

CONNECTION



Connecticut Chapter 120

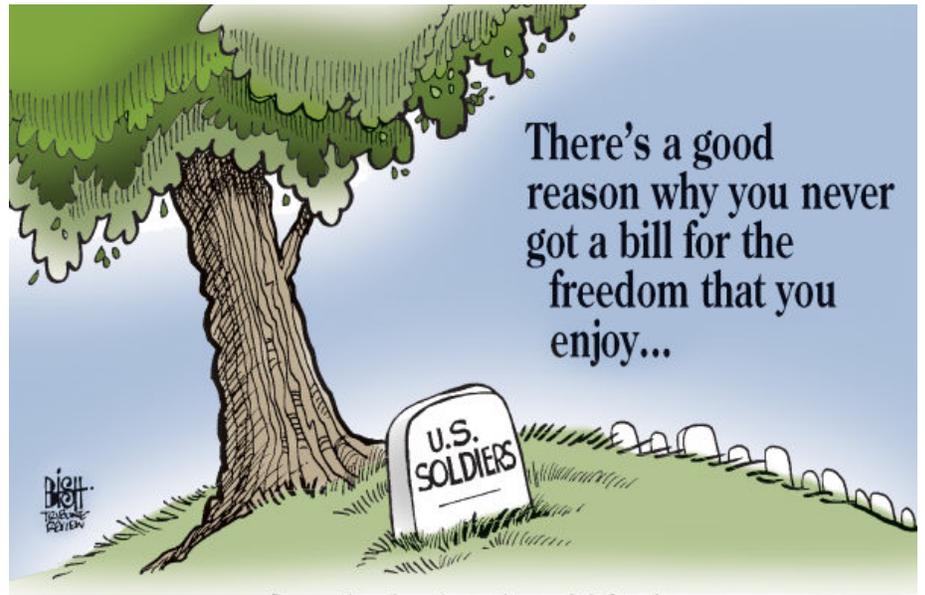
Greater Hartford
Over 35 Years of Service to Veterans

May 2019

Visit Our Website at www.vva120.org

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50 Years Ago



There's a good reason why you never got a bill for the freedom that you enjoy...

Somebody already paid for it

Meetings

The Chapter 120 membership meeting will be held on Thursday, May 2, 2019 at 7:00pm in the Machinists Union Hall, 357 Main St., East Hartford.

The Board of Directors will meet on Thursday, May 30 at 7:00pm. Call the Chapter office for any changes in schedule. Chapter members are welcomed to attend.

To those who died securing peace and freedom; To those who served in conflict to protect our land, and sacrificed their dreams of the day to preserve the hope of our nation keeping America the land of the free for over two centuries we owe our thanks and our honor. It is important to not only recognize their service but to respect their devotion to duty and to ensure that the purpose for which they fought and died will never be forgotten.

Notice

If you have moved or changed your address, PLEASE notify us immediately. Call the Chapter office at (860) 568-9212, mail us at the address on the back of this newsletter or e-mail the Newsletter editor at ctchapter120@aol.com.

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From the soldiers who fought bravely during the American Revolution to the men and women of today's Armed Forces, America's fighting forces, have responded bravely to this nation's call to duty. Both on the battlefield and in their assurance of readiness, members of the nation's military remain bound to their duty. For more than 240 years, America's Armed Forces have been the surest guarantee that Freedom will continue to ring across this land – From Sea to Shining Sea!

The lives of the men and women who fought in America's battles, and who served their country in support of the military, made significant sacrifice in fighting for the freedom and liberty that we enjoy today. Too often we fail to remember those who gave their life, or those whose life today bears the scars as a lasting memory of that sacrifice and commitment. But there are many who remember vividly as the lives affected were sons, daughters, friends, coworkers and neighbors – and that their unselfish sacrifice was made with the assurance that life, liberty and the pursuit of happiness required the ultimate service to their nation.

CHAPTER 120 OFFICE 568-9212

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All Telephone Numbers are Area Code 860 unless otherwise noted

Chapter/State News

Chapter 120 Election Results

Elections were held at the April Chapter meeting for National Convention Delegates and the Election Committee. Results of the election are below:

National Convention Delegates

Paul Barry
 Bob Burgess
 Frank Mello
 Phil Morneauult
 Gerry Wright

As Chapter 120 is allowed six delegates, the Board of Directors will appoint one additional delegate with membership approval.

Election Committee

Bill Chiodo
 Leigh Lovering
 Tim Siggia

POW/MIA Chair Dedicated at Stadium



The Hartford Yard Goats dedicated the POW/MIA chair at the Opening Day Game at Dunkin Donuts Stadium on April 11, 2019.

The following VVA members participated in the dedication ceremony: Frank Mello, Phil Morneauult, Bob Burgess, Paul Barry, Bob Venti, Peter Galgano, and Frank Zizzamia. Also attending were AVVA members Dot Barry and Pat Burgess.

DVA Commissioner Thomas Saadi thanked the Yard Goats organization, President Tim Restall, General Manager Mike Abramson, & Tom Baxter for their continued support of Veterans and Service members.

Birthday Wishes

Birthday wishes go to our members born in May. May you have many more!

<i>John P. Burns</i>	<i>Michael J. Coyne</i>
<i>John R. Cutler</i>	<i>Robert N. DeRosa</i>
<i>William S. Ehlert</i>	<i>Robert Fulco</i>
<i>Peter Galgano</i>	<i>Normand R. Girardin</i>
<i>Frank T. Jodaitis</i>	<i>James V. Laviana III</i>
<i>Kipp O. Miller</i>	<i>Raymond R. Samolis, Jr.</i>
<i>James Stevenson</i>	<i>David Taylor</i>
<i>Roland Wolf</i>	

Happy Birthday!

Parades/Ceremonies in May

Chapter 120 will be participating in the parades and ceremony below. Please attend if at all possible. We need a good turnout.

Shad Derby/Armed Forces Day Parade

Chapter 120 will march in the Shad Derby - Armed Forces Day Parade on May 19, 2018. Please form up at 10:30am for the 11:30am step off from Windsor High School.

Memorial Day Parade at South Windsor

Chapter 120 will march in the South Windsor Memorial Day Parade on May 27, 2019. Please form up at 9am at the South Satellite Road staging area. Step off is at 10am.

Memorial Day Ceremony (Boy Scouts)

Chapter 120 will participate in the thirtieth anniversary of the Hartford Vietnam Veterans Memorial with Hartford Boy Scout Troop 105 on May 27, 2019 at 9:30am. Location: Intersection of New Britain Avenue and Fairfield Avenue, Hartford CT.

For further details or assistance, contact our Chapter officers or Board of Directors.

POW/MIA News

Rolling Thunder's Last Ride



Rolling Thunder XXXII, "Ride for Freedom", will take place on May 26, 2019 in Washington, D.C. - the final Thunder Run in D.C. This will be the last demonstration the organization does as a unit in Washington. It has been a hard decision to make, after much discussion and thought over the last six months Rolling Thunder National Officers have concluded to end our 32 year annual D.C.

Memorial Weekend event.

As a result of changing times, the organization and mission needed to be reorganized and reevaluated. Reasons which determined our decision were the Pentagon Security Police/Washington Police officials continued lack of cooperation, increased harassment to our supporters and sponsors. As demonstrated this past Rolling Thunder "Ride for Freedom" XXXI many of our supporters were diverted and prevented from entering the South Pentagon/Boundary Lots. Event staging costs have soared to \$200,000.00 plus, lack of new Corporate Sponsor funding and the general public declined support of our event product sales (patches/pins/stick flags) in the Pentagon Lots. Financial factors are draining the organization funds if we continued this major costly annual event in Washington.

Over the past thirty-two years Rolling Thunder, Inc. has successfully brought the POW/MIA issue to the attention of the general public. The Memorial weekend "Ride for Freedom" is a one of a kind demonstration and has brought a vast number of

Americans together for this patriotic event. We are one of the major events in Washington. The organization has much to be proud of. We have advocated and co-authored legislation related to the POW/MIA issue and Veterans benefits. In 1995 Rolling Thunder worked in conjunction with the U.S. Postal Service to publish a POW/MIA U.S. postage stamp. Rolling Thunder has been instrumental donating and dedicating POW/MIA Flags nationwide. The Rolling Thunder POW/MIA Chairs of Honor project has 400 dedicated chairs throughout the United States, including the U. S. Capitol, Washington, DC. Through Rolling Thunder® Charities, Inc. our 501 C (3) we are helping many needy veterans, active duty military and their families.

We will continue the POW/MIA Mission through our ninety Rolling Thunder State Chapters across America, coordinating demonstrations starting 2020 Memorial Weekend in their own states, or joining forces with other state chapters. Hopefully, many supporters who could not make the trip to DC can participate in their state and we may get more media coverage on the state level on the POW/MIA issue than we received in DC. This will be the final mailing of our Rolling Thunder "Ride for Freedom" Washington, DC. See our website rollingthunder1.com periodically for updates regarding 2020 State Chapter "Ride for Freedom" demonstrations. Remember our POWs/MIAs, our Troops serving and God Bless the United States of America! Hope to see you at Rolling Thunder XXXII, "Ride for Freedom" the last thunder demonstration in Washington, DC.

Sincerely,
Sgt. Artie Muller
National Executive Director

Joseph Bean
National President

At The Capitol VA Bills Waiting Floor Action



Twenty-six VA related bills are ready for floor action, twelve in the House and fourteen in the Senate. Some of the more important bills affecting most veterans:

HB 7061 - AN ACT CONCERNING THE OFFERING OF CERTAIN MOTOR VEHICLES FROM THE STATE MOTOR POOL TO VETERANS' CHARITABLE ORGANIZATIONS. To allow surplus vehicles from the state motor pool to be provided to veterans' charitable organizations for donation to certain disabled combat veterans with a demonstrated need for financial

assistance.

HB 7134 - AN ACT CONCERNING REDUCED BUS FARES FOR VETERANS. To allow a passenger who is a veteran, upon

presentation of a motor vehicle operator's license or identity card indicating such passenger's status as a veteran, to ride state-owned or state-controlled bus public transportation free of charge.

HB 7247 - AN ACT CONCERNING ACCESS TO VETERANS' RESOURCES INFORMATION. To increase access to information on veterans' resources.

HB 7249 - AN ACT CONCERNING EMERGENCY MEDICAL TRAINING IN HEALTH CONDITIONS COMMON TO FORMER MEMBERS OF THE ARMED FORCES. To require emergency medical services personnel to receive training in health conditions common to former members of the armed forces.

SB 777 - AN ACT REQUIRING A STUDY OF VETERANS' TAX ABATEMENTS. To study tax abatements available to veterans in this state.

SB 801 - AN ACT EXPANDING CERTAIN VETERANS' ACCESS TO PUBLIC ASSISTANCE PROGRAMS. To require that pension benefits granted to certain veterans by the United States Department of Veterans Affairs be disregarded when determining income eligibility for certain state Medicaid programs.

SB 861 - AN ACT CONCERNING THE DEFINITION OF "SERVICE IN TIME OF WAR" AND STATE RESIDENCY REQUIREMENTS FOR CERTAIN VETERANS' SERVICES. To redefine "service in time of war" and to remove a two-year residency requirement for certain veterans' services.

SB 950 - AN ACT ESTABLISHING A VETERANS' CEMETERY ACCOUNT. To establish a veterans' cemetery account.

VVA Membership Change

On October 20, 2018, VVA's National Board of Directors passed a motion to have one class of membership: Life membership. All active and pending three-year members have been converted to life members. This change was reflected on the October 2018 membership roster. After October 31, 2018, all dues payments received for one-year membership will be refunded along with instructions for renewing as a life member. Active one-year members will remain active until their current term expires and are invited to renew as life members thereafter. The link to the membership renewal application is <https://vva.org/wp-content/uploads/2018/11/VVA-Member-EZ-Renewal-Form.pdf>

On The Hill



Extracted from CNN Politics

The bipartisan bill that could save veterans' lives

"We have 20 to 22 veterans that take their life every single day," says Iowa Republican Sen. Joni Ernst, a combat veteran who spent 23 years in the Army Reserve and Army National Guard. "And if we can find a way to prevent that we certainly need to explore those options."

Ernst and New Hampshire Democratic Sen. Maggie Hassan are spearheading a bipartisan bill (S.699 - National Green Alert Act of 2019) to help implement a "Green Alert" system in every state,

trying to save the lives of veterans. Between 11 and 20% of veterans who have served in Iraq or Afghanistan have PTSD in any given year, according to the Department of Veterans' Affairs. It's a significant risk factor for suicide. Similar to the Amber Alert emergency response system for missing children, which the federal government helped states create, a Green Alert would help locate missing at-risk veterans.

"Our job as civilians, from my perspective," says Hassan, "is to work every day to make our country worthy of the sacrifices that our servicemen and women have made for us."

Their bill is based on the success of the Green Alert system in Wisconsin, which became the first state in 2018 to implement one after the Adams family pressed the state legislature to make sure their son's death was not in vain.

So far, only Delaware and Iowa have followed Wisconsin's lead, passing legislation to create a state Green Alert system. A House bill to create a national Green Alert system failed to make it out of the Judiciary Committee in the last Congress.

Since Wisconsin's Green Alert went into effect last year it's been implemented seven times. Six of the veterans alerted were found safe within a day or two after local media reported on their disappearances. One died by suicide.

PTSD risk factors

Combating PTSD also requires looking beyond the stereotypes about the condition.

If you talk to civilians about their perceptions of PTSD, they'll likely think it affects mostly men that it's related almost entirely to combat, that it always leads to suicidal behavior and that it's a given if someone joins the military. And they'd be wrong.

Service members are more likely to have PTSD, but it's common in the general population as well. And you don't have to be in a war zone to develop the disorder: In the United States,



car accidents are one of the leading causes of PTSD, according to the Department of Veterans Affairs.

While there is a correlation between trauma, PTSD and suicide, the relationship is actually poorly understood and requires more research.

"Because we focus so much on our male veterans we don't oftentimes think of women as being veterans," Ernst says, discussing the importance of focusing on PTSD in the women who make up 17% of the military. Women are more than twice as likely to experience PTSD as men, whether they're in the military or not. If they are in the military, their diagnosis could stem from a number of experiences, including traumatic events in combat, but also from feeling socially isolated or being the victim of sexual assault.

Almost a quarter of women in the Veterans Affairs health care system reported being sexually assaulted while in the military, but the civilian statistics are also shockingly high. One-sixth of the general population, according to the Rape, Abuse & Incest National Network, has been sexually assaulted.

How the civilian populations and politicians relate to the military and the wars they fight also plays a role. Negative public opinion of a conflict and the politicization of the military can negatively affect service members and contribute to PTSD.

"They're not the ones making the decision," Ernst says. "The decision lies at the top most reaches of our country, whether it's the president or Congress"

"It's very American to disagree about some things and have pretty strong opinions," Hassan says. "We have to let our warfighters know that when they take that step to stand up for the rest of us to make enormous sacrifices to keep us safe, that we will have their backs here at home."

This Is a National Crisis

On April 10, House Committee on Veterans' Affairs Chairman Mark Takano (CA-41) released the statement below following several concerning reports of veteran suicides in the past week:

"My sincere condolences to the family and friends of the veteran who died by suicide last night outside the Austin VA facility. This is a national crisis that we all need to address. Every new instance of veteran suicide showcases a barrier to access, but with three incidents on VA property in just five days, and six this year alone, it's critical we do more to stop this epidemic. All Americans have a role to play in reducing veteran suicide, and the House Committee on Veterans' Affairs is going to make this issue a top priority. Already, our Committee has hosted a bipartisan roundtable and staff level briefing to better understand the crisis. Additionally, I have called for a full committee hearing later this month, the first of many, to hear from VA about the recent tragedies and spark a larger discussion about what actions we can take together as a nation. As Americans, we are proud of the service and sacrifice our veterans have made for our country-- it's time we match this

pride with action and support to ensure our veterans get the care they earned and deserve."



Veterans Affairs News

Extracted from MOAA - 4/8/19



Veterans' Appeals Board Lifts Stay on Blue Water Navy Claims

Veterans seeking VA compensation for illnesses that may be connected to their service in the waters off Vietnam saw another choke point cleared April 1, but their path to long-sought benefits remains uncertain.

The Board of Veterans' Appeals will lift a stay that prevented any decisions on such Blue Water Navy appeals, a hold that had been in place since October, according to an April 1 board memo. That stay was connected to the Procopio vs. Wilkie lawsuit, in which the U.S. Court of Appeals for the Federal Circuit Court ruled Jan. 29 that "the statutory phrase 'the Republic of Vietnam' included the 12 nautical mile territorial sea of that nation," per the memo.

That means Blue Water Navy veterans serving in those waters would have the same presumption of herbicide exposure as those who served on land and on inland waterways. The announcement follows a decision from VA Secretary Robert Wilkie not to appeal the ruling

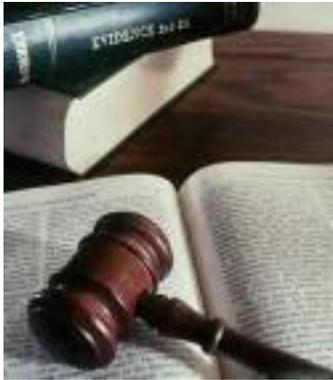
But many factors remain unsettled, including the precise definition of Vietnam's nautical boundaries and the diseases that will be considered connected to herbicide exposure; a VA official told a Senate panel in March that a decision regarding the addition of bladder cancer, hypertension and other ailments would come within 90 days.

From NVLSP

In Response to NVLSP's Class Action Lawsuit, VA Admits It Misled Tens of Thousands of Veterans

In response to the National Veterans Legal Services Program (NVLSP) class action lawsuit, Wolfe and Boerschinger v. Wilkie, the U.S. Dept. of Veterans Affairs (VA) admitted that it misled tens of thousands of veterans who had applied for reimbursement of the emergency-care expenses they incurred at

non-VA facilities. The admission came in VA's March 15, 2019 court-ordered response to the lawsuit that NVLSP filed on behalf of Peter E. Boerschinger. Mr. Boerschinger seeks to represent the tens of thousands of other veterans who, like him, received VA correspondence inaccurately informing them that they could not qualify for reimbursement if their expenses were partially covered by private insurance. Under the law, veterans can qualify for reimbursement even if their emergency medical expenses are partially covered by private insurance. As part of Mr. Boerschinger's lawsuit, NVLSP seeks to compel the VA to provide corrected information to all veterans who received the inaccurate communications and to reinstate their reimbursement claims.



According to the VA, the Veterans Health Administration (VHA) will begin to take several steps to remedy the false information that was sent to veterans. VHA stated that on Feb. 8, 2019, it stopped adjudication of all emergency-care reimbursement claims that were missing needed information or that did not meet criteria for

reimbursement. The VHA announced a three-tiered corrective action plan that involves corrected notice letters, new adjudications and renewed appellate rights to all veterans whose claims are denied after they are re-adjudicated. The VHA's three categories of corrective actions are:

- **Category A** veterans are those whose claims were denied based on the presence of other health insurance. VHA will advise them by letter of the erroneous adjudication and notify them that their claims will be reopened and re-adjudicated. VHA stated that these letters will be issued beginning in April 2019, but did not address when it will complete these mailings. Nor did VHA address when these cases will be re-decided. Once decided, Category A veterans will ultimately be informed via letter of the re-adjudication results and the new one-year period to appeal any adverse decision.

- **Category B** veterans are those whose claims were denied for reasons other than the presence of other health insurance. They will be treated similarly to Category A veterans. VHA stated that it will begin to send letters notifying them that their claims will be reopened and re-decided in May 2019.

- **Category C** veterans are those whose claims were rejected as incomplete. VHA will begin to mail corrected notices in May 2019. These corrected notices will advise Category C veterans of the correct eligibility criteria for reimbursement.

Additionally, VHA will also institute some global organizational changes for its reimbursement claims system. This includes revising all of its letter templates to remove the erroneous other-health-insurance criterion.

Background

On Jan. 1, 2019, NVLSP amended the class action lawsuit it filed two months earlier in the U.S. Court of Appeals for Veterans Claims (CAVC) to accuse the VA of sending false information throughout 2018 to tens of thousands of veterans who had applied for VA reimbursement of emergency medical expenses they incurred at non-VA facilities. The lawsuit, filed with the pro bono assistance of Sidley Austin LLP, asserts that the VA has a practice and policy of informing these veterans – falsely – that they cannot qualify for any reimbursement if they have partial coverage for their emergency medical expenses under a health plan contract. This VA representation is inaccurate, according to NVLSP, because it directly violates the binding decision issued by the CAVC in 2016 in *Staab v. Shulkin*, which invalidated a VA regulation precisely because it prohibited reimbursement if the veteran had partial coverage under a health care plan.

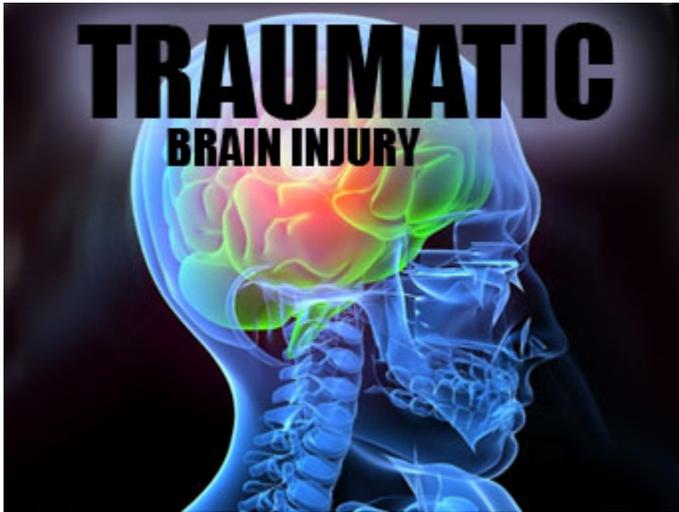
NVLSP has filed suit three times over VA's failure to comply with the Emergency Care Fairness Act of 2010 (ECFA). NVLSP represented veteran Richard Staab (*Staab v. Shulkin*) in the first landmark case filed in 2014 after the VA declined to reimburse him for any of the \$48,000 he incurred for emergency open heart surgery purely because secondary insurance covered part of the emergency care bill. In that lawsuit, the CAVC nullified the VA regulation that prohibited reimbursement for any of the veteran's emergency medical expenses merely because some, but not all of those expenses were covered by the veteran's insurance. In that watershed ruling in 2016, the CAVC ruled that Congress intended the VA to step in as a "secondary payer" where other health care insurers cover only a portion of the cost of the veteran's emergency treatment and invalidated VA's regulation.

Twenty-one months later, the VA issued a new regulation in an effort to comply with the *Staab* decision. According to the second class action lawsuit filed at the CAVC in October 2018 by NVLSP on behalf of Ms. Amanda Wolfe (*Wolfe v. Wilkie*), the new regulation violates the ECFA because it takes the narrow provision in the ECFA allowing VA not to reimburse veterans for copayments or "similar payments," and adds deductibles and co-insurance payments to the list of non-reimbursable expenses, which are not similar to copayments at all.

VA's Process for Determining Traumatic Brain Injury in Veterans Seeking Disability Compensation Examined in New Report

The U.S. Department of Veterans Affairs (VA) should expand the requirement in its disability compensation process regarding who can diagnose traumatic brain injury (TBI) to include any health care professional with pertinent and ongoing brain injury training and experience, says a new congressionally mandated report from the National Academies of Sciences, Engineering, and Medicine. Currently, one of four specialties must diagnose TBI – a neurologist, neurosurgeon, psychiatrist, or psychiatrist -- but Evaluation of the Disability Determination Process for

Traumatic Brain Injury in Veterans says that it is the training and experience, not necessarily the medical specialty that renders a health care provider capable of an accurate diagnosis.



TBI results from an external force that leads to temporary or permanent impairment of cognitive, physical, or psychosocial function. It is a form of acquired brain injury that may be open (penetrating) or closed (non-penetrating) and can be categorized as mild, moderate, or severe. TBIs have been an increasing cause of injury and disability in the military since the conflicts in Iraq and Afghanistan began. The military incurred an estimated 384,000 incidents of TBI between 2000 and 2018, the report says.

Diagnosing TBI

Because of increased awareness of TBI, more medical specialties now include TBI training within their curriculum and receive continued updates concerning the current state of the science. There are at least 18 brain injury programs accredited by the Accreditation Council for Graduate Medical Education to train physicians of many specialties to assist in the diagnosis, treatment, and rehabilitation of individuals with brain injury. Looking at the credentials and training necessary for health care specialists to diagnose TBI, the committee that conducted the study recommended that the VA allow health care professionals who have specific TBI training and experience, in addition to the current approved specialists, to make TBI diagnoses. Furthermore, the committee recommended pertinent and ongoing clinical training that is up-to-date with the state of current knowledge regarding TBI.

Quality of the Adjudication Process

The report also looks at several aspects of quality, such as reliability, validity, and transparency, and how they relate to the adjudication process for veterans' disability claims. The committee recommended that the VA take specific actions to increase transparency at both individual and system wide levels, such as providing veterans full access to the details of their examinations and providing public access to detailed system wide data, separated by geographic location and examination type, on the outcomes of evaluations and outcome quality. In

addition, the committee recommended that the VA institute processes and programs to measure the reliability and validity of the adjudication process, identify opportunities for improvement in the quality of outcomes, and implement modifications as needed.

Tools Used to Provide Clinical Examinations and Disability Ratings

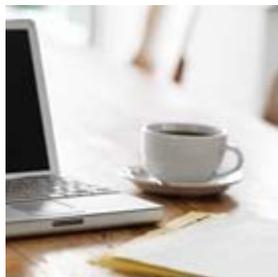
The claims process usually requires an examination that provides information to help determine the presence and degree of medical impairment. This exam records the diagnosis and the medical nature of the condition along with all requested measurements and test results using a tool called the Disability Benefits Questionnaire (DBQ). After the DBQ results are submitted, a VA veterans' service representative may determine that there is enough evidence to make a rating, or request more information. If there is enough evidence, the disability rating is determined by comparing the DBQ results and other evidence with criteria in the Veterans Affairs Schedule for Rating Disabilities (VASRD). The committee reviewed the criteria in the DBQ and VASRD and found that, for the most part, they accurately reflect problems most likely to disrupt quality of life following TBI. However, some of the characteristics of the criteria used to rate severity of disability do not fully capture the potential side effects, such as insomnia, vestibular dysfunction, and near vision dysfunction. The VA should convene experts from both the Veterans Benefits Administration (VBA) and the Veterans Health Administration (VHA), including clinicians who diagnose and assess residual effects of TBI, to regularly update the VASRD and DBQ to better reflect the current state of medical knowledge, the report says.

"Our scientific understanding of TBI has increased dramatically in recent years, and that understanding needs to be incorporated into the VA's disability determination process," said Dan Blazer, J.P. Gibbons Professor of Psychiatry emeritus, Duke University Medical Center, and chair of the committee that conducted the study. "The implementation of our report's recommendations will represent a fundamental enhancement in the methods used by the VA to ensure the quality of its evaluations for TBI. Shifting from a focus on the consistency of the process to a focus on the reliability and validity of the evaluations' outcomes will identify areas for improvement. Making those modifications will have the greatest impact on improving the outcomes for veterans."

Newsletter articles/ stories/photos

Any articles, stories and/or photos submitted for the newsletter must be received by the "cut off" date for any given month. Photos must be accompanied by text which describes the event, names, dates and any other pertinent facts so our readers understand the story behind the photo(s). The newsletter editor will announce the "cut off" dates at each Chapter meeting. The "cut off" date for our June 2019 newsletter is 24 May 2019. Due to space availability, the editor reserves the right to include or not include photos for a given month.

From the Service Rep's Desk



From Military.com

Obesity Is Not a Service-Connected Disability: VA

Obesity cannot be considered a service-connected disability, according to a new ruling by the Department of Veterans Affairs General Counsel expected to be published in the April 8, 2019, edition of the Federal Register.

published in the April 8, 2019, edition of the Federal Register.

The new ruling, among several precedent opinions set to be included, reinforces the VA's long-standing opinion that obesity isn't a disease or injury according to the law for wartime or peacetime compensation and can't be considered directly related to military service for compensation purposes.

So why does the VA reject obesity as a service-connected disability if Medicare covers obesity treatment and the Centers for Disease Control and National Institutes of Health both say obesity is a disease?

While the VA treats obesity as a disease for which treatment is warranted, the distinction is in the words "service-connected." The VA simply does not see it as a condition that was a result of military service, and therefore for which compensation is payable.

The VA estimates that 78% of veterans are obese, and it does offer several treatment programs for obese vets. However, the new opinion means it won't pay compensation for it anytime soon.

But the determination could be a good thing, at least for the current force. We all have heard of people getting kicked out of the military for being overweight. This ruling by the VA means that obesity can't be considered willful misconduct when making line-of-duty determinations for other disabilities.

And blocking it as a service-connected disability doesn't mean that it isn't what's known as an "extra-schedular rating," or a rating that can be tagged onto an existing disability, the General Counsel has ruled.

For example, you may be rated 40% because of Agent Orange related diabetes but the diabetes may cause obesity so you may be able to get an extra-schedular rating and increase your disability to 50%.

Also, obesity may be so bad that it has life-altering consequences. That may be considered when determining an overall rating if there are other qualifying disabilities. It may be considered an "intermediate step" between a non-service-connected and service-connected disability when considered with other disabilities.

In their ruling, the lawyers said that since obesity "occurs over time and is based on various external and internal factors, as

opposed to being a discrete incident or occurrence, or a series of discrete incidents or occurrences," the condition may be reversed by treatment before it becomes disabling.

So while obesity can, and should, be considered a disease since it is a treatable condition that results in other, more serious health conditions, it shouldn't be considered a disease when you are trying to blame it on your military service.

50 Years Ago

May 10 - ARMY BEGINS OPERATION APACHE SNOW. The 3d Brigade, 101st Airborne Division, as well as South Vietnamese elements, begin Operation APACHE SNOW in the A Shau Valley west of Hue in order to interdict North Vietnamese base areas there. Elements of the brigade fight North Vietnamese defenders on Ap Bia Mountain- better known as "Hamburger Hill" - in a battle that has repercussions all the way to Washington.

- May 13 - KERN W. DUNAGAN, MEDAL OF HONOR
May 14 - DANIEL JOOHN SHEA, MEDAL OF HONOR
May 24 - JAMES LEROY BONDSTEEL, MEDAL OF HONOR
May 27 - CHARLES CLINTON FLEEK, MEDAL OF HONOR
May 27 - JIMMY W. PHIPPS, MEDAL OF HONOR

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