



The Communicator

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For article submissions, email:
david.west@co.nevada.ca.us

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Hello CACVSO Members!

What a year this has been. I know that many of you have had to adapt to a lot of change. My hope is that the remainder of the year begins to smooth out, and many of us are able to breathe clean fresh air and feel safe in our communities.

Because of the ongoing pandemic, unfortunately we will have to move our October training conference onto a virtual platform. I want to thank David West for all of his efforts in planning a Nevada County conference, and I am hopeful that we will be able to reschedule that location for a future date. More details about the virtual conference will come out soon.

I wish to highlight our training committee. Virginia Wimmer is the chair and leads all of our association's efforts in coordinating ongoing continuing education. They put together a large agenda for every conference and have been assisting Katrina Eagle in providing these very informative and helpful Friday zoom training sessions. If you have any interests regarding continuing training, please direct them to Virginia and the training committee members. I want to thank Virginia and her members for their contributions to this important matter.

Until next month, please keep yourselves healthy and safe. I honor all of the work that you do, thank you!

Nathan D. Johnson
President

This Month's Featured County

Placer County is home to 27,000 veterans, is a part of The Gold Country, and indeed its creation was due to the Gold Rush. In the spring of 1948, with a group of French settlers on its way Coloma, Claude Chana discovered gold in the Auburn Ravine near the what would become known as Old Town Auburn on May 16, 1848. Placer County was formed from parts of Sutter and Yuba counties on April 25, 1851, taking its name from the "placer mining" practice the statue depicts. Auburn was chosen as the county seat, and the historic Courthouse was completed in 1898. The Transcontinental Railroad spurred growth in the county upon completion in 1869, and Rocklin was an important city early on due to its quarries for granite, some of which was used in the California Capitol Building in Sacramento and Fort Mason at San Francisco. In 1908, the Central Pacific moved its facility from Rocklin to Roseville, and the railyards led to the growth of what is today Placer's largest city. The Roseville Yard Disaster occurred 28 April 1973 when a shipment of munitions bound for the Vietnam War exploded, with explosions continuing for several days. In 1960, Placer County hosted the Winter Olympics at Squaw Valley, where the USA scored Gold in Ice Hockey.



VA



U.S. Department
of Veterans Affairs

News Release

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Secretary Wilkie Joins Bipartisan Group of Senators Urging House Action on Veterans Suicide Prevention Legislation

Sep. 9, 2020, 09:07:00 AM

Secretary Wilkie Joins Bipartisan Group of Senators Urging House Action on Veterans Suicide Prevention Legislation

U.S. Department of Veterans Affairs Secretary Robert Wilkie today released the following statement after a bipartisan group of more than 30 senators [called on House leaders to pass S. 785](#), the Commander John Scott Hannon Veterans Mental Health Care Improvement Act, which would expand mental health resources for Veterans both inside and outside VA.

“The Commander John Scott Hannon Veterans Mental Health Care Improvement Act is an honest and bipartisan solution to an issue that demands Congress’ immediate attention. The bill would boost care at VA facilities by expanding in-person and telehealth mental health services and allowing Guardsmen and Reservists to receive counseling at VA Vet Centers across the country. It would also expand the amount of non-VA community resources available to Veterans, wherever they may live, a key component of President Trump’s [President’s Roadmap to Empower Veterans and End a National Tragedy of Suicide \(PREVENTS\)](#) initiative. The bill passed the Senate unanimously and we call on the House to give it the timely attention and bipartisan support it deserves.” – **Secretary Robert Wilkie**

California County Veterans Service Officers

Legislation and State Budget Update



VETERANS SERVICE OFFICERS WHICH WAS RECENTLY PASSED BY THE LEGISLATURE AND SENT TO THE GOVERNOR

September 3, 2020

The Legislature adjourned for the 2019-2020 legislative session on August 31. Bills that passed that process were sent to the Governor. The Governor has until September 30 to sign or veto bills. We have submitted letters to the Governor requesting his signature on these bills on behalf of your organization. If you would like to contact the Governor and voice your individual support for a particular bill or bills, there are 4 ways you can do it:

1. Email: <https://govapps.gov.ca.gov/gov40mail/> There is a drop down menu you where you can select the bill #.
2. Call: (916) 445-2841
3. Fax: (916) 558-3160
4. US Mail:

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

For more information on legislation, contact:

Ted Puntillo, CACVSO Legislative Chair: TEPuntillo@SolanoCounty.com
Reeb Government Relations, Seth Reeb: sethreeb@comcast.net

More info:

For more information on these bills such as the language, amendments, votes, history, and committee analyses, go to:

<https://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

Key legislative dates:

Sept 30: Last day for Governor to sign or veto bills.

Nov 3: General election.

Dec 7: The new 2021-2022 Legislature convenes.

Jan 1: Statutes signed into law in 2020 take effect (unless they were urgency bills, which take effect immediately)

Going forward:

The COVID-19 pandemic severely curtailed the legislative activity this year. Many good (and bad) bills were shelved to make time to address legislation relating to the

pandemic. Since a lot of the legwork was done putting the bills together in early 2020, there is a good chance a lot of those bill ideas will come back in 2021.

Barstow Veterans Home:

The State budget that was passed in June provided a process that must be followed by CalVet in determining the fate of the Barstow Veterans Home. Part of the process called for stakeholder input. We have notified CalVet of your organization's desire to be part of that process and there will be a tele-meeting soon between CalVet and vet org leaders.

AB 408-Frazier; disabled vet plate/placard certification:

The Association's sponsored bill, AB 408 is on the way to the Governor. AB 408 would require the Department of Motor Vehicles to accept a certificate from a county veterans service officer or the Department of Veterans Affairs that certifies that the applicant for a special license plate or placard is a disabled veteran.



VA Home Loan Forbearance Options

by Andrew Vierra, Branch Manager
WealthWise Mortgage Planning & VALoansOfCalifornia.com

For those who have been through one of my VA home loan benefit briefings, you have heard me say that, *99 times out of 100, the VA home loan is the best option* when someone needs a home loan. And, *the answer is 'no', if you don't ask; just ask...* about using the VA home loan benefit. For those in a VA loan who have entered into a CARES ACT forbearance, the VA has come to the rescue again.

Background

According to the VA Circular 26-20-25 dated June 30, 2020: "On March 13, 2020, the President declared a National Emergency due to COVID-19. Thereafter, on March 27, 2020, the President signed the CARES Act into law. (See Public Law 116-136). Under section 4022 of the CARES Act, a borrower with a "Federally backed mortgage loan" who is experiencing a financial hardship due, directly or indirectly, to the COVID-19 emergency may request a forbearance on such loan...The forbearance must be granted for up to 180 days and must be extended for an additional period of up to 180 days at the request of the borrower."

Forbearance

In a "forbearance", the borrower may suspend monthly mortgage payments for a period of time granted by the lender. But the deferred amount does not go away. At the end of the period--to remain in good standing with the lender--the borrower must make up the payments through either: full repayment; a repayment plan or loan modification (re-writing of the loan terms). In extreme cases, if the borrower and lender don't agree on a plan, foreclosure is a possibility. The only option that would not have a negative effect on credit, is full repayment at the end of the forbearance.

VA IRRRL Solution

For those already in a VA home loan, the VA Interest Rate Reduction Refinance Loan (IRRRL) is an easy option to lower the Veteran's interest rate and monthly payment. It's a really simple process requiring no income/tax returns; no appraisal; no pest inspection. And, as of the VA Circular mentioned above, the VA is allowing a Veteran to use the IRRRL to

bring their loan current with the lender rather than writing a big check at the end of the forbearance period. They can roll the past payments into the new loan.

Threshold for using the IRRRL with forbearance

So long as the Veteran has not entered into a modification agreement—here's what's needed:

1. The loan must be 'seasoned'—just like current IRRRL guidelines—meaning that, before entering forbearance, the Veteran must have:
 - a. Made 6 consecutive, on-time monthly payments, AND
 - b. 210 days must have passed from the due date of the required first payment of the current loan to the closing date of the new IRRRL (the mortgage "Note" shows this date).
2. The interest rate of the new loan must be at least .500% *lower* (fixed rate mortgage) than the interest rate of the current loan (example: refinance from 3.250% to 2.750%).
3. The cost of the refinance (not including the .5% VA funding fee, if applicable) divided by the monthly savings (the break-even point) must be less than or equal to 36 months. Here's the cool part: the new loan amount can include:
 - Any past due installment payments, *including* those a borrower deferred under a CARES ACT forbearance, PLUS
 - All late charges, consistent with the note, the CARES Act, and all other applicable laws, plus
 - Allowable closing costs and discount points, PLUS
 - Cost of any energy-efficient improvements, AND
 - VA Funding Fee (if applicable)

Bottom Line

For those currently in forbearance and concerned about potential balloon payments or how they are going to make up the missed payments, the VA home loan benefit could be the answer.

If you have questions, please use me as a resource.

Andrew@WealthWiseMortgage.com or Fax: 866-386-8390

And when it comes the VA home loan benefit, remember:

The answer's 'no' if you don't ask. So, just ASK!



A Message from Mary Marky

VA Oakland Regional Office
Service Center Manage

VA decreases mail processing time for claims intake – VBA recently began mail automation, which utilizes a contractor to upload documents into electronic files. This is now well underway and we are faster than ever with processing mail! For California, San Diego is our mail hub and claims assistants from all California ROs work together to complete mail same day. For more information here is a recent press release: <https://www.va.gov/OPA/PRESSREL/pressrelease.cfm?id=5501>

Not-Rating claims consolidation to become official on October 1st: The Veterans Benefits Administration is consolidating all compensation program non-rating resources to eight centralized processing sites. These eight sites will be standalone divisions, titled the Benefit Eligibility Support Team (BEST) and will be staffed with appropriate resources to process Veteran’s benefit adjustments, required benefit reviews, and unique eligibility decisions. By having offices that are specialized on certain types of claims, this will result in efficiencies and proficiencies that will enhance the customer experience by deciding claims with greater accuracy and faster processing times. Overall, eight Regional Offices are designated as a BEST site, to include San Diego! The other sites are Little Rock, Nashville, Winston-Salem, Muskogee, St. Paul, Detroit, and Milwaukee.

Freedom of Information Act requests and Privacy Act requests were previously centralized to the VBA Customer Service Division (CSD) located in St. Louis, Missouri, however Oakland is providing ongoing support for FOIA requests with our public contact staff. While our offices are currently not open for face to face counseling, we are able to spend additional time helping with a backlog of FOIA requests.



Hello CACVSO Members!

Jim and I hope everyone is staying well and safe, especially from the many wildfires right now.

When the Appeals Modernization Act (AMA) went into effect on February 19, 2019, most advocates were focused on the new appeal options, and understandably so. But there are other useful parts of the AMA that we want to highlight to make sure you know – and utilize when needed.

First, VA revised its regulations to clarify how to initiate and file a claim. *See* 38 C.F.R. § 3.155. A key section of this new regulation is VA's definition of what constitutes the scope of the claim. This is important because when a Veteran files a claim, it is oftentimes shortly after the medical condition was initially diagnosed, and the Veteran cannot possibly know all of the secondary

conditions or residuals that may well develop. This subsection makes clear that VA is required to make decisions on all related conditions:

(2) Scope of claim.—Once VA receives a complete claim, VA will adjudicate as part of the claim entitlement to any ancillary benefits that arise as a result of the adjudication decision (e.g., entitlement to 38 U.S.C. Chapter 35 Dependents' Educational Assistance benefits, entitlement to special monthly compensation under 38 CFR 3.350, entitlement to adaptive automobile allowance, etc.). The claimant may, but need not, assert entitlement to ancillary benefits at the time the complete claim is filed. **VA will also consider all lay and medical evidence of record in order to adjudicate entitlement to benefits for the claimed condition as well as entitlement to any additional benefits for complications of the claimed condition, including those identified**

by the rating criteria for that condition in 38 CFR Part 4, VA Schedule for Rating Disabilities. VA's decision on an issue within a claim implies that VA has determined that evidence of record does not support entitlement for any other issues that are reasonably within the scope of the issues addressed in that decision. VA's decision that addresses all outstanding issues enumerated in the complete claim implies that VA has determined evidence of record does not support entitlement for any other issues that are reasonably within the scope of the issues enumerated in the complete claim.

See 38 C.F.R. § 3.155(d)(2). So next time VA fails to adjudicate medical conditions clearly related to the claimed medical condition, do **not** file a new claim. Instead, file an appeal (depending on the facts of your case, you might file a Supplemental Claim, a Higher Level Review request, or a Notice of Disagreement to the Board of Veterans' Appeals) so that you preserve the earliest effective date possible for those overlooked

complications, secondary conditions, or residuals.

Another important change VA made when the AMA went into effect deals with claims for clear and unmistakable error (CUE). In VA's old, legacy regulations, the Board of Veterans' Appeals' regulation regarding CUE differed from VBA's definition (all Board-specific regulations are found at 38 C.F.R. § 20.xxx). The primary difference between the two old regulations was that the Board defined "a final decision" as a "finally adjudicated claim" – in other words, when the appeal period had expired whereas VBA's regulations were unclear. The AMA regulation now makes clear that a Veteran or claimant can file a CUE claim only after the appeal period for the VA decision (i.e., a Rating Decision or a BVA decision) has expired:

Error in final decisions. Decisions

are final when the underlying claim is finally adjudicated as provided in § 3.160(d). Final decisions will be accepted by VA as correct with respect to the evidentiary record and the law that existed at the time of the decision, in the absence of clear and unmistakable error. **At any time AFTER a decision is final, the claimant may request, or VA may initiate, review of the decision to determine if there was a clear and unmistakable error in the decision.** Where evidence establishes such error, the prior decision will be reversed or amended. See 38 C.F.R. § 3.105(a)(1) (emphasis added). Thus, the old days of filing a CUE claim, or arguing CUE in a non-final Rating Decision, are gone! Please stop making CUE arguments when you find an error in a VA decision that has just been issued, or its appeal period has not

expired. Instead, file an appeal and point out the "clear error" in the VA decision. Do NOT call it a "clear and unmistakable error" – even if it is!! Otherwise, VA is not required to process or adjudicate your non-compliant CUE argument or claim. In closing, we think the AMA actually did keep its promise to streamline the claims and appeals process. But we are highlighting these two AMA regulations because we are already seeing VA interpret a "claim" too narrowly, and CVSOs misusing CUE to the detriment of their Veterans. As always, feel free to reach out to us if we can help in any way.

Katrina Eagle & Jim Radogna

Here's a link to the all of the AMA regulations:

https://drive.google.com/file/d/1Y-YVYq1PIBCfWuhueU_pdS6=xwsMMvzyR/view?usp=sharing





Hello from VetPro!

While the CalVet/CACVSO migration to next generation VetPro is still in progress “next gen” functionality continues to be integrated into our current platform. Most recently [Finger.Ink](#) has allowed users and their clients to sign VA forms paperlessly and remotely. Coming soon the **Remote Signature Portal** will enable users to request and obtain FingerInk signatures via email from clients.

How this will work

The VA forms are filled out as usual, then users will have the option to **Sign now** or **Sign Remotely** for all required endorsements.

WHO WILL BE SIGNING?

SIGNATURE TYPE
Claimant

SIGNATURE METHOD
Sign Remotely

SIGNATURE
Dependent - DOE-SMITH, SALLY

DEPENDENT NAME
DOE-SMITH, SALLY

DEPENDENT E-MAIL
email@address.com

CANCEL NEXT

The Sign Remotely option will generate an email to the requested signer which will allow them to **review the filled in form** and provide their signature via Finger.Ink within a 48-hour window.

Then user requesting the signature will either receive a message when the form is signed or when the 48-hour signature window has expired

What this means

Location in space AND time are no longer an issue. Users can work *anywhere* with an internet connection to produce the necessary claim paperwork and submit it to their clients and other signers *anywhere* for review and signing. They will then have two days to review and sign. The claim package can then be completed and submitted to VBMS from VetPro-- no contact, no travel, no paper, no mask, and no hand sanitizer required!

Other News

We have recently updated the Waiting Room Portal and we are continuing to add functionality to the Visitor / Phone Calls and Reception Queue modules to keep up with the recent changes in workflow brought about by the COVID-19 challenge.

With the VA planning to move away from faxed claim submissions next year and the ongoing challenges emerging from the current pandemic, please rest assured that VetPro has got your back.

Thank you for serving our Veterans!!

New CVSO's and VSR's Do Not Be Batman, Join the Avengers

By David West
Nevada County CVSO

I remember when I first started my position as the Nevada County Veterans Services Officer. I was going to take the knowledge that I gained in my roles working as both an RVSR and trainer at the VA, and process improvement concepts I had utilized in the private sector and become the best CVSO in the state. I had all the confidence in the world that I could handle every situation by myself and besides, I knew how to access the resources I needed to be successful. I thought I was Batman! I was the caped crusader who could assist every client who walked in the door or I would die trying. With all the Jokers coming in my office needing assistance filing their claims, this approach soon left me acting like the Dark Knight. I then went to my first CVSO conference where I met some awesome people who took me under their wing and informed me about the CACVSO mentorship program.

New CVSO's and VSR's, did you know that the CACVSO has a highly successful mentorship program? It extremely easy to access and any of our members are willing to help you become successful. This job is much more than filing claims for veterans and usually we assume our new roles with no one in our county having the experience to assist us learn our jobs. The mentorship program will either contact a CVSO near your county or you can reach out to someone you have already formed a relationship with, and the association will pay the travel costs for you to learn from them. This person will spend a day or two guiding you on the big picture of the business and answer your most detailed questions in the most professional manner. Additionally, your mentor will always be available to assist you (or any CVSO for that matter) and help you navigate the world of being a veteran's advocate. To access the program, I encourage you to reach out to our always pleasant secretary Ms. Yvette Mason. She will work with the CACVSO leadership and ensure that you receive a mentor that can assist you.

In 1997, the Batman and Robin movie was released, and it was so terrible that it has yet to be attempted again by anybody. Do not take this for reinforcement that acting on your own trying to assist everyone will be good for you or the veterans that your county entrusted you to serve. Instead, take a different approach and join a team of individuals who have been successful on their own, but understand that they can accomplish more together. What you should be doing is joining the Avengers!





Upcoming Events

2020 Fall Conference

Virtual

Wednesday's October 7th, 14th, & 21st

**This will be a Virtual Conference*

2021 Winter Conference

Sacramento, CA

Monday February 22, 2021 – Friday February 26, 2020

Holiday Inn

DATES OF INTEREST

August 2020

- 2 International Forgiveness Day
- 3 Grab Some Nuts Day
- 4 US Coast Guard Day
- 7 International Beer Day
- 13 Left Hander's Day
- 15 Victory Japan Day
- 25 Kiss and Make-Up Day
- 26 Women's Equality Day
- 31 National Eat Outside Day

Awareness Weeks

- 2nd -8th International Assistance Dog Week
- 25th - 31st Be Kind to Humankind Week

Monthly Observances

- National Back-to-School Month
- Motorsports Awareness Month
- What Will Your Legacy Be Month

Stone—Peridot
Flower—Poppy



Freedom isn't Free



Support Our Troops

