District. I took over from Major XXXXXXXXXXXX. Major Joe Brain was also part of HQ 2MD. XXXXXXX and Joe had previously served together in 17 RNSWR. Joe and I struck up a friendship. I recall his telling me of his visit to SVN as a CMF observer. I think it was at that time the 4RAR/NZ connection was made with the probable initiator being the year of service, viz: 1971.

XXXXXXXXXX, Joe Brain and I retired from the Army to the Gold Coast. We live in close proximity to each other, but rarely see one another. Joe and I are estranged. I understand that Joe and XXXXXXX are also estranged. Joe was a groomsman at XXXXXX wedding. XXXXXX best man was XXXXXXXXXXXX. XXXXXXX had served in 17 RNSWR with Joe and XXXXXXX. Captain (later Lieutenant Colonel) XXXXXXXXXXXX was also the 4RAR/NZ Signals Officer. I telephoned him recently. He does not recall Joe being in country.

You asked me about 4RAR/NZ administrative efficiency during our tour. I worked for two Adjutants: XXXXXXXXXXXX and XXXXXXXXXXXX. Both were hard taskmasters and meticulous men. Both spent a large proportion of their time at the Fire Support Base at Courtney Hill. The CO, Lieutenant Colonel (later Major General) XXXXXXXXXXXX, was even more firm and meticulous.

XXXXXXXXXX kept a very tight grip on Battalion administrative procedures and record keeping. For example, the following are entries in my administrative diary:

28 July 1971: a note to me from XXXXXXXXXXXX to ensure that I attended to the A26A's for some WO's, S/NCO's and junior NCO's. These detailed instructions took up some three foolscap pages.

30 July 1971: a note to me from XXXXXXXXXXXX regarding more A26A's. It took up some two and one half pages with a further half page dealing with a Notice to RO's concerning the retirement of Sir XXXXXXXXXXXX as Colonel Commandant and his replacement by Sir XXXXXXXXXXXX.

XXXXXXXXXX was equally meticulous. My administrative diary records:

21 September 1971: a note to me from XXXXXXXXXXXX (who had taken over as Adjutant) regarding IO's reports, AHQ Admin Instructions. The note starts:

“Busy day here, mate, beacoup contacts, thus little time for Pers “A” matters. However fol points to be made:-”

XXXXXXXXXX then proceeded to give me instructions regarding Administrative Instructions, raising of paperwork for promotion of Corporal XXXXXXXXXXXX to Temporary Sergeant, and posting of people as signallers.

*It was on this day that the Battalion had its biggest contact during Operation IVANHOE. We lost 5 KIA and 30 WIA. This demonstrates to me that XXXXXXXXXXXX was able to attend to his various duties as a CP officer as well as turn his attention to Battalion administrative procedures.*

*On that same day, I provided XXXXXXXXXXXX with a list of KIA, WIA, their status, location and NOTICAS update. I wrote that, of those killed, three were MIA. XXXXXXXXXXXX corrected me by writing:*

*“XXXXXXXXXX, they should be KIA, bodies unrecovered, since C/S 4 saw them die. MIA tends to imply some hope for NOK, e.g. they could MIA (POW) – we know they are dead.”*

*The point of the above recitation is to demonstrate that both XXXXXXXXXXXX and xxxxxxxxx were very conscious of the need for accurate, efficient and timely administrative procedures within the Battalion.*

*The Commanding Officer was even more demanding. On 13 August 1971, he quizzed me, via the administrative diary, regarding:*

- *a “Hygiene Inspection Book”;*
- *education course requirements;*
- *after action reports;*
- *legal requirements involved for the Battalion Second in Command (a New Zealand officer) to administer command;*
- *why he had not seen Unit Routine Orders Part One for some time;*
- *a progress report regarding AHQ approval for payment of funds to purchase kilts, and*
- *detail regarding a presentation to General XXXXXXXXXXXX.*

*As you can see, we had very conscientious officers who were well aware of the need for good administrative procedures within the Battalion.*

*In summary, I say the following:*

- *I have no clear recollection of whether or not Joe Brain was with 4RAR/NZ between 18 May 1971 and 2 June 1971. All I can say is I do not remember his being there.*
- *I remember the administration within the battalion as being good. Nevertheless, it may be possible that records of Joe’s visit have gone astray. The main body had only been in country for a few days. Perhaps we had not bedded down all of our administrative procedures.*

*In conclusion, I want to address the matter of a Statutory Declaration provided by XXXXXXXXXXXX to your Department a number of years ago. XXXXXX provided that Declaration at my request. Its contents reflect my memory at the time and the information I gave him.*

*To the best of my recollection, the circumstances surrounding the Declaration are as follows:*

- *Joe had discovered that he was probably entitled to the award of a Vietnam logistics medal.*
- *I recall Joe telling me that there was some gap in the administrative paper trail and that he was seeking a Statutory Declaration to fill that gap.*
- *I had a memory of his being in country.*
- *The legal firm for which I was working was holding instructions from Joe in another matter.*
- *I felt that if I provided the Declaration, then there might be a perception of a conflict of interest between my employment and my providing a Statutory Declaration in support of Joe’s contention.*
- *I suggested to Joe that I contact XXXXXXXXXXXX to see if he were able to provide a Declaration.*

- *I rang XXXXXX who, after discussing the matter, recalled CMF officers visiting the Battalion.*
- *I confirmed XXXXXX recollection and, as I held the belief that Joe had been one of those officers, affirmed to XXXXXX that the visiting officer was Joe.*
- *XXXXXXX provided the Declaration based, in my view, on my affirmation of Joe's presence in country.*

*Until you raised these issues with me, I had firmly believed that Joe had been in country. It is only since searching my memory, looking at my administrative diary, examining the dates of our tour, looking at the dates you provided me about Joe's being in country, and discussing the matter with XXXXXXXXXXXX and XXXXXXXXXXXX that I am now uncertain.*

***I cannot say with certainty that Joe was with 4RAR/NZ as a CMF observer between 18 May 1971 and 2 June 1971.***

*This uncertainty causes me great concerns. One is that XXXXXXXXX Statutory Declaration was grounded on information that I gave him and urged him to accept. That information was provided by me to him in good faith. In my view, he simply accepted my affirmation that the CMF officer in country was Joe Brain. Indeed, my intention was that he do so as I believed it to be fact.*

*The other is the effect this letter may have upon Joe. Your questions to me, and my responses, could have far-reaching ramifications. I am very conscious of that and I have written this letter only after much reflection, research and soul searching. It is a very difficult letter for me to write.*

*In closing I want you to note that Joe has never pressured me, or brought any influence to bear in any form whatsoever, to misrepresent his military career.*

*I ask that you note this letter is based on my recollection of events that occurred 31 years ago. As you would appreciate, memories fade and events run into each other. This letter needs to be read in that light.*

*Yours faithfully,*

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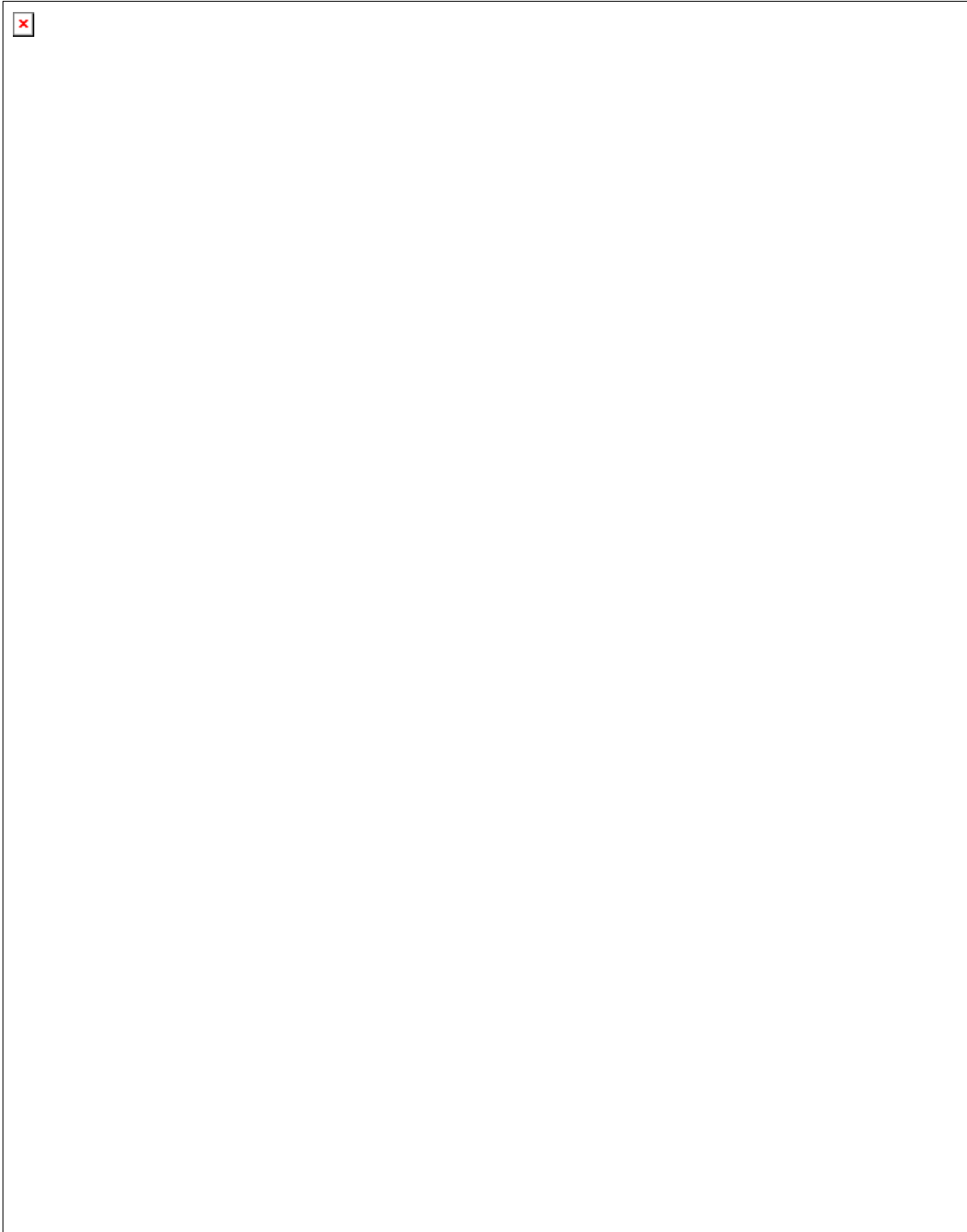
The above is an exact copy of the letter forwarded to the DVA Fraud Squad. Read the whitelighted areas carefully and you will see how not checking the bonefides of anyone, can land you in hot water. The Officer 'old boy' network worked fine on the hearsay that was provided by Brain. His ability through years of CMF/ARES service allowed him to talk the talk and walk the walk....to a point, and Military jargon used in every day conversation with another Officer who regarded him as a friend and had no reason not to believe him, was taken in hook line and sinker.

Now it snowballs. The genuine Officer relates the tale of no medals up the chain of command to another mate who is now a Lieutenant Colonel, who completes a statutory declaration to this effect on the word of a colleague he has served with in Vietnam and the stat dec is sent to Central Army Records Office (CARO) Medals section. This stat dec is signed on 1 Mar 93.

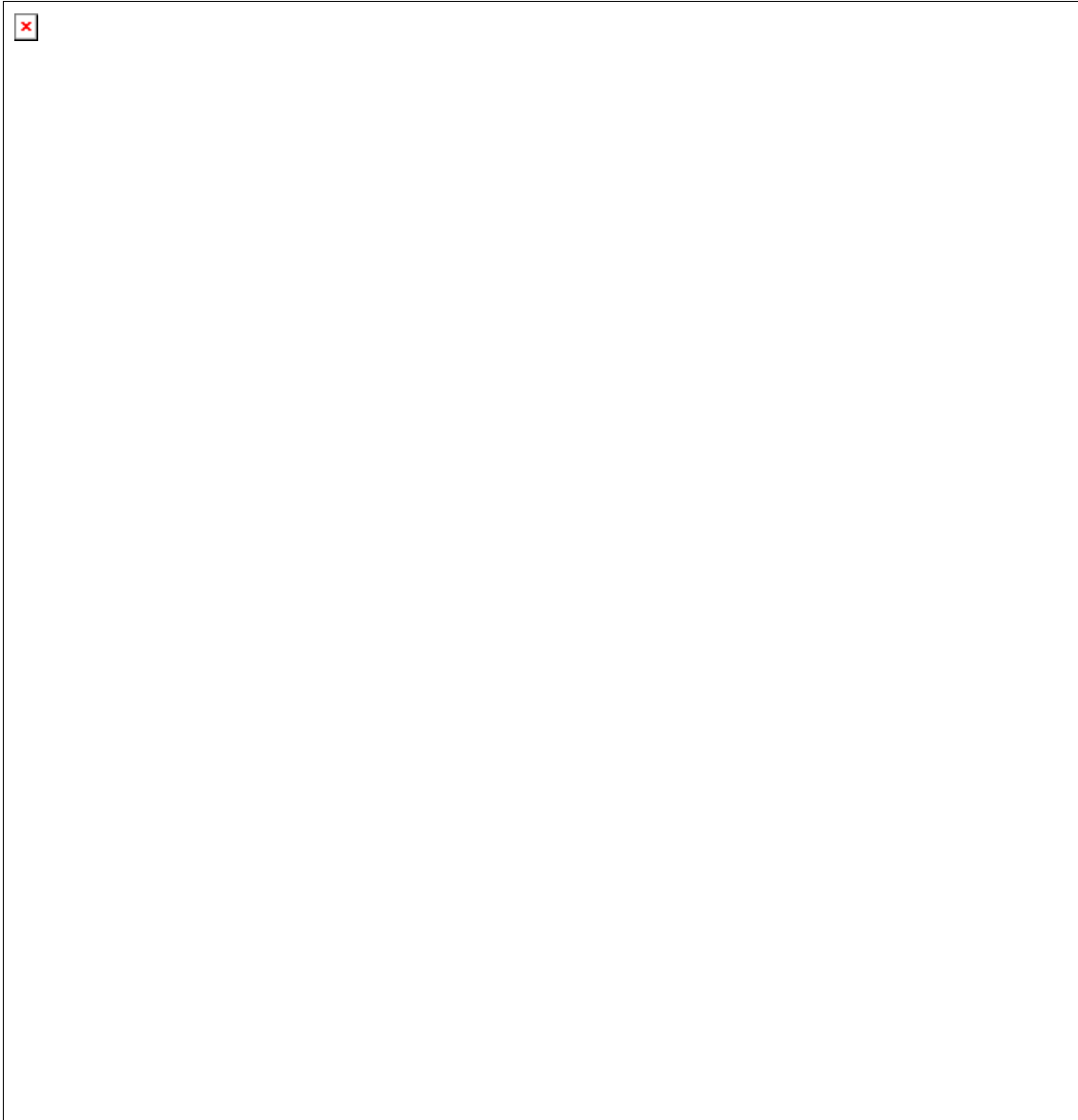
Brain now believes he has a chance to get medals by deceit and fills out the application below and sends it off to CARO Medals section.



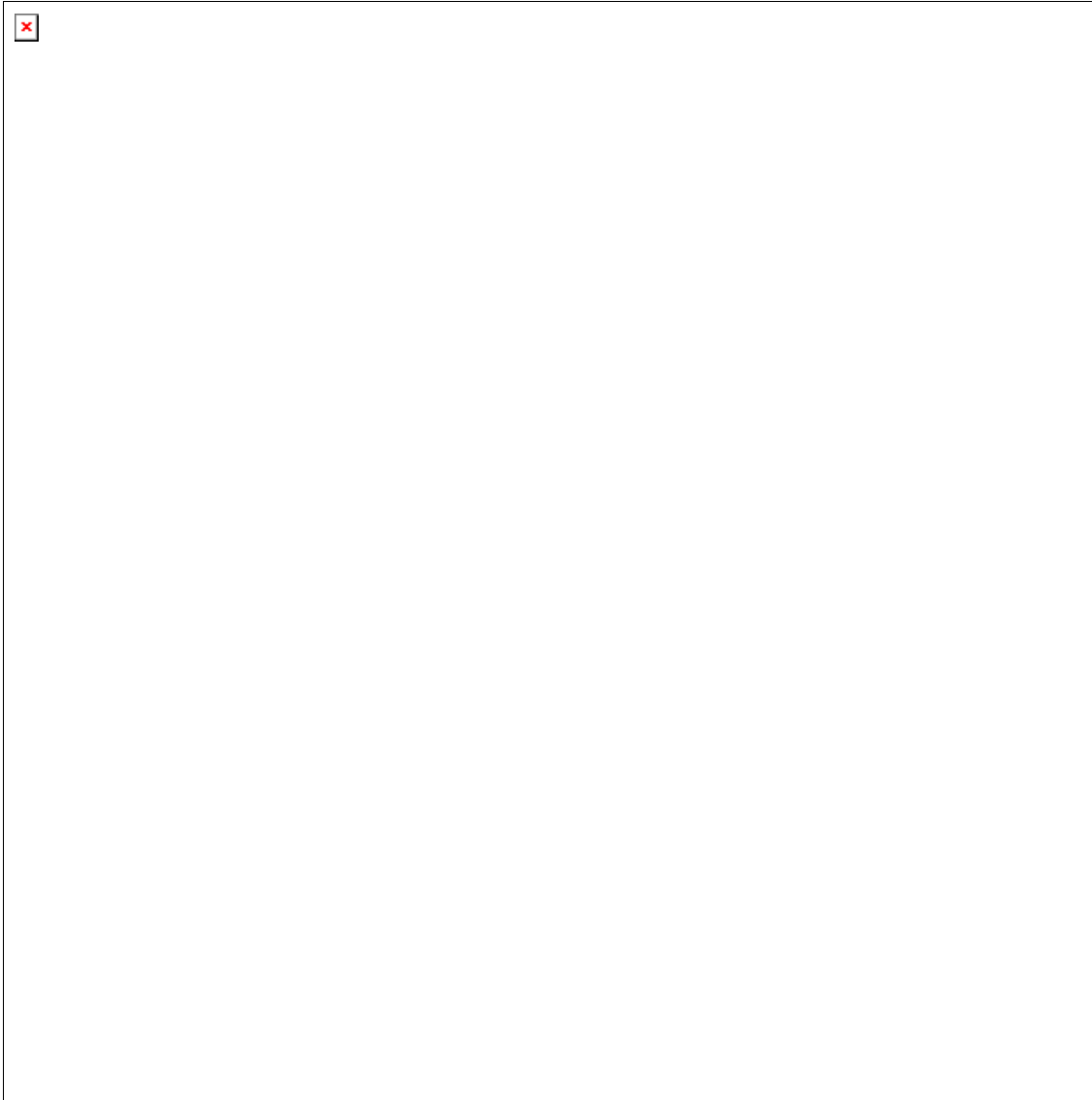
Clearly here above, in his own handwriting he has applied for the Vietnam Logistic Support Medal. But wait, there is more to come. A notation is made on the right of the form questioning the validity of his service claim and a letter from CARO is sent back to Brain.



**Now our man is a Commando and therefore is not to be outdone. He knows he has conned a stat dec out of a LTCOL via a Major and replies with the letter below.**



**Note how our very cunning Commando uses the stat dec, thereby showing his utter contempt for the ARA Officers who considered him a friend. He offers up a chance for other proof also. What cunning plan has the Commando up his sleeve.....read on. What happens next in CARO is not known. We take a bit of a punt here and suggest that the stat dec signed by a LTCOL was used as the document to support the application by our Commando to falsely obtain medals. Double fault by CARO for not checking archives for the service records of our man Brain.**



**Our man is now in with a chance. He must be getting excited. All he has to do is sit back and wait for the registered article to arrive. It does and is listed as schedule 9/93 and approved from 22 Nov 93. Our man is now off and running. HE IS OFFICIALLY A VIETNAM VETERAN according to Army records.....but one cant wear medals every day of the week can one, so we must apply for our Returned from Active Service Badge. (RASB). We have defrauded the Army of a medal so what the heck, why not utilise the letterhead of another company to pursue the RASB.**



Naturally now our man Brain is a Veteran. No further questions asked by Army Records Office. A RASB is sent through in the mail. So now we have J.A. Brain RFD, ED Major (RL), Vietnam Veteran.....dont we? Oh no we dont. What we have is an ever increasing greedy man. Not satisfied with ripping off his Officer mates and the Army system and creating tales of derring do to all who would listen to him, Brain decides that he wants more medals. In 1997 he sent the following letter to Medals Section, CARO. His lust for medals is almost as big as the list of post nominals he displays on the letter below.

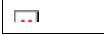


**Look at his supposed date of enlistment when asking for the Queens Jubilee medal. He has cribbed a year. He didn't enlist until 17 October 1957. Your initial date of enlistment sticks in your memory just like your service number.**

**Now read this letter carefully again. Our Conniving Commando is hatching another plan while he is applying for the AASM and the Queens Jubilee medal. Look at the second last paragraph where he states "During my service I served full time duty and served mainly in Special Action Forces.".....I bet our man had a tremendous hard on when he came up with this idea.**

**Later in this continuing saga we will show you just how much full time service this fake hero did have. Again CARO**

issued our Commando with the AASM due to his "confirmed Active Service" He was, unfortunately for his pride, knocked back on the Queens Jubilee medal.....but he could have gone and bought a tin one if he really wanted it. The AASM was issued on 17 Jul 98 on schedule 1561/98.

 **25 Oct 05** Joseph Arthur Hugh Brain completed Full Time Duty with the ARA between the periods 8 Oct 84 and 16 Jan 85 and 18 Jan 85 to 30 Apr 85. These are the only times he completed FTD in the ARA between his enlistment 17 Oct 57 and 12 Apr 86. The total of his FTD is 205 days in 29 years of CMF/ARES service.



**To qualify for the Service Pension Brain required Active Service. To qualify for Defence Service related disabilities he required a minimum of 3 years FTD. That is a total of 1095 days. His 205 days falls well short of the mark. Brain fell well short of the mark on FTD, however, he is now a Vietnam Veteran. He must be, he has the medals to prove it. Remember earlier in this amazing story we mentioned where he states "During my service I served full time duty and served mainly in Special Action Forces." in his letter of 17 Nov 97 to the CO of Soldier Career Management Agency (SCMA), formerly CARO?**

Is this the stage where Brain decides to "hatch a plan" to infiltrate the DVA Repatriation scheme? We think it is. Joe is "planning ahead" for his retirement. Remember he retired from his part time job as a "super" Commando 12 Apr 86, aged 47. Joe incidentally could not wear Vietnam ribbons on his ARES Commando uniform as he would have been checked out by the ARA cadre staff of the unit. Joe is too cunning for this, but now he is discharged and able to create/improve his war stories to impress all who will listen to him..... his many, many wives included. He is 47 years old and looking to the future as a Vietnam Veteran. He missed out on the Queens Jubilee Medal, so there must be something else he can steal to enhance his bogus life. Lets look at doing Veteran Advocacy and helping the "brother Veterans". What an opportunity this will provide for Brain. Here is the chance to listen to and gather information from the real deal on their complaints from service. "Maybe, somehow, I can manipulate these stories and use them for my own benefit" he must have been saying to himself.

Now not only will this benefit him with his own concocted complaints, HE IS WORKING WITH HIS TRIAL LAWYER GATHERING INFORMATION FROM AAT HEARINGS for his lawyer mate, who is representing genuine veterans at appeals. Now here is a hypothetical for you.....What a perfect opportunity to gather the information for the lawyer, a genuine Veteran and as well, ask him pertinent questions relating to the information he is gathering, in preparation to lodging claims for his own "War torn trauma". Think this couldn't happen?.....read on.

It is now 1993. Brain is firmly entrenched as a Veterans Advocate. He has done many claims at this stage and is considered by some as a very good advocate. He has had years now to gather the information required to prepare a claim and process it and watch the feedback from DVA. Brain is now 54 years old and fast approaching normal retirement age. He has to do something quick. Lets apply for a disability claim for oneself. What a splendid idea. He has amassed a wealth of information from his lawyer friend and by doing Advocacy work himself, so this will be very easy. After all I am a Vietnam Veteran, I have the medals and the stories I have related to everyone of my brave feats in country have not been refuted.....yet.

On 24 Jan 93 Brain submits his first claim for a disability pension. Trust us when we say we have all of Brains claim applications, 7 in total and two letters from his psych. **As stated before all of this information is now in the public forum and can be used** and will be, however, to save site space further information relating to his disabilities claimed will be written and not shown as images unless absolutely required.



There are anomalies with the above form that immediately stand out. He doesnt show his exact enlistment date. One would expect that if submitting a claim for disabilities that all CORRECT information would be supplied, especially on an initial claim to ensure that it is processed in the minimal time frame. Brain is a super Commando remember and would no doubt have his discharge certificate proudly displayed on a wall somewhere in his home where everyone would see it, so why hasn't he completed the form correctly? One reason could be his "average to below average" comments on his course reports have spilled over to his civilian life.....but we would only be guessing here.

The initial claims for benefits highlights the disabilities above. All of these could be attributed to his CMF service? The only indication throughout the claim that this might be attributed to his "Vietnam Service" is from the area of the claim

shown above "VIETNAM 18/5/71 - 2/6/71, LIAISON VISIT. He states on the next page of the claims that the knee problem is aggravated by his current employment. Is he thinking ahead with a plan to go for a full pensionable retirement courtesy of the DVA?

Lets digress just a little and look at some of his injuries. Brain claimed during the DVA Fraud Squad interview at Q 61 that:

"I was involved in a serious motor vehicle accident whilst I was with Customs, where I injured my back and that injury was subsequent to a very severe parachuting injury I had."

Note various parachuting injuries appears on this first claim for benefits along with the knee problem. Below is a segment of the DVA fraud interview with Brain.

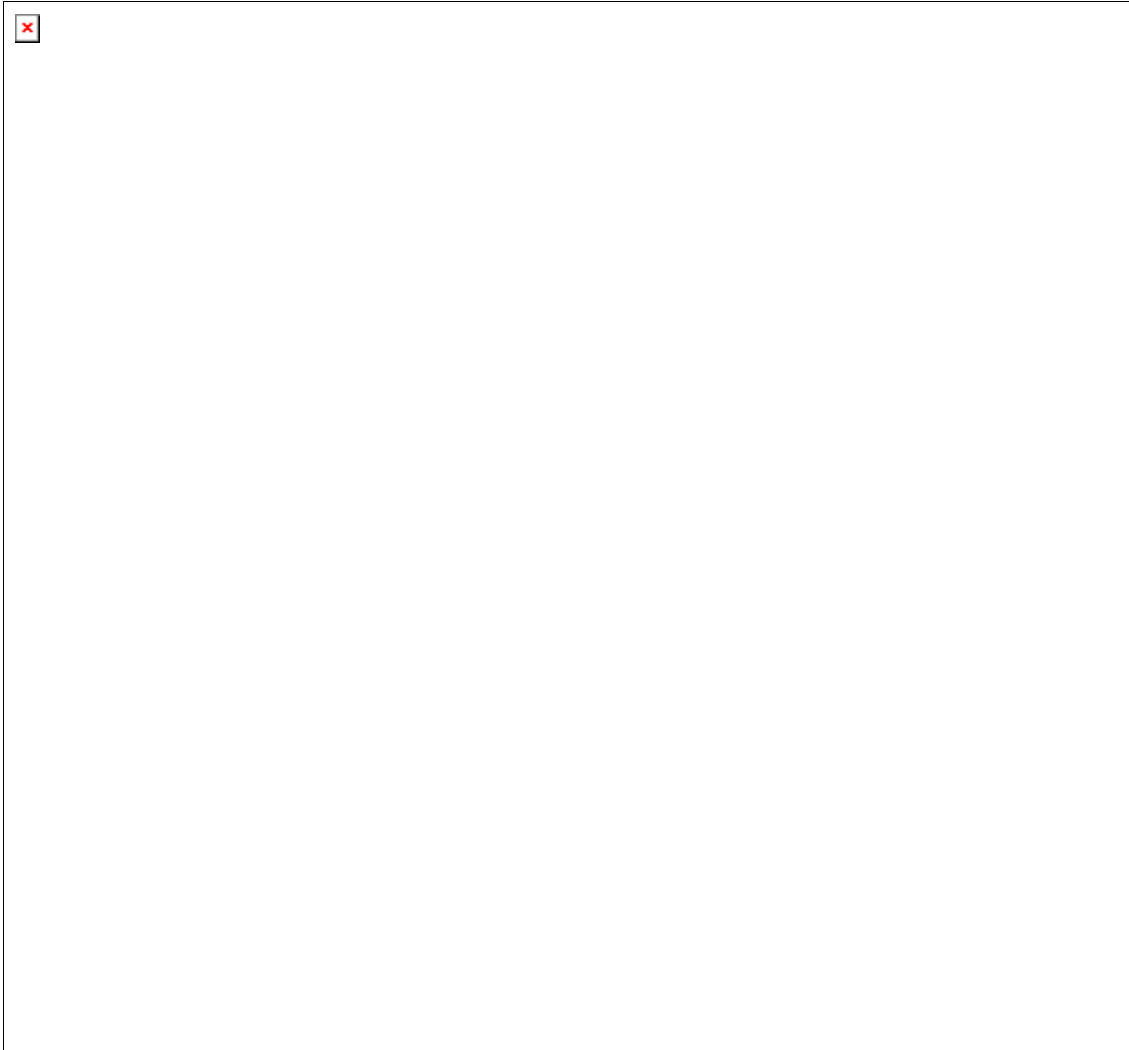


Brain, according to his service documents was transferred to the Reserve CMF on 3 Aug 78 RO No 51950/485/78. According to his service documents there is no training on Submarines shown. Remember he went to the Reserve CMF in 78 and this is supposed to have happened between 80 - 85. Note below how the interview moves on to PTSD. Lets not get too far ahead of ourselves here, suffice to say that on 27 Aug 95 on his second claims application PTSD becomes evident in a claim.



Now back to the two images above, direct transcripts from the DVA fraud interview, Brain states: Parachuting accidents.....submarines and a huge shark/dolphin crashing into him. No doubt if they were real these could create PTSD. A psychologist would attest to this if you told him.....wouldn't he? CPMH has received numerous inquiries and information about Brain and his service. None of these people, including the ARA Cadre staff of 1 CDO can recall Brain doing any exercise involving submarines. No one recalls the shark incident and no one can recall him injuring himself parachuting. (Note the document below states injured during ground training phase.) His documents certainly don't reflect this. In fact those that know Brain well said he avoided parachuting as much as possible.

Now let's go back a little further. Have we mentioned the 28/64 Basic Parachuting course which he failed with the comment "This student failed to complete the course due to a ground training injury being aggravated by parachuting" This course was when he was a Lieutenant and was conducted 10 Feb 64 - 28 Feb 64.



42/71 Basic Parachute course. There is no course report on his conduct here. It just says the Captain got a "C" qualification. Average and below average seems to stand out again too. This course was conducted in 1971 from 4 Jun 71 - 2 Jul 71. THIS IS TWO DAYS AFTER HE CLAIMS HE SERVED IN VIETNAM. Dear oh dear the Army was tough. No time at home with the wife [number 2] after an arduous 14 days in country winning the war before we go off to FINALLY qualify as a parachutist. Not bad really, to remain in a Commando unit where you are required to remain current in the basics and it took this Captain 7 years to finally complete his basic parachutist course?

Now you would have noted the SEVERE parachuting accident above in the DVA fraud interview at Q106. His individual report directly above indicates that when on the course he PULLED STOMACH MUSCLES. A big gut wrenching ball that many get when in the doorway for the first time, but the majority of soldiers get through this and complete the course.

We think what really happened after looking at the course comments above is that he forgot the name of the Indian when he was standing in the door. We wouldn't like to insinuate that he was scared of jumping because he is a war veteran and Commando extraordinaire.

Now lets move on after establishing his parachuting prowess. Brain submits his initial claim to DVA where a claims assessor proceeds to check through the claim. Claims assessors are meticulous. They have to be. They cant afford to allow mistakes or someone not deserving of the entitlements could slip through. The initial claims assessor checked through the claim form and established off the paperwork that Brain is claiming Vietnam Service. This service is checked and confirmed through Army records. The clerk has no reason to doubt the word from Central Army Records Office. They have all the official paperwork to confirm a members service and they have confirmed that he is a Veteran as they have a stat dec and have submitted Brain to the DVA for addition to the Vietnam Veterans Nominal Roll (VVNR). The claims assessor proceeds with the claim processing and now Joseph Arthur Hugh Brain, RFD, ED, Vietnam Veteran with medals has a veterans disability pension paid to him at the rate of 50%. This initial claim submitted 24 Jan 93 was for:

Viral infection, broken ribs, concussion, loss of hearing, hypertension, injury to left and right knees. Various parachuting injuries.

Okay, so now we have Joseph Arthur Hugh Brain, RFD, ED, Vietnam Veteran, JP, Advocate and DVA disability pensioner on 50%. NOT GOOD ENOUGH IS IT JOE!!!! There is no Gold Card here so we better have another go.

On 26 Jul 95 at age 57 he lines up another claim.....We are getting close to retirement age now. This claim is for:

Nasal and Sinus condition.....comment added "During parachute and other Special Forces Operational Training". and Permanent Lumbar and Cervical disability.

This claim is immediately followed up 27 Aug 95 with:

"My ankles give way. Blame parachute jumping (about 250 - 300 jumps)" this caused the lumbar problems with the following comment by Brain "Bad landings when parachuting" The outcome of these problems "Osteo Arthritis in the ankles and Lumbar Spondylosis .....but wait there's more space on the claim form so lets fill it up:

Bronchial Problems. Smoking and stress. Breathing problems as an Army Diver. 13/64 Basic diving course 7 Nov 64 - 20 Nov 64 comments in General remarks state "This student proved to be psychologically unsuited for diving. He tried hard but was unable to overcome the psychological barrier. Did not complete the course" Recommendations by Chief Instructor "Unsuited for training in this field" To be fair to Brain he did the 34/72 Assault Swimmers course 28 Oct 72 - 12 Nov 72 and achieved a "C" qualification 8 years after his failed diving course Heart attack, high blood pressure and here it is, the big one we have been waiting for...Post Traumatic Stress Disorder. His comments on this "Stress of Service, about 20 years and getting worse."

Go Joe. Up the guts with plenty of smoke and fire. You have been accepted on 50% and they shouldn't question it. You've done enough claims in your advocacy days to know what to do so you go and get a doctors report to back it all up dont you. Correct, here is the report below. Well the one you supplied first and then the one querying your claim following it. Note the lies flowing from Brain to his doctor. "He was in Vietnam for 6 months" and "He was in the forces for in excess of 30 years". Dear me Joe. You were supposed to be an Officer and a Gentleman, not a dirty little liar ripping off genuine Veterans.



As stated earlier the DVA claims assessors are not fools. They are required to carry out certain procedures when processing a claim for benefits. The claims assessor in this instance started to smell a rat and rang Brain with many questions and then called for a psych report on Brain. That psych report is shown below.



Now we have said that Brain worked for his lawyer and as part of those duties he was required to gather information for advocacy cases. We have also stated that Brain himself became an advocate and from what we have been told, a damn good one. Up until around about this point in time he was able to hold his head up high and was well respected in the Veteran community for his work for veterans. No suspicion was held about him amongst the veteran community as he was walking the walk and talking the talk and controlling what he was saying so that it wasn't outlandish. The trouble is with a "blonk" like this, they have to expand their stories and tell someone. Who better than a shrink. They love listening and the better the war story the better they like it and will, of course, book you in for another session. Lets refer to the above psych report and the suggestion that Brain was gathering the stories off the AAT's and veterans he was an advocate for, to add to his own "traumatised" self.

His symptom profile shows "suicidal thoughts and feeling of hopelessness and pointlessness", Insomnia etc. All symptoms a genuine battle warrior could have sustained and would no doubt have been related to him during advocacy work.

His recollection of a Commando dying in a parachuting accident? We can find no deaths within the Commando's parachuting history, and the piece de resistance of course are the incidents where he describes the US Serviceman standing on a landmine and being blown to pieces and an enemy soldier being shot in the head.

This whole psych report is full of rubbish and possibly it is about time that Psychiatrists did a little research into the conditions in Vietnam instead of listening to hearsay rubbish like this report contains. Navy scare charge claims and bodies floating past the HMAS Sydney are two more classic stories played out in full to psychiatrists that dont know any better.

The really good piece in this psych report is where he states "he was married between the age of 21 and 32 when his wife died in a motor vehicle accident."

From reliable Veterans who were in the gallery at his trial we were told that he had a very sick look on his face when the DVA Fraud Squad brought in as a witness his dear departed wife and she testified that "At the time Joe claims he was in Vietnam he was living at home with me". I know as it was my mother's birthday at that time and my family came to Sydney to stay with us." Joe you really are a dumb bastard. One small statement by your dearly departed but resurrected wife and your whole (concocted) life is about to disappear up your fundamental orifice. That happens to those who steal the Service and Honour of Veterans.



**So now we have Joseph Arthur Hugh Brain, RFD, ED, Vietnam Veteran, JP, Advocate and DVA disability pensioner still**

on 50%, but being questioned by the DVA claims assessor. The assessor is a very efficient person and rings Brain with many questions. Brain counters with another claim and the psych report [shown above]

He lodges claim number 3 on 7 May 96. This claim is for "Struck in the face/Jaw on 4 occasions whilst exiting an aircraft during parachute ops." He requests a dental appointment to have the tooth removed as it is now completely fractured and requires surgery to get it out. If the truth is known here the parachuting accident was probably the load master punching him in the head to get him to exit the aircraft so the rest of the chalk could jump over the LZ.....but we mustn't presume things.

It is noted that on this claim for benefits he has indicated that he is now retired "due to Lumbar Injury".....all appears to be getting set into place for the big run at total disability pension benefits.....but what is the DVA claims assessor up to?

Bad news is looming Joe.....or is it? The DVA clerk is still checking your service. He is methodical in his job. Something just doesn't add up right and he is not sure. He makes many notes down the side of Brain's forms and makes numerous phone calls. Brain's claim for an increase is held up for a long time while he checks and double checks. Finally because of the amount of errors that have occurred right from the time the original stat dec was signed and sent to CARO, he has been convinced that you are a genuine Vietnam Veteran and your file is so noted and your disabilities are increased to 90%.

So now we have Joseph Arthur Hugh Brain, RFD, ED, Vietnam Veteran, JP, Advocate and DVA disability pensioner (on 90%), but now he is retired and getting ready for the big one. First let's go for a bit of an increase in the disability pension. A determination claim for this is lodged with the DVA on 18 Nov 98. A page of that application is below showing the dates he claims he served in Vietnam and the date of a fictitious contact he claims he was in.



The claim goes to the same DVA clerk who held up the previous claim for a disability increase while he searched for information about Brains Service. He remembers the claim well and how he caused a big delay in the increase in payments for the "veteran", so now knowing and realising that Brain is a Veteran, he automatically authorises the payment of the increase in pension without checking Brains service records further. He does this so that he doesnt disadvantage the veteran again.

He is a thinking, caring DVA claims assessor looking after the Veteran, but this episode, after the trial, has caused him some grief and in future it is sure that he will not worry about the welfare of the Veteran, but will insist in taking as much time as is required to ensure that another thief doesn't infiltrate the repatriation system.

This lesson will now flow on to all DVA claims assessors causing all claim payments to slow down. This can all now be pretty much attributed to Joseph Arthur Hugh Brain, RFD, ED, Vietnam Veteran, JP, Advocate and DVA disability pensioner (on 90%) who resides at 73 Bradford Drive, Bonville, NSW, 2441, telephone 02 66534841. So if you are in this category where you are waiting for a disability claim that is rightfully yours, but hasn't been received yet, ring Brain and thank him for his assistance.

Now back to this amazing case.

Bingo, Brain is entrenched further in the Veterans repatriation system through another bungle, this time at DVA, that has escalated from the initial "Old Boy Officers don't lie" story originally told to the unsuspecting former Assistant Adjutant of 4 RAR/NZ (ANZAC) Battalion. This as you are now aware escalated to a bungle at CARO authorising him medals without first checking his service records and inclusion on the DVA VVNR by DVA not checking further on his service.

Basically Brain so far has skipped through the system through his very cunning and mischievous deeds (claims) and by the system not carrying out the correct service checks.

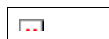
Now we have Joseph Arthur Hugh Brain, RFD, ED, Vietnam Veteran, JP, Advocate and DVA disability pensioner (on 100%) and receiving the gold card. Advancement for Joe through the system is much faster than his advancement in rank during his "outstanding" service and naturally while you're on a roll you keep going.

On 1 Sep 03 Brain submits a claim for an "application for an increase in the disability pension." He now wants all medical disabilities accepted and paid for by the department.....and rightly so for he is a Vietnam Veteran Commando, retired of course. This claim also includes "exposed to lengthy periods of cigarette smoke in confined office areas 1983 - 1995. CHQ 2 MD and 1 CDO Coy. (ischemic heart disease already accepted) and further to this "exposed to firing of anti tank weapons at Holsworthy Range in 1984. 106 recoilless rifle firing" this resulting in tinnitus according to the good Major, retired.

The claim goes in and Joe Brain sits back and waits. He is hoping for the qualifying service pension to be approved. Why shouldn't it be. Everything else has gone quite smoothly for him up to this point in time. He is no doubt down at the local RSL spreading his stories about the Recoilless rifles, the huge battle he was in during his tour in Vietnam and the gold watch and electric train set he brought in the Baria markets. Yes that's right, a gold watch and an electric train set from the Baria markets. Every veteran knows you could buy these items there in the Baria markets.....don't you? More coming on this below.

On 5 Sep 03 the answer he gets from the DVA is not quite what he expected. Brain has been ambushed!! He has gone for the big qualifying pension and now a real investigation is about to be conducted. The letter below is sent to him. A new claims assessor has been appointed to his case history.



 **14 Nov 2005** The new claims assessor has to be 100% sure that Brain is a veteran and entitled to the qualifying service pension. He starts to conduct a methodical check of his service documentation to prove all of the

issues that Brain has sent to DVA for assessment and approval. This involves a thorough check of his records and it is at this time that the mistake at CARO is discovered. The DVA fraud squad is notified and a full and complete investigation is carried out into Brains service.

The nature of the fraud squad investigation will not be revealed here suffice to say that during this time the witnesses who corroborated the statutory declaration and Brain were interviewed and all the records of interview were recorded on tape. It is evident from these tapes that the genuine Officers were conned by Brain into believing that he had served in Vietnam and due to the time frame since this supposed service in their battalion in 1971, to 1995 when Brain asked for a statutory declaration to get the Vietnam Logistic Support medal, their memory of events were hazy and incomplete. Basically they believed that Brain was an Officer and a Gentleman and would not lie about serving in Vietnam. A lesson here to be learned by all who are unsure of someone's alleged service if they are applying for benefits and/or membership of an ex service organisation.

On 23 July 2003 Brain was interviewed by the DVA Fraud Squad. The interview started at 15:54hr and concluded at 18:32hr and consisted of 521 questions. During this interview Brain was pulled apart on his knowledge of things Vietnam, the unit he claims he was in and his knowledge of the element of New Zealand soldiers that were posted to the unit. It is one thing to have a reasonable knowledge of Vietnam as an outsider but when questioned on specifics it is hard to concoct answers unless you have actually been there and this interview was Brains downfall.

We are aware that these pages are also read by bogus veterans seeking information for their own false stories so information here will be restricted to some of the small areas that genuine veterans will find quite amusing and will indicate what a fool this bloke really is. Perhaps you may know someone who has used similar stories. We would be interested in their details if they have given you the same rubbish.

At Q 113 Brain states that he went to Vietnam. He continues on to say he flew there by Qantas from Richmond.....but he doesn't appear on the manifest for this flight. This must be because of his "covert" activities within the Commando's. He remembers being issued with pyjamas, shorts and towels. Very essential items required for his "swan" to downtown Vietnam. He has no recollection of the Officers who may have issued the orders and instructions for his trip.....except for one Warrant Officer, who is now deceased and cant be questioned. It is apparent from reading through all the questions and answers in the interview that his recollection of names who might be able to verify his story are forgotten, but he has a vivid memory of the fictitious action he was in and of course purchasing his gold watch and looking for an electric train set from the Baria vegetable and seafood markets.

At Q 58 He continues his lies of a brilliant career and this time states that after discharge from the CMF he was employed by the Australian Customs Office and later for three years as the Chief Intelligence Analyst for the NSW Fraud Task Force. He was with Customs but never held the position with the NSW Fraud Task Force.

At Q176 the questions relate to how he got to Vietnam. He states that he was sent there on a Qantas chartered flight from Richmond and that there were some civilians on the flight as well. He was wearing polyester uniform and they stopped in Darwin and picked up more soldiers and then flew to Singapore where the flight stopped for a couple of hours while they changed flight crew. He was allowed into the terminal area for this time in his polyester uniform until the flight took off for Saigon at 1700hr and arrived there at approx 1000 - 1100hr the following day. After this long flight the aircraft landed at Tan Son Nhut airport at RAAF air movements and he and others were sent to a C130 for the flight to Vung Tau. He can recall knowing the loadmaster on the plane.....but only remembers his first name. He cannot remember the names of any of the people who were on the long flight from Australia to Saigon. On arrival in Vung Tau he was put on a TCV "troop company vehicle" and driven immediately to Nui Dat. No weapons were issued for this road trip from Vung Tau to Nui Dat and he claims he went direct to 4 RAR who were still offloading from the HMAS Sydney by helicopter. Once there he was allocated out to the "Anzac Company" and the following day was issued with an SLR and a Browning pistol. 4 RAR did not make a point of issuing pistols to any of its Officers on strength let alone giving a weapon of this nature to a visitor and no one would have been allowed to wander around without a weapon.

It is well documented that Visitors were not well liked in combat units but because of protocol they had to be accepted. It is also well documented that visitors were never placed in any position where they might be shot as this would cause all sorts of problems back in Australia. Their sole purpose was to go there to gather some first hand information they could relate around their home units and were generally kept out of the way and confined to the safety inside the wire. Their main weapon for their two week "tour" was a camera so they could get all their warrie shots to brag about back home. It is strange that Joe didn't take a camera or buy one in Vietnam either in the Baria veggie and seafood market, or from the PX that would have been approximately 100 metres from where he would have been billeted. He continues on that he was allocated to Victor Company, or maybe that was Whisky Company, he cant remember for sure, the Kiwi Command. Indeed a very strange move as Victor Company, although under Command of the Battalion, did not have at any stage any Australian Officers in it. This was mainly due to the NZ force having slightly different patrolling drills than the Australians and if there had been a contact this could have caused problems. He recalls going out with A Company to do some "very close perimeter" patrols. There was no A Company in 4 RAR and anyone who had done these "close perimeter patrols" would know the correct name for them.

At this stage he was asked if he had been involved in a contact in Vietnam. He replied no and was then questioned on his claim application that clearly states that he was involved with a contact with 3/33 NVA Regiment. One has to be

good when one is a liar as there is a lot to remember. Brain didn't have the ability to do this and his world was slowly being pulled apart by the investigator. In further questioning he was asked if he could recall the name of any Officers he met. He named two in particular and it was later established that one man was a PTE Sig in 4 RAR, but because Brain had met him at a function in later years and this man was associating with Officers at the function, he naturally assumed that this man too was an Officer. In conjunction with this he stated that the CO of the NZ contingent was a Maori. Again he got it wrong. On the first tour of the Battalion this was correct, however on the second tour he was not and in fact this man rose to the rank of Lieutenant General in the NZ Defence Force. As a witness at the trial he clearly stated that he had never met Brain in Vietnam and that no Australian Officers were ever seconded to the NZ component.

The whole Q & A interview is full of amazing fiction and it is noted that when he returned to Australia he states that he "just turned up to the aircraft". He was not checked off on a manifest and when he returned home he went immediately on a parachute course 2 days later. There was no debriefing nor any questions from any of the Officers from his unit about the trip. "They just weren't interested" he said. It is interesting to note that Brain didn't buy a camera and take any photos of his two week orientation trip.....he did buy a gold watch and tried for an electric train set from the Baria markets though, which is a bit of a puzzle when he was accommodated not very far from the PX at Nui Dat where he could have bought the watch for far less than the \$50 he said he paid. The train set wouldn't have been available there though as the PX didn't stock this type of commodity.

From his own mouth Brain had provided sufficient information for the fraud squad to conduct a huge investigation. Thousands of dollars were spent checking all Military records of the time he claimed in Vietnam. Witness from across Australia and New Zealand were called. All of his claims for benefits under the DVA white and gold card were collected and a total of the false expenditure was calculated. He was caught out at every opportunity. Army are meticulous with their record keeping and if the initial claim for medals had been done correctly in the first place and not on a statutory declaration, he would never have had a look in. A summary of the faults will be listed at the end of this story.

It took several years to compile all of the evidence of fraud that had occurred over a 10 year period to bring Brain to trial and this was set down at the Southport Court house, Gold Coast, Australia in Oct 2005. The trial was scheduled for 10 days and finished in 7. The initial charges laid were:

1. Defrauding the Commonwealth by claiming disability pension entitlements between 1992 and 2003
2. Defrauding the Commonwealth by claiming the Vietnam and Logistic Service Medal
3. Defrauding the Commonwealth by claiming the Australian Active Service Medal.

He was charged under a repealed Crimes Act 1914. Section 29B.

The process of law looked like it had Brain cold on all accounts. Not a single document could be found in any Military Department that would have had the necessary paperwork to send a man to Vietnam, however the caring DVA clerk as mentioned previously was called as a witness and under cross examination he stated that he believed that even now he would have made the same decision to accept Brains war service on the evidence that was presented to him. How he could make that statement was beyond those who had been sitting in the gallery watching the whole case unfold.

This evidence by one of DVA's own shattered the case for fraud on charge one and an overnight amendment to the charges had to be reframed. Charge one above was amended to fraudulently claiming a qualifying service pension by saying he had rendered service in South Vietnam and 2 and 3 remained the same. On the 7th day of the trial the jury was dismissed and the charges were heard by the presiding judge. Brain pleaded guilty to all counts including obtaining the medals fraudulently and after a lengthy speech by the judge was awarded 9 months imprisonment, immediately suspended to a 2 year good behaviour bond to be served concurrently on all charges and in default a payment of \$500. Yes that's right. He walked free and didn't have to pay a cracker. He was warned that should he offend again in the 2 year good behaviour period he "may" have to reappear and "may" have to face the jail sentence. He was ordered to give back the medals which were retrieved on the day but no mention was made of his Returned from Active Service badge [RASB] This badge as far as we are aware is still in his possession and should be recovered as soon as possible.

Smiling and feeling very confident with himself he left the court where he was confronted by many reporters and to the question of "will you be marching on Anzac day" he replied, "Yes of course". We would like to see him do this to see what justice the genuine veterans dish out to him.

Joseph Brain is one who just cant help himself. Somewhere down the track of the two year good behaviour bond he will re-offend. He is that type of person. If he does and you become aware of this then please contact the DVA fraud squad and get him back in court. This man deserves jail time. There is no maybe about it. If he re-offends then the judge should put him away for the stipulated nine months minimum. That's minimal time for what he has done to the Veterans Repatriation System and it needs to be imposed as a warning to all others who abuse the system. A precedent has to be set and adhered to.

The next update to this mans case hopefully will be informing you of his next trial date.

In the meanwhile the lessons learned from this case are:

Always ensure that you check original documentation for anyone lodging a claim or applying to join an ex service organisation. It is very easy these days in the age of computers to manufacture fraudulent documents. If no originals are available then make sure that you do a thorough check through Service records. All three services will provide the necessary information now and proper service checks are conducted.

It is unfortunate that we have to do this, however, if you did not physically serve in country with a person who claims service always be suspicious of the claimed service. Check them out. Bogus veterans are everywhere and if you read our stories they social climb to high positions in business and ESO's.

If you are an advocate remember that the 30 year secrecy act for all of Vietnam is over. There are no classified or sealed documents on any Vietnam veteran. If you have any suspicions on the information given by a client then please check it out thoroughly before lodging a claim. Because of the damage Brains case has created in the DVA, all claim processing has slowed right down as all claims are checked very thoroughly now. Provide as much information as you can to do with the claim and back it up with reliable witness statements if possible so that the veteran is not disadvantaged by DVA conducting further checks of authenticity.



Can you provide us with an update on Brain breaking his two year good behaviour bond? This space awaits your information. Contact us here [information@anzmi.net](mailto:information@anzmi.net)



**Above is Joseph Arthur Hugh Brain wearing his illegal AASM and VLSM medals along with his earned RFD and ED. This man is also a Justice of the Peace in both Queensland and New South Wales. Currently there are moves afoot to have his CMF decorations removed along with his JP. We will keep you advised.**

**Now take another look at this photograph. The man to his left is Navy and he too is wearing tin commemorative medals on his left breast. It makes you wonder if there is a nest of them in this location and if they too are using the tin to enhance their war stories and possibly obtain additional repatriation benefits. We would like to hear from this man.**

**Now please go here to see the newspaper reports on this man [BRAIN](#)**



5th Sep 2009

#### Joseph Arthur Hugh Brain

In October 2005 Joe Brain pleaded guilty to three counts of fraud in the South Port District Court for scamming \$90,000 from the Department of Veterans Affairs. In an Australian Appeals Tribunal report dated 28 August 2009 he denied that he had been guilty. Deputy President P E Hack SC in concluding the Appeal said:

*"I have considerable concern about Mr Brain's reliability. It troubles me that he persists with an assertion that he served in Vietnam despite his pleas of guilty in the District Court at Southport to three counts of defrauding the Commonwealth by falsely pretending to have done so, and despite the fact that he made a public apology to the "veterans' community and the Court " for his behaviour. It is enough to say that I found quite unconvincing the explanation for his guilty plea when he says that in truth he was not guilty. On my observations of Mr Brain he has deluded himself about many aspects of his service career. It is enough to say that I am unable to accept his evidence on contentious matters."*

The full Report can be seen here: <http://www.austlii.edu.au/au/cases/cth/aat/2009/643.html>

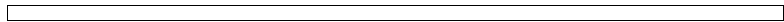
Brain is bereft of honour, he is a disgrace to the Officer Corps of the Australian Military Forces. He is a cheat, a fraud and a liar who after being exposed as all of those things continues to offend.

This "Piece of Dirt" has the temerity to still claim that he served in Vietnam when he did not and at the recent Appeals Tribunal he again tried to cheat his way into making believe that he had served for three years on full time duty when he had not.

Brain seems to have *Svengali* abilities, in that he can mesmerize witnesses to say whatever he wants them to say. At the recent Tribunal, numerous witnesses gave evidence that proved to be false. The same situation occurred prior to his 2005 conviction regarding his false claims that he had served in Vietnam. At that time he convinced another Officer to give evidence that he was in Vietnam when he was not. Deputy President P E Hack SC said of the witnesses:

*"I have no reason to doubt the honesty of the witnesses other than Mr Brain. I am sure that they all honestly believe what they say. They were all confident in their recollections. Nonetheless, and without intending any criticism of them, I am unable to accept their evidence because it is inconsistent with the documentary evidence"*

Brain is a *persona non grata* in the ex service community, every ex service organization and club should have his picture clearly displayed in their entrance hall with the words **"This criminal is Not Wanted at this establishment"**



**20 Oct 2005**

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To post information on this case see the area on the site opening page