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## SENATOR JACKSON AND ASSEMBLYMAN LEVINE TO RECEIVE LEGISLATOR OF THE YEAR AWARDS

The California Association of County Veterans Service Officers (CACVSO) has selected State Senator Hannah-Beth Jackson (D-Santa Barbara) and Assemblyman Marc Levine (D-Marin County) as the recipients of the Motomu Nakasako Legislator of the Year awards for 2018. The awards will be presented at the CACVSO's Annual Sacramento Training Conference on February 27, 2019.

The Motomu Nakasako Award is named after "Mote" Nakasako, a Los Angeles County Veterans Service Officer (CVSO) who was constantly involved in legislation to improve the lives of veterans at the local, state, and federal levels. He was a decorated member of the Army's 442nd Regimental Combat Team, one of World War II's most decorated units. Mr. Nakasako joined the Army and volunteered for combat duty from the Heart Mountain Internment Camp in Wyoming.

### Senator Hannah Beth-Jackson (D-Santa Barbara)



Senator Jackson is a former prosecutor and practicing attorney. She was elected to the California State Senate in 2012 to represent the 19th Senate District, which includes all of Santa Barbara County and western Ventura County. A graduate of Scripps College in Claremont, California, she went on to receive her law degree from Boston University Law School. From 1998 to 2004, she represented the 35th Assembly District in the State Assembly. In the Senate, she is currently chair of the Senate Judiciary Committee.

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## This Month's Featured County

Humboldt County is a county in the U.S. state of California. As of the 2010 census, the population was 132,646. The county seat is Eureka. It is located on the far North Coast ~270 miles north of San Francisco. Humboldt Bay, the only deep water port between San Francisco and Coos Bay, Oregon, is located on the coast at the midpoint of the county. Area cities and towns are known for hundreds of ornate examples of Victorian architecture. Humboldt County is a densely forested mountainous and rural county with about 110 miles of coastline (more than any other county in the state), situated along the Pacific coast in Northern California's rugged Coast (Mountain) Ranges. With nearly 1,500,000 acres of combined public and private forest in production, Humboldt County alone produces twenty percent of total volume and thirty percent of the total value of all forest products produced in California.



*Continued from page 1*

## **SENATOR JACKSON AND ASSEMBLYMAN LEVINE TO RECEIVE LEGISLATOR OF THE YEAR AWARDS**

Her husband, retired Superior Court Judge George Eskin, noticed that veterans had been coming before him in court for crimes which may have arisen as a result of PTSD, TBI, etc. from their military service. He started the first Veterans Treatment Court in Santa Barbara County. Senator Jackson saw the success (0% recidivism) of this program and decided to author a bill regarding the arraignment process (SB 1110). Defendants are notified at arraignment, the first stage of the court process, that if they are current or former members of the military, they may be eligible for Veteran's Treatment Courts. SB 1110 was signed into law by the Governor.

In 2017, Senator Jackson authored SB 725; pre-trial diversion, which was signed into law by Governor Brown and was one of the top veterans priorities of that year. SB 725 clarifies that active duty military (and veterans) who suffer from military related traumatic mental health conditions and are before the court charged with DUIs, are and have always been eligible for military diversion under the Penal Code.

SB 1123, which was signed into law in 2018, expands the state's Paid Family Leave policy to include families who must take time off to attend to situations arising out of a family member or loved one's status as a covered active duty member of the US Armed Forces. According to Senator Jackson, "when a member of the military is deployed overseas, life changes quickly, and it frequently sends family members on a scramble to make significant financial, legal, emotional and logistical preparations in advance of their loved one's departure. Even though no one is ill or injured, family members often need time away from work to handle these issues immediately".

Senator Jackson has also authored legislation designating portions of State Highway Route 101 in the Counties of Santa Barbara and Ventura for inclusion in the National Purple Heart Trail.

Kings County CVSO and CACVSO President Scott Holwell noted, "California's veterans are fortunate that Senator Jackson has used her extensive legal expertise to guide complex legislation concerning veterans involved in the justice system through the legislative process. As a society, we are learning more about the effects of PTSD and TBI and how they can affect our veterans and Senator Jackson is turning that awareness into policy".

### **Assemblyman Marc Levine (D-Marin County)**



Assemblyman Marc Levine was elected in November 2012 to represent the 10th Assembly District in Marin County and portions of Sonoma County. Prior to his time in the Legislature, he served on the San Rafael City Council. Before that, he developed award-winning technology for human rights organizations that is now in use globally. He earned his Master's Degree in National Security Affairs from the Naval Postgraduate School in Monterey.

In 2014, Levine authored AB 2098, which was signed into law by the Governor. AB 2098 requires judges to consider military status and mental health problems outlined in 1170.9 as factor in favor of granting probation. It also requires courts to consider military status and service induced mental health problems as a mitigating factor for offenses with determinate sentencing. In crafting the bill, Levine noted that of the 2.6 million Americans returning from service in Iraq and Afghanistan as many as 20% have PTSD, with the unfortunate consequence of an increased propensity for criminal behavior.

Levine has authored many bills relating to suicide and mental illness. In 2017, he authored SB 665 which sought to expand the provisions of AB 2098 to incarcerated veterans who were convicted prior to that bill's enactment in 2015. Levine was concerned that a veteran who was suffering from sexual trauma, traumatic brain injury, PTSD, substance abuse, or mental health problems as a result of his or her military service, would not receive the treatment and consideration extended to veterans in the prior legislation. The bill did not pass. Undeterred, Levine again introduced similar legislation in 2018 (AB 865), which he was able to push through the legislative process and the Governor signed the bill into law in September 2018. According to Ted Puntillo, Solano County CVSO and CACVSO Legislative Chair, "since Assemblyman Levine came to the Legislature in 2013, he has tackled the issues of mental health and its link to incarceration. He recognized that some veterans can become entangled in the criminal justice system as a result of trauma they experienced during their military service and pushed hard to enact policy to address the issue".

The CACVSO was established in 1945 and aggressively seeks out veterans and their families to provide assistance and service. To meet this objective, the County Veterans Service Officer seeks to increase awareness of eligibility, entitlements, benefits programs, and services provided to veterans by Federal, State, and Local government agencies and service organizations. Services include comprehensive benefit counseling, claim development, and case management. Information is provided through referral services, public speaking, and media relations. CACVSO is a professional training and legislative organization comprising all County Veterans Service Offices throughout the state, dedicated to serving California's 1.7 million veterans and their families. The CACVSO, during fiscal year 2017-18, assisted California's veterans in filing claims with the federal government, which resulted in payments of approximately \$505.5 million according to data released by the California Department of Veterans Affairs. More information about the CACVSOs can be viewed at: <http://www.cacvso.org/wp-content/uploads/2018/03/CVSO-2018-Annual-Report.pdf> Contact: Tom Splitzgerber, CACVSO Executive Director [tsplitzgerber@san.rr.com](mailto:tsplitzgerber@san.rr.com) • (619) 209-0558



DEPARTMENT OF VETERANS AFFAIRS  
OFFICE OF INSPECTOR GENERAL

STATEMENT OF MICHAEL J. MISSAL INSPECTOR GENERAL DEPARTMENT OF VETERANS AFFAIRS BEFORE THE SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS COMMITTEE ON VETERANS' AFFAIRS UNITED STATES HOUSE OF REPRESENTATIVES HEARING ON "VA'S DEVELOPMENT AND IMPLEMENTATION OF POLICY INITIATIVES"

November 29, 2018

**Denied Military Sexual Trauma-Related Claims**

The OIG conducted a nationwide review to determine whether VBA staff correctly processed claims related to veterans' military sexual trauma (MST) in accordance with VBA procedures prior to denying the claims. Some service members are understandably reluctant to submit a report of MST, particularly when the perpetrator is a superior officer. Service members may also have concerns about the potential for negative performance reports or punishment for collateral misconduct. There is also sometimes the perception of an unresponsive military chain of command. If the MST leads to posttraumatic stress disorder (PTSD), it is often difficult for victims to produce evidence to support the occurrence of the assault. VBA policy, therefore, requires staff to follow additional steps for processing MST-related claims so veterans have additional opportunities to provide adequate evidence.

VBA reported that it processed approximately 12,000 claims per year over the last three years for PTSD related to MST. In fiscal year 2017, VBA denied about 5,500 of those claims (46 percent). The review team assessed a sample of 169 MST-related claims that VBA staff denied from April through September 2017. The review team found that VBA staff did not properly process veterans' denied MST-related claims in 82 of 169 cases. As a result, the OIG estimated that VBA staff incorrectly processed approximately 1,300 of the 2,700 MST-related claims denied during that time (49 percent).

The OIG made six recommendations to the Under Secretary for Benefits including that VBA review all approximately 5,500 MST-related claims denied from October 2016 through September 2017, take corrective action on those claims in which VBA staff did not follow all required steps, assign MST-related claims to a specialized group of claims processors, and improve oversight and training on addressing MST-related claims. The Under Secretary concurred with the recommendations and has already taken steps to address them. The Under Secretary recently stated that VBA was increasing its focus on MST claims by updating required training for claims processors, as well as adding more quality and accuracy reviews of MST claims. The Under Secretary also stated that, in FY 2019, VBA will review every denied MST-related claim decided since the beginning of FY 2017.

Other topics addressed in this OIG Report

- ◇ Amyotrophic Lateral Sclerosis (ALS)
- ◇ Intent to File Submissions
- ◇ Unwarranted Medical Exams

Continue to read the entire report at <https://www.va.gov/oig/pubs/statements/VAOIG-statement-20181129-missal.pdf>

**Advocates hope to reignite debate over long-term effects of burn pits**

By: Leo Shane III



The flames of a burn pit pick up with the winds as a storm approaches Combat Outpost Tangi in the Tangi Valley, Afghanistan, in August 2009. (Staff Sgt. Teddy Wade/Army)

WASHINGTON — Toxic exposure from combat burn pits in Iraq and Afghanistan isn't a new topic, but veterans advocates hope it will get new attention in 2019.

Several groups — most prominently, Iraq and Afghanistan Veterans of America — in recent months have been pushing the issue back into the public spotlight, in hopes of spurring more public policy reaction from lawmakers. The hope is that Congress and Veterans Affairs officials can move more quickly on research and support services before another generation of former military personnel starts showing grave health effects from the chemical poisoning.

In fact, much of 2018's veterans policy on Capitol Hill revolved around Vietnam veterans' exposure to the chemical defoliant Agent Orange during that conflict. Decades later, the substance has been linked to numerous rare cancers and other detrimental health effects, and veterans groups are still lobbying VA to expand their illness definitions to expand veteran benefits.

As burn pit problems linger, advocates worry VA and DoD are moving too slow

Despite years of reports of rare illnesses from toxic exposure, advocates say the departments aren't doing enough.

Younger veterans see comparisons in that fight with the burn pits. The trash fires — some small, short-time disposal areas, others massive waste burns fueled by gasoline — often contained a mix of different dangerous chemical fumes.

But because the size and composition varied from base to base, collecting hard scientific evidence on the adverse health effects has been difficult.

Advocates have pushed for expanded research and better tracking tools for veterans exposed to the fires. Lawmakers have been sympathetic but also slow to action on the issue.

Meanwhile, while health care is available to veterans facing serious consequences from toxic exposure, VA officials have been leery to extend disability benefits to those veterans without a better scientific backing.

The use of unregulated burn pits has all but disappeared for U.S. troops overseas, but the health effects won't fade away as quickly. Advocates insist they need to remind Congress and federal officials of that fact as often as possible.

# Deal to extend benefits for ‘blue water’ Vietnam veterans appears dead for this year

By: [Leo Shane III](#) December 10, 2018



*The USS Mullinix lies in the water off the coast of South Vietnam on Sept. 11, 1966. Senators on Monday failed to reach a deal to extend disability benefits to tens of thousands of Vietnam veterans who served on ships off the coast of Vietnam during the war. (Anthony Camerano/AP)*

WASHINGTON — Hopes for a deal this year to extend disability benefits to thousands of “blue water” Navy veterans who claim toxic exposure while serving in the Vietnam War were all but ended Monday after supporters could not get unanimous support in the Senate for a potential fix.

The measure, passed by the House overwhelmingly earlier this year, would require Veterans Affairs officials to automatically assume about 90,000 veterans who served in ships off the coast of Vietnam were exposed to Agent Orange for benefits purposes.

That would move would bring that group in line with hundreds of thousands of other Vietnam veterans who served on the ground there or on ships traveling upon inland rivers. VA officials have objected to the plan, saying the available scientific evidence does not support extending the benefits. Senate Veterans’ Affairs Committee Chairman Johnny Isakson, R-Ga., and other supporters had hoped to bring the issue directly to the chamber floor for a quick passage, but that parliamentary move was blocked by Sen. Mike Enzi, R-Wyo., who cited VA’s cost concerns about the measure.

“VA’s analysis shows the costs could be nearly five times what Congress assumed it was when the House of Representatives passed it,” he said. “So there’s clearly more work to do just on figuring out the spending.” Under current department rules, the blue water veterans can receive medical care for their illnesses through VA, but must prove toxic exposure while on duty to receive compensation for the ailments. Advocates have argued that VA officials are systematically denying those claims despite cases of rare cancers and respiratory symptoms already linked to Agent Orange because not enough study was done decades ago to support the toxic exposure connections.

The veterans affected can’t afford more legislative delays. “The only thing standing in the way of this bill to help our Vietnam veterans is the U.S. Senate, and that is shameful,” said Sen. Kirsten Gillibrand, D-N.Y. “We have just days before this Congress is finished and our blue water Navy veterans are waiting for us. Their families are waiting for us. Some of them are dying waiting for us.”

Senate leaders could bring the bill up under regular order, but given the short schedule remaining — only a few days are left in the current congressional session — and their reluctance to make the issue a priority so far, that prospect is unlikely.

If the measure is not approved by the Senate by the end of the year, supporters will have to start over with the legislative effort again next year, a process that at best will likely take months.

Veterans groups called that a heartbreaking reality. “If we can afford to send veterans to war, it’s unacceptable that we can’t afford to take care of them when they return home wounded, ill or injured,” said B.J. Lawrence, national commander of the Veterans of Foreign Wars. “(Enzi’s) obstruction forsakes our nation’s promise to take care of those who were injured or made ill due to their military service.”

Mike Little, executive director for the Sea Service Family Foundation and a longtime advocate on the blue water benefits issue, said senators should be “ashamed” they could not finalize a deal. “Blue water Navy should be the easiest legislation passed by Congress,” he said. “The science is there, the facts are there, the advocacy is there. Nobody is lobbying against it except money hawks and the VA scientists who, on some levels, still disagree with the dangers of Agent Orange.”

The legislation carries a price tag of about \$1.1 billion over 10 years, but VA officials have insisted the total is closer to \$5.5 billion. The costs would be offset with a new fee on some VA home loans, a cost-savings measure some lawmakers have opposed.

Congressional supporters also expressed similar disappointment that a deal could not be reached. House Veterans’ Affairs Committee ranking member Tim Walz, D-Minn., blasted Enzi and several other silent opposers for being hypocritical about the costs, given the major tax package passed by the Republican-controlled Congress last year.

“It is especially troubling to see this bill blocked when there is so much work left to do on toxic exposures as a whole, to include those exposed to burn pits and radiologically exposed veterans,” he said.

His Senate counterpart, Montana Democrat Jon Tester, said the “this 11th-hour attempt to block the bill is a thumb in the eye to millions of veterans and service members,” Isakson expressed frustration that existing research on the issue doesn’t seem to be enough for VA and some of his colleagues. “This thing has been studied as long as it needs to be studied,” he said. “You’re putting off a decision we’re going to have to make in the future.”

## Sleep Apnea VA Claims

Sleep apnea is a common but serious condition that affects millions of Americans, but veterans' disability filings show that it impacts veterans at a higher rate and that they're diagnosed at a higher rate than the general population.

Over the past decade, the VA has seen a spike in claims for sleep apnea and as a result there's a greater awareness of this condition.

Sleep apnea impacts the ability to sleep, which impacts everything that comes after that – the ability to function and the ability to work. As such, if determined to be service-connected, sleep apnea can be an important part of a path to Total Disability Individual Unemployability benefits.

Sleep apnea can cause cessation of breathing or breathing that becomes interrupted during the course of the night. Symptoms include snoring, choking, often breathing pauses for extended periods.

For VA rating purposes, it's really important to go to a medical professional and get a documented diagnosis by having a sleep study conducted. Without this diagnosis in writing (preferably, but not required, while in service) it can be difficult to connect the condition to your time in service.

Three Elements of a Successful VA Sleep Apnea Rating Claim

**1. Diagnosis of Sleep Apnea** Veteran that wish to obtain a VA sleep apnea rating should first get a diagnosis from the appropriate medical professional. Veterans should take part in a sleep study. These can be performed at a sleep clinic or sometimes in your own home. Veterans want to provide the VA with strong evidence of a sleep apnea diagnosis to be eligible for benefits.

**2. Active-Duty Incurrence or Aggravation of Sleep Apnea** Many veterans with sleep apnea did not get a diagnosis during the service and it is not required for a VA sleep apnea rating. However, veterans must show that their sleep apnea started or worsened from active-duty military service.

**3. Nexus Between Current Diagnosis and Event in Service** Veterans must explain the nexus between their current diagnosis and whatever event in service led to the condition. On appeal, many veterans use nexus letters from a qualified medical professional to provide the link between diagnosis and service.

### VA Sleep Apnea Rating Explained

The VA sleep apnea rating system is found in the federal code [38 C.F.R. § 4.97, Code 6847](#). The VA rates sleep apnea with four different ratings: 0%, 30%, 50%, and 100%.

#### • **0% VA Sleep Apnea Rating**

The lowest rating, 0%, is non-compensable, but even though you can't get benefits for this on a monthly basis, you may be entitled to other benefits, such as VA healthcare.

• **30% VA Sleep Apnea Rating** The next rating is the 30% disability rating, and it's warranted when there's persistent daytime sleepiness. Veterans that receive a 30% VA sleep apnea rating often have hyper somnolence or hypersomnia – fancy words for excessive daytime sleepiness. So if you're waking up in the middle of the night and you're not getting a good night's rest, and that's causing you to need to take several naps during the day, or not to feel well-rested, or to have other signs of constant sleepiness, then you may fit into this category.

• **50% VA Sleep Apnea Rating** A 50% evaluation is assigned when the condition requires a breathing device, such as a CPAP machine. The 50% rating can have a big impact

on your overall combined rating.

- **100% VA Sleep Apnea Rating** The highest rating, the 100% disability rating, is assigned for chronic respiratory failure with carbon dioxide retention or where the veteran requires a tracheostomy. These cases are the most severe, and somewhat less common.

### VA Sleep Apnea Rating and the Link to Other Service-Connected Conditions

- **Acid Reflux** Medical researchers have [found](#) that there is a link between GERD or acid reflux and sleep apnea. Veterans that have trouble sleeping from sleep apnea may aggravate GERD or acid reflux. At the same time, GERD or acid reflux can prevent veterans from sleeping, which can aggravate sleep apnea. Therefore, many veterans receive both a GERD rating and a VA sleep apnea rating at the same time.
- **Asthma** Many recent [studies](#) link obstructive sleep apnea to asthma. Asthmatic veterans are more likely to develop obstructive sleep apnea. On the other hand, sleep apnea is a known aggravator of asthma. The common asthmatic features that further sleep apnea's symptoms are nasal obstruction, a decrease in pharyngeal cross sectional area, and an increase in upper airway collapsibility.
- **Chronic Rhinitis** There is sufficient medical [evidence](#) to link chronic rhinitis and sleep apnea together. Rhinitis is a known aggravator of sleep apnea. Rhinitis can be linked to microarousals and sleep fragmentation, which can worsen sleep apnea. Veterans with both conditions are often able to service-connect both conditions and receive a VA chronic rhinitis rating and VA sleep apnea rating at the same time.
- **Heart Disease** Veterans with obstructive sleep apnea are much more likely to have heart disease and heart attacks. Sleep apnea causes low oxygen levels and stress from waking up often. Veterans that obtain a VA sleep apnea rating often receive heart disease veterans disability benefits at the same time.
- **Hypertension** Veterans with hypertension and sleep apnea may be able to service-connect both conditions. Sleep apnea can aggravate hypertension. If you are able to service-connect your sleep apnea, you may also receive hypertension VA disability benefits. When veterans are regularly woken up in their sleep, their bodies get stressed. That stress makes hormones, which increase blood pressure levels. Sleep apnea can also decrease your blood's oxygen level and that worsens hypertension.
- **Sinusitis** Veterans with obstructive sleep apnea have a heightened risk of chronic sinusitis. There are [studies](#) linking the conditions, which means veterans may be able service-connect the two conditions together. Sinusitis can aggravate obstructive sleep apnea and vice-versa. For this reason, veterans regularly receive both a VA sinusitis rating and a VA sleep apnea rating concurrently.
- **Strokes** Because sleep apnea affects how your body takes in oxygen, it can be linked to strokes. Sleep apnea can make it hard for your brain to regulate blood flows in your arteries and in the brain itself. Veterans that obtain a VA sleep apnea rating can regularly also service-connect strokes.
- **Type II Diabetes** Sleep apnea is often linked to diabetes because of obesity. Not getting enough sleep can throw off the bodies insulin production and therefore might be linked to diabetes. Sleep apnea also can make people tired and they get less exercise, which leads to obesity. Veterans can receive both sleep apnea and diabetes veterans disability benefits at the same time.

# Humorous Perspective

By Jessica Allmon

Well a new year is upon us, be thankful (the alternative is not great)! I experience some jealousy at the motivation and enthusiasm exhibited by New Year resolution makers. I have never made a resolution, not because I think I'm perfect, but because I am sure I am a work in progress every day of every year. I consider making it through the day without falling or spilling something on myself a huge win!! My husband however says that this year he's "Bringing sexy back" (bet you sang that to yourself didn't you). I am envious of the blatant optimism of a new year's resolution. Like, wow, are you sure you're going to make it the whole year? I guess my past experience has resulted in a more pessimistic outlook of; I'm lucky if I make it to tomorrow. Even so the coming of the new year does bring hope for a clean slate, another shot to make it, and maybe even the chance to embrace all the good and bad of past years that make me, well, me. Of course I am excited to see the antics my husband comes up with to "bring sexy back" LOL.

What are your resolutions, new year or otherwise? I looked up some of the most common and of course, lose weight, eat better, drink less, and save more where at the top of the list. Blah, Blah, Blah!! I instead wanted to entertain you with some of the most hysterical New Year's Resolutions that I found.

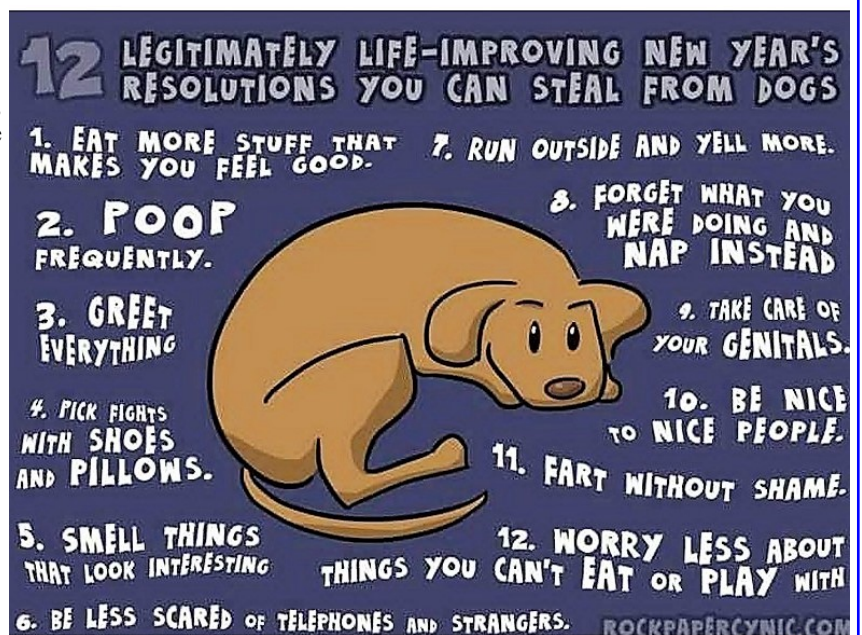
- ◆ *I will not tell the same story at every get together* – OK for veterans this had me dying, you know we all have that one battle buddy or have heard that one story every time you get together. If you can't think of someone, well, it's you.
- ◆ *I will do less laundry and use more deodorant* – Ummmmmm, yeah got nothing. With teenage boys in the house there is never enough deodorant!!
- ◆ *Learn what the heck "resolution" means* – For beginners please start here.
- ◆ *I will be a nice critic* – Is that like mom advice? "Ya know, your hair would look so much better this way." Translation—Your hair looks terrible.
- ◆ *I resolve not to harass my supervisor with the same lame excuses about taking the day off. I will make some excellent new excuses.* – As a supervisor this is appreciated, please put forth some creative effort and earn that hooky day!

So if you are one who resolves to "do" or "accomplish" something for yourself this year, good luck!! For the rest of us, it is a new year; make sure to document how many times you write 2018 instead of 2019 on your claim forms.

This year brings for me a son graduating high school and shipping off in to the US Army in June; my daughter just turned 21 years old; and my youngest turns 16!!!! I don't feel that old, what the heck!! I just had to go to the eye doctor for an exam and he says "Well, your at that age it looks like you need transition lenses." Those are for old people I said. Yeah, I'm not feeling it, however I do like to read.

My wish for us all is to make some great memories; have some success; find a balance between work, and family; and to keep making a difference in the lives of each other and the veterans we serve.

Most importantly love and take care of yourself!!





# Upcoming Events

**February 24 – March 1, 2019 CACVSO Winter Conf Holiday Inn  
Capitol Plaza, Sacramento, CA**

**June 9—14, 2019 Summer Conf Hilton Concord, Concord, CA**

# DATES OF INTEREST

## January 2019

- 1 New Years Day
- 2-8 Someday We'll Laugh About this Week
- 9 Law Enforcement Appreciation Day
- 15 Bagel Day
- 16 Civil Service Day
- 21 Martin Luther King Jr Day
- 27 Holocaust Memorial Day
- 28 Bubble Wrap Appreciation Day
- 29 Plan a Vacation Day

