



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.

For article submissions, email:
jallmon@inyocounty.us

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CACVSO Rocked Winter Conference 2020

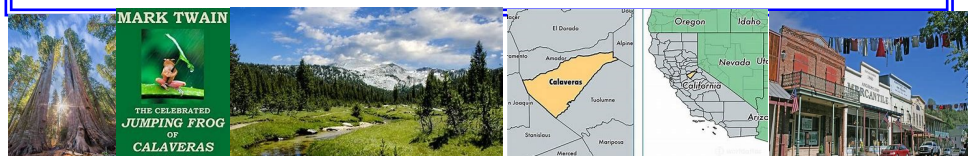
Let's take a moment to reflect on the amazing job the training team did organizing training for the CACVSO and NACVSO conference!! Lead by Virginia Wimmer, her team did an amazing job organizing quality training for all. To the Sacramento CVSO lead by their fearless VSO Rochelle Arnold and her entire team thank you for hosting an amazing event. I was particularly impressed by the banquet band, how lovely was that!! The hospitality sweet was, well "SWEET" thanks to our Rockin' Ronda. I am sure there are so many unsung heroes that I haven't named from working equipment, picking up supplies, transporting gear, set ups and take downs, fire snuffers, and the support and flexibility of the membership just goes to show why we accomplish so much for each other and our veterans. You should all give yourselves a pat on the back!

Remember this organization runs on the shoulders of those involved, the doers, so please step up and share your gifts of electronics, organization, training, knowledge, and planning by volunteering on one of our committees. As the saying goes, many hands make a light load.

Keep changing lives and we will meet again in Crescent City!!

This Month's Featured County

Calaveras County is a four-season travel destination located in California's beautiful Gold Country and spectacular High Sierra between Yosemite and Lake Tahoe. Just 2 to 3 hours from San Francisco or San Jose (depending on traffic). Calaveras is your affordable weekend getaway with award-winning Sierra Foothills wineries, unlimited recreational opportunities, picturesque Gold Rush towns steeped in wild west history and a friendly, welcoming culture with unique year-round events.



VA



U.S. Department
of Veterans Affairs

News Release

Office of Public Affairs
Media Relations

Washington, DC 20420
(202) 461-7600
www.va.gov

March 4, 2020

VA publishes proposed regulations to improve the Program of Comprehensive Assistance for Family Caregivers

WASHINGTON –The U.S. Department of Veterans Affairs (VA) will publish a proposed rule in the Federal Register March 6 that would improve and standardize VA’s Program of Comprehensive Assistance for Family Caregivers (PCAFC) and ensure the program regulations reflect changes required by the VA MISSION Act of 2018.

A component of the Caregiver Support Program, the PCAFC was established in 2011 to provide additional benefits including a monthly stipend for qualifying family caregivers of eligible Veterans who were seriously injured in the line of duty on or after Sept. 11, 2001.

In the proposed rule, VA seeks to standardize eligibility by expanding the definition of serious injury to include any service-connected disability — regardless of whether it resulted from an injury, illness or disease — defining what it means to be in need of personal care services, and ensuring that the eligibility criteria capture the personal care service needs of Veterans and Servicemembers with cognitive or neurological impairment or mental health conditions, among other things.

Additionally, VA is proposing changes to the stipend payment methodology, definitions for financial planning and legal services and procedures for revocation and discharge, to include advance notice requirements aimed at improving communication between VA and PCAFC participants.

“We owe a tremendous debt of gratitude to caregivers who work tirelessly to provide critical support for our nation’s Veterans,” said VA Secretary Robert Wilkie. “This proposed regulation would improve the assistance we provide to help ensure our most vulnerable Veterans can stay in their homes with their loved ones for as long as possible.”

VA’s Caregiver Support Program is the first of its kind and addresses the complexity and expense of keeping loved ones out of institutions and at home with their families who provide personalized care. The program offers unparalleled support services including training, peer mentoring, respite care, a telephone support line and self-care courses for caregivers of all Veterans enrolled in VA health care who need personal care services.

The regulations are part of a broad effort to strengthen PCAFC in advance of a planned expansion under the MISSION Act which expanded eligibility for PCAFC to eligible Veterans from all eras, beginning with those who incurred or aggravated a serious injury in the line of duty on or before May 7, 1975. Two years after the first phase of program expansion, PCAFC will include eligible Veterans who were seriously injured in the line of duty between May 7, 1975 and Sept. 11, 2001. Prior to expanding, VA must fully implement an information technology (IT) system required by the MISSION Act.

In October 2019 VA launched a commercial off-the-shelf IT system and expects to complete deployment in late summer or early fall of 2020. The department also standardized operating procedures for the Caregiver Support Program, provided new training for staff and caregivers and is boosting operational capacity through hiring of additional staff. These changes are necessary as VA prepares to expand PCAFC.

Learn more about support services available for caregivers of Veterans or call the Caregiver Support Line at 1-855-260-3274.

The proposed rule will be open for public comment in the Federal Register for 60 days.

How to Qualify for Social Security Disability Benefits at the Same Time as VA Disability

If you retired from the military due to service based injury and you're receiving VA disability benefits you may also qualify for Social Security disability benefits. It's a common belief that you cannot receive both VA disability and Social Security disability benefits but you can receive both. If you have a medical illness or condition that will make it impossible for you to work for at least 12 months you can file a claim for Social Security disability benefits.

Medical Conditions That Qualify For Social Security Disability Benefits

All of the medical conditions that qualify for Social Security disability benefits are listed in the Social Security Administration's [Blue Book](#). Each listing contains a set of criteria that you must meet in order to receive disability benefits for that condition. If you have a condition that is listed in the Blue Book and you meet the requirements your claim for disability benefits should be approved quickly. Some of the more common medical conditions that affect veterans include:

- Vision Loss
- Hearing Loss
- Respiratory illness or COPD
- Depression
- Anxiety
- PTSD
- Back problems
- Knee and foot problems
- TBI

Social Security disability benefits are available for both those that are receiving VA disability and FERS payments. However, those receiving FERS payments will not be entitled to the "Special Retirement Supplement". In addition, it is possible to qualify for two different unrelated conditions provided that you are able to prove that the condition makes it impossible to work.

In order to prove your claim for benefits you will need to provide medical documentation including a diagnosis, test results, treatment plans, or any other documentation that shows the extent of your illness. For some conditions you can also use letters and statements from social workers, psychologists, and case-workers to support your claim for benefits. All of those records should have been given to you with your VA disability ratings sheet. You can use those records as well to bolster your claim.



Residual Functional Capacity

If you have a medical condition that keeps you from working but you don't meet all of the technical requirements in the Blue Book you can still receive benefits through the [Residual Functional Capacity](#) exception. If you ask for it the Social Security Administration will perform a Residual Functional Capacity evaluation. This is to see if there is any type of full-time work that you can do with your medical problem. If they determine there is no work you that you can do then your claim for benefits can be approved even though you don't meet all of the Blue Book requirements.

Starting An Application For Social Security Disability Benefits

You can start your application for disability benefits online, or you can make an appointment at your closest [SSA office](#) and apply in person. If you need help with the application or if you have questions about the application you should apply in person at the SSA office. A staff member there can help you fill out the application and answer your questions.

The SSA Blue Book

<https://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>

What is a Residual Functional Capacity?

<https://www.disabilitybenefitscenter.org/blog/residual-functional-capacity-what-is-rfc>

Local SSA Office

<https://secure.ssa.gov/ICON/main.jsp>

This article was provided by Mark Steele and www.disabilitybenefitscenter.org, an independent website that helps people of all ages through the Social Security process. Feel free to reach out to Mark (mts@ssd-help.org) with any questions or comments

NOT THE NORM

RUMORS AND MEDICAL STUDIES

A short while back I got a question about VA granting 100% service connected disability due to shots from "bad batches" of anthrax vaccine. This was accompanied by an extensive list of these bad batches and where they were supposed to have been administered. The question also asked about VA grants of service connection for autoimmune conditions secondary to PTSD and anthrax, based upon some published medical studies.

This breaks down into two distinct issues. The first is the anthrax vaccine and the internet rumor mill. The second is about the use of studies as evidence in support of disability claims. (*While I touched on the latter subject a bit over a year ago, given turnover and just the information overload you experience in this work, it warrants repeating.*)

The anthrax aspect of the question had attachments "documenting" batch numbers and locations where these alleged bad batches were administered. Also among the attachments were references to impending automatic grants of total disability simply for have received a shot from one of the batches listed. From what I can find, 38 C.F.R. §3.317 (*Compensation for certain disabilities occurring in Persian Gulf veterans.*) has not been amended since 2016 and does not address anthrax vaccinations at all.

Here's a response from the official VA website:
"Social media rumors have been circulating that VA will grant 100 percent disability compensation for allegedly tainted lots of the anthrax vaccine. The rumor about a tainted anthrax vaccine is a hoax. VA does not have this policy. The potential side effects of vaccines, including anthrax, are generally mild and temporary."

Back when I was doing claims, one of the more difficult things to communicate to clients, especially in country Vietnam vets, all of whom are presumed to have been exposed to herbicides, was that exposure does not constitute a disability. The conversation would go something like:

Vet: "I want to file a claim for Agent Orange."

Me: "OK, what is your disability?"

Vet: "Agent Orange."

Me: "Agent Orange is the name for an herbicide that was sprayed in Vietnam. It is not a disability."

Vet: "But, I was exposed to it. I can prove it."

Me: "No argument there. You don't even need to

prove it. You just need one of the conditions specified by VA as being related to Agent Orange, like ischemic heart disease, or diabetes, or a whole list of cancers Or, you can get a doctor to write something saying that a condition you currently have is, in his or her opinion, due to herbicide exposure. Do you have any disabilities?"

Vet: "No."

Me: "Then we have no basis for a claim for an A/O related disability claim, but let's talk about all the things that happened while you were in the military, and your current health situation."

The vet usually left either mollified or really irate.

The question regarding using studies to link disabilities to military service or other conditions is an entirely different matter. Not long before his retirement, the Association circulated an email from Patrick Jolly asking about the efficacy of using a study in support of a claim for an autoimmune disorder secondary to PTSD. There is no provision in the law that would make any autoimmune condition presumptively service connected based upon a diagnosis of, or rating for, PTSD. This would take an action, by the VA Secretary, to amend 38 C.F.R. somewhere after §3.309. Or, Congress could pass a law making specific conditions presumptively secondary to PTSD. Any action by the Secretary could be blocked by the President, as (I read in a recent RAO Bulletin) is the case of some A/O or Gulf War relation presumption currently proposed by VA. The President can also veto legislation, subject to legislative override.

However, that does not mean that a study cannot be used as evidence in support of a claim. It just has to be used in support of a claim for direct, or secondary, service connection. This will require a statement from a medically competent professional linking the specific claim to the study and an explanation of how that conclusion was reached. This applies to PTSD, anthrax vaccine, or any other condition.

So, remember, an internet rumor, just like anything else, that seems to be too good to be true, in all likelihood, probably is too good to be true. But, medicine is a science which changes and evolves rapidly. If something looks like it could be of significant support of a claim, get an expert opinion. If the opinion supports the claim, use it. If nothing else, it will require that VA examine the connection, if only in an effort to refute it. And, if the supporting and refuting opinions are considered to be equal in validity, your claimant wins.

A calendar page with a red ribbon graphic. The ribbon is thick and has a slightly textured appearance, curving across the top and bottom of the page. The calendar grid is visible in the background, with numbers like 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29. The text "Upcoming Events" is written in a large, blue, serif font, centered on the page.

Upcoming Events

2020 Summer Conference

Crescent City, CA

Monday, June 22, 2020—Friday, June 26, 2020

<https://thelighthouseinn Crescent City.com/>

<https://www.fly Crescent City.com/>

2020 Fall Conference

Grass Valley, CA

Monday, October 18, 2020—Friday, October 23, 2020

<https://www.goldminersinn Grass Valley.com/>

DATES OF INTEREST

March 2020

- 3 I want you to be happy day!
- 8 Daylight Savings Begins (Spring Forward)
- 14 Pi Day
- 18 Awkward Moments Day
- 22 Tuskegee Airmen Day
- 25 National Medal of Honor Day
- 29 National Vietnam War Veterans Day

Awareness Weeks

- 1-7 National Words Matter Week
- 16-20 Native American Awareness Week
- 22-28 National Cleaning Week

Monthly Observances

- National Cheerleading Safety Month
- National Women's History Month
- Employee Spirit Month
- National Kidney Month

Stone—Aquamarine

Flower—Daffodil

