



Communicator

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The COMMUNICATOR is the official publication of the California Association of County Veterans Service Officers (CACVSO). Opinions expressed are those of contributing writers and do not necessarily reflect opinions or policies of CACVSO officers, members, or the editorial staff. The newsletter reserves the right to edit, amend, or reject any contribution submitted for publication.

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President's Message

(Solano CVSO Ted Puntillo, President)

We are going through many changes in the CVSO world. Right now PIV Cards are a primary focus. The VA has granted us a reprieve until August 17, 2016 and have also committed to get us all PIV cards by that date in all phases. Phase one is over half completed but moving slowly. The holdup seems to be in the background checks. The VA also reports that some CVSO's are not completing the paperwork for the E-Quip (background check) within the 5 day deadline. Once you get the letter from the VA to start the E-Quip, you have 5 days to complete it. This is not the easiest form to complete.

I had some difficulty and had to have the help desk fix certain things to make it work for me. Some people breeze right through, so I think it could have been operator error. After the E-Quip is submitted on line, you have to wait for a letter from the VA HR department to go get your card. I went to Mather and had to go back two days in a row, as their machine was not working properly. I finally got it and it works fine. It did not work last week and I called the help desk and they said I needed a new password every 90 days. I said that I did not have a password, but rather a pin number. The help center said you need a new password every 90 days, but you really don't use it.

We are also approaching the reporting period end on June 30. As you know, the subvention reports are due July 31, 2016. You should be starting to work on the Board of Supervisor signatures now. Some counties will need an agenda item to get these documents signed. I still think that using the one time resolution authorizing the CAO or some other easily accessible designee to sign is the best way to go. I just walk into my CAO Analyst's Office and she gets the CAO to sign the documents. It takes 5 minutes. You can also start to clean up your Vet Pro reports by using their handy trouble shooting applications.

The forms that give us the most errors are 21-4138, 21-686c, 21-8940 and duplicates of any form. These applications will give you a list of potential problems that the auditors will look for and gig you by reducing your work load units. It is also a good time to make sure you take as many awards as you can. We cannot rely on the District Offices to supply us with award letters. The VA is going paperless don't even give the District Offices the letters. We have to use our pending files and VBMS to take awards. When we get awards from the District Office we have usually already taken them using VBMS. Chris Bingham has a great system to show you every day the claims that have been awarded in your office. He will demonstrate in Bakersfield. That is the future. We cannot reply on others to get this information. We must get it ourselves. See you in Bakersfield.....It should be fun!

Ted



TIME & PLACE COMMITTEE

(San Luis Obispo County—CVSO Dana Cummings, Chair)

Dates & Locations of Upcoming Conferences



June 5—10, 2016

Doubletree Hotel
Bakersfield, CA



October 2—7, 2016

Flamingo Conference Resort & Spa
Santa Rosa, CA



February 27—March 3, 2017

Holiday Inn Capitol Plaza, Sacramento, CA

NewsLetter DEADLINE

**Last Thursday of the Month
Unless Notified Otherwise!**

OUT OF THE NORM—ISSUE # 210

(A feature of the Education Committee by Mr. Norm Gillett, CACVSO Training Consultant)

The question continues to regularly arise as to whether a Reservist or National Guard member who was ordered to active duty and who then returned to his or her Reserve or National Guard unit afterwards would qualify as a “veteran” for this benefit or that benefit (especially for healthcare from the VA Clinics). My impression is that there continues to be much confusion, both by VSOs and by VA personnel, about how various benefits based upon active service apply to Reservists and Guard members, as opposed to those persons who enlist or are commissioned directly into the regular Armed Forces.

Some definitions are necessary: A veteran is defined as “... a person who served in the active military... service, and who was discharged or released ... under conditions other than dishonorable” 38 USC 101(2). Also, “The term ‘veteran’ includes a person who died in the active military service”

38 USC 1301. Nowhere in these definitions is there any mention of how the person came to be in the active military service, how long the person had to serve, or anything of the like. The **only** requirements are that 1) the person was in the active military service, and 2) the person was honorably discharged from such service, or died in line of duty while in such service. A Reservist or a National Guard member who is ordered to Title 10 active duty is as much a veteran as is any person who enlisted or was commissioned or was drafted into the regular Armed Forces. Where that veteran goes or what that veteran does after completion of his/her active service is irrelevant to the question.

Now, the real question, of course, is: “However he/she came into service, is *this* particular veteran eligible for *that* particular VA benefit?” The answer, of course, is “It depends.” As you know, for all veterans who first entered service after September 1980 (enlisted) or October 1981 (officers), eligibility for most VA benefits, including health care, education benefits, loan guaranty benefits, NSC pension, burial in a National Cemetery, etc., requires that the veteran have served a minimum period of active duty, which is defined as 24 months of continuous active duty or the full period for which the person was ordered to active duty, whichever is less. There are some exceptions—the minimum active duty requirements do not apply to any benefit in connection with a SC disability or death, or for any benefits pertaining to any VA insurance program. The minimum active duty requirement also does not apply if the veteran was discharged from service for a SC disability; or has a compensable (10% or more) SC disability (even if the veteran was not discharged from service for it); or is discharged under an early out program; or is discharged for hardship. 38 CFR 3.12a.

If a National Guard unit is called up for only six weeks, and the Guard member serves the entire six weeks and is then honorably released from that active service, that Guard member is now a veteran who has met the minimum active duty requirement, and who is eligible for any VA benefit for which he/she would otherwise qualify, including treatment at a VA Clinic. However, note that some benefits *also* have separate length of service requirements, such as 90 days total active service for NSC pension, in addition to the minimum active duty requirement. If a Reservist who has been called up dies while on Title 10 active duty status (and the death was in line of duty), the death is SC by definition and entitles to full SC death benefits, including burial in a National Cemetery.

Finally, don’t confuse these general rules for all veterans, including Reservists and Guard members, with the special rules which provide for circumstances whereby certain Reserve or National Guard *training* may be considered as “active service.” 38 CFR 3.6 (a). The purpose of these special rules is to confer eligibility for benefits on certain Reservists or National Guard members who would otherwise not be eligible because they have no active service. These rules require that the Reservist or Guard member incur or aggravate a disability or die while under orders for active duty for training; or, for inactive duty training, the Reserve member must either suffer a traumatic injury or death during the training; or while traveling to or from such training; or suffer or die from certain catastrophic illnesses (acute MI, cardiac arrest, stroke) while in training status. If any of these occur, that particular period of training then qualifies as “active service” and that Reservist or Guard member is a veteran.

LEGISLATIVE ADVOCATE REPORT

(By Pete Conaty and Dana Nichol, Legislative Advocates)



CALIFORNIA ASSOCIATION OF COUNTY VETERANS SERVICE OFFICERS

AB 1596-MATHIS/SALAS

VETERANS SERVICE ORGANIZATIONS; VETERAN GRANT

SUMMARY

AB 1596 (Mathis/Salas) would appropriate \$3,000,000 in one-time funding to the California Department of Veterans Affairs for the purpose of making grants available to Congressionally Chartered Veterans Service Organizations that perform outreach to veterans for the purposes of assisting them with their federal benefits claims. AB 1596 is the top legislative priority for 2016 for the Veterans Service Organizations listed below.

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LEGISLATIVE ADVOCATE REPORT continued on Page 4

This Month's Featured County

Contra Costa County is a county located in the state of California in the United States. As of the 2010 census, the population was 1,049,025. The county seat is Martinez. The name means "opposite coast" in Spanish. Contra Costa County is included in the San Francisco-Oakland-Hayward, CA Metropolitan Statistical Area. It occupies the northern portion of the East Bay region and is primarily suburban.



SPONSORS

American G.I. Forum
American Legion-Department of CA
AMVETS-Department of CA
California Association of County Veterans Service Officers
Military Order of the Purple Heart-Department of CA
Veterans of Foreign Wars-Department of CA
Vietnam Veterans of America-CA State Council

SUPPORTERS

Association of the United States Army-Department of CA
CA State Commanders Veterans Council
Jewish War Veterans, Department of CA
Military Officers Association of America-CA Council of Chapters
Reserve Officers Association-Department of the Golden West
Scottish American Military Society in CA
California State Association of Counties
Rural County Representatives of California
Ventura County Board of Supervisors

BACKGROUND

AB 1596 seeks to help non-profit, Congressionally Chartered Veterans Service Organizations. These organizations are prominent in the community and most veterans are familiar with them.

With County Veterans Service Officers and Veterans Service Organizations currently striving to help as many veterans as they can and bringing in over \$575 million per year in new federal monies to California's veterans, there is still a large portion of veterans and their families who don't know they are even eligible for their federal veterans benefits. The underutilization of these benefits can be shown by observing other states that bring home more dollars per veteran because they employ more funding and resources to outreach and claims assistance. Fourteen other states provide grants directly to Veterans Service Organizations for this purpose.

AB 1596 seeks to help Veterans Service Organizations in their mission of assisting veterans by making available \$3 million in one-time funding to a competitive grant program to be administered by the California Department of Veterans Affairs.

Existing law

In 2004, AB 2268-Samuelian was signed into law which required the California Department of Veterans Affairs to assist every veteran of the United States and the dependent or survivor of every veteran in presenting and pursuing various veterans claims against the United States. AB 2268 authorized the Department to cooperate, with the approval of the Department of Finance, and contract with any Veterans Service Organization to pursue claims before federal agencies. It also authorized the department to compensate any Veterans Service Organization for services rendered by it to any veteran or dependent or survivor of a veteran.

In 2009, SB 418-Senate Committee on Veterans Affairs was signed into law. SB 418 clarified that the provisions of AB 2268 would not take effect until the funding level from the state for County Veterans Service Officers reached \$5 million.

In 2010, the state budget allocated \$11 million dollars to the Operation Welcome Home Program. In addition to increasing the funding to County Veterans Service Officers, Operation Welcome Home also allocated \$2 million in grant funding for Veterans Service Organizations. However, due to the effects of California's Recession, Operation Welcome Home was cancelled in 2011.

After two years of one-time funding increases for CVSO's of \$5 million in 2013 and 2014, the Legislature and Governor agreed to provide the CVSO's with \$5.6 million in ongoing local assistance funding in 2015. That set the stage for the Veterans Service Organizations to seek grants from the state to assist veterans with their federal claims and as a result, AB 1596 was introduced.

Also in 2013-14, the state budget created Strike Teams to assist in helping to reduce the huge claims backlog the U.S. Department of Veterans Affairs was facing. The state realized that it needed to help alleviate this bottleneck so that California's veterans could receive their benefits in a timely fashion.

The implementation of competitive grants to Veterans Service Organizations via AB 1596 will complete the necessary third facet of a comprehensive strategy to get California veterans the benefits they have earned by virtue of their military service. The state will also benefit from the increased influx of hundreds of millions dollars in new federal monies to the state's economy.



Stanislaus County Veterans Office

is pleased to announce
that our fourth Vet Rep has been hired.

Let's all welcome

Rob Daniel

County Veterans Services Representative

The San Diego Union-Tribune

HELPING VETERANS THROUGH JUSTICE SYSTEM

By B. Wayne Hughes Jr. | 5:20 p.m. April 28, 2016 | Updated, 5:30 p.m.

The state Assembly's Veterans Affairs Committee, with bipartisan support, recently unanimously approved AB 1672, legislation aimed at expanding the reach of Veterans' Treatment Courts in California. Currently, they exist in only 28 out of 58 counties. The bill's author, Assemblyman Devon Mathis, R-Visalia, is a Purple Heart recipient and two-time combat veteran of the Iraq War.

I sponsored AB 1672 in order to ensure that every California veteran in every California county has access to a court that was specifically designed to assist them through our complex justice system. These courts offer veterans who have committed low-level offenses, and are suffering from post-traumatic stress disorder (PTSD), or other disorders, an opportunity to enroll in various recovery programs. The courts' goal is rehabilitation — restoring a wounded veteran that has served our nation.

Tragically, we see far too many California veterans put themselves in harm's way, endure unspeakable trauma on the battlefield, and return home to their families and communities with serious mental and emotional disorders. Some veterans are able to read-just just fine, but, sadly, many face real difficulties in their daily lives. And candidly, many get into trouble with the law. Take Jeremy Thomas — a Marine serving his country in Afghanistan, when he was severely wounded by an IED. As a result of that explosion, he lost his left hand and sustained fragmentation injuries to both his arms and legs. But, as horrific as Jeremy's physical injuries were, the mental and emotional trauma was just as damaging. PTSD, a soldier's worse nightmare, became Jeremy's nightmare. In order to deal with this psychological pain, and to escape from the battlefield memories, Jeremy began abusing illegal drugs, started shoplifting to support his addiction, and eventually was arrested and sent to jail.

At this point in Jeremy's life his future appeared hopeless. It's estimated there are 2.4 million veterans of the wars in Iraq and Afghanistan. Of that number, approximately 460,000 (20 percent) suffer from PTSD or some form of major depression.

One in six post-9/11 veterans, or 345,000, has a substance abuse problem. Left untreated, it typically leads to involvement in the criminal justice system. Most tragically, an average of 22 veterans commit suicide in the United States every day.

Fortunately for Jeremy, the staff at Veterans' Court in San Diego reached out to him while he was in jail. The court worked with the Marine Corps and immediately had him transferred to a residential substance abuse program. After five months of treatment, he had a serious relapse, and was expelled. The Veterans' Court, however, didn't give up on Jeremy, and found another facility willing to accept him. After seven months of intensive treatment, which he admitted was a challenging experience, he successfully completed the program. Upon graduating in November 2015, the criminal charges were dismissed, and he's been sober ever since.

According to Jeremy, "I don't know where I'd be without Veterans' Court. I do know I'm alive today because of it." Presently, he's attending college full-time, plans to become a counselor, volunteers at the VA as a peer mentor, and has a renewed sense of purpose.

Fortunately, Jeremy's story isn't unique. The good news — Veterans' Courts throughout our nation, are, in fact, working, with a 98 percent success rate. The bad news — as effective as these courts have been, veterans in the majority of California counties aren't getting these vital services. AB 1672 will commission a study on the costs associated with permitting counties with Veterans' Courts to provide service to counties without the courts. This will ensure that no veteran is left without the representation they deserve.

And that's why I'm not only happy to serve as its sponsor, but I'm also committed to fund half of the state-commissioned study.

AB 1672 takes those important first steps by expanding the reach of Veterans' Courts and saluting those who have served us, like Jeremy Thomas, a young man who has gone to hell and back. This brave Marine fought for our country, fought with his disorder, fought with the law, and fought with himself, but thanks to a Veterans' Treatment Court, those fights are now behind him. We owe it to our soldiers to give them a second chance, no matter where they reside. A Veterans' Treatment Court, in every county, will accomplish this goal.

Hughes is a California businessman, philanthropist and founder of SkyRose Ranch in Central California which treats veterans with PTSD and other disorders.

VA Secretary Provides Relief for Veterans with Traumatic Brain Injuries

WASHINGTON – Secretary of Veterans Affairs Robert McDonald has granted equitable relief to more than 24,000 Veterans following a national review of Traumatic Brain Injury (TBI) medical examinations conducted in connection with disability compensation claims processed between 2007 and 2015.

This action by the Secretary allows the Department of Veterans Affairs (VA) to offer new TBI examinations to Veterans whose initial examination for TBI was not conducted by one of four designated medical specialists and provides them with the opportunity to have their claims reprocessed. Equitable relief is a unique legal remedy that allows the Secretary to correct an injustice to a claimant where VA is not otherwise authorized to do so within the scope of the law.

“Traumatic Brain Injury is a signature injury in Veterans returning from the conflicts in Iraq and Afghanistan, and VA is proud to be an organization that sets the bar high for supporting these, and all, Veterans,” said Secretary McDonald. “Providing support for Veterans suffering from a TBI is a priority and a privilege, and we must make certain they receive a just and fair rating for their disabilities.”

To ensure that TBI is properly evaluated for disability compensation purposes, VA developed a policy in 2007 requiring that one of four specialists – a psychiatrist, physiatrist, neurosurgeon or neurologist – complete TBI exams when VA does not have a prior diagnosis.

Since 2007, medicine around TBI has been a rapidly evolving science. VA designated particular specialists to conduct initial TBI exams because they have the most experience with the symptoms and effects of TBI. As more research became available, VA issued a number of guidance documents that may have created confusion regarding the policy. VA has confirmed that its TBI policy guidance is now clear and being followed.

“We let these Veterans down,” Secretary McDonald said. “That is why we are taking every step necessary to grant equitable relief to those affected to ensure they receive the full benefits to which they are entitled.”

VA understands the importance of an accurate exam to support Veterans’ disability claims. The Secretary’s decision to grant relief will enable VA to take action on any new examinations without requiring Veterans to submit new claims. If additional benefits are due, VA will award an effective date as early as the date of the initial TBI claim.

VA will contact Veterans identified as part of this national TBI review to offer them an opportunity to receive a new examination and have their claims reprocessed. More than 13,000 of these affected Veterans are already receiving service-connected compensation benefits for TBI at a 10-percent disability evaluation or higher, which means that the diagnosis has already been established.



**SOME APPROACHING
DATES OF INTEREST**

JUNE 2016

- 5 National Doughnut Day
- 8 National Best Friend Day
- 14 **Flag Day**
- 18 International Picnic Day
- 19 Father's Day
- 20 World Refugee Day
- 26 Day Against Drug Abuse



**Freedom
isn't Free**



**Support
Our Troops**

