



Department of Florida January 2021 Newsletter



Top Left Chapter 17 members with Mayor of Panama City DAV 100th Anniversary Proclamation
 Top right David Moore Regional Manager for Sunbelt Equipment donated equipment & time to replace flagpole at Chapter 16 Chapter 18 member Butch Lightfritz assists.
 Bottom Left Chapter 17 members
 Bottom Right Members of Chapter and Unit 18 attending Memorial Service for DAV/DAVA
 Member Bob McLaughlin

Department Commander Thomas Ayala



Hello My Fellow Comrades,
Happy New Year to you and your family. I hope all of you are safe and in great health.

PLEASE SHARE WITH YOUR CHAPTER SERVICES OFFICERS.

Many Chapter Service Officers have been calling the Department asking about their certifications. On December 3, 2020, DAV National Service Director Jim Marszalek sent a memorandum to all Chapter Commanders and Adjutants about both Department and Chapter Service Officers Certification Program during Covid-19. The memorandum states the following:

"Certification as a chapter or department service officer is the result of participation in, and completion of, an annual training class for Level I or II offered each year. Out of an abundance of caution for the health, safety and well-being of DAV members amid the COVID-19 pandemic, we are removing the requirement for re-certification until further notice. This applies to any certification that was to expire in 2020 and 2021. We will release another memo when the certification program will resume in full effect. For any new department or chapter service officers recommended by the appropriate chapter/department commander and/or adjutant, it is important to note that certification begins only once a service officer completes Level I training."

Since the Department did have our Annual Service Officers Training in January 2020 and you attended, your certification will continue until further notice. If you did not attend Service Officers Training in January 2020, you are **NOT** a certified Service Officer and should not be submitting any claims.

I visited Greater Daytona Chapter 84. This Chapter has done amazing work in their community. During the month of November, the Volusia County Veterans Museum and Education Center has relocated into a portion of Chapter 84's building bring awareness to both the Veterans Museum and DAV in the Daytona area. Chapter 84 still has Bingo on Wednesdays even with the Museum moving into the building. Thank you, chapter 84 for your continuous service and outstanding job your members have done despite the Covid-19 restrictions in your community.

I also visited SGT Bradley S. Crose Chapter 38 located in Orange Park, FL. Chapter 38 also has Bingo and attendance has been growing. They are following CDC Guidelines to include social distancing for all the players and volunteers. Chapter 38 has purchased a Van for the new outpatient clinic located in Middleburg, FL. Thank you, Chapter 38 for your dedication and continuous service to your community.

It is with a heavy heart I inform you of the death of Larry Kyser. Larry has been a member of DAV since 1978 holding dual membership in Chapter 23 Pensacola, FL and Chapter 6 Atmore, AL. Larry has been very active with both chapters. In the Department of Florida, Larry was a member of our Service Foundation Committee. At Chapter 23 Pensacola, Larry rose through the ranks holding every position. He was the current Treasurer at Chapter 23. May He Rest in Peace and Never Be forgotten.





Department Senior Vice Commander Duane Godfrey

H.R.7105 - Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020

Subtitle A—Service-Connection And COVID-19

4101. PRESUMPTIONS OF SERVICE-CONNECTION FOR MEMBERS OF ARMED FORCES WHO CONTRACT CORONAVIRUS DISEASE 2019 UNDER CERTAIN CIRCUMSTANCES.

(a) IN GENERAL.—Subchapter VI of [chapter 11](#) of title 38, United States Code, is amended by adding at the end the following new section:

64. Presumptions of service-connection for Coronavirus Disease 2019

“(a) PRESUMPTIONS GENERALLY.— (1) For purposes of laws administered by the Secretary and subject to section 1113 of this title, if symptoms of Coronavirus Disease 2019 (in this section referred to as ‘COVID-19’) described in subsection (d) manifest within one of the manifestation periods described in paragraph (2) in an individual who served in a qualifying period of duty described in subsection (b)—

“(A) infection with severe acute respiratory syndrome coronavirus 2 (in this section referred to as ‘SARS-CoV-2’) shall be presumed to have occurred during the qualifying period of duty;

“(B) COVID-19 shall be presumed to have been incurred during the qualifying period of duty; and

“(C) if the individual becomes disabled or dies as a result of COVID-19, it shall be presumed that the individual became disabled or died during the qualifying period of duty for purposes of establishing that the individual served in the active military, naval, or air service.

(2) (A) The manifestation periods described in this paragraph are the following:

“(i) During a qualifying period of duty described in subsection (b), if that period of duty was more than 48 continuous hours in duration.

“(ii) Within 14 days after the individual’s completion of a qualifying period of duty described in subsection (b).

“(iii) An additional period prescribed under subparagraph (B).

“(B) (i) If the Secretary determines that a manifestation period of more than 14 days after completion of a qualifying period of service is appropriate for the presumptions under paragraph (1), the Secretary may prescribe that additional period by regulation.

There is much more to the Bill and can take some time to read the entire Bill.

I have been spending time working in our garden. Winter planting has been done.





Department Junior Vice Commander John Raber

First of all, I want to wish everyone a Happy New Year. It was good to see 2020 go away. We need to be cautious do to the increase in COVID cases in Florida, I hate to lose another Veteran this year.

Now for your VA news ---the Department of Veterans Affairs will be improving and expanding its Family Caregiver program to include veterans with serious illnesses. Now eligible veterans, beginning with those from World War II, the Korean War and the Vietnam War Eras whose injuries or illnesses that occurred on or before May 7, 1975, with a single rating by the VA of 70% or Higher, will qualify for Caregiver Benefits under the Program. Only new application filed after October 1 will be accepted under the plan. This was a long-standing DAV priority. In the past, many seriously Disabled Veterans and their family Caregivers have been ineligible for this life saving support program because their Disabilities were caused by illness, not injury, during their Military Service.

Another program I want to mention is if a veteran received an Overpayment- or debt- with the VA they could be eligible for temporary Debt relief due to financial hardships due to Covid-19 Pandemic you can contact the VA Debt Management Center at 1800-827-0648 for more information.

Also, a new bill just passed Congress and the Senate. This bill has been lobbied by the DAV for the last four years. One of the main sections of this Bill is the Deborah Sampson Act, aimed at improving services for woman veterans. This bill will make a significant leap in providing the equal level of care and resources that the woman who choose to serve our country rightly deserve.

There will now be a mandatory Woman's Health Clinic in the Department of Veterans Affairs. It also requires that every VA Facility have a woman's primary care Doctor. There is also a clause in the bill that a student under the GI bill or Vocational Rehab will not lose benefits if they are required to do online classes due to Covid-19.

Again, thank-you for your support and **don't forget to reserve your rooms for June Convention and Chapter Service Certification Training Program.**

Its not to early to start thinking about members to submit for the various Department Awards given at the June Convention. Awards such as Member of the Year, Adjutant of the Year, Chapter Service Officer of the Year (**all 3 individual awards**). Some awards are taken strictly from DAV website such as Recruiter of the Year, Volunteer of the Year (LVAP Hours), Membership and Donation Awards based upon Chapter Size.

The Department has in recent years only received 1-2 nominations for the above individual awards. Please complete the applications that will come in the registration packets when they are mailed from Department Headquarters in February/March.





Department Chaplain Chip Hanson

2020 is finally in the rear-view mirror. Never in the history of our country have we been through so much in so little time. A pandemic that is still with us, riots and unrest. Remember we are still in a declared war. We have a new President. Whether you agree or disagree with him, we must respect the office.

It is very important that any changes you want or need must be done through legal and peaceful ways. Remember to keep in contact with all of your Local, State and National leaders. (a lot) express your opinion through social media, letters to the editor in your newspaper and other outlets.

Never forget that we are all Americans. Let us work to bring our great Nation back together as one Nation under God.

As in the song Auld Lang Syne (the song we sing every New year) states (times gone by) "Auld Lang Syne" was originally a Scottish poem that was later set to music. The phrase "auld lang syne" translates literally to "old long since" in English and means something akin to "times gone by." syne?

Should old acquaintance be forgot, and never brought to mind? Should old acquaintance be forgot, and old lang syne?

CHORUS: For auld lang syne, my dear, for auld lang syne, we'll take a cup of kindness yet, for auld lang syne. And surely, you'll buy your pint cup! and surely, I'll buy mine! And we'll take a cup o' kindness yet, for auld lang syne.

CHORUS

We two have run about the slopes and picked the daisies fine; But we've wandered many a weary foot, since auld lang syne.

CHORUS

We two have paddled in the stream, from morning sun till dine; But seas between us broad have roared since auld lang syne.

CHORUS

And there's a hand my trusty friend! And give me a hand o' thine! And we'll take a right good-will draught, for auld lang syne.

This song hits close to home.

Happy New Year to all and hope to see you once we get back to normalcy.





John Markiewicz Department Judge Advocate

As DAV celebrates its 100th year, it is instructive to look back upon the roots of the organization and in particular, on the history of its governing documents.

Although DAV is a federally chartered corporation, it did not begin as such. Upon the organization's founding, it was simply incorporated in Ohio. It would take a dozen years to achieve the Congressional charter. From the first Convention, the goal of federal incorporation was front and center in the delegates' minds. This near-obsession was doubtless prompted by the granting of federal status to the American Legion in 1919. The Legion reaped considerable publicity from this honor and the fledgling DAV organization wanted the same. (Interestingly, the VFW, though founded in 1899, was not chartered until 1936).

The Constitution adopted at the first National Convention was intended to –and did –become the basis for the eventual federal charter. In a real sense, then, DAV wrote its own charter (a few Congressional additions are noted later).

Among the most contentious issues at the first Convention was the constitutional bar to “honorary members,” which persists to this day in the federal charter. The delegates rightly saw that the furnishing of honorary memberships could attract celebrity support for DAV and help publicize the organization.

In particular, DAV was then wooing the famous boxer John L. Sullivan to become a spokesperson. Our founder, Judge Marx, lobbied hard and successfully against permitting honorary memberships. Judge Marx reasoned that DAV's cause was so important, and so pure, that all should support it without any promise of recognition. Probably more because of his eloquence than the logic of his position, Marx carried the day. (Ironically, Marx went on to live a long life in Cincinnati and become a patron of the arts and his Jewish religion).

There are many permanent memorials to Marx' generosity, some enshrined during his lifetime. Only the most cynical might ascribe to him a “do as I say and not as I do” theory of donor recognition.)

DAV has observed the no-honorary-members rule for 100 years, with a single exception. In 1935, it bestowed membership on Madame Ernestine Schumann-Heink (1861-1936). Schumann-Heink, barely remembered today, was widely known in the first third of the twentieth century. Born in Czechoslovakia, she became a U.S. citizen in 1908. Schumann-Heink became an internationally known operatic star and, perhaps most relevant, a tireless fundraiser for wounded veterans during and after World War I. Her efforts in that regard were so extraordinary that DAV bestowed its singular honor upon her nearly two decades later. (Despite her exalted status in the sphere of classical music, Schumann-Heink revealed herself to be a good sport by appearing, in 1915, in a silent movie with Fatty Arbuckle, the pie-throwing clown of early cinema.)

DAV adopted its first emblem pursuant to a provision in its 1920 Constitution. The emblem, which Marx designed and trademarked, uses an image of the conferring of knighthood in the middle ages (replacing the knight with a WW1 “doughboy.”) The image had originated with a government certificate presented to those wounded in the war. The name “Disabled American Veterans of the World War” encircles the image. The original emblem, slightly modified, was trademarked again in the early 2000's, the original filing having long since lapsed.

The federal charter was issued in 1932 and remains, for the most part, a replica of the 1920 Constitution. Significant additions have included (1) the grant of a statutory trademark on the name “Disabled American Veterans” (in 1932) and (2) a provision that upon dissolution, DAV's assets would revert to VA for the care of wounded veterans (in 2016).





Andy Marshall Department Adjutant

The National Defense Authorization Act (NDAA) of 2020 was recently passed by the House and Senate. In this Act, three new presumptive diseases were added to the Agent Orange Presumptive List. Included in the Act were Parkinson Like Tremors; Bladder Cancer and Hyperthyroidism.

If a veteran/widow/widower previously filed a claim for any of these three new presumptives, a new claim must be filed:

- If veteran has never filed a claim for any of the three new presumptives—VA Form 21-526ez will be required.
- If previously filed and denied, VA Form 20-0995 will be required.
- If previously filed and denied of denied appeal, VA Form 20-09966 will be required.

S.4867 - Accelerating Access to Critical Therapies for ALS Act

To direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

IN GENERAL.—The Secretary of Health and Human Services shall award grants to eligible entities for purposes of supporting research on, and expanded access for individuals to, investigational drugs for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis pursuant to an expanded access request submitted, and allowed to proceed by the Secretary, under section 561 of the Federal Food, Drug, and Cosmetic Act.

Still pending

VA Releases 2020 National Veteran Suicide Prevention Annual Report

WASHINGTON

The U.S. Department of Veterans Affairs released the [2020 National Veteran Suicide Prevention Annual Report](#), which found no significant increases in the Veteran suicide rate from 2017-2018, average suicide deaths per day or total count of Veteran suicides — however, there were positive trends related to VA health care and suicide prevention efforts overall.

Given that the Veteran suicide rate has continued to climb since 2005, it is promising to see these numbers may have begun to level off. However, we need to remain vigilant during the isolation and lack of connectedness that has accompanied the COVID-19 pandemic.

The report includes analysis of Veteran suicide from 2005-2018 and findings from ongoing monitoring of VA health system suicide-related indicators during the COVID-19 pandemic. To read more on this article click here <https://bit.ly/3qXhSqP>.



Adjutant's Column Continued

DAV calls for VA Secretary's removal in response to VA Inspector General report on "Senior VA Officials' Response to a Veteran's Sexual Assault Allegations"

*A statement from Randy Reese, Executive Director
of DAV's Washington Headquarters:*

After thoroughly reviewing the report issued last week by the Department of Veterans' Affairs (VA) Office of Inspector General (OIG), DAV (Disabled American Veterans) no longer has confidence that Secretary Wilkie can effectively lead the department and calls for his immediate removal.

DAV does not take this action lightly; but it is clear, based on the troubling findings and conclusions of the recent VA OIG report, that Secretary Wilkie's personal actions in response to a reported incident of sexual assault at the Washington, D.C. VA Medical Center, breached the trust of those whom he is beholden to honor and serve. Rather than swiftly investigating the sexual assault allegations and focusing on preventing future incidents, Secretary Wilkie and other senior VA leaders took actions to investigate and disparage the veteran who was assaulted.

The OIG report found that “...Secretary Wilkie made comments that questioned the veteran’s credibility or were otherwise denigrating to her...” and that, “Secretary Wilkie’s statements appeared to set the tone for VA officials’ attempts to focus the national media on the veteran’s background and credibility.”

The OIG concluded that, “Secretary Wilkie and other VA officials privately disparaged the veteran...” and that “The tone set by Secretary Wilkie was at minimum unprofessional and at worst provided the basis for senior officials to put out information to national reporters to question the credibility and background of the veteran who filed the sexual assault complaint.”

Furthermore, the OIG stated that its investigation was, "... hindered by the refusal of several senior VA officials to cooperate with requests for follow-up

interviews to clarify and resolve conflicts...”, most prominently Secretary Wilkie.

Time and time again, our organization has stated that changing the culture at VA must begin at the highest levels of leadership—that in order for VA to foster an environment where all veterans feel welcome and safe accessing their earned care, VA's top leaders must set the example and hold accountable anyone who violates this trust.

Based on the troubling findings and conclusions of the report, it is clear that from the onset, the Secretary's and other senior officials' handling of this case was at serious odds with the department's no-tolerance policy toward sexual harassment.

The Secretary's failure to meet this standard or hold others accountable undermines decades of work that advocates—including many VA staff—have done to bring an end to sexual harassment and assault throughout the department.

VA can and must do better.



Chapters visited by Department Line Officers & Adjutant Since Department Convention June 2020

4, 6, 11, 16, 18, Unit 18, 30 (x2), 38, 84, 90, 97, 109 (x2), 150, 158

Calendar of Events

January 1, 2021 New Year's Day



January 18, 2021 Martin Luther King Jr. Day



January 26, 2021 National Spouse's Day



Once again, Army snipers outshot Marines at USASOC's annual sharpshooting competition

The U.S. Army Special Operations Command International Sniper Competition brings around two-man sniper teams from across both the U.S. armed forces and foreign special operations forces for several days of fine marksmanship skills.

And yet again, Army snipers bested their fellow sharpshooters in the Navy, Coast Guard, and, uh, Marines.

Of the 21 teams that converged on Fort Brag from March 17-22 — including Naval Special Warfare, Marine Corps Scout Sniper, MARSOC, and Green Beret teams, among others — Army Times reports that the Marine Corps Scout Sniper team placed third behind the USASOC team, which placed both first and second.

Given the elite status and popular reputation of Marine scout snipers, such a defeat may seem shameful. But to be fair, Army snipers have owned the USASOC competition for the last several years: A two-man team from the 1st Special Forces Group (Airborne) emerged victorious in 2018 following the back-to-back wins for the 3rd Special Forces Group (Airborne) in 2017 and 2016.

Even so, the third-place finish at the USASOC competition has to sting just a little bit in light of some other recent defeats.

In May 2018, two soldiers from the 82nd Airborne Division took the “high shooter” and “high stalker” awards upon their graduation from Scout Sniper Course 1-18 at Camp Geiger on Marine Corps Air Station New River, Military.com reported at the time.

The following October, not only did the Marine Corps contenders at the 2018 International Sniper Competition at Fort Benning, culled from the Scout Sniper Instructor School, come in 10th to the 75th Ranger Regiment's victorious duo, but finished behind a team from the Coast Guard's Special Missions Training Detachment.



Florida Legislature to Convene in Early 2021

TALLAHASSEE – The 2021 Florida Legislative Session will kick-off in early January with a series of Interim Committee Weeks preceding the annual 60-day session, which begins March 2. The first of five weeks of pre-session committee hearings begins at the Capitol on Jan. 11, 2021.

The interim committee weeks in Tallahassee are Jan. 11-15, Jan. 25-29, Feb. 1-5, Feb. 8-12, and Feb. 15-19, 2021.

On the first day of the legislative session March 2, 2021, Governor Ron DeSantis will deliver a televised State of the State address.

The Florida Department of Veterans' Affairs is promoting two veteran-related bills in the upcoming session. One bill involves establishing uniform standards and procedures for Florida's growing network of Veteran Treatment Courts. Modeled after drug court treatment programs, veteran treatment courts divert eligible veterans and service members into treatment programs for military-related conditions or war-related trauma.

The second bill establishes the Florida Veterans' Care Coordination Program, which expands Florida's 2-1-1 Crisis Network and provides veterans and their families with dedicated behavioral health care referral services, primarily for mental health and substance abuse. Earlier versions of both bills were heard in the 2020 Florida Legislative Session but did not make it out of both chambers.

The two bills, and other veteran-related legislation which will be introduced in the coming months, can be followed by visiting the legislative page of the Florida Department of Veterans' Affairs at <https://www.floridavets.org/news/veteran-legislation/>.

The Florida Legislature meets in session every year for sixty consecutive days and is charged with providing a balanced budget annually. The 2021 Florida Legislative Session is scheduled to conclude on April 30.



A BILL S 2950

To amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, and for other purposes.

19. Concession of exposure to airborne hazards and toxic substances from burn pits

“(a) *IN GENERAL.*—For purposes of section 1110 and chapter 17 of this title, any veteran who, during active military, naval, or air service, was deployed in support of a contingency operation while so serving and as part of such deployment served in a covered location during a corresponding period set forth under subsection (b), shall be considered to have been exposed to the toxic substances, chemicals, and hazards listed in subsection (c).

“(b) *COVERED LOCATIONS AND CORRESPONDING PERIODS.*— (1) The covered locations and corresponding periods set forth under this subsection are as follows:

“(A) *Iraq and the following periods:*

“(i) *The period beginning on August 2, 1990, and ending on February 28, 1991.*

“(ii) *The period beginning on March 19, 2003, and ending on such date as the Secretary determines burn pits are no longer used in Iraq.*

“(B) *The Southwest Asia Theater of operations, other than Iraq, and the period beginning on August 2, 1990, and ending on such date as the Secretary determines burn pits are no longer used in such location, including the following:*

“(i) *Kuwait.*

“(ii) *Saudi Arabia.*

“(iii) *Oman.*

“(iv) *Qatar.*

“(C) *Afghanistan and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Afghanistan.*

“(D) *Djibouti and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Djibouti.*

“(E) *Syria and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Syria.*

“(F) *Jordan and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Jordan.*

“(G) *Egypt and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Egypt.*

“(H) *Lebanon and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Lebanon.*

“(I) *Yemen and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Yemen.*

“(J) *Such other locations as are set forth by the Airborne Hazards and Open Burn Pit Registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 ([Public Law 112–260](#); [38 U.S.C. 527](#) note) and corresponding periods set forth in such registry.*

“(K) *Such other locations and corresponding periods as the Secretary, in collaboration with the Secretary of Defense, may determine appropriate in a report the Secretary of Veterans Affairs shall submit to Congress not later than two years after the date of the enactment of the Veterans Burn Pits Exposure Recognition Act of 2020 and not less frequently than once every two years thereafter.*

“(2) *A location set forth under this subsection shall not include any body of water around or any airspace above such location.*

Adjutant's Column Continued

(d) MEDICAL EXAMINATIONS AND MEDICAL OPINIONS.— (1) If a veteran described in subsection (a) submits to the Secretary a claim for compensation for a service-connected disability with evidence of a disability and service in a covered location and corresponding period set forth under subsection (b) and such evidence is not sufficient to establish a service connection for the disability, the Secretary shall provide the veteran with a medical examination and the Secretary shall request a medical opinion as to any causal link between the disability and a toxic substance, chemical, or hazard set listed in subsection (c).

“(2) When providing the Secretary with a medical opinion requested under paragraph (1), the provider shall consider the total potential exposure through all applicable military deployments, and the synergistic effect of all combined toxic substances through inhalation, dermal exposure, and ingestion.

“(e) DEFINITION OF BURN PIT.—In this section, the term ‘burn pit’ means an area of land that is used for disposal of solid waste by burning in the outdoor air.”



The origins of “Taps,” the distinctive bugle melody played at U.S. military funerals and memorials and as a lights-out signal to soldiers at night, date back to the American Civil War. In July 1862, U.S. General Daniel Butterfield and his brigade were camped at Harrison’s Landing, Virginia, recuperating after the Seven Days Battles near Richmond. Dissatisfied with the standard bugle call employed by the Army to indicate to troops it was time to go to sleep, and thinking the call should sound more melodious, Butterfield reworked an existing bugle call used to signal the end of the day. After he had his brigade bugler, Private Oliver Wilcox Norton, play it for the men, buglers from other units became interested in the 24-note tune and it quickly spread throughout the Army, and even caught on with the Confederates.

Not long after Butterfield created “Taps,” it was played for the first time at a military funeral, for a Union cannoneer killed in action. The man’s commanding officer, Captain John Tidball, decided the bugle call would be safer than the traditional firing of three rifle volleys over the soldier’s grave, a move which couldn’t been confused by the nearby enemy as an attack. As for the name “Taps,” the most likely explanation is that it comes from the fact that prior to Butterfield’s bugle call, the lights-out call was followed by three drum beats, dubbed the “Drum Taps,” as well as “The Taps” and then simply “Taps.” When Butterfield’s call replaced the drum beats, soldiers referred to it as “Taps,” although this was an unofficial moniker, according to “Taps” historian and bugle expert Jari Villanueva.

He notes that Butterfield’s bugle call was officially known as “Extinguish Lights” in American military manuals until 1891. Since that time, “Taps” also has been a formally recognized part of U.S. military funerals.

