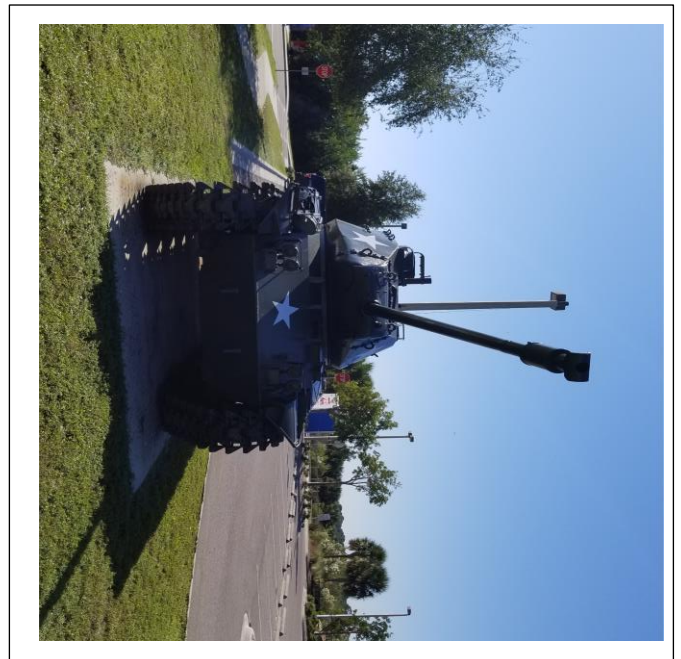




## Department of Florida December 2019 Newsletter



Top Left Sign seen in parking garage at Seminole Casino  
Top right Tank stationed at Veterans Memorial at Chapter 123  
Bottom Left Solider at Christmas  
Bottom Right Chapter 133 members providing flags and medals to veterans attending free Veteran Appreciation Lunch at Seminole Coconut Creek Casino

## Department Commander Thomas Ayala



Hello My Fellow Comrades,

This month I visited five chapters (6- St. Augustine, 12- Coral Gables, 86-Palm Coast, 113-Port St. Lucie and 129-Satellite Beach). I assisted at the DAV/Recruit Military Job Fair and Forget-Me-Not at Golden Corral with my own chapter.

Each of the Chapters I have visited have great ideas for membership drives, fundraising, and other events that I would like to share with all the other chapters. Andy Marshall, our Department Adjutant sent out an email to all the Chapter Commanders requesting a Chapter Commander's Report. It asked for top three accomplishments; future plans and goals; challenges, issues, problems, and other information that would be of interest to myself and Department Line Officers. Click on the following link and it will give you a copy of the requested report for Andy. [Chapter Commander's Report.docx](#)

My visit with Chapter 6 was great. This is a small chapter but are well known in their community. Chapter 6 provides volunteer van drivers from St. Augustine to Gainesville VA Medical Center. They also purchased a new DAV van for their Community Base Outpatient Clinic. Thank you, Chapter 6, for all you do for Veterans, their families and your community.

My next visit was with Chapter 12. Their Forget-Me-Not drive at Golden Corral was better than last year. Keep up the great job your chapter is doing in your community.

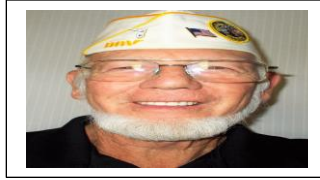
Chapter 86 – Palm Coast was the next visit. This Chapter not only have DAV van drivers, but also have two Transportation Coordinators who sets up pickup appointments for the Veterans in their area. They provide transportation to Daytona Clinic, Orlando, and Gainesville. Chapter 86 also opened a satellite Service Office in Palatka to help support Veterans in that surrounding area. Outstanding Job!

Port St. Lucie Chapter 113 has added two more Service Officers to help support the Veterans in their area. They too have a great relationship with their community. Chapter 113 had a guest speaker from Cascade Senior Men's Club who donated to the Chapter to help support the Veterans in their community. They will continue supporting DAV Chapter 113 in the future. Thank you, Cascade Senior Men's Club for your generosity and for help our Veterans.

My last visit was with Chapter 129 -Satellite Beach. The Chapter has two very active members who are both WWII Veterans, and are 98 and 93 years young. Chapter Service Officers has added a new Service Officer who is also a Licensed Clinical Therapist. Chapter 129 has a great relationship with their County Commissioners and Community.

This month is the beginning of the Holiday Season and many chapters are having their Thanksgiving or Christmas Dinners at the Chapters. On behalf of the Department Line Officers, we want to wish you and your family a Merry Christmas and a Happy New Year.





## Department Senior Vice Commander Duane Godfrey

November started out slow but picked up pretty fast as Veterans Month kicked off. I was invited to Chapter 78 in New Port Richey and was delighted to see the progress being made to strengthen the membership and community. My hat goes off to Mila for the outstanding efforts to keep and maintain this Chapter, keep up the good work.

On the second Saturday we set up at Golden Coral in Brooksville for Chapter 67 and had a real good turnout and was invited to setup any time, so we are planning to do it for the month of November.

I also had the opportunity to attend the Florida National Cemetery Joint Veterans Support Committees Veterans Day event at Bushnell, with Steve Jerve from WFLA tv as Master of Ceremonies and the Key note speaker was Chaplain Linda Pugsley LtCol. USAF, if you get a chance to hear her speak anytime this would be an opportunity you do not want to miss.

On the weekend of 15,16 and 17 we were set up at Golden Coral to do some more fund raising for Chapter 67 and talk to our community veterans about joining the DAV and the benefits of belonging to this GREAT organization.

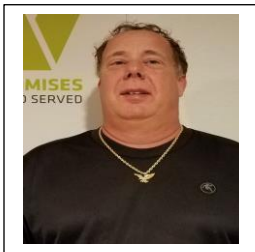
Hope everyone had a good Thanksgiving and wishing all a safe journey to where every you are planning to be at Christmas and New Year.

MERRY CHRISTMAS AND HAPPY NEW YEAR from the Godfrey's to all of you

Effective January 1, 2020, the VA will begin processing Blue Water Navy claims.

According to 38 CFR § 3.307(a)(6)(iii), eligibility for the presumption of Agent Orange exposure requires that a Veteran's military service involved "duty or visitation in the Republic of Vietnam" between January 9, 1962 and May 7, 1975. This includes service within the country of Vietnam itself or aboard a ship that operated on the inland waterways of Vietnam. However, this does not include service aboard a large ocean-going ship that operated only on the offshore waters of Vietnam, unless evidence shows that a Veteran went ashore. Inland waterways include rivers, canals, estuaries, and deltas. They do not include open deep-water bays and harbors such as those at Da Nang Harbor, Qui Nhon Bay Harbor, Nha Trang Harbor, Cam Ranh Bay Harbor, Vung Tau Harbor, or Ganh Rai Bay. These are considered to be part of the offshore waters of Vietnam because of their deep-water anchorage capabilities and open access to the South China Sea.





## Department Junior Vice Commander John Raber

The month of November has been a busy one for me. I did not have the opportunity to visit any chapters due to other commitments at my chapter i.e., Thanksgiving meal for members, Service Officer work, and completion of our pavilion behind our chapter.

I participated in a fund-raiser for the Haley House at James Haley VA Hospital. The function raised a good bit of money for the Haley House and it was well run.

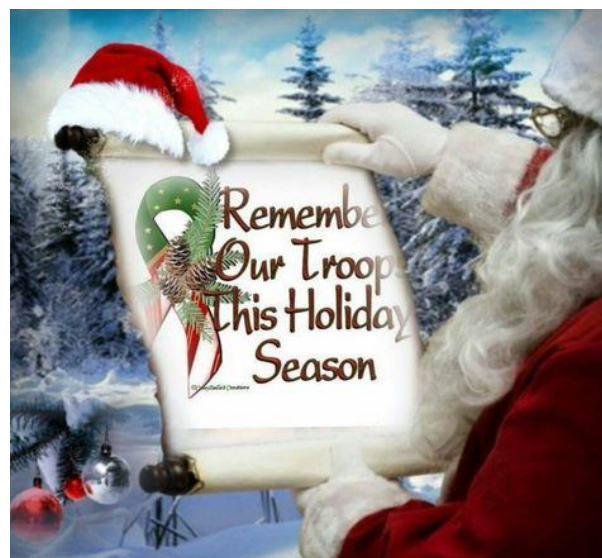
Many chapters make donations to assist our veterans. Our chapter for example donates money to a local college for a scholarship for books to assist veterans with their education needs. We raise our funds to assist veterans and must be careful how we expend our funds. If you are unsure whether the donation your chapter is considering is within guidelines, please contact our Department Adjutant for clarification.

Our chapter provides a free Thanksgiving Dinner for our members. I would like to thank our Department Adjutant Andy Marshall and Chapter 4 Commander John Makas for assisting with our Thanksgiving Dinner. They prepared 14 turkeys for our dinner. Approximately 120 members enjoyed a free Thanksgiving Dinner. Following the dinner and fellow chapter member Bob Orlando prepared over 20 Thanksgiving meals to go and delivered them along with bottled water to the homeless in our area. Myself and my wife Amie, who serves as DAVA Department Commander have been delivering Thanksgiving meals to the homeless for the past 6 years following our Chapter's Thanksgiving meal.

It is hoped more chapters participate in our upcoming Midwinter Conference. Some important training sessions are held at the conference to include Chapter Officer Training. This training provides information on duties of chapter officers and is especially beneficial for new chapter officers, especially adjutant's and treasurers. We hope to see you there.

If you would like for me to attend any chapter function or event, please call or text me at (941) 243 9182 along with our Department Adjutant @ [andy@davfla.com](mailto:andy@davfla.com).

Merry Christmas and Happy Hanukkah and Happy Holidays to all.





## Department Chaplain Chip Hanson

I hope all of you had a Blessed Thanksgiving. Now we continue our very festive time of year.

Remember Pearl Harbor, December 7<sup>th</sup> 1941, Japan attacked America killing thousands.

At Sundown December 22<sup>th</sup> begins the seven-day eight-night celebration of Hanukkah begins, which celebrates two things: a miracle in which one day's worth of oil burned in lamps for eight days, and the victory of the Jewish freedom fighters over the Syrian-Greek forces that tried to wipe out Judaism. In a larger sense, then, Hanukkah celebrates a reaffirmation of freedom and a recommitment to the spiritual quest.

December 25<sup>th</sup>, we have the Christian celebration of the birth of Christ. The current celebration as we know it began under the Roman Emperor Constantine (his Mother was a Christian). He had accepted the one true God, and Jesus Christ as his Savior. The population of Rome was not converting easily. Constantine met with Christian leaders together they agreed to change the celebration of the winter solstice to celebrate the birth of Jesus Christ. Thus, began Christmas, as we now know.

Remember all our Military many of which are spending the Holidays in harm's way and alone.

I attended 8 funerals, made 9 hospital visits and 8 nursing home visits and 2 Veterans Day Programs.

### Matthew 2:11

After coming into the house, they saw the Child with Mary His mother; and they fell to the ground and worshiped Him. Then, opening their treasures, they presented to Him gifts of gold, frankincense, and myrrh.

HAPPY CHANUKKAH AND MERRY CHRISTMAS,  
HAVE A BLESSED MONTH.

GOD BLESS AMERICA





## John Markiewicz Department Judge Advocate

“To have a right to do a thing is not at all the same as to be right in doing it.” G.K. Chesteron

In our roles as leaders in our DAV Chapters, DAV Departments and the DAV National Organization, we are sometimes faced with having to make a decision that is not clear cut in our by-laws, rules and regulations. Sometimes the decision is required because the laws and rules do not authorize a certain action but does not specifically prohibit doing that thing. Too often it leads to the assumption that since we are not specifically prohibited from doing something, we then have the right to do that thing without considering whether it is the right or ethical thing to do. In the DAV that choice belongs to the membership.

Simply stated, ethics is the internal intangible that drives us. It’s the value system, or lack thereof, that guides us when we make decisions in our day to day actions. Compliance is much clearer cut. Compliance is about following the rules, the policies, the regulations that are articulated in laws and internally drafted documents. There are consequences for violating those policies and regulations that can result in discipline up to and including termination. Often, there’s no analysis related to intent. If you violate the rules, there will be consequences.

Ethics is more about your personal values. I heard an expert say, either you have ethics, or you don’t. Maybe the rules and regs are for those that don’t have guiding principles they live by.

Members or Officers that will do anything to get where they think they need to go, need a structure in place to stop them from crossing the line. Organizations that incorporate a culture of ethical behavior, get their Officers and Members to follow the rules, not just because they have to, but because it’s the right thing to do.

The law is black and white and there are consequences. In short, compliance, by its very name is a reactive process. To be compliant is to respond to something you have been “taught” to obey, i.e. law.

Ethics can only be a proactive process. To be ethical is to focus on values, character, principles, etc. what will give you a foundation to make those tough decisions, before they happen, which may help people choose to do right, rather than just make them do right.

In the DAV, the membership always rules, if something is not clear, or if what the membership previously approved proves undoable, the Officers have an obligation to present it to the membership for resolution, or to the Executive Committee in the event of an emergency, prior to taking any action, not after the fact.





## Andy Marshall Department Adjutant

### Legislative Report

#### **H.R. 886: Veteran Treatment Court Coordination Act of 2019**

This bill directs the Department of Justice to establish a Veterans Treatment Court Program to provide grants and technical assistance for state, local, and tribal governments to develop and maintain veterans treatment courts.

135 cosponsors (98D, 37R)

#### **S. 2774: Veteran Treatment Court Coordination Act of 2019**

This bill directs the Department of Justice to establish a Veterans Treatment Court Program to provide grants and technical assistance for state, local, and tribal governments to develop and maintain veterans treatment courts.

6 cosponsors (3R, 3D)

#### **SB 910: Court-ordered Treatment Programs Florida Senate**

The bill expands the eligibility criteria for individuals who may participate in a military veterans' and servicemembers' court programs, more commonly known as veterans' courts. Veterans' courts are problem-solving courts aimed at addressing and treating the root causes of criminal behavior in order to reduce criminal recidivism. For military veterans and servicemembers who are charged with or convicted of criminal offenses, often the underlying cause of criminal behavior is a military-related injury, such as post-traumatic stress disorder, traumatic brain injury, or a substance abuse disorder.

Eligible veterans' courts participants may either be diverted to an appropriate treatment program before trial, or may be required to complete treatment after trial, as a condition of probation/community control. To help the participant successfully complete his or her treatment program, veterans' courts provide incentives (such as reduced penalties and record expungement), and individualized support.

Currently, the only veterans eligible to participate in Florida's veterans' courts are honorably discharged veterans, generally discharged veterans, and active duty servicemembers. Because of the success of the veterans' court programs in treating these individuals, the bill expands participation eligibility to any veteran discharged or released under any condition. Additionally, the bill extends participation eligibility to individuals who are current or former United States defense contractors or military members of a foreign allied country.

If approved by the Governor, these provisions take effect October 1, 2019.

*Vote: Senate 39-0; House 114-0*



**Chapters visited by Department Line Officers & Adjutant Since Department Convention**  
**1, 6, 12, 13, 18, 22, 23, 49, 67, 78, 84, 86, 87, 97, 101, 112, 113, 129, 155, 158**

## Adjutant's Column Continued

### Centennial Events

**Join DAV for its 100 Years of Empowering Veterans to Lead High Quality Lives with Respect and Dignity.**

**DAV National Convention  
Dallas, Texas**

**Saturday, August 1 – Tuesday, August 4, 2020**

Hilton Anatole, 2201 Stemmons Freeway

**Centennial Celebration  
Greater Cincinnati Area**

**Wednesday, September 23, 2020**

- Centennial Celebration: Reception and Concert
  - Cincinnati Music Hall
  - Performance by Cincinnati Pops Orchestra

**Thursday, September 24, 2020**

- Benefit Golf Tournament and other activities

**Friday, September 25, 2020**

- DAV Transportation Network and Ford Vehicle Drive Away
- Outdoor Concert and celebration



### VISN 8 Clinical Contact Center

The VISN 8 Clinical Contact Center is a service of the VA Sunshine Network providing 24/7 virtual urgent care to veterans enrolled for VA Health Care in Florida, South Georgia, Puerto Rico and the United States Virgin Islands. Veterans who receive care in the network can call around the clock to get their health care questions or concerns answered from the comfort and convenience of their home or wherever they may be.

Services include general administrative support, nurse advice and triage, virtual visits with a doctor or nurse practitioner via telephone or VA Video Connect.

Pharmacists are available to assist you and your care team to support your path to healing.

**Veterans can call for around the clock support by calling 1-877-741 3400.**

The Clinical Contact Center should not be used for emergency situations. In the event of a life-threatening emergency veterans should dial 911 or visit their nearest emergency room.

Prescription medications may be subject to co-pays.

### VA's Million Veteran Program (MVP)

VA's MVP Online was developed with Veterans, for Veterans. Visit MVP online at [mvp.va.gov](http://mvp.va.gov).

Gender differences in MVP cohort were analyzed by VA Boston Healthcare researchers. As of June 2018, there were 654,903 partners. The MVP Baseline Survey was completed by 415,694 Veterans, 8% of whom were women. Women were younger, more racially diverse, had higher education attainment, and were less likely to be married or cohabitating with a partner than men. Women were more likely to report good to excellent health status but poorer physical fitness and were less likely to report lifetime smoking and drinking than men. The project is found in the June 2019 issue of Women's Health.

JOURNAL OF  
**Women's Health**



Calendar of Events

December 13 Coast Guard  
Birthday



December 22 Hanukkah Begins



December 25 Christmas Day



December 30 Hanukkah Ends



Adjutant's Column Continued

## VA launches Solid Start to ensure Veterans are contacted during initial transition

*Program provides Veterans supportive contact and information to enable success.*

The U.S. Department of Veterans Affairs (VA), in collaboration with the Departments of Defense and Homeland Security, introduced [VA Solid Start](#) which will proactively contact all newly separated service members at least three times during their first year of transition from the military.

The program will engage contact with approximately 200,000 Veterans each year and is part of [Executive Order 13822 which was issued to](#) improve mental health care and access to suicide prevention resources available to transitioning uniformed service members in the year following discharge, separation or retirement.

“The stress of transition from service can lead to challenges or unmet health care needs for Veterans,” said VA Secretary Robert Wilkie. “Through VA Solid Start, the department will ensure consistent, caring contact and help new Veterans get a solid start on their civilian lives.”

The goal is to establish a strong relationship between VA and transitioning service members, promoting awareness of VA benefits, services and partner resources available to them.

Veterans within their first year of separation from uniformed service experience suicide rates nearly two times higher than the overall Veteran suicide rate. Contacts through VA Solid Start — via phone calls or emails — will ensure transitioning service members are aware of the free VA mental health resources the department offers Veterans for up to a year, regardless of discharge status or service history.

If you or someone you know is having thoughts of suicide, contact the Veterans Crisis Line to receive free, confidential support and crisis intervention available 24 hours a day, seven days a week, 365 days a year. Call 800-273-8255 and Press 1, text to 838255 or chat online at [VeteransCrisisLine.net/Chat](https://www.veteranscrisisline.net/Chat).

'Twas the night before Christmas, he lived all alone,  
in a one bedroom house made of plaster and stone.  
I had come down the chimney with presents to give,  
and to see just who in this home did live.  
I looked all about, a strange sight I did see,  
no tinsel, no presents, not even a tree.  
No stocking by mantle, just boots filled with sand,  
on the wall hung pictures of far distant lands.  
With medals and badges, awards of all kinds,  
a sober thought came through my mind.  
For this house was different, it was dark and dreary,  
I found the home of a soldier, once I could see clearly.  
The soldier lay sleeping, silent, alone,  
curled up on the floor in this one bedroom home.  
The face was so gentle, the room in such disorder,  
not how I pictured a United States soldier.  
Was this the hero of whom I'd just read?

## NSO Supervisor's Column Michael Michelotti

### How to successfully reopen a "Previously Denied Claim" for service connection.

If the claimant is denied a claim for service connection, it does not matter if that claim was denied 1 day ago or 10 years ago, the procedures and requirements are the same. In order for a claimant to SUCCESSFULLY reopen the claim to have it re-adjudicated, he or she must submit New and Relevant Evidence.

38 CFR §3.2501 defines new and relevant evidence as: New evidence is evidence not previously part of the actual record before agency adjudicators. Relevant evidence is information that tends to prove or disprove a matter at issue in a claim. Relevant evidence includes evidence that raises a theory of entitlement that was not previously addressed.

Keep in mind, there are three elements to establishing entitlement to service connection for disabilities **incurred in** or **caused by** your *active military service*.

- 1.) There must be evidence of a current disability, this is normally shown by having a clinical diagnosis of the disability you're claiming.
- 2.) There must be evidence of an in-service diagnosis, injury, or event which has resulted in the disability you're claiming, i.e. x-ray of a broken bone, noise exposure, Agent Orange exposure, etc.
- 3.) There must be a nexus linking how 1 and 2 above are related to each other, e.g. did your in-service tibia fracture result in knee arthritis... did your in-service noise exposure result in your current hearing loss. This is normally done in the form of a medical opinion describing the relationship/link between 1 and 2.

Example 1: If the VA denies your claim for service connection as... "there is no current diagnosis for the claimed condition", the new and relevant information needed is documentation of a current diagnosis.

Example 2: If the VA denies your claim for service connection as... "there was no documentation of an in-service injury or event in your service treatment record", the new and relevant information needed is documentation of the in-service event or injury. This can be accomplished with service records or through buddy statements from individuals who witnessed the incident.

Example 3: If the VA denies your claim for service connection as... "although there is evidence of a current diagnosis and evidence of an in-service event, our examiner found no connection between your current diagnosis and the in-service event", the new and relevant information needed is a medical nexus opinion or medical treatises providing the link between the diagnosis and the in-service event .

Once the New and Relevant evidence is obtained forward it along with a signed VA Form **20-0995** to your National Service Office for review and submittal to the VA.

On behalf of the St. Petersburg National Service Office, we wish you a Merry Christmas, Happy Hanukkah and Happy New Year.

