



Department of Florida August 2019 Newsletter



Top Left Department Adjutant Andy Marshall presents plaque to Danny Burgess, ED FDVA for the Florida Veterans Foundation donation of \$65,000 for Department's transportation Program
 Top right Past National Commander Jim Sursley Welcomes Delegates to the DAV National Convention
 Bottom Left Past Department Commander John Markiewicz receives George Seal Award as DAV's Outstanding Volunteer
 Bottom Right Newly Elected Auxiliary National Commander Diane Franz and Newly Elected National 1st Junior Vice Commander Andy Marshall

Department Commander Thomas Ayala



This was my first month as your Department Commander and it began by me attending the Commanders and Adjutants Training at Covington, KY. and visiting one chapter. Unfortunately, I also attended two funerals for two of our Heroes.

During the Commanders and Adjutants Training, I definitely learned many new things in which I did not know about the DAV. I also got to see many of our PNCs **YOUTH** photos hanging in the Hallways at National Headquarters. That was definitely a funny site to see. While at National Headquarters, I got to meet most of the Department Commanders and some Sr. Vice Commanders. The training I received was great.

The first funeral I attend was for one of our members from Sgt. Bradley S. Crose #38 located in Orange Park. Mr. William Stewart was a Navy Sr. Chief who volunteered at Lake City VA Bingo with Chapter 38, along with his wife (Betty) and his son (Bill). Mr. Stewart was hospitalized in December 2018 and released three months later. While in the hospital, he would ask the Doctors when he will be released because he had to go volunteer at Lake City VA Bingo. Mr. Stewart had difficulties walking due to his health, but would always make time for the veterans at Lake City VA.

The second funeral I attended was for one of our members from Jacksonville Chapter 1. Mr. Thurman Dubberly was a retired Marine and a long-time Chaplain of Chapter 1. Up to three years ago, he would volunteer to mow the grass at the Chapter. During our Thanksgiving and Christmas Dinners at the Chapter, Mr. Dubberly would always have his metal tray ready to be filled up and eat. He would always volunteer during the Forget-Me-Not Fundraisers and try to talk to everyone coming through the doors about DAV.

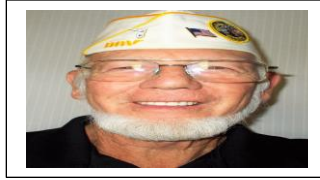
May you both Rest in Peace and NEVER be Forgotten.

The Department Line Officers will continue visiting Chapters. If you would like a Department Line Officer attend a Chapter Event, please notify Andy Marshall (andy@davfla.com) so he can assign an Officer to attend. I will try to visit EVERY chapter I can possibly visit. I have a travel plan for each area of Florida so I will not miss any Chapter. Looking forward to visiting you. Remember, we are here to assist you in any way.

Please continue to submit your Chapter LVAP hours. I understand some chapters do not meet during July and August but should still submit your hours. Also, please register on VolunteerforVeterans.org. This is another way you or anyone in your Chapter can help veterans in your area.

Our National Convention is here and the Department of Florida will be well represented. I hope to see many of you there for the comradery, meet new friends, and to show support for our own DAV National Second Jr. Vice Commander Andy Marshall and DAVA Senior Vice Commander Diane Franz, who are seeking higher office. Best of Luck to both of you.





Department Senior Vice Commander Duane Godfrey

I would like to thank you for all the support at the Department Convention and for allowing me to serve as your Department Senior Vice Commander for the year 2019-2020. I will try to meet and/or exceed your expectations in this important position.

This is a month of travelling for me and my wife, Lucy. We went to North Alabama to visit family and friends and while there, attended the chapter meeting for Chapter 51 in Athens, Alabama. I had the opportunity to speak to some of the chapter members and find they are on a rebuilding mission to rebuild their membership base. The chapter meets in a very nice building that needs a lot of updates and repairs. They are conducting fund-raisers and membership drives almost every weekend at Tractor Supply and other events. They also are conducting outreach to assist veterans in their community. It was nice to see how other chapters in other states go about their business as a leader in their community.

Many of our chapters do not meet in July or August. Once the National Convention is over we will begin visiting chapters as line officers hit the road. A reminder that if you wish for a line officer or Department Adjutant to visit your chapter, please contact our Department Adjutant at andy@davfla.com.

Don't forget that we have a challenge for each member to recruit at least one member before our January Mid-Winter Conference. I signed up as new member for Chapter 51 in Alabama while I was visiting the area.

A reminder to make your reservations for the Chapter Service Officer's Certification Training and Mid-Winter Conference. Rooms are going fast. Every chapter should have a representative attend the Mid-Winter Conference. Training is held for chapter officers during the Mid-Winter Conference.

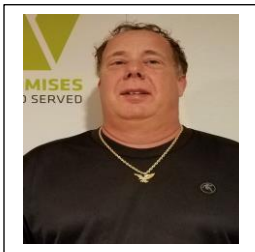
Important Update regarding Columbia Trust Grant Applications

In a letter to Department Commanders & Adjutants from the President of the National Service Foundation, Art Wilson, the Columbia Trust has implemented some changes which will be incorporated in the 2020-2021 membership year. The most significant change impacts the time in which grant applications may be submitted to the Columbia Trust. Effective the 2020-2021 membership year, **grant applications will only be accepted during the period of March 1-June 30, 2020.** For the 2019-2020 membership year, applications will be accepted from July 1-October 1 to allow for the adjustment period.

Additionally, each chapter/Department applying for financial assistance must have its Annual Financial Report (AFR) from the prior year approved by DAV National Headquarters before requesting a grant. For example, to submit a grant for the 2019-2020 membership year, the 2017-2018 AFR must be approved. The change in the membership year requirement of the AFR will allow chapters time to review and prepare its upcoming budget to determine if financial assistance will be needed to sustain operations for the year.

For questions related to the Columbia Trust grant APPLICATION PROCESS AND ASSOCIATED GUIDELINES, PLEASE CONTACT THE Foundation's business office via email at nsf@dav.org or phone (859) 441 7300, Option 6, then press 2.





Department Junior Vice Commander John Raber

I would like to take the time to talk about chapters having an Honor Guard. It is very rewarding being able to give a veteran the proper ceremony that he deserves due to his faithful and honorable service to his country. And it is just as important that when there is a memorial for either the veteran or member of the Auxiliary that everyone attends. We just recently had a homeless veteran who was being buried at the national cemetery in Sarasota no relatives, the Honor Guard was ask to do the service and someone put in on Facebook and Twitter at the cemetery to our surprise 350 people showed up. This was amazing. How would this work in a chapter for your own members if you had a newsletter? Not only for funerals but to get out Chapter information, especially meeting times. I also would like to visit your chapter and attend one of your meeting just to see and get new ideas maybe you're doing something other chapters may be interested in or you may like what mine is doing. As always, I want to thank you for trusting in me to be your voice in the Great State of Florida. My email is Johncraber@aol.com.

Recently at the DAV National Convention, the delegates passed two changes to the DAV's National Constitution & Bylaws. The first amendment was to change the amount from \$10,000 to \$25,000 income a chapter receives minus per capita membership dues for chapters to submit a copy of their Annual Financial Report to National Headquarters.

The second amendment to the National Constitution & Bylaws was to increase the Life Membership dues to a set amount of \$300.00 for every new member. However, it will be the beginning of the year before the change in membership dues becomes effective. Therefore, chapters should advise prospective members that they should become a DAV member

before the new membership dues increase takes effect. This is a good recruitment tool to entice prospective members to become members now.

A reminder that time is running out to book your reservations for the upcoming Chapter Service Officer Certification Training to be held at the Lake Mary Marriott beginning Tuesday, January 7, 2019 at 1:00 pm. Department Adjutant reported that only 14 rooms were available for Tuesday 7; 26 rooms available for January 8; 27 rooms available for January 9; 20 rooms available for January 10 and only 2 remaining for Saturday night, January 11.

The Marriott has arranged for an overflow hotel at the Marriott Courtyard but the rate is somewhat higher and no free breakfast buffet like at the Marriott.

7 rooms on Monday 15 room on Tues, Wed, and Thursday
Friday would be subject to availability
Rate is \$105.00.

The DAV National Convention was a huge success. Department DAVA Adjutant Diane Franz was elected DAVA National Commander and DAV Department Adjutant Andy Marshall was elected DAV National 1st Junior Vice Commander. Congratulations to both our Department Adjutants.

Don't forget that the theme for DAV & DAVA Testimonial Dinner at our January Midwinter Conference will be television characters. Dress like your favorite television character. Prize will be awarded for the best dressed DAV and DAVA member.





Department Chaplain Chip Hanson

Freedom is a powerful word. To some, it means independence while to others, it means the ability to act and speak freely—or to go where they wish to travel.

Stewardship is a theological belief that humans are responsible for the world, and they should take care of it. Believers in stewardship are usually people who believe in one God who created the universe and all that is within it. It is my firm belief that without stewardship we of the United States would not share the freedom we have today.

Remember what President John F. Kennedy stated at his inaugural address in January 1961, " (m)y fellow American's, ask not what your country can do for you, ask what you can do for your country."

It is also my firm belief that without Stewardship, we as Veterans would be worse off today. Through our efforts, we as an organization have kept benefits for all our Veterans and our government in check.

So, I ask all who read this newsletter to be Stewards, by donations, volunteering, or just attending meetings.

1 Peter 4:10

As each has received a gift, use it to serve one another, as good stewards of God's varied grace.

Inasmuch as there is some space left in the Chaplain's column, the following information is included in his column.

Our Department Commander has placed a high priority on issues affecting Women Veterans. He has appointed Lynn Geiser as Chair of the Women's Veterans Committee. Also appointed was Catherine LaValle.

She has already launched a website on Facebook----
Florida DAV Women Veterans

<https://www.facebook.com/groups/890229988003500>.

Thus far over 25 Women Veterans have joined the group. There are approximately 144, 000 Women Veterans in the State of Florida. Typical obstacles include (1) Filing disability claims; (2) Medical concerns; (3) Identifying as Women Veterans; (4) Struggling with Military Sexual Trauma and/or Harassment and, (5) Providing outreach to reach Women Veterans.

For further information, contact Lynn Geiser at (920) 471 0244 or email LynngeiserDAV@gmail.com.





John Markiewicz Department Judge Advocate

By the time you have the opportunity to read this those of us who attended the DAV National Convention will have returned home or moved on to other summer travels and vacations. By now your Chapter Treasurers should be preparing to send in their Annual Financial Reports. You all were afforded the opportunity to attend a Webinar online this July which provided detailed instructions, however, if you missed it you can still view this very informative Webinar at <https://youtu.be/F-OUpJVe-gw> I am including the general filing requirement information below.

All departments and chapters are required to use the revised Annual Financial Report form (901308–Rev 6/19) provided by National Headquarters (National). Each line listed on this form provides a description of what is to be reported on that specific line. Alterations (scratch outs) of these lines are not acceptable. This means that the category listed for a specific line (e.g. Line 3. Bingo Income) cannot be scratched out and replaced with a different category (e.g. Raffle Income).

Accounting Year: July 1 – June 30 for all departments and chapters as provided in the National Bylaws.

Due Date: By September 30. Any department or chapter that has not filed an annual financial report by September 30 will be considered in a delinquent status, which may subject the department/chapter to suspension or revocation of its charter.

Income Filing Requirements:

Departments:

All departments are required to file with National regardless of the amount of gross income.

Chapters:

Gross income of \$10,000 or more, excluding per capita dues received from National: If the sum of the amounts listed on lines 2 thru 9 of the completed Annual Financial Report page is \$10,000 or more, file complete report with both National and your DAV state department.

Gross income below \$10,000, excluding per capita dues received from National: If the sum of the amounts listed on lines 2 thru 9 of the completed Annual Financial Report page is less than \$10,000, file complete report with your state department only.

NOTE: If your gross income was above the \$10,000 filing requirement for the immediate prior year, we request that a copy of the completed Annual Financial Report page be submitted to National.

Departments and Chapters: Gross income exceeding \$300,000, excluding per capita dues received from National Headquarters: Requires a review by a certified public accountant (CPA). The complete CPA review report to include the basic supporting backup documentation: Statement of Revenues, Expenditures, Assets and Statement of Cash Flows; the actual review must be accompanied by a copy of the required banking information as provided within these Instructions and a separate attachment listing the name and local branch location (city and state) of each bank and the names of the authorized signers on the bank accounts.





Andy Marshall Department Adjutant

Legislative Report

Attached is a letter signed by DAV National Commander Dennis Nixon to VA Secretary Wilkie from DAV, VFW, AL, VVA, PVA, AMVETS, FRA and MOAA calling on the Secretary to lift or modify the blanket stay on all Blue Water claims issued on July 1, 2019.

Mr. Secretary:

On behalf of the millions of veterans, service members, their families and survivors that our organizations represent, we call on you to lift or modify the blanket stay on all Blue Water claims issued on July 1, 2019, and immediately begin processing, adjudicating, granting and paying veterans for Agent Orange related claims. While the stay was based on a discretionary authority in the *Blue Water Navy Vietnam Veterans Act of 2019* (P.L. 116-23), the law does not mandate that VA must stay any or all claims; nor does it codify or supersede the ruling of the United States Court of Appeals for the Federal Circuit in the case of *Procopio v. Wilkie*.

Regrettably, the decision to stay all Blue water claims until January 1, 2020, will unnecessarily delay the provision of VA health care and benefits to thousands of aging and ill Vietnam Veterans and survivors. Many of these men and women have waited decades for the recognition that they too were exposed to Agent Orange and suffered negative health consequences as a result. It is unacceptable to force them to wait another six months at least for access to life-changing health care and benefits when VA has the authority to grant their claims right now.

As you know, in *Procopio*, the Court ruled that veterans who served in Vietnam's territorial seas extending 12 nautical miles from shore must be treated the same as those who served on the landmass. Subsequently, the House and Senate both approved H.R. 299, the *Blue Water Vietnam Veterans Act*, which was signed into law on June 25, 2019 (P>L> 116-23). This legislation adds a new section 1117A to Title 38, which extends the presumption of Agent Orange exposure to veterans who served in the waters offshore beyond the 12 nautical miles recognized by *Procopio*, up to 90 nautical miles from Vietnam's shoreline in some locations, based on a series of

Grid coordinates. The law, which takes effect on January 1, 2020, also expands benefits to veterans exposed to Agent Orange while serving along the Korean DMZ and to children born with spina bifida due to a parent's exposure in Thailand.

However, the law does not remove or amend Section 1116 of Title 38, the subject of the *Procopio* decision. As such, the stay issued under the authority of Section 116 should not prevent VA from processing claims that can be granted based upon Section 1116, as currently interpreted by the Court in *Procopio*. We believe this is entirely consistent with the intention of the bill's sponsors, House Veterans Affairs Committee Chairman Mark Takano and Ranking Member Phil Roe, as stated in House Report 116-58 accompanying H.R. 299, at the bottom of page 13, which stated:

"H.R. 299, as amended...allows Secretary to begin awarding benefits permitted under these sections prior to the completion of the rulemaking process. The Ability to award immediate benefits during the interim Period between passage of H.R. 299, as amended, and Promulgation of relevant regulations reflects the Urgency of need for veterans and family members Afflicted by herbicide related diseases."

Similarly, in their July 15 letter to you, Senate Veterans Affairs Committee Ranking Member Jon Tester and nine other Senators made clear their understanding of the law, stating:

"Although the Blue water Navy Vietnam Veterans Act does not go into effect until January 1, 2020, Blue Water Navy Veterans who served within Vietnam's territorial waters are currently eligible for benefits due to the recent Procopio v. Wilkie ruling."

We agree that the *Procopio* decision gives VA the authority right now to begin granting claims for veterans who served up to 12 nautical miles from shore, while those who served beyond 12 nautical miles—up to the limits established by P.L. 116-23, may

Chapters visited by Department Line Officers & Adjutant Since Department Convention

Adjutant's Column Continued

Have to wait until January 1, 2020. There are potentially thousands of claims pending or about to be filed for which VA already has sufficient evidence of record confirming the Veteran's location of a ship within 12 nautical miles and therefore VA could grant benefits without additional development. There are many Blue Water veterans who are terminally ill, over the age of 85 or impoverished whose claims VA should begin expediting immediately and if granted, payments should be made as soon as possible this year.

We understand that some Blue Water claims will require further development and some cannot be granted until next year when P.L. 116-23 becomes fully effective. We also recognize that VA will require additional personnel and resources to process these new claims while continuing to provide timely decisions for other pending claims, and we would be supportive of such requests.

Mr. Secretary, thousands of Blue Water Navy veterans have waited too long to receive justice on their Agent Orange claims; many are gravely ill and some will not survive until next year. On their behalf, we urge you to lift or modify the blanket stay and begin processing, adjudicating, granting and paying Blue water Navy veterans now, before it's too late.

Bilirakis Bill to Enhance Housing Program for Severely Wounded Veterans Passes House of Representatives

Congressman Bilirakis is proud to announce passage of the Ryan Kules Specially Adaptive Housing Improvement Act (H.R.3504) which will improve and expand the VA's Specially Adapted Housing (SAH) Grant Program. This program currently provides grants to the nation's most severely disabled Veterans. Funds can be used to meet these Veterans' unique housing needs while assisting with buying, building, revising, and remodeling an adapted home that is barrier-free. To be eligible for this grant, Veterans typically have lost at least two limbs or are confined to a wheelchair. There have not been any major modifications to this program in many years, and Congressman Bilirakis has learned from U.S. Army Captain Ryan Kules and other wounded Veterans that reforms to the program are long overdue.

Congressman Bilirakis is joined by Representative Mike Levin, Chairman of the Economic Opportunity Subcommittee, who is co-leading the bipartisan initiative. Specifically, this important legislation will:

- Give prioritization in completing SAH grants to those with serious illnesses, such as ALS and other illnesses that we know are terminal and can progress quickly. These Veterans are already eligible for the grant, so this provision would give them front of the line privileges.
- Increase the number of times a Veteran can use their SAH grant from three to six instances. These Veterans should not feel trapped in their current home when their needs change just because they don't have the resources needed to adapt a future home of their choice.
- Increase the cap on the number of Post 9/11 Veterans who have lost a limb due to their service from 30 per year to 120 per year.
- Increase the dollar cap amount on SAH grant payments by 15% over the current rate: from \$85,645 to \$98,492 for the large grant and from \$17,130 to \$19,733 for the smaller grant. This increase will help every eligible Veteran but is particularly necessary for those who live in high cost areas around the country.
- Authorize the VA to provide additional SAH funding to Veterans whose home no longer meets their needs ten years after they had used up the funding for their first grant. This would address adaptations for Veterans who have moved or for those whose disability has worsened since they originally used their SAH grant.

Multiple Veterans Service Organizations have weighed in with their support of H.R. 3504.

FYI:

In addition to providing training to our Department Service Officers each April and October and Chapter Service Officer's each January, the Department will provide training for our VAVS Representatives and Deputies in late August at our Department Headquarters.

Congratulations to Chapter 159 for being the first chapter in the Department to reach its membership goal!

Calendar of Events

August 4 Coast Guard Birthday



August 7 Purple Heart Day



August 5, 1962
Nelson Mandela Imprisoned



August 14, 1945, Japan surrenders
To the Allies.



Adjutant's Column Continued

Below is a message from our National Adjutant, Marc Burgess about another tool available for DAV Department's and Chapters.

Here at DAV, we are committed to empowering veterans to lead high-quality lives with respect and dignity. We have a life-changing mission but we can only provide our services and support if the men and women who served know about them.

In an effort to assist our members in sharing this critical message, DAV has released a PowerPoint presentation aimed at helping you highlight the different ways DAV provides support.

It is difficult to condense all the great work DAV does for veterans, but this presentation touches on the multitude of services we offer—from claims assistance and advocacy efforts to employment support and our voluntary services programs. We encourage you to tailor this presentation to meet your specific needs.

Before your presentation, be sure you are comfortable with the content provided as well as the technical requirements needed. Check that all four videos included play and have audio. Familiarize yourself with Microsoft PowerPoint and practice ahead of time. A set of "How-To" instructions is included for your assistance.

We believe this will be an invaluable resource for illustrating how DAV helps empower the men and women who served, and we hope the distribution will help your local efforts.

The presentation is available for download at <https://www.dav.org/membership/members/identity-presentation/> in the members only section of dav.org. You will need your membership number to log in to the page. Thank you for speaking to your local communities on behalf of the organization.

Should you have any questions about editing in PowerPoint or on giving a PowerPoint presentation, please reach out to our [please reach out to our communications department at feedback@dav.org](mailto:feedback@dav.org).

VA Comes Out Against Bills on Medical Marijuana for Veterans

The [Department of Veterans Affairs](#) opposes three legislative proposals that would expand research on medical marijuana at the VA and give veterans access to the drug in states where it is legal.

During a hearing Tuesday on eight VA health-related bills under consideration by Congress, VA officials told House lawmakers that as long as marijuana is illegal under federal law, the department cannot support legislation that promotes its role at the VA.

"[The House Veterans Affairs Committee] can make strong proposals for us to move forward with recommendations of filling out forms and such but, in the end, we need to go back to the [Drug Enforcement Agency] and [Justice Department] for their opinion," said Larry Mole, chief consultant for population health at the VA.

Three of the bills before the House Veterans Affairs health subcommittee relate to medical marijuana. One, the Veterans Equal Access Act, H.R. 1647, sponsored by Rep. Earl Blumenauer, D-Oregon, would allow VA health providers to recommend medical marijuana to their veteran patients and fill out the necessary paperwork for them to enroll in state marijuana programs.

NSO Supervisor's Column Michael Michelotti

The Appeals Modernization Act (AMA) Revisited

As we discussed in the May 2019 newsletter the AMA changed the procedures for initiating a disagreement with a VA decision. Did you know it also fundamentally changed the way we submit claims to the VA and the forms we use? This article will address those fundamental changes for claim submissions.

38 CFR § 3.1 re-defined claims into two categories.

Claim means a written or electronic communication requesting a determination of entitlement or evidencing a belief in entitlement, to a specific benefit under the laws administered by the Department of Veterans Affairs submitted on an application form prescribed by the Secretary.

(1) *Initial claim.* An initial claim is any complete claim, other than a supplemental claim, for a benefit on a form prescribed by the Secretary. The first initial claim for one or more benefits received by VA is further defined as an original claim. Initial claims include:

- (i) A new claim requesting service connection for a disability or grant of a new benefit, and
- (ii) A claim for increase in a disability evaluation rating or rate of a benefit paid based on a change or worsening in condition or circumstance since the last decision issued by VA for the benefit.

(2) *Supplemental claim.* A supplemental claim is any complete claim for a VA benefit on an application form prescribed by the Secretary where an initial or supplemental claim for the same or similar benefit on the same or similar basis was previously decided.

Note: For an initial claim the form prescribed by the Secretary is the 21-526EZ (service connection), 21P-527EZ (pension), 21-686c (dependency), 21-8940 (individual unemployability), 21-4502 (automobile grant or adaptive equipment), etc.

Note: For a supplemental claim, the only form prescribed by the Secretary is the 20-0995. Supplemental claims must always be accompanied by new and relevant evidence or the claimant must identify where the VA can obtain new and relevant evidence for the VA to consider it a complete application.

So, keeping in mind what we learned above let's look at a few frequently asked questions that we receive.

Question: If a Veteran files a claim for a secondary condition that was previously filed as direct service connection, then would this be a supplemental claim?

Answer: Yes. (You must use the 20-0995 to reopen this claim)

Question: If the Veteran claims a left knee condition secondary to an service connected left hip condition but had not claimed the left knee previously, how would the VA treat this claim? **Answer:** This would be considered an initial claim since the left knee condition was never previously decided on any basis. (You must use the 21-526 EZ to file this claim)

Question: On February 20, 2019 (after the implementation of AMA), can a Veteran file a supplemental claim in which the one-year appeal period is still pending (e.g., previous decision was made in December 2018)? **Answer:** Yes, claimants may file a supplemental claim at any time on or after February 19, 2019, for review of a previously denied issue. (You would use of the 20-0995 to initiate the review)

Question: Can a Veteran file a supplemental claim on an evaluation issue more than a year after the prior decision? **Answer:** Yes. There is no regulatory time limit for filing a supplemental claim. (You must use the 20-0995 to reopen this claim)

Question: If a veteran believes their condition has worsened since its last evaluation and VA decision what form should be used to file a claim for an increase?

Answer: A claim for an increase is considered an initial claim (as defined above) and therefore a 21-526 EZ must be used to initiate the claim.

Question: If a veteran believes their condition is worse than the evaluation assigned in a VA decision, what form should be used to file a review of that decision?

Answer: If the veteran has new and relevant evidence showing his or her condition is worse than portrayed, he or she should use the 20-0995; if the veteran believes the VA committed a clear error in the decision they should use the 20-0996 (higher-level review); or the veteran can initiate a Notice of Disagreement to the Board of Veterans' Appeals by utilizing the VA10182 form.