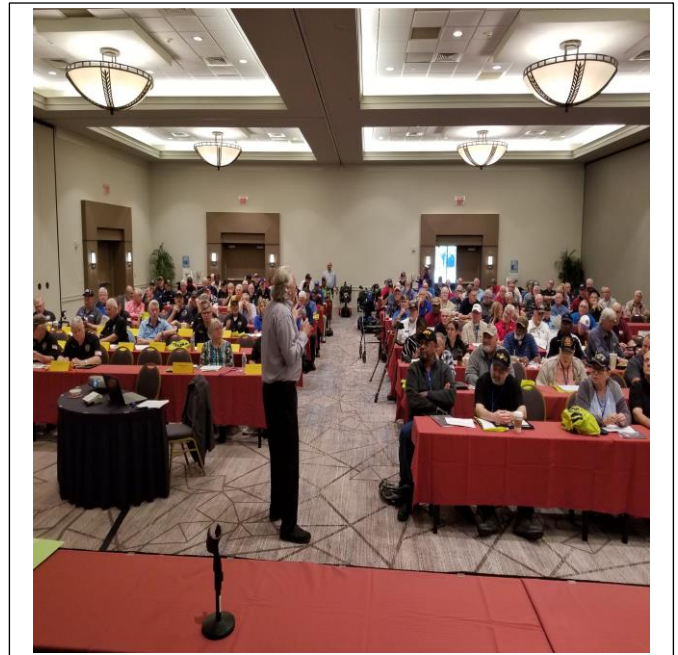




## Department of Florida January 2020 Newsletter



Top Left Chapter 4 Members DEC Member Brenda Reed, Chapter Commander John Makas and PDC Frank Chicollo assist with Christmas Lunch at James Haley VAH  
Top right NSO Supervisor Michael Michelotti providing overview of Chapter Service Officer Certification Training  
Bottom Left Judge Michael Allen discusses cases from the United States Court of Appeals for Veterans Claims at Chapter Service Officer Certification Training  
Bottom Right Department Commander Thomas Ayala dressed as Wimpie at Commander's Testimonial at Department Midwinter Conference.

## Department Commander Thomas Ayala



### Hello My Fellow Veterans

Due to the Holiday Season, many chapters were not meeting this month. I did visit Chapter 122 – Marathon, FL, attended Chapter 1 Bingo at Lake City VA Medical Center and provided pizzas to the Substance Abuse Residential Rehabilitation Treatment Program (SARRTP) in Lake City VA Medical Center.

Chapter 122 is in Marathon, FL, one of the Keys Islands 40 miles north of Key West. This chapter has a bar, a Bingo hall and a huge kitchen area. In 2017, Chapter 122 suffered severe damage from Hurricane Irma, but they repaired the damage and continued forward with DAV's Mission. It was a beautiful scenic drive down from Fort Lauderdale Airport, but a long one due to the one lane in and out of the Keys.

On December 19, I provided 20 pizza pies to the Lake City Substance Abuse Residential Rehabilitation Treatment Program (SARRTP). I also provide a ditty bag with toiletries, socks, sweat pants, sweat shirt, and jacket to each of the veterans in the program. Lake City VA Medical Center was also in need of a tv, so on behalf of the Department, I donated a 65" TV. I purchased all the pizzas, the supplies and TV using the Commander's Stipend.

Department Service Officer School and Midwinter is fast approaching. Many of you are calling about the room situation at Lake Mary Marriott.

There is an International Soccer Tournament happening the same week we are having our Service School and Midwinter. This has caused the shortage of hotel rooms in the Lake Mary area. This is beyond the Department control and we stress the make your reservations early. We encourage you to call other local hotels in the area. I have personally called several hotels and found rooms available for DAV Members at a low price. We hope to see you at Midwinter.

If you would like to be kept up to date on all the Legislative Laws DAV is fighting for, join the Commander's Action Network ([CAN](#)). Just click on CAN and it will take you directly to the webpage you need to register. You will get emails from the DAV National Commander and Legislative Team on bills DAV is supporting. It will give you a pre-written letter where all you need to do is input your name and subject, then send it to your representatives in your area. It's that simple.

I hope all of you enjoyed the Chapter Service Officer Certification Training and Midwinter Conference. Our National Representative was National Senior Vice Commander Donald Day from NY.





## Department Senior Vice Commander Duane Godfrey

In the month of December I had the opportunity to visit Chapter # 85 for their monthly meeting and see that they are working hard to grow their chapter and Auxiliary. Chapter commander Alonzo Kornegay along with Janis Lawrence, Adjutant and Bob Ludwick Senior Vice Commander and Willie Adams and myself discussed the Chapter's challenges and ways to try to correct them with a lot of good ideas and thoughts how to help the Chapter grow and prosper. I thank you for allowing me to be part of that and look forward to my next visit.

If there any Chapters that do not have their Chapter Annual Financial Reports completed ensure they are sent to Department Headquarters before possible suspension. If you need assistance with the report, please contact Department Headquarters at 352 331 0945. If you have not completed the report and accepted by the Department and/or National then your chapter will be suspended until they accepted. If they are not completed correctly, the Department Adjutant will return it.

This is the month we are getting ready for our Chapter Service Officer Certification Training and Department of Florida Mid-Winter Conference that was held from January 7 to January 11, 2020 in Lake Mary Fl.

Do not forget the membership challenge and that is everyone get at least one new member before Mid - Winter Conference.

and remember that the New life membership after January 1,2020 will be \$300.00 for all New members.

We had around 20 new Chapter Service Officers attend the CSO Certification Training. Total CSO's registered for the training was around 185-190.

Training at the Mid-Winter Conference included Fund Raising, i.e., acceptable fundraising initiatives and how to properly request the approval from Department Headquarters. Chaplain Training was conducted by Department Chaplain Chip Hanson. Executive Director Andy Marshall provided Chapter Commander, Adjutant and Treasurer Training.

On a final note we are wishing everyone a very Happy, Safe and Prosperous New Year.

The banquet theme for the Commander's Testimonial was television characters. Some of the Department Officers dressed for the occasion. Adjutant was dressed as Popeye and 1<sup>st</sup> JVC Raber dressed as ALF.





## Department Junior Vice Commander John Raber

This was a busy month for me. At our chapter we lost our Judge Advocate plus two other members which being on the Honor Guard it filled up my weekends. I also had the honor of doing the ceremony at Sarasota National Cemetery for Wreaths Across America. We had over 3000 people who attended and help. Our Honor Guard did a fabulous Job both with the presentation of Colors and the 21-gun Salute.

I want to bring up something that came to my attention while working at the Clinic. People are not understanding the new rule on using the Commissary and PX for all disabled veterans. Access to PX, BX and recreational facilities has been granted to all service-connected disabilities. Your VA Medical ID card is necessary for access to the base and its facilities. This is for the veterans only not the spouse unless the veteran is rated at 100 percent. Those veterans who have Caregivers approved through VA must have certification from VA authorizing them as the Veteran's Caregiver.

I hope everyone had a Happy Christmas as with all Holidays we have a Dinner and then go feed the Homeless. My wife and I do Christmas Eve with our family and spend Christmas at the Chapter.

About 32 out of our 58 Chapters attended our recent Mid-Winter Conference. We hope to have many more attend our Department Convention scheduled at the Lake Mary Marriott in June. We hope Chapters will take a bigger interest in our Department Convention activities, i.e.,

Budget approval, Election of Department Commander, Senior Vice Commander, Junior Vice Commander, Judge Advocate and Chaplain, Four Year Finance Committee Representative, as well as Executive Committee Elections for some of our five Areas. In addition, current officers provide their reports to Convention delegates. Also, participate in the Joint Opening Session with DAV Auxiliary when our National Representatives address the group.

A reminder that when a chapter changes any of the officers listed on their Chapter Officer Report, a new completed Chapter Officer Report is required to be completed and forwarded to National and Department Headquarters along with copy to the St. Petersburg National Service Office.

The DAV will hold its Mid-Winter Conference along with the National Commander's Presentation to the House and Senate Veterans Affairs Committee in February. We hope to have a good turn-out by the Florida membership when we meet with Florida's Congressional Delegation.





# Department Chaplain Chip Hanson

2019 is now history, we have come to the end of the 2nd decade of the 21st century. Our economy is on an upswing, most folks who want to work are employed. However, our Nation has become unsettled. Our leaders cannot agree. This could bring about a downfall not only of our economy, we could very well lose some of our freedoms.

Abraham Lincoln once stated (A house divided against itself, cannot stand).

Unity starts with the D A V. We are a great organization. We may disagree, but we always work out our differences.

After the Service Officer test and before the area meetings, I will be conducting a Chaplain Class. Please try to attend this class., it is important that as many members of your chapter attend as possible. We will be discussing what we can and cannot say concerning religion, the different types of visitation to, nursing homes, hospitals, funerals, Chapter meetings, and other important subjects.

This class is open to all members, not just Chaplains.

Mark 3:24  
If a kingdom is divided against itself, that kingdom cannot stand.

## 12-19 SERVICE OFFICER REPORT

### Chapter Home Activities

Completion DD Form 180	12
Survivor Program	15
Triage	09
35 hours and 240 miles driven	

### Outside Chapter Home Activities

Survivor Program	18
Nursing Home Visits	12
Funerals	08
73 Hours and 1003 miles driven.	

### Miscellaneous Activities

Wreaths Across America  
Cape Canaveral National Cemetery—Opened ceremony with invocation and assisted with placing of Wreaths on Grave Sites.  
9 Hours and 89 Miles driven.





## **John Markiewicz Department Judge Advocate**

As we enter a new decade and celebrate the DAV's 100<sup>th</sup> year of service we need to reflect on what we have accomplished during our past 100 years and what we hope to accomplish in the next 100 years.

We need to focus our efforts to ensure that we are doing things for the right reasons and doing them legally and ethically for the disabled veterans that we serve. Our whole existence is based on building better lives for our disabled veterans and we need to remember that when it comes to fund raising and donations. If we are making donations from our Chapter and Department funds, we need to ensure that those donations are going to meet our purpose of benefiting disabled veterans and their families. The donations we receive and funds that we raise were given to us for that purpose and it is incumbent on all of us to ensure they are appropriately and properly used.

### ***Some facts about donating to DAV that you can use when you are Fundraising:***

#### **Does DAV receive funds from the federal government?**

No. DAV receives no money or grants from the federal government. Our service programs are sustained by contributions such as yours.

#### **Do DAV service programs overlap or duplicate government programs?**

No. DAV programs pick up and fill the void left by government agencies. This is especially true given government budget cutbacks which have made the need greater over the past several years.

#### **Is my donation tax-deductible?**

Yes, the DAV is a tax-exempt organization, and all contributions are tax-deductible according to IRS regulations.

#### **How much of my donation goes to help disabled veterans?**

85¢ of every dollar spent in 2018 went to program services for disabled veterans and their families. While that figure already compares favorably with other national charities, we constantly strive to further increase efficiency and effectiveness in the use of the funds you entrust to the DAV.

#### **Is DAV approved by watchdog agencies?**

DAV meets all standards and is approved by the leading consumer agency, the Better Business Bureau Wise Giving Alliance.





## Andy Marshall Department Adjutant

### Legislative Report

Americans celebrate Vietnam Veterans Day annually on March 29 thanks to a measure signed into law by President Donald Trump in 2017.

The holiday, officially known as National Vietnam War Veterans Day, was made official by Trump through the "Vietnam War Veterans Recognition Act of 2017," and encourages Americans to display the U.S. flag in honor of Vietnam veterans.

A similar holiday was previously observed on March 29, 2012, through a proclamation signed by then-President Barack Obama. That year marked the start of a 13-year-long celebration honoring Vietnam War veterans that runs through [Veterans Day 2025](#).

In November 2017, Trump marked Veterans Day and the commemoration of the 50th anniversary of the Vietnam War by [meeting with U.S. veterans in Vietnam](#).

"One of my great honors is to represent the people standing right behind me -- great, great warriors and veterans of the Vietnam War," he [said during a meeting with veterans](#) at a hotel in Danang, Vietnam. "To each of you with me today, you are the heroes who fulfilled your duty to our nation. And each of you, under the most difficult conditions, did what you had to do, and you did it well."

During that meeting, Trump also pledged to continue to support efforts by the Pentagon's POW/MIA Accounting Agency (DPAA), which works worldwide to recover the remains of U.S. troops missing in combat.

"Our accountability efforts in Vietnam are very, very important to all of us. We will not rest until all of the 1,253 missing veterans are returned home," he said. "Our veterans are a national treasure, and I thank them all for their service, sacrifice and patriotism."

### News for Medal of Honor & Former POW's

With the signing of the 2020 National Defense Authorization Act, Medal of Honor recipients and prisoners of war are all entitled to burial with full honors at Arlington National Cemetery, regardless of rank.

As of Dec. 20, when Trump signed the bill into law, the service secretaries must provide burials with full military honors to enlisted recipients of the Medal of Honor or the prisoner-of-war medal who in the past were "not entitled to full military honors by the grade of that veteran."

The previous rules restricted full honors at Arlington in-ground burials to officers, warrant officers, senior noncommissioned officers and service members killed in action.

According to the [Department of Veterans Affairs](#), there are at least 5,000 living former enlisted and officer POWs. The Congressional Medal of Honor Society lists 71 living MOH recipients of all ranks.

Rep. Dan Crenshaw, R-Texas, a co-sponsor of the bill and a former [Navy SEAL](#) lieutenant commander who lost his right eye in Afghanistan, said in a statement at the time that "Valor holds no rank."

### Chapters visited by Department Line Officers & Adjutant Since Department Convention

1, 6, 12, 13, 16, 18, 22, 23, 49, 67, 70, 78, 84, 86, 87, 97, 101, 109, 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



Military retirees who paid annual [Tricare Prime](#) enrollment fees in 2018 or 2019 could soon see a refund check in the mail, thanks to a new change to how the system calculates their annual out-of-pocket maximum payment.

The annual maximum out-of-pocket payment, or "catastrophic cap," for any retiree family with a service member who joined the military before Jan. 1, 2018, is set at \$3,000. For those who joined after Jan. 1, 2018, the annual retiree cap is about \$3,600. Those users pay about \$600 per year for plan enrollment, while future retirees will pay close to \$1,000.

After a set of sweeping Tricare reforms went into effect in 2018, the annual fee paid by retirees to use Tricare Prime no longer counted toward the yearly out-of-pocket max. That meant some families were faced with an increase of about \$600 in their yearly Tricare spending.

Now, a new Tricare change, retroactive to 2018, will allow annual enrollment payment to count toward the cap once again, reducing the amount of money retirees might pay out of pocket each year, according to a Tricare policy manual update released Thursday.

That means retirees who paid an enrollment fee for Tricare Prime this year or in 2018, and then exceeded their \$3,000 catastrophic cap, could get a refund.

"For the 2018 and 2019 enrollment fees credited to the catastrophic cap, the contractor shall notify the beneficiaries by letter of the credit, how the credit was applied, and how a refund can be requested," the Tricare manual update states.

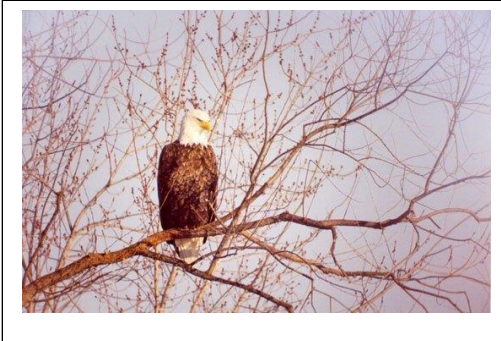
Next year, when retirees who pay their enrollment fees on a monthly basis as a pension allotment hit their out-of-pocket cap, their payments will be automatically halted, the update states.

The change will also apply to future retirees who joined active duty after Jan. 1, 2018. By law, they will pay an enrollment fee of almost \$1,000 for Tricare Select. Current retirees do not pay an enrollment fee for that plan.



## Calendar of Events

January 18-19 Bald Eagle  
Appreciation Days



January 20 Martin Luther King  
Birthday



January 26 Military Spouses  
Appreciation Day



Everyday 2020  
[Veterans Crisis Line.Net](http://VeteransCrisisLine.Net)

Veterans Crisis Line  
1-800-273-8255  
Press 1

## Adjutant's Column Continued

Many Veterans, with a service connected disability rating, are entering Federal recreation lands and national parks for free with an [America the Beautiful-the National Parks and Federal Recreational Lands lifetime Access Pass](#) through an interagency partnership between the U.S. Department of the Interior, National Park Service, Forest Service, Fish and Wildlife Service, Bureau of Land Management, Army Corps of Engineers and Bureau of Reclamation. Good for entry into thousands of federally managed recreation sites across the country, the Lifetime Access Pass is another way a grateful nation says thank you for the service and sacrifices of U. S. Veterans with disabilities.

The [Access Pass](#) admits the pass owner and any passengers in a single, private vehicle (non-commercial) at per-vehicle entrance and day use fee areas; or, the pass owner plus three additional adults where per-person fees are charged. In addition to free entry at participating sites, the Access Pass includes discounts on some [expanded amenity fees](#) such as camping. Sites recommend that pass owners check with each site before visiting for details about Access Pass entry and discounts.

Veterans who have been medically determined to have a disability are eligible for the Lifetime Access Pass—with three options for obtaining the pass:

First, Veterans with disability documentation can order the Access Pass [online](#) for a \$10 processing fee which includes standard shipping. Documentation required includes:

- Proof of residency
- VA disability award letter, VA summary of benefits, or proof of SSDI income

Second, the Interagency Access Pass may be obtained through the mail. Download a paper application from <https://store.usgs.gov/access-pass>. Follow the instructions on the website and pay the document processing fee of \$10. Once the application package is received by USGS, the documentation will be verified and a pass imprinted with the pass owner's name will be mailed to the applicant.

Passes ordered online or through the mail will be delivered 3 to 4 weeks after receipt of documentation and processing payment.

A third option is for disabled Veterans to visit a [participating federal recreation site](#) where interagency passes are issued, present photo identification (e.g., Driver's license, State ID, birth certificate, Passport, or permanent resident card), provide documentation of permanent disability, or read and sign a Statement of Permanent Disability affidavit. That's it. The Pass is free and issued at the time of entry.

Make sure to have photo ID available when using your Lifetime Access Pass and enjoy the majestic scenery and abundant recreational opportunities our National Parks provide.



## NSO Supervisor's Column Michael Michelotti

### Appeals Modernization Act (AMA) Overview

- AMA features a three-option framework for claimants to choose from when dissatisfied with VA's decision on their claim (see chart below):
  - Supplemental Claim (0995) with new and relevant information will be processed in the PMC by VSR/RVSR
  - Higher Level Review (0996) with a closed record will be processed by a Decision Review Officer
  - Notice of Disagreement Board Appeal (10182 NOD)
  
- Additional changes found in the new law include:
  - Improved notification of all VA decisions\*
  - Effective date protections for continuously pursued claims
  - Findings favorable to a claimant are binding on VA and Board adjudicators
  - Elimination of the split jurisdiction between VBA and the Board for appeals processing

### \*AMA Improved Decision Notification Requirements (8 Point Notification Requirement)

1. Identification of issues adjudicated
2. Summary of evidence considered (and evidence not considered for HLRs)
3. Summary of applicable laws and regulations
4. A list of any favorable findings, when applicable
5. For denied claims, identification of elements required to grant that were not met
6. Identification of the next higher evaluation criteria (for compensation)
7. An explanation of how to obtain or access evidence used in making the decision
8. Summary of the applicable review options available

### Three Review Options

VBA		BVA
Supplemental Claim	Higher-Level Review	Board Appeal
<ul style="list-style-type: none"> <li>• Replaces "reconsiderations" and "reopening" claims with "new and material" evidence</li> <li>• VA will readjudicate a claim if "new and relevant" evidence is presented or identified with a supplemental claim (<b>open record</b>).</li> <li>• VA will assist in gathering new and relevant evidence (<b>duty to assist</b>).</li> <li>• Effective date for benefits is always protected when submitted within 1 year of prior decision.</li> <li>• Tracked and controlled under <b>EP 040 series</b></li> <li>• Decisionmakers are <b>Veterans Service Representatives (VSRs)</b> and <b>Rating VSRs (RVSRs)</b></li> </ul>	<ul style="list-style-type: none"> <li>• More experienced VA employee takes a second look at the same evidence (<b>closed record and no duty to assist</b>).</li> <li>• Option for a one-time telephonic <b>informal conference</b> with the higher-level reviewer to discuss the error in the prior decision</li> <li>• <i>De novo</i> review with full difference of opinion authority</li> <li>• Duty to assist errors returned to lower-level for correction (<b>quality feedback</b>)</li> <li>• Tracked and controlled under <b>EP 030 series</b></li> <li>• Decisionmakers are <b>Decision Review Officers (DROs)</b> and <b>Senior VSRs</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Evidence only docket:</b> The appellant may submit evidence within the 90 day window following submission of the NOD. The Board does not have a duty to assist and the record is otherwise closed.</li> <li>• <b>Direct docket:</b> The appellant receives direct review by the Board of the evidence that was before VBA in the decision on appeal. The Board has a 365-day timeliness goal for this docket. Quality feedback loop for VBA.</li> <li>• <b>Hearing docket:</b> The appellant will be scheduled for a Board hearing. Additionally, the appellant may submit evidence within the 90 day window following the scheduled hearing. The Board does not have a duty to assist and the record is otherwise closed.</li> </ul>

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