

OFFICERS 2014

<u>Commander:</u>	Brian Mitchell 321-254-9605	<u>Judge Advocate:</u>	JoAnn Jackson
<u>Sr.Vice Cmdr:</u>	JoAnn Jackson	<u>Legislative Officer:</u>	Earl Mason
<u>Jr.Vice Cmdr:</u>	Rafael Rodriguez	<u>SGT at Arms:</u>	Ronald Butt
<u>Adjutant:</u>	Jim Daniel	<u>Officer of the Day:</u>	Campbell Love
<u>Treasurer:</u>	Jim Daniel	<u>Newsletter editor:</u>	Anita Theriault
<u>Chaplain:</u>	Leisa Todero	<u>Printer:</u>	Rusty Rutstein 321-723-9925

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Service Officers

Earl Mason, Brian Mitchell, Henry Merckson, JoAnn Jackson, Rafael Rodriguez, Jim Daniel, Louis Velez, , Henry Stallings

J.L. Golightly – Chapter #32
2265 North Harbor City Blvd
Melbourne FL 32935-6653
321-259-4827



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FALL 2014
SERVICE HOURS – MONDAY & WEDNESDAY 9AM – 1PM
E-mail: info@FLDav32.org Website: WWW.FLDav32.Org.

BOOSTERS

Donations from our DAV Boosters help defray the chapter costs. The donation will be \$10.00 annually; you may use the form below for the newsletter or booster donation. Check boxes indicating what you are donating for -Thank you.

BOOSTERS 2014

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NEWSLETTER

Please send the coupon below and your check for \$10 to subscribe to our newsletter. If you're due for renewal, don't forget to do so. If you have anything for the newsletter let us know.

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J.L. GOLIGHTLY CHAPTER #32
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TAPS

Since our last newsletter, the following comrades have passed:

Andrew Blizman	Neil Carson	James Dickie	Hubert Dickinson
Irving Feingold	Dennis Gardner, Jr.	Chester Gardocki	Bennie Hopkins, Sr.
Norman Logan	Cecil Lovett	Morrison MacLeod	Robert Parrish
Louis Schifano	Louis Sirois	Ernest Wuerz	

COMMANDER'S CORNER

Well, here we are at the end of another summer in Florida and I hope that yours worked out at least as well as mine. For the first time in memory I got through the vacation in New Hampshire without a trip to an ER or urgent care center, YAY! Oh, there were the usual injuries to the wallet and credit cards but nothing that we can't fix before we do it all again next year.

Shortly before I departed for the summer, the Chapter donated a retractable awning to the National Services Office in St. Petersburg for the mobile service office. Many a time they have to set up in an area where there is no building or other shade for the people waiting for services, like when they are at Wickham Park for the Veterans' reunion. Now they have shade and rain protection installed on the vehicle.

While I was gone, the chapter building received new, changeable signs on each end. This was an initiative from our Adjutant and will help passers-by know what we do here and when we do it.

We did lose a few of our members over the summer (see TAPS). Every year we have a recruiting drive to replace those we have lost and we made our goal every year for as long as I can recall. Our goal this year is 36 new, full-life members and the last report that I saw showed us having seven of them. We also have 69 part-life members. These are the folks who have made an initial payment and are, we hope, making the quarterly payments toward the full-life payment. Some of these members owe as little as \$40 to complete their payment, and anyone who completes their payment plan will count against our goal, as far as I know. If you happen to be one of these members, maybe you could see your way clear to pay out your membership. It will be appreciated.

If you haven't figured it out by now, we have an election coming up this fall. By the time this gets to you the primaries will be done with and the final slate of candidates will be set. The right to vote is one of the most important things in this country and I am often disappointed when I see how few of our citizens even bother. The State has done lots of things to make it easy for us to participate, from early voting to absentee ballots to numerous polling places. I'm not going to tell you who to vote for but one of my discriminators has always been: is the candidate a veteran? Somehow my tiny, little brain equates this with support for veteran programs. If the candidate is an incumbent I ask: what is their record on veterans issue? So, please, vote if you can.

Veterans Day is coming in November and, as usual, the Golden Corral in your area will be having the Veterans Appreciation Monday, probably on the 10th. Your Chapter will be hosting the one in Palm Bay and also soliciting donations from the attendees to support our service work here. If everyone getting a free meal would consider dropping a quarter of what they save in our bucket, we would do quite well. See you there.

MEETINGS

We have started our new meeting year and hopefully we will get more of you to attend. General membership meetings are on the 4th Wednesday at 1930, except in November and December, which will be on the 3rd Wednesday. We need more participation; more than the 1% of membership that manages to show up. (That's 12 out of more than 1200 for those doing the math.)

ELECTIONS

Election of officers will be in March and we, more than likely, will be needing some candidates for a few key positions. A very few of us have been carrying the load of keeping your Chapter up and running and every one of these people is also serving as a Chapter or Department Service Officer. Volunteering is rewarding but it does take its toll, physically and emotionally and it would be nice to spread the load around a bit more. At this time I would just ask that you think about what it is that you are doing with your spare time and could a few hours a month be re-directed to helping your Chapter. (You get to have your name on the menu board in the building and on the title page of the newsletter, too!)

IMPORTANT NOTE FROM THE NATIONAL SERVICE OFFICE

In as much as the VA is attempting to become a paperless organization, they are beginning to advise our clients to submit their claims, evidence and/or other paperwork directly to one of the Centralized Mail Centers.

If this process is followed by our clients, then we will not have the opportunity to review their claims, evidence or other paperwork for accuracy and completion.

Many veterans have *Ebenefits* accounts which allows us to review their *Ebenefits* account if we hold POA. In some cases, we submit the completed dependency claims and 526EZs through the Stakeholder Enterprise Portal (SEP) which automatically uploads the forms and attached evidence directly into the client's electronic folder and the "end product" is established simultaneously. When dependency claims are submitted through SEP, the dependent is added and payment is included in the next monthly check.

Please advise our clients that if they send their claims, evidence, or other paperwork directly to the Centralized Mail Unit then we will not be able to review their claims and/or evidence prior to submission to VA.

--Andy Marshall, Supervisor, St. Petersburg DAV National Service Officers

REMEMBER, as we have said all along, contact us whenever you have something to send to the VA, so, that we can make sure that it is complete and in the correct format. This also insures that our NSOs in St. Pete have a chance to make doubly sure that it is right before it goes into your file. This is the "ounce of prevention". Those of you who have had to file an appeal because of a less than perfectly prepared claim know what the "pound of cure" is.

Stakeholder Enterprise Network:

The Stakeholder Enterprise Portal (SEP) is a secure, web-based, access point for VA's business partners. This portal helps Veterans Service Organizations (VSOs) and other external VA business partners to represent Veterans more quickly, efficiently, and electronically. Starting in Summer 2014, VSOs will have the option to submit Veteran claims through SEP. This feature will provide VSOs with quick and efficient use of SEP, bypassing the step where Veterans must sign-in to eBenefits to submit the VSO prepared claim.

PLEASE SEE NOTE FROM NATIONAL SERVICE OFFICE ABOVE.

Wheelchairs, etc.

We still have a number of manual wheelchairs, in good condition, should anyone have a need for one.

We, also, still have a small fleet of power chairs, including;

Metris – needs batteries

Pride Jet 7 – probably needs batteries

Jazzy – needs batteries

Jazzy Select 6 – has new batteries

Hoveround – needs batteries

Quantum 600 – multifunction seat – original cost more than \$25k – needs batteries

Quantum 1650 – multifunction – needs batteries – original cost more than \$45K (Chair for really large person)

Permobile Chairman Entra – multifunction seat – needs control cable

Invacare MK IV A – older chair -needs batteries and cleaning

The four small chairs take two batteries apiece which cost between \$80 and \$90 each

The larger chairs use group 24 batteries which run around \$160 each

- These chairs, as is, are available at no cost to members and families, and to veterans who are not members. If desired, we can get the new batteries, saving you the sales tax and would only want to be reimbursed our cost for them.

- We also have two “derrick” type scooter lifts, the kind that mounts in a pickup bed or inside the side door of a minivan.

DONATIONS

Some of you are actively engaged wage earners. A number of employers have things like the United Way annual drive that people use to donate to favorite charities. If you see DAV, chances are it is the national organization and not your chapter. If you want US to get your donation, make sure that you can designate Florida Chapter #32 on your gift. Thank you.

ORLANDO VAMP

Acting VA Secretary Sloan Gibson has approved a request to keep the Lake Baldwin site open. The request was made for several reasons, most importantly, because of patient load growth. While the exact construct of the services has not been confirmed, information will be provided as it becomes available concerning the planning initiative.

SERVICE REPORT

We had a busy summer in the service office. We served 162 clients in May, 121 in June, 102 in July, and 84 in August. For May, June, and part of July we maintained a two day per week schedule, switching to one day until early September. Two of our service officers also volunteered to assist DAV office at the Viera clinic during their staffing shortage. Our folks also logged nearly 600 hours in the Local Volunteer Assistance Program during these four months.

With the return of our Commander from his northern sojourn, Lou Velez, from the brink, and Henry Stallings from his far western tour, we are back to full strength and open on our usual Mondays and Wednesdays, federal holidays excluded, until next summer.

Remember, we are here to assist you with your VA Claims, from initial submission through appeal, if necessary. You don't need to do it yourself, and as noted elsewhere in this newsletter, probably shouldn't.

BILL BOOSTS VA SURVIVOR PAY - DIC will match federal programs.

On May 21, Rep. John Tierney (D-Mass.) introduced H.R. 4741, the Surviving Spouses Benefits Improvement Act. The bill would increase Dependency and Indemnity Compensation (DIC) payments a surviving spouse receives from the VA when a service-member or veteran dies from a service-connected cause.

Under current law, an eligible surviving spouse receives \$1233 a month in DIC. The amount is based off 43 percent of the basic compensation for a veteran with a 100-percent disability rating. H.R. 4741 increases that percentage, consistent with other federal employee programs. If enacted, the new DIC rate would be \$1572 a month.

The bill would exempt the increase in DIC payment from the unfair offset for survivors eligible to receive both DoD Survivor Benefit Plan (SBP) annuity and DIC.

Full elimination of the SBP/DIC offset remains a top legislative goal of MOAA and The Military Coalition.

IMPORTANT NOTICE ABOUT ELECTRONIC CLAIMS

If you or someone you know started a claim through eBenefits since early 2013, remember that those claims expire if not completed and submitted within 365 days. As thousands of claims face expiration, DAV wants to remind you that we have nearly 280 National Service Officers (NSOs) nationwide who are ready to help veterans and families obtain earned benefits.

VA's electronic claim submission process lets veterans start a claim online with limited information, allowing 365 days to collect data, treatment records, and other related information.

During that year, a veteran may add data or upload documents pertinent to the claim. At any point in that year, a veteran may click "submit" and a claim will be established.

But after 365 days, any data in an incomplete claim becomes inaccessible and the initiated claim date is removed from the system.

There are many reasons to seek DAV's help with a claim.

DAV services are 100% free, and they're provided by the most highly trained and experienced representatives in their field. All of them are veterans with service-connected disabilities.

DAV NSOs have the expertise to make sure the right information is gathered and properly submitted.

DAV needs to know if you or someone you know has had problems filing a claim or obtaining information to complete a claim.

We're here and eager to serve our fellow veterans, but we need to be in communication with the claimant.

ALUMINUM CANS

We are still collecting aluminum cans for recycling and annually realize about six or seven hundred dollars from this effort, which helps with Chapter expenses. While the majority of cans are soft drink and beer cans, others such as Spam and some pet food cans are also aluminum and are acceptable. All we ask, for the benefit of the disabled vets opening the bags at the recycling center, is that you rinse the pet food cans out before bagging them as they can become a bit “ripe” during the time they spend in our shed awaiting the trip to the center. Please remove any paper labels.

.....Thanks

GOOD NEWS FOR DEPENDENCY CLAIMS;

New technology automates Veteran's requests to update family member status. When a Veteran files a Dependency Request via electronic claim submission, the Rules Based Processing System (RBPS) goes to work behind the scenes. RBPS uses a predetermined list of check boxes to grant the benefit. When all boxes are checked, the VA automatically grants the benefit, sending the Veteran a letter and depositing money his/her account. If, for any reason, the system is not able to check all of these boxes, the system sends the request to one of the VA's Veteran Service Representatives (VSR), who processes it manually. RBPS is designed to ensure that, when something is in question, a human – not a computer – makes the final determination. When a request is referred to a VSR, the VSR will be notified exactly why RBPS could not check every box, so he or she does not have to start from scratch.

For the requests where RBPS is able to process automatically from start to finish, the process should take only days. If the system has to refer it to a VSR, it will take closer to the normal processing time.

Veterans who have at least a thirty percent (30%) combined VA Disability Rating **are encouraged to use electronic claims submission to:**

- * add a spouse.
- * add a child (or stepchild) under the age of 18
- * add update the status of a child (or stepchild) who is 18 to 23 years old and is enrolled in an educational institution approved by the VA

Do you have a new or pending request to update a family member's status? To submit a request, log into your premium e-Benefits account and hover your mouse over the ***Apply for Benefits*** tab. Click on ***Add Depend.*** An interview-style questionnaire will launch to guide you through the process of making changes to your family member status. Remember, the Veteran must be receiving compensation at a combined rate of at least thirty percent (30%) in order to receive added payment for family members.

<http://www.ebenefits.va.gov/ebenefits-portal/ebenefits.portal>

Veterans Benefits Administrations Processes One Millionth claim in FY2014

Washington – The Department of Veterans Affairs (VA) today announced that the Veterans Benefits Administration (VBA) has completed its one millionth disability claim in fiscal year 2014, and is on track to complete more than 1.3 million claims this year – ensuring that nearly 200,000 more Veterans will receive decisions on their disability claims than fiscal year 2013. Since 2011, VBA has been implementing the largest transformation in its history, fundamentally redesigning and streamlining the way it provides benefits and services to Veterans, their families and survivors.

“VBA has made significant progress toward eliminating the backlog, but there is more work to be done to reach our goal of processing claims within 125 days at a 98% accuracy level in 2015.” said Allison Hickey, Under Secretary for Benefits. “VBA's employees, half of whom are Veterans themselves, believe that Veterans should not have to wait for the benefits they have earned and deserve. While we work to drive down the

backlog of disability claims, we must also improve productivity on other categories of non-rating work.”

In the past four fiscal years, VA surpassed one million completed claims by the end of each year. Passing the one-millionth mark this year in early July represents major progress in providing more Veterans and their family members with timely, accurate decisions. VBA has reduced the claims backlog by more than 55% from its peak of 611,000 in March 2013 – and Veterans with pending claims have been waiting, on average, 128 fewer days for a decision on their claim. At the same time, the accuracy of rating decisions continues to improve. VA's national “claim-level” accuracy rate is currently 91% - an eight percentage point improvement since 2011.

These rating decisions often determine eligibility for other VA benefits and services, including non-rating claims, which are tracked and managed in other categories on the Monday Morning Workload Report. The categories also have increased as more rating claims are completed, but VBA has not lost focus on non-rating work. VBA has taken the following actions to automate and improve the timeliness and accuracy of non-rating claim decision:

- * **Online Dependency claims** – VBA developed a new Rules-Based Processing System (RBPS) to automate dependency claims. Since inception, self-service features in RBPS have enabled over 75,000 Veterans to add or change the status of their dependents online. Over 50 percent of the dependency claims filed through RBPS are now automatically processed and paid in 1-2 days.
- * **Dependency Claims Contract** – VA recently awarded a contract for assistance in entering data from paper-based dependency claims into VA's electronic rules-based processing system. The contractor is entering the information from the paper-based dependency claims just as a claimant would enter information if filing the claim online. The contract calls for 40,000 dependency claims to be processed per month when operating at full capacity. The contractor is currently ramping up to that capacity.
- * **Up-front Income Verifications for Pension** – A new, data-sharing initiative with the Social Security Administration and Internal Revenue Service enables VBA to verify the income of pension applicants before awarding benefits and eliminates the annual income reporting requirement for pension beneficiaries.
- * **Burial Claims** – VBA published a new regulation, effective July 7, 2014, that allows automatic payment of the one-time burial allowance to a Veteran's spouse without requiring the surviving spouse to apply for the benefit. Under this new regulation, as many as 62,000 surviving spouses will now receive timely burial benefits each year.
- * **Drill Pay Adjustments** – Veterans cannot legally receive VA benefits and drill pay concurrently. VBA is working to streamline and automate the drill pay offset process through an upfront agreement from National Guard and Reserve members.
- * **National Call Center Initiative** – Effective July 14, employees at the St. Louis and Phoenix National Call Centers are now also processing dependency claims. The initiative begins on July 14 at St. Louis and Phoenix Regional Offices and will be expanded to all of our Call Centers shortly thereafter.
- * **Hiring Temporary Employees** – VBA is in the process of hiring 200 temporary employees, who will be provided specialized training in processing the less complex non-rating claims and work actions.

VBA posts data on the disability claims backlog, the non-rating workload, and other publicly available data on our performance on a weekly, monthly, and annual basis through our reports web site:

www.vba.va.gov/reports.

Disclaimer: The Disabled American Veterans, J.L. Golightly, Inc. Chapter #32 publishes this newsletter as a service to its members as well as a public information service on Veteran's Affairs. The contents do not reflect the views or opinions of the membership, the Chapter officers or National parent organizations of the DAV.

BREVARD COUNTY

TAX DISCOUNTS FOR VETERANS WITH A SERVICE-CONNECTED DISABILITY:

Disabled Ex-Service member; \$5,000 Exemption

A Florida resident who is honorably discharged and is disabled at least 10% in war or by service-connected events, may be entitled to a \$5,000 exemption on any one property owned.

Discount for Veterans 65 and Older with a Combat-Related Disability

An honorably discharged ex-service member who is disabled, 65 or older, and owns homestead property, may qualify for a property tax discount based on their percentage of disability. To be eligible, you must have been honorably discharged from military service and be partially disabled with a permanent service-connected disability, at least part of which is combat-related. This discount is in addition to any other exemption veterans now receive.

Service-Connected Total & Permanent Disability Exemption

An Honorably discharged ex-service member totally and permanently disabled due to a service-connected cause and has a certificate from the United States Government or a letter from Veterans Affairs may be exempt from paying all ad valorem property taxes. This exemption applies to homestead property.

A DD-214 and a letter from the Veterans Affairs Administration stating your percentage of "Service-Connected Disability" must be included with your application.

ARE YOU 65 OR OLDER?

You may qualify for additional tax savings if:

- * You qualify for a homestead exemption and;
- * You are at least 65 years old on January 1st and;
- * Your household adjusted gross income did not exceed \$27,994 in 2013.

Other exemptions are also available for homeowners. Visit your website at www.BCPAO.us and select 'Exemptions' or call 321-264-6700 and speak with a representative for information on how you can apply for additional savings.

WISH LIST

We got a lot of things done over the past two years, especially when we had the Home Depot crew on site. There are still several things needing attention, some more urgent than others;

The Chapter trailer needs its floor replaced and could use a fresh paint job.

The A/C ducting in the attic has leaks in it that need sealing.

The main electrical panel needs to be "rung out" and relabeled.

The doors and jambs for the service offices need to be sanded and varnished.

A re-do of the landscaping around the building would be nice as would an irrigation system for the "island" that the building occupies. (There is a small, free-flowing artesian well at the north end which might have adequate flow for this.)

The dishwasher in the kitchen needs to be repaired (probably just needs a fill valve.)

The old barbeque, now used for flag retirement, needs to be shoveled out and the ashes disposed of. (Can be put in the green waste bins for pickup.)

If you or anyone you know has the skills to do any of the above, contact us at the Chapter home. Donations of time and materials are greatly appreciated.

WHAT ABOUT ATTORNEYS AND THEIR FEES?

On dealing with attorneys, VA claims and fees – For weal or woe, the United States Court of Appeals for Veterans Claims (CAVC) is now twenty-five years young, or old, depending on your point of view. As promised at the outset, and delivered year after year, DAV has been the most prominent veterans service organization at CAVC since its inception.

Many veterans remain confused about the role of attorneys in the VA claims process now that judicial review has become a fully integrated part of the benefits adjudication system. This newsletter attempts to answer some of the more commonly asked questions.

Is there any good reason to use an attorney (and not DAV) to represent me at VA? There may be a good reason to engage a lawyer instead of DAV. However, we have not yet found that reason.

Weren't attorneys barred from representing veterans at VA for a long time? Attorneys were never so barred. For more than 150 years, there has been some kind of limitation on the fee that an attorney can charge a veteran. The limitation has eased considerably in recent years, but it is still there and is still meaningful.

Can an attorney charge me for filing an initial claim? No. The pertinent statute clearly states that no fee may be charged for representation on any claim until the filing of a Notice of Disagreement (NOD) following an initial adverse decision. There is, however, a VA General Counsel opinion stating that attorneys may charge a fee for pre-filing consultations that occur prior to an initial claim for benefits. Some lawyers may use this as a way of skirting the no-fee rule. *This is just one of many reasons to use DAV's outstanding service officers for representation in all matters before the VA, whether on initial claims, appeal, or remand.*

How much can the attorney charge me? The fees “may be based on a fixed fee, hourly rate, a percentage of benefits recovered or [some combination thereof].” In addition, the fees must be reasonable. VA presumes that the fees up to 20% of past-due benefits are reasonable and that fees in excess of 33 1/3% of past-due benefits are unreasonable. Fee agreements for representation at VA must be filed with the Office of the VA General Counsel.

Will VA pay my lawyer directly out of past-due benefits? The VA will do this only if a properly-filed fee agreement that you and your attorney have signed authorizes it and, even then, only if the fee is limited to 20% of due benefits and when the fee is purely contingent (“no win, no pay”) obligation. This direct-payment provision is favored by attorneys and is probably the single most influential factor in the limitation of attorney fees.

What about representation at the Board of Veterans Appeals? The BVA is part of the VA and the same rules apply.

Do the fee rules change if I must appeal my case to the United States Court of Appeals for Veterans Claims? An attorney fee agreement for representation at CAVC must be filed with the court. Generally speaking, the same type of fee arrangements that are permitted at VA are permitted at the court. In both venues, the overarching requirement is that the fee be “reasonable”. At the court it may be possible for appellants (veterans) to recover attorney fees from the government if it turns out that the government's position that lead to the appeal (I.E., the denial of benefits) was “substantially unjustified”. This fee recovery takes place pursuant to the “Equal Access to Justice Act” (EAJA). Many attorneys will take a veteran's case to CAVC and agree to work only for the EAJA fees, should they be awarded.

The bottom line is that you must read any attorney fee agreement very carefully. Get help from a third part if there is any aspect of the agreement that you do not understand. (By the way, DAV cannot be the third party.) When you sign a fee agreement, you enter into a binding contract that can be very difficult, if not impossible, to nullify.

For the whole article go to: <http://www.davmembersportal.org/fl/default.aspx>