

VFW SERVICE OFFICER NOTES FOR THE TEN-HUT MARCH 2019

Space-A Travel Opens to 100% Disabled Vets

A new change contained in the 2019 defense bill now allows 100 percent disabled veterans to travel Space-Available aboard military and military-contract flights within the continental United States, Alaska, Hawaii and U.S. territories. According to an [article in Military.com](#), the disabled veterans must possess a Defense Department ID Card (DD Form 2765) in order to not only fly Space-A but to access military installations. The rule change halfway accomplishes Resolution 419 from the 112th VFW National Convention; only halfway because dependents are not eligible to accompany them. The article also states disabled vets have limited destinations, whereas other Category 6 travelers (military retirees) have worldwide eligibility. That discrepancy will be addressed.

MN VFW Accidental Death & Dismemberment Policy Has Lapsed

Tia R. Henderson (Group Representative, AD&D, American Income Life), If you enrolled into this no-cost benefit policy from American Income Life Insurance Company, it is no longer valid. The MN VFW allowed this policy to lapse as of 7/13/2015.

VA to Implement Appeals Modernization Act

Beginning Feb. 19, all veterans who disagree with their VA rating decision will have three new options to resolve their benefit dispute: request a higher-level review from a more experienced person, submit a supplemental claim with additional evidence, or appeal directly to the Board of Veterans' Appeals. Over the past two years, the VFW worked closely with VA and other veterans' organizations to craft this new framework, which was authorized by the VFW-supported *Veterans Appeals Improvement and Modernization Act of 2017*. The goal of the new system is to offer veterans greater flexibility and transparency to resolve benefit disputes in a timely manner, instead of waiting years for VA to adjudicate their appeals. [Read more](#) about appeals modernization. Another informative article to read at <https://www.stripes.com/news/veterans/va-preparing-to-launch-major-overhaul-of-claims-appeals-process-1.568738>

Veterans Job Fair

There will be a Veterans Job Fair at the Minneapolis VA Medical Center Wednesday, March 13, from 1:30 to 4 p.m. sponsored by the TSES Program.

Featured businesses will include:

- Cargill
- State of Minnesota
- Science Museum of Minnesota
- Wells Fargo
- Mystic Lake Casino
- 3M
- See flyer for over 20 more **(Posted on the Bulletin Board in the vestibule at the Post)**

No registration required, please come prepared for a potential interview and don't forget your resume. On-site resume review and interview preparation will also be provided.

Wednesday, March 13, 2019
1:30 - 4 p.m.

Minneapolis VA Medical Center
One Veterans Drive
Minneapolis, MN 55417
In the auditorium

Veterans Day on the Hill

This year's Veterans Day on the Hill rally will take place Wednesday, March 20.

Veterans Day on the Hill is hosted by the Minnesota Association of County Veterans Service Officers, the Minnesota Commanders' Task Force, and the United Veterans Legislative Council of Minnesota.

The schedule will be:

- 10:30 - Free Veterans and supporters pre-rally lunch presented by the DAV of MN at the St. Paul Armory (600 Cedar St.)
- 12:45 - Veterans March to the Rally, starting from the Veterans Services Building (20 W. 12th Street)
- 1:30-2:30 - CTF, UVLC, and MACVSO present Rally in the Rotunda

2019 MDVA Women Veterans Conference

All ages, eras, transitioning military women are welcome to the 2019 MDVA Women Veterans Conference at the YMCA Maplewood Community Center.

The event will take place from 9:45 a.m. to 4 p.m. and will include:

- Breakfast and Lunch (provided)
- Day Care option
- Workshops
 - Acupuncture
 - Massages
 - Yoga
 - Henna Tattoo Session
 - Talk Session
- Keynote Speaker
 - Dajon Ferrell - Military Sexual Trauma Survivor, Veteran
- Minnesota Woman Veteran of the Year Award to be presented by the Women Veterans Initiative

- [Click here for the Nomination Form](#), submissions due Feb. 28

To attend the conference, [you can register for free here](#).

Saturday, March 23, 9:45 a.m. - 4 p.m.
YMCA Maplewood Community Center
2100 White Bear Avenue
Maplewood, MN 55109

Heroes Among Us

The Military Order of the Purple Heart will be hosting Heroes Among Us at Rochester VFW Post #1215 from 5 to 9 p.m. on Saturday, April 27.

100% of the proceeds go to the Military Order of the Purple Heart - Lloyd Swenson #7110 and the MN POW/MIA Riders Association.

Tickets are \$50 in advance, \$55 at the door. \$350 for a table of eight includes premium seating, table topper, and recognition.

For tickets, contact Mark Ugland (507) 272-8999
Auction item donations, contact Craig Ugland (507) 259-2608

Spouses, children and parents of Veterans may be eligible to receive

In case you forgot...

- [Disability compensation](#)
- [Employment services](#)
- [Home loans](#)
- [Life insurance](#)
- [Pension](#)
- [Memorial benefits](#)

Family members and dependents of service members who have been seriously injured or died in the line of duty may also qualify for a variety of benefits.

Visit Explore.VA.gov to learn more or click below for information on all VA benefits.

Are you on RallyPoint?

I signed up for this and it's pretty interesting – somewhat like a LinkedIn platform, however exclusively for veterans. The VA recently signed a Memorandum of Understanding [MOU](#) with [RallyPoint](#), an online platform serving 1.6M military, Veterans, families, caregivers, and survivors. There's more than 400K Veteran-centric discussions on RallyPoint, and the platform is a great place to ask (or answer!) questions.

[Should Veterans feel bad about being awarded and receiving VA disability compensation for non-combat related injuries?](#)

[Have you ever video chatted with a healthcare provider?](#)

To ask questions and to stay updated on VA initiatives, you can [sign up here](#).

Vets could soon get free child care during medical treatment

Write our Senators and our Representative to advocate this issue!

The Veterans Affairs Department could soon provide free child care for veterans undergoing treatment for mental health and other medical issues — a move some lawmakers hope will make it easier for veterans to get help.

The House of Representatives passed a bill that seeks to make permanent an existing pilot program rolled out in 2011. At the time, a [VA survey](#) found that more than 10 percent of veterans had to cancel or reschedule VA appointments because they lacked child care, and one-third said they were interested in child care services.

“We made a promise that our veterans will get the care they’ve earned,” Rep. Julia Brownley, D-Calif., said in an email. “We can’t put insurmountable roadblocks in front of their ability to receive that care.”

The Veterans’ Access to Child Care Act calls for the VA to provide child care on site, pay veterans a stipend for the full cost of child care at licensed facilities, pay the facilities directly or collaborate with other agencies.

The Senate still needs to approve the legislation before it can head to the president to become law. It passed the House with bipartisan support, though some Republicans were reluctant about having taxpayers foot the bill.

The VA secretary will have to define which veterans are eligible for the program. But its primary intent is to help veterans with “intensive and recurring healthcare needs.

For example, a veteran who is undergoing cancer treatment cannot afford to miss medical appointments — and may need a safe place to leave their young child while they receive chemotherapy or radiation therapy. Likewise, veterans who have regular mental healthcare appointments may need assistance with child care, because it would be inappropriate for young children to be present for tough conversations with a therapist about [military sexual trauma](#) or other battlefield trauma.

It would also extend to grandparents and other primary caretakers.

Congress has renewed the pilot program four times since its launch. If this bill doesn’t become law, or Congress does not renew it again, the program is set to expire later this year.

VA unveils proposed new rules for expanding private-sector care

Veterans who must drive more than 30 minutes to reach their Department of Veterans Affairs mental health or primary care providers would be allowed to use a private doctor for their health care under ***proposed*** rules the VA.

For specialty care, veterans could go outside the VA for medical treatment if a VA provider was longer than a 60-minute drive away.

The ***draft rules*** are part of the VA Mission Act – a law scheduled to take effect this summer that aims to extend veterans’ access to private-sector doctors. VA Secretary Robert Wilkie said the new access standards would “revolutionize” the VA health care system.

The Mission Act will replace the Veterans Choice Program, which was created in response to the 2014 VA wait-time scandal. Under that program, VA patients are allowed to go outside the system when they live more than 40 miles driving distance from a VA facility or it is estimated their wait for a VA appointment is longer than 30 days.

In addition to the new drive-time standards, the VA is ***proposing*** that any veteran who must wait more than 20 days for primary or mental health care be allowed into private-sector care. For specialty care, the agency proposes a 28-day wait.

VA Press Secretary Curt Cashour confirmed statistics from the New York Times, which reported the ***proposed*** rules would increase eligibility for community care from 8 percent of VA patients now to somewhere between 20 and 30 percent.

The VA plans to post the ***proposed*** rules to the Federal Register, where members of the public will be allowed to provide input. Under the law, the rules must be finalized by the beginning of March.

The proposal’s announcement came after numerous criticisms from Democratic and Republican lawmakers, as well as major veterans organizations, who believe the VA should’ve worked with them more closely to establish the rules.

Democratic senators warned that the VA was gearing up to make all VA patients “nearly automatically eligible” for private-sector health care – a decision they worry would divert billions of dollars to private entities and erode VA services.

The senators said they learned of the plans at recent briefings with VA officials regarding the VA Mission Act, and criticized Wilkie for his lack of transparency and collaboration as he creates the rules.

Many veterans organizations that supported the Mission Act have opposed plans to allow veterans unfettered access to the private sector – a move they worry could strip resources from the VA health care system.

VA leadership officials have indicated the department now intends to designate all clinical services as making a veteran nearly automatically eligible for community care.

VA officials have been unclear about the potential cost of their plan. At one briefing, lawmakers were told it would cost \$21.4 billion for five years. At another, the cost estimate was \$1 billion for the first year.

Some senators said they “cannot support” increased costs for private-sector care coming at the expense of the VA health system. The new community care program is scheduled to go into effect in June. The end of the fiscal year is Sept. 30.

The VA insisted they had enough money to handle the cost increase for the remainder of the fiscal year and the changes would not affect funding for VA medical centers.

The VA’s annual budget request, typically released in February, will include additional money to cover the increase in fiscal year 2020.

Veterans of Foreign Wars, which supported the Mission Act, said they needed more time to analyze the rules and “determine what our next steps should be.”

“We are disappointed VA chose not to incorporate the voice of our 1.6 million members in the decision-making process,” VFW Executive Director Bob Wallace said.

The group has already taken issue with one of the rules. Wallace said the VA was making a mistake with the 20-day standard, which he described as “arbitrary.”

FEDERAL CIRCUIT RULES IN FAVOR OF BLUE WATER CLAIMANT IN HERBICIDE EXPOSURE CASE, [Write your lawmakers! Support HR299!!!](#)

On January 29, 2019, the Federal Circuit, in a decision [Procopio v. Wilkie](#), (<https://www.va.gov/shiplist-agent-orange.pdf>) overturned their previous decision in *Haas v. Peake*, restoring presumptive service connected compensation for herbicide related conditions to Blue Water Navy Veterans who served within the territorial seas of the Republic of Vietnam during the Vietnam War.

This means that **any veteran** who can show **they served within the 12 nautical miles of the landmass of Vietnam during the presumptive period (January 9, 1962 through May 7, 1975)**, is once again **eligible for presumptive service connection for any of the herbicide-related diseases listed in 38 CFR 3.309(e)**.

What this means for you:

This case adds presumptive service connection for Blue Water Navy veterans. Unless and until other action is taken by VA to appeal, or Congress to change the law, this is the law of the land.

Please take action to **CONTINUE all appeals** that are currently pending for Blue Water Navy veterans, whether they are in RAMP or the Legacy appeals process.

Please **FILE or REOPEN claims** for herbicide related diseases for Blue Water Navy veterans.

Please **REFERENCE** this case if you have a hearing coming up or are filing paperwork on such a claim.

Some practical considerations:

You may need proof that your veteran served within the territorial seas (12 nautical miles) of Vietnam. VA's **Agent Orange Ships List** (<https://www.va.gov/shiplist-agent-orange.pdf>) includes many ships that docked in Vietnam. Veterans who went ashore were previously covered by the presumption, but now any veteran aboard those ships is eligible.

- o Veterans whose ships docked in Vietnamese harbors such as Da Nang, Qui Nhon, Ganh Rai, Nha Trang, Vung Tau, and An Thoi, will be covered.
- o Veterans whose ships were involved in combat operations providing gunfire support and coastal interdiction will most likely be covered as they were close to shore.
- o Veterans who can prove their ship was in the territorial seas, by using ship logs, will be covered.

What about the bills pending in Congress?

The court case **does not** include any expansions of the law for veterans who served in Thailand, the Korean DMZ, or locations more than 12 miles offshore of the landmass of Vietnam. **[The bill also extends the presumption of herbicide exposure for veterans who served on or near the Korean DMZ between September 1, 1967 and August 31, 1971.]** Please contact the Winona County VSOs for clarification!

The currently pending bill in Congress, "Blue Water Navy Vietnam Veterans Act of 2019", **H.R. 299**, (<https://www.congress.gov/bill/116th-congress/house-bill/299/text>) is more expansive, and includes presumptive service connection for additional Korean DMZ veterans during the Vietnam War, and includes spina bifida benefits for children of veterans with Thailand service during the Vietnam War. It also requires VA to provide updated research on Gulf War related illnesses. This bill still needs support to assist those veterans.

ATTENTION BLUE WATER NAVY VIETNAM VETERANS

SERVICE DATES

JANUARY 9, 1962 to MAY 7, 1975

Within 12 nautical miles of the Vietnam coast

Changes that occurred due to the U.S. Court of Appeals for the Federal Circuit in *Procopio v. Wilkie* which extends the presumption of Agent Orange exposure to all veterans who served in the Republic of Vietnam, on land or on the territorial seas.

What does this mean?

This case means that if you served aboard a Navy vessel that was within **12 nautical miles of the Vietnam coast**, the VA should reopen your claim or consider you for service connection under the Agent Orange Act of 1991.

If you served in the US Navy and have been denied Service Connection for conditions that are on the Agent Orange presumptive list. This case can give us the new evidence needed to reopen the claims and work to overturn the VA decision on your denied claim for benefits of service connection for conditions dealing with Agent Orange. *It is the hope of this Office that we can use Nehmer v. U.S. Department of Veterans Affairs to get your claim reopened, retroactively approved and payed back to the original date of the claim.*

If you never filed a claim because your ship did not appear on the Veterans Administration List an Intent to File (ITF) can be submitted.

The VA has not yet responded to the Courts decision and has 90 days to appeal to the Supreme Court.

These claims may be denied while the VA is considering how to handle the Court's decision.

Current Agent Orange Presumptive List

Acute and subacute peripheral neuropathy

AL amyloidosis

B-cell Leukemia

Chloracne

Chronic Lymphocytic Leukemia

Diabetes Type II

Hodgkin's Disease

Ischemic Heart Disease

Porphyria Cutanea Tarda

Prostate Cancer

Respiratory Cancer Lung, Bronchus, Larynx, Trachea

Soft-Tissue Sarcoma

For more information, please call the Winona County VASOs (John or Jerry) at 507.457.6455 to set up an appointment to discuss your claim.

Camp Lejeune: Past Water Contamination

From the 1950s through the 1980s, people living or working at the U.S. Marine Corps Base Camp Lejeune, North Carolina, were potentially exposed to drinking water contaminated with industrial solvents, benzene, and other chemicals

Disability compensation

VA has established a presumptive service connection for Veterans, Reservists, and National Guard members exposed to contaminants in the water supply at Camp Lejeune from August 1, 1953 through December 31, 1987 who later developed one of the following eight diseases:

- Adult leukemia
- Aplastic anemia and other myelodysplastic syndromes
- Bladder cancer
- Kidney cancer
- Liver cancer
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Parkinson's disease

Presently, these conditions are the only ones for which there is sufficient scientific and medical evidence to support the creation of presumptions; however, VA will continue to review relevant information as it becomes available.

Read the [final rule](#). (246 KB,PDF)

Veterans who are experiencing other health conditions that they think may be related to contaminated water at Camp Lejeune are encouraged to contact their primary care provider and to file a claim. VA reviews and decides [disability compensation](#) claims on a case-by-case basis.