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## Veterans Day

Veterans Day originated as "Armistice Day" on Nov. 11, 1919, the first anniversary of the end of World War I. Congress passed a resolution in 1926 for an annual observance, and Nov. 11 became a national holiday beginning in 1938. Unlike Memorial Day, Veterans Day pays tribute to all American veterans—living or dead—but especially gives thanks to living veterans who served their country honorably during war or peacetime. When Is Veterans Day?

- Veterans Day occurs on November 11 every year in the United States in honor of the "eleventh hour of the eleventh day of the eleventh month" of 1918 that signaled the end of World War I, known as Armistice Day.
- In 1954, President Dwight D. Eisenhower officially changed the name of the holiday from Armistice Day to Veterans Day.
- In 1968, the Uniform Holidays Bill was passed by Congress, which moved the celebration of Veterans Day to the fourth Monday in October. The law went into effect in 1971, but in 1975 President Gerald Ford returned Veterans Day to November 11, due to the important historical significance of the date.
- Veterans Day commemorates veterans of all wars.
- Great Britain, France, Australia and Canada also commemorate the veterans of World War I and World War II on or near November 11th: Canada has Remembrance Day, while Britain has Remembrance Sunday (the second Sunday of November).
- In Europe, Great Britain and the Commonwealth countries it is common to observe two minutes of silence at 11 a.m. every November 11.

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## This Month's Featured County

Madera County was formed in 1893 from Fresno County during a special election held in Fresno on May 16, 1893. Citizens residing in the area that was to become Madera County voted 1,179 to 358 for separation from Fresno County and the establishment of Madera County. Madera is the Spanish term for wood. The county derives its name from the town of Madera, named when the California Lumber Company built a log flume to carry lumber to the Central Pacific Railroad there in 1876. The Madera County Sheriff's Department employed the first woman in California to die in the line of duty as a sworn law enforcement officer—Tulare native Lucille Helm (1914-1959). For 15 years, the Madera housewife and mother of four worked on call as a "matron" assisting with female transfers.



**VA**



U.S. Department  
of Veterans Affairs

# News Release

Office of Public Affairs  
Media Relations

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

October 21, 2019

## VA announces new process for responding to Privacy Act requests

The U.S. Department of Veterans Affairs (VA) implemented a new process Oct. 1 for responding to [Privacy Act](#) requests from claimants received by the Veterans Benefits Administration (VBA) for access to their claims files.

VA has amended its process for those requesting their own information while respecting the privacy rights of third-parties by [redacting third-party personally identifiable information \(PII\)](#) from the claims files.

"VA is committed to providing Veterans prompt access to their claim records increasing transparency and improving customer service," said VA Secretary Robert Wilkie. "It's imperative that we protect files containing sensitive and personal information.

VBA is required by the Privacy Act to allow Veterans -- or their representatives -- the opportunity to review or make copies of claims files.

Under this new process, VA does not anticipate delays in forwarding copies of claims files to Veterans or their designated representatives.

October 17, 2019

## VA ribbon-cutting ceremony brings health care closer to home for rural Veterans

The U.S. Department of Veterans Affairs (VA) celebrated its latest telehealth innovation Oct. 16 at the Veterans of Foreign Wars Post 6786 in Eureka, Montana, with the grand opening of the first VA Accessing Telehealth through Local Area Stations ([ATLAS](#)) site which will benefit up to 300 Veterans living in that community.

This state-of-the-art remote telehealth exam room is the first of many that will be opened in partnership with Veteran Service Organizations, bringing VA health care closer to rural Veterans

in their communities and reducing the need for them to travel long distances for select health care appointments.

"Our goal is to make sure every Veteran has access to health care," said VA Secretary Robert Wilkie. "ATLAS addresses another health care hurdle for Veterans living in rural areas or with limited Internet access and it's a great example of how public and private organizations can work together to solve the challenges of health care."

ATLAS exam rooms, provided by the VFW and designed in its partnership with Philips, provide telehealth equipment in a secure and private space, allowing Veterans to conduct virtual appointments with VA providers. [Philips](#) is a health technology company focused on improving people's health and enabling better outcomes by leveraging advanced technology and deep clinical and consumer insight

In addition to Eureka, Montana, the 10-site pilot program will have initial locations inside American Legions and VFW Posts in Springfield, Virginia, Los Banos, California and Linesville, Pennsylvania.

"Improving access to care for our nation's Veterans is something that will take collaboration across the public and private sector. As we expand the VA's success in telehealth and move these solutions closer to home, together with forward thinking service organizations, we can give our nation's Veterans greater access to the care they deserve," said Vitor Rocha, chief market leader, Philips North America.

There are more than 9 million Veterans enrolled in the VA health care system with three million living in rural or remote areas and 27% of that population not having internet access at home.

Visit [VA's Connected Care](#) website to learn more about ATLAS or VA's [Anywhere to Anywhere](#) telehealth initiative.

### Disclaimer of Hyperlinks

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Sometimes, advocates develop a kind of tunnel vision in regard to a specific approach to a claim and fail to consider other viable options. There are a few claims that I can recall in which I become so committed to the basis for a claim that I failed to keep the outcome the primary focus. Similarly, I have had claimants who were as invested in the validity of the bases for their claims as they were in getting compensated for the resultant disability. At some point, I believe I have mentioned the veteran who was unhappy with his PSTD award, not because of the percentage, but because the award was based on what he felt was the wrong stressor.

A widow was denied DIC in 2016. The vet was stationed in Da Nang. The causes of death are listed in the RD. On the face of it, I don't think these are presumptives, but I'm wondering if the VA failed in something by not raising the possibility of Agent Orange exposure. I'm asking her to better define head and neck cancer and tongue cancer. The tongue isn't considered part of the airway, is it?

The rating decision states: *"You certified that you had submitted all information or evidence that would support your claim, to include an identification of relevant records available at a federal facility such as a VA medical center or, in the alternative, that you had no information or evidence to give. As of the date of this rating, we have not received medical evidence indicating that the Veteran's head and neck cancer, metastatic tongue cancer, and cigarette smoking with contributing causes of chronic obstructive pulmonary disease and malnutrition due to cancer were incurred in-service or caused by injury or disease that began during a period of active duty service. There is no evidence that head and neck cancer, metastatic tongue cancer, and cigarette smoking with contributing causes of chronic obstructive pulmonary disease or malnutrition due to cancer was manifest to a compensable degree within one year of the Veteran's discharge from service for presumptive consideration. There is no evidence that the above service connected conditions caused, aggravated or hastened the death of the Veteran."*

His CAPRI records show he had lung cancer as well. There's an indication that it may have been metastasized from neck or

## NOT THE NORM

tongue, but I'm using that to refile for DIC.

There is a lot to unpack here. The rating decision, on the face of it, doesn't provide much a basis to claim clear and unmistakable error (CUE). 38 C.F.R. §3.309(e) does not include head or neck cancer in the list of presumptions and respiratory cancer presumptions only apply to the lung, bronchus, larynx, or trachea. The widow was offered the opportunity to present additional evidence, but, apparently, had nothing else to submit. I do not believe that, based on the facts as stated in the decision, VA was obligated to raise the issue of presumption.

However, the CAPRI record changes things a bit. The rating decision does not mention lung cancer. It also opens up a couple of ways to approach a new claim:

- You state that the record "indicates" that the lung cancer may have metastasized from his tongue. "May have metastasized" is a speculation, not a conclusion.
- It is probable that there are no biopsies or the various cancers. Absent a fact based conclusion that the lung cancer was a product of one of the others, any such inference is speculative. Is there a timeline of diagnoses or something else that supports that speculation?
- Are there studies, or is it possible to obtain, an opinion that supports a grant of direct service connection under §3.303(d), which states: *"Service connection may be granted for any disease diagnosed after discharge, when all the evidence, including that pertinent to service, establishes that the disease was incurred in service. **Presumptive periods are not intended to limit service connection to diseases so diagnosed when the evidence warrants direct service connection.**"* (emphasis added)

So, there are now several to approach a reopened claim. Absent a medical conclusion that directly ties the lung cancer to a preexisting one, there is a viable claim for presumption based upon §3.309(e). At this point, if I was working the case, I would not raise the issue of CUE yet. If an award of DIC is based on presumption is made, that would be a basis for an earlier effective date, based on CUE. Howev-

er, in my opinion, it would be prudent to get an award based on presumptive service connection first. Besides, VA might surprise you and recognize that there was a clear and unmistakable error in the original rating and make an adjustment in the effective date. I have seen it happen. The correction of a rating based on CUE, not the retro adjustment, however.

If it does not appear there is a basis for a grant based upon presumptive disability, I would start by looking for any studies which suggest a relationship of any of the cancers to A/O. At the same time I would see if the claimant could go back to the original treating physician and inquire about the possibility of obtaining an opinion that would support direct service connection. If studies are going to be the basis for the new claim, remember that there must be a competent medical opinion that ties this particular case to the study(ies) cited.

There is nothing to keep you from pursuing both presumptive and direct service connection. If the evidence establishes grounds for a viable claim for presumptive service connected death, to keep a CUE claim for an earlier effective date in play I would initiate the presumptive claim first. Keep in mind, however, if that claim for is denied, make sure a supplemental claim, with the evidence supporting direct service connection, is submitted in time to preserve the effective date of the initial reopened claim.

The point of my comments this month may be so obvious that they don't warrant mention. While the perspective of The Who, in the song *Join Together*, where they say "there's a million ways to laugh, and every one's a path" is a bit of an overstatement, it does help me to keep my focus on the goal, not the process. Your charge in the Military and Veterans Code §971(a) is: *The county veterans service officer shall assist every veteran of any war of the United States and every qualified former member, and the dependents of every deceased veteran and every qualified former member, in presenting and pursuing any claim the veteran or the qualified former member may have against the United States and in establishing the veteran's or qualified former member's right to any privilege, preference, care, or compensation provided for by the laws of the United States or of this state.* That specifies your goal. How you get there is a matter of focusing on the best interest of the claimant you represent. Keep an open mind, and, sometimes see if a peek outside the box might show a more effective way of reaching the goal than following the usual path.

# California Association of County Veterans Service Officers 2019 End of Year Legislative Report

Thursday, October 21, 2019

By: Seth Reeb, Reeb Government Relations

Governor Newsom has signed 15 of the 16 veteran and military-related bills that were sent to his desk for a signature. The Legislature has adjourned for the 2019 legislative session and is set to return on January 6, 2020. This is a report on the status of all bills that we lobbied on your behalf in 2019. You can see below if a bill is a 2-year bill (the bill is still active and we can continue to work on it next year), died, was vetoed or signed by the Governor.

The Governor had three choices: Sign the bill into law, allow it to become law without a signature (if it was not signed by October 13, 2019) or veto it.

This year CACVSO supported, opposed, and monitored over 90 veterans and military related bills. CACVSO took a position on 32 bills. We were able to assist in getting 16 bills all the way through the process and to the Governor's desk.

This year CACVSO had two sponsored bills, AB 55 (E. Garcia); Local Assistance increase and AB 408 (Frazier); Disabled Veterans License Plate. AB 55 died in the Assembly Appropriations Committee and AB 408 was held in the Assembly Appropriations Committee with the ability to continue moving through the process in 2020 (2-year bill).

Bills signed by the Governor go into effect on January 1, 2020, unless otherwise stated in the bill.

## **SUMMARY OF 2019 LEGISLATION:**

AB 21 (Obernolte R) Driver's licenses: veteran designation.

**Status: Dead**

Summary: Current law allows an in-person applicant for a driver's license or identification card to request the word "VETERAN" be printed on the face of the driver's license or identification card, subject to certain requirements, including, among others, verification of veteran status, as specified, and payment of a \$5 fee, which the department is authorized to increase by regulation, in an amount not to exceed \$15, as specified. Commencing July 1, 2019, existing law prohibits a fee from being charged for that request if certain criteria are met. This bill would make the payment of a fee by any veteran inoperative no later than July 1, 2020, and repeal the law on January 1, 2021, thereby indefinitely requiring the department to make a veteran designation on a verified applicant's license, without charge. The bill also would make technical and conforming changes.

Position: Support

AB 55 (Garcia, Eduardo D) Department of Veterans Affairs: veterans' services.

**Status: Dead**

Summary: Current law requires the Department of Veterans Affairs to disburse funds, appropriated to the department for the purpose of supporting county veterans service officers pursuant to the annual Budget Act, on a pro rata basis, to counties that have established and maintain a county veterans service officer in accordance with the staffing level and workload of each county veterans service officer under a formula based upon performance developed by the department. This bill would define a workload unit for purposes of these provisions to mean a specific claim activity that is used to allocate subvention funds to counties, which is approved by the department, and performed by county veterans service officers.

Position: Support/Sponsor

AB 160 (Voepel R) Employment policy: voluntary veterans' preference.

**Status: 2-Year Bill**

Summary: Would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring or retaining a veteran over another qualified applicant or employee. The bill would provide that the granting of a veterans' preference pursuant to the bill, in and of itself, shall be deemed not to violate any local or state equal employment opportunity law or regulation, including, but not limited to, the antidiscrimination provisions of California Fair Employment and Housing Act (FEHA).

Position: Support

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# California Association of County Veterans Service Officers 2019 End of Year Legislative Report

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AB 169 (Lackey R) Guide, signal, and service dogs: injury or death.

**Status: Signed by the Governor.**

Summary: Under current law, it is an infraction or a misdemeanor for a person to permit a dog that is owned, harbored, or controlled by the person to cause injury to, or the death of, a guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Current law makes a person who intentionally causes injury to, or the death of, a guide, signal, or service dog, while the dog is in discharge of its duties, guilty of a misdemeanor. This bill would delete, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified.

Position: No position taken

AB 230 (Brough R) Disabled veteran business enterprises.

**Status: Signed by the Governor.**

Summary: Current law states the intent of the Legislature that every state procurement authority meet or exceed a DVBE participation goal of a minimum of 3% of total contract value. Current law requires a department awarding a contract to, upon completion of that contract, require the prime contractor that entered into a subcontract with a DVBE to certify specified information to the awarding department, including, among other things, the amount each DVBE received from the prime contractor. This bill would require that information to include proof of payment for work done by the DVBE, upon request of the awarding department, and the amount and percentage of work the prime contractor committed to provide to one or more DVBEs under the contract.

Position: Support

AB 232 (Cervantes D) Veteran suicides: report and recommendations.

**Status: 2-Year Bill**

Summary: Current law requires the State Department of Public Health to implement an electronic death registration system and to access data within the system to compile a report on veteran suicide in California that includes information on the veterans' ages, sexes, races or ethnicities, and methods of suicide. Current law requires the department to provide that report annually to the Legislature and the Department of Veterans Affairs. This bill would additionally require the report described above to include information on the veterans' locations of residency and death, length and locations of service, branches of service, and occupations and industries or businesses.

Position: Support

AB 290 (Wood D) Health care service plans and health insurance: third-party payments.

**Status: Signed by the Governor.**

Summary: The Knox-Keene Health Care Service Plan Act of 1975 provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Current law also provides for the regulation of health insurers by the Department of Insurance. These provisions govern, among other things, procedures by health care service plans and insurers with respect to premium payments. This bill would require a health care service plan or an insurer that provides a policy of health insurance to accept payments from specified third-party entities, including an Indian tribe or a local, state, or federal government program.

Position: Oppose

AB 368 (Quirk-Silva D) Southern California Veterans Cemetery.

**Status: Signed by the Governor.**

Summary: Current law authorizes the Department of Veterans Affairs to acquire, study, design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery at the Bake Parkway site in Orange County. Current law makes honorably discharged veterans and their spouses and dependent children eligible for interment in the cemetery, as specified. This bill would instead authorize the department to locate the cemetery at either a specified site in the Orange County Great Park in the City of Irvine, or at a site known as the Golf Course Site, as specified. The bill would require the department, after completing acquisition studies of each site, to consult with the Department of General Services to determine which site to pursue based on specified factors, including, among other things, the availability of each location.

Position: Support

AB 408 (Frazier D) Vehicles: disabled

**Status: 2-Year Bill**

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# California Association of County Veterans Service Officers

## 2019 End of Year Legislative Report

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Summary: 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. The bill would change the definition of "disabled veteran" to instead refer to a veteran who has a combined service-connected disability rating of 100% or is rated permanently and totally disabled based on individual unemployability by the United States Department of Veterans Affairs or the military service from which the veteran was discharged, due to a diagnosis or diagnoses that substantially impair or interfere with mobility.

Position: Support/Sponsor

AB 427 (Brough R) Personal income taxes: exclusion: uniformed services: retirement pay.

**Status: Dead**

Summary: Would, for taxable years beginning on or after January 1, 2020, and before January 1, 2030, exclude from gross income specified amounts of retirement pay received by a taxpayer from the federal government for service performed in the uniformed services, as defined, during the taxable year.

Position: Support

AB 550 (Flora R) Veterans: Medical Foster Home Pilot Program.

**Status: Vetoed by Governor**

Summary: Would establish the Medical Foster Home Pilot Program until January 1, 2023, under which a United States Department of Veterans Affairs (USDVA) facility may establish a medical foster home that is not subject to licensure or regulation as a residential care facility for the elderly, a community care facility, or a residential care facility for persons with chronic, life-threatening illness, pursuant to specified federal requirements. The bill would require a USDVA facility establishing the home to agree to be subject to the jurisdiction of the California State Auditor, and would require a medical foster home caregiver or an individual, other than a veteran resident, who is over 18 years of age and is residing in the medical foster home to be a registered independent home care aide, as specified. The bill would state the intent of the Legislature that the California State Auditor, in response to a request to the Joint Legislative Audit Committee, conduct an audit evaluating the pilot program created by this bill no sooner than January 1, 2021, as specified.

Position: Support

AB 558 (Petrie-Norris D) State Bar of California: service members: legal services.

**Status: Signed by the Governor.**

Summary: Would require the State Bar to engage with military service providers, along with the other legal aid organizations, veteran service providers, and volunteer attorneys described above, to provide legal services to veterans and service members and their families who otherwise cannot afford legal services, and collaborate to improve access to and delivery of these services throughout the state. The bill would revise these provisions to include legislative findings on, among other things, the difficulty of veterans, service members, and their families in securing civil legal assistance.

Position: Support

AB 581 (Levine D) Sentencing: members of military: trauma.

**Status: 2-Year Bill**

Summary: Current law requires a court, if it concludes that a defendant convicted of a felony offense is or was a member of the United States military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the defendant's military service, to consider that circumstance as a factor in mitigation when imposing a sentence. Current law allows a defendant who is currently serving a felony sentence and meets these criteria to petition for resentencing if those criteria were not considered at the time of sentencing and the person was sentenced prior to January 1, 2015. This bill would allow a defendant meeting these criteria to petition for recall of sentence and resentencing without regard to whether the defendant was sentenced prior to January 1, 2015.

Position: Support

AB 634 (Salas D) Traffic control devices: roundabouts: memorial and dedication signs.

**Status: Signed by the Governor.**

Summary: Current law provides that the Department of Transportation has full possession and control of all state highways and associated property. The California Manual on Uniform Traffic Control Devices provides for 5 types of highway facilities that may be used for memorial or dedication signing, including, among other things, freeways and highways. This bill would require that roundabouts be added as a type of highway facility that may be used for memorial or dedication signing.

Position: Support

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# California Association of County Veterans Service Officers 2019 End of Year Legislative Report

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AB 1257 (Salas D) Sales and use taxes: exemption: vehicle modifications: physically handicapped persons: veterans.

**Status: Signed by the Governor.**

Summary: Current law exempts from sales and use taxes, in the case of a sale of a modified vehicle for physically handicapped persons to a disabled person who is eligible to be issued a distinguishing license plate or placard for parking purposes, the gross receipts attributable to that portion of the vehicle that has been so modified. Current regulations implementing those provisions provide that physically handicapped persons include disabled persons, as specified, which existing law defines as, among others, persons with a diagnosed disease or disorder which substantially impairs or interferes with mobility. Current federal law provides various benefits to disabled veterans, including assistance with the purchase of an automobile and adaptive equipment. This bill, on and after July 1, 2020, and before July 1, 2030, would specify that, for purposes of the exemptions described above, physically handicapped persons include eligible persons with a severe burn injury, as those terms are defined in existing federal law.

Position: Support

AB 1258 (Salas D) Personal income taxes: exclusion: servicemembers.

**Status: Dead**

Summary: Would, for taxable years beginning on or after January 1, 2020, and before January 1, 2030, would exclude from gross income active duty pay received by a servicemember while on active duty in this state and military retirement pay received during the applicable time period, as defined, after being honorably discharged.

Position: Support

AB 1343 (Eggman D) Private postsecondary education: California Private Postsecondary Education Act of 2009.

**Status: 2-Year Bill**

Summary: Would, beginning January 1, 2023, prohibit a private postsecondary educational institution from enrolling residents of California not already enrolled as of that date, unless the institution meets either the requirement that no more than 85% of the institution's tuition revenue, determined as specified, is derived from student financial aid provided by a federal agency, or not less than 50% of the institution's tuition revenue is dedicated to a combination of student instruction and student support, as defined in regulations adopted by the bureau no later than July 1, 2022, as specified.

Position: Support

AB 1376 (Ramos D) Civil service: veterans' preference: background checks.

**Status: 2-Year Bill**

Summary: Would amend veterans' preference provisions to require the Department of Human Resources to collaborate with specified state entities to establish a veterans' preference to be applied to employment opportunities within the field of cybersecurity that require a background check. The bill would require a state agency, as defined, that hires for a position in cybersecurity that requires a background check to apply the veterans' preference and to establish a uniform hiring policy for veterans who have held a security clearance in the last year and have left the military in good standing or were honorably discharged. The bill would request the Regents of the University of California to enact for the University of California veterans' preference provisions that are equivalent to the veterans' preference provisions added by the bill.

Position: Support

AB 1588 (Gloria D) Drinking water and wastewater operator certification programs.

**Status: Signed by the Governor.**

Summary: Current law requires the State Water Resources Control Board to issue a water treatment operator certificate and water distribution operator certificate by reciprocity to any person holding a valid, unexpired, comparable certification issued by another state, the United States, prescribed territories or tribal governments, or a unit of any of these. Current law requires the board to classify types of wastewater treatment plants for the purpose of determining the levels of competence necessary to operate them. This bill would require the board to evaluate opportunities to issue a water treatment operator certificate or water distribution operator certificate by reciprocity, or a wastewater certificate by examination waiver, to persons who performed duties comparable to those duties while serving in the United States military, as specified.

Position: Support

AB 1808 (Cervantes D) Public contracts: goods and services: installation of carpet, resilient flooring, and synthetic turf.

**Status: 2-Year Bill**

Position: Watch

Notes 1: Bill was amended to no longer deal with veterans issues.

AB 1809 (Cervantes D) Disabled veteran business enterprises.

**Status: 2-Year Bill**

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# California Association of County Veterans Service Officers 2019 End of Year Legislative Report

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Summary: Commencing March 1, 2020, and until March 1, 2024, would authorize a state agency to award a contract for services or information technology that has an estimated value of between \$5,000 and \$500,000 to a certified small business, including a microbusiness, or to a DVBE, as long as the agency obtains price quotations from 2 or more certified small businesses or 2 or more DVBEs. The bill would specify that a certified small business or DVBE that utilizes this process as an alternative to the competitive bidding requirements may not also receive the small business preference or the DVBE participation incentive, as specified.

Position: Support

SB 222 (Hill D) Discrimination: veteran or military status.

**Status: Signed by the Governor.**

Summary: Would state findings and declarations of the Legislature regarding the importance of housing for veterans and its priority, and declare that housing discrimination on the basis of veteran or military status is against public policy. This bill contains other related provisions and other existing laws.

Position: Support

SB 245 (Chang R) Public animal shelters: adoptions: veterans.

**Status: Signed by the Governor.**

Summary: Would prohibit a public animal shelter from charging an adoption fee for a dog or cat if the person adopting the dog or cat presents to the public animal shelter a current and valid driver's license or identification card with the word "VETERAN" printed on its face pursuant to the above described provision. The bill also would authorize a public animal shelter to limit the number of dogs and cats adopted from that public animal shelter by an eligible veteran to one dog and cat each 6-month period.

Position: Support

SB 289 (Archuleta D) Medi-Cal: home- and community-based services: military.

**Status: Signed by the Governor.**

Summary: Current federal law provides for various home- and community-based services (HCBS), as part of a waiver or a state plan amendment under the Medicaid program, to promote coverage and services that enable an individual who would otherwise be institutionalized to live at home or in the community. This bill would require the retention of placement on the waiting list for, or the reenrollment in, specified HCBS waiver programs for an individual who is a dependent child or spouse of an active duty military service member and who transfers out of state with the military service member on official military orders, if the individual subsequently reestablishes residence in this state and meets other specified procedural requirements.

Position: Support

SB 312 (Leyva D) Veterans: service dog assistance.

**Status: 2-Year Bill**

Summary: Would require the Department of Veterans Affairs, upon appropriation by the Legislature, to establish a competitive grant program to provide assistance for the cost of service dogs to veterans with post-traumatic stress disorder. The bill would award grants to certified veteran service dog providers, as defined, that provide services including, among other things, the purchase of the dog, training of the dog, and equipment for the dog. The bill would additionally require the Department of Veterans Affairs to publicize the program, as specified. The bill would require the department to, on and after December 1, 2021, accept and either approve or reject applications to certify veteran service dog providers.

Position: Support

SB 364 (Stone R) Property taxation: senior and disabled veterans.

**Status: Dead**

Summary: The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value, as defined, of that property, and provides that the full cash value base may be adjusted each year by the inflationary rate not to exceed 2% for any given year. Current property tax law implementing this constitutional authority provides that the taxable value of real property is the lesser of its base year value compounded annually by an inflation factor not to exceed 2%, as provided, or its full cash value. Current property tax law also provides that the taxable value of a manufactured home is the lesser of its base year value compounded annually by an inflation factor not to exceed 2% or its full cash value. This bill, for any assessment year commencing on or after January 1, 2020, and before January 1, 2030, would provide that the inflation factor shall not apply to the principal place of residence, including a manufactured home, of a qualified veteran, as defined, who is 65 years of age or older on the lien date, was honorably discharged from military service, and meets specified requirements.

Position: Support

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# California Association of County Veterans Service Officers 2019 End of Year Legislative Report

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SB 500 (Morrell R) Veterans: education.

**Status: 2-Year Bill**

Summary: This bill would require the Department of Veterans Affairs to establish an education assistance program to provide housing and tuition assistance to disabled veterans attending graduate school in the State of California if their eligibility for federal education assistance has expired. The bill would, upon appropriation by the Legislature, require the department to provide tuition assistance and a housing allowance to disabled veterans while they attend specified graduate schools in the State of California, as specified.

Position: Support

SB 534 (Bradford D) Insurers: minority, women, LGBT, veteran, and disabled veteran business enterprises.

**Status: Signed by the Governor.**

Summary: Current law requires each admitted insurer with premiums written equal to or in excess of \$100,000,000 to provide information to the Insurance Commissioner on all of its community development investments and community development infrastructure investments in California. This bill would require those insurers to also report to the commissioner on their minority, women, LGBT, veteran, and disabled veteran-owned business procurement efforts, as specified. Under the bill, a failure to report the information by the reporting deadline would subject the admitted insurer to civil penalties to be fixed and enforced by the commissioner, as provided.

Position: Support

SB 562 (Morrell R) Property taxation: exemption: principal residence: veterans and their unmarried surviving spouses.

**Status: Dead**

Summary: Current property tax law, pursuant to the authorization of the California Constitution, provides a disabled veteran's property tax exemption for the principal place of residence of a veteran, the veteran's spouse, or the veteran and veteran's spouse jointly, and the unmarried surviving spouse of a veteran, as provided, if the veteran is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled as a result of injury or disease incurred in military service, or if the veteran has, as a result of a service-connected injury or disease, died while on active duty in military service. This bill, for the 2020–21 fiscal year to the 2029–30 fiscal year, inclusive, would increase these exemption amounts to \$200,000, or \$250,000 if the household income of the claimant does not exceed \$65,000, as adjusted for inflation.

Position: Support

SB 588 (Archuleta D) Public contracts: Disabled Veteran Business Enterprise Program.

**Status: 2-Year Bill**

Summary: Would incorporate additional changes to Section 999.5 of the Military and Veterans Code proposed by AB 230 to be operative only if this bill and AB 230 are enacted and this bill is enacted last. This bill contains other existing laws.

Position: Support

SB 663 (Jones R) Property taxation: exemptions: veterans' organizations.

**Status: Dead**

Summary: Current property tax law establishes a veterans' organization exemption under which property is exempt from taxation if, among other things, that property is used exclusively for charitable purposes and is owned by a veterans' organization. This bill would provide that the veterans' organization exemption shall not be denied to a property on the basis that the property is used for fraternal, lodge, or social club purposes, and would make specific findings and declarations in that regard. The bill would also provide that the exemption shall not apply to any portion of a property that consists of a bar where alcoholic beverages are served.

Position: Support

SB 725 (Rubio D) Veterans rental housing.

**Status: Dead**

Summary: Current law creates the Veterans Housing and Homeless Prevention Act of 2014, to provide for the acquisition, construction, rehabilitation, and preservation of affordable multifamily supportive housing, affordable transitional housing, affordable rental housing, or related facilities for veterans and their families to allow veterans to access and maintain housing stability. This bill would require the department to establish a rental housing assistance program to provide financial assistance to veterans seeking rental housing, based on the needs of the veterans.

Position: Support

*Continued on next page*

# California Association of County Veterans Service Officers 2019 End of Year Legislative Report

*Continued from previous page*

## Links to information relating to legislation (audio/ video/text):

I am sharing the following information for two reasons.

1. I want to make you are all aware of the information related to the work that Reeb Government Relations does here at the State Capitol.
2. I strongly believe in the public being informed as to what laws are being passed here in California. I would like to encourage everyone to check out the videos and see your legislators in action. (Senate, Assembly Floor sessions and Committee on Veterans Affairs).

I am including links to where you can watch legislators in action in the last few weeks of the legislative session for 2019. Also, I will include links to where you can see how your legislators have voted on specific bills.

- √ Watch live hearings: <http://www.calchannel.com/live-webcast/>
- √ Watch Video on demand: <http://www.calchannel.com/video-on-demand/>
- √ Bill info, votes, Committee Analysis: <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>  
For example, you can type in SB 663; where you will be able to see specific information about the current form of the bill. In the right-hand corner, you will see (Version) and you can see if and how the bill has been amended (changed) through the year if you would like that detailed information.

## For more information contact :

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## Veterans Day

*Conintued from page 1*

- Every Veteran's Day and Memorial Day, Arlington National Cemetery holds an annual memorial service. The cemetery is home to the graves of over 400,000 people, most of whom served in the military.

The military men and women who serve and protect the U.S. come from all walks of life; they are parents, children, grandparents, friends, neighbors and coworkers, and are an important part of their communities. Here are some facts about the veteran population of the United States:

- 16.1 million living veterans served during at least one war.
- 5.2 million veterans served in peacetime.
- 2 million veterans are women.
- 7 million veterans served during the Vietnam War.
- 5.5 million veterans served during the Persian Gulf War.
- Of the 16 million Americans who served during World War II, about 558,000 are still alive.
- 2 million veterans served during the Korean War.
- 6 million veterans served in peacetime.
- As of 2014, 2.9 million veterans received compensation for service-connected disabilities.
- As of 2014, 3 states have more than 1 million veterans among their population: California (1.8 million), Florida (1.6 million) and Texas (1.7 million).
- The VA health care system had 54 hospitals in 1930, since then it has expanded to include 171 medical centers; more than 350 outpatient, community, and outreach clinics; 126 nursing home care units; and 35 live-in care facilities for injured or disabled vets.

# How to Continuously Pursue a VA Claim under the AMA (Modernized Appeal) Process.

by Chris Attig



One of the critical concepts of the AMA is the idea of the continuously pursued claim. If you continuously pursue a VA Claim, you can keep your original claim effective date.

So what does it mean to continuously pursue a VA claim, and how do you do it? Essentially, the idea of the continuously pursued claim is a new part of the AMA, and is how one preserves the original effective date of a claim or appeal filed under the Modernized Appeal (AMA) process. Let's rewind a little.

There are generally two ways to file a claim under the AMA system.

## #1: File a VA Notice of Intent to File a Claim

First, one can file a VA Notice of Intent to File. All this entails is telling the VA that you intend to file a claim, and you have a year to complete the application for benefits. If you do, then the date of your VA Notice of Intent to File is the effective date of your claim if it is granted. You cannot file a VA Notice of Intent to File if you are filing a Supplemental Claim in response to a ratings decision, BVA Decision or CAVC decision that issued after February 2019. And you cannot file a VA Notice of Intent to File a claim for Accrued Benefits or Substitution.

## #2: File a Claim

Second, one can simply file a claim for benefits – either an original claim if it is the first time, or a supplemental claim if you have already filed a claim for benefits. What does this have to do with the concept of continuously pursuing a claim under the AMA? Everything. So long as you continue to pursue your claim by timely filing the correct documents and evidence, your effective date will remain the date of your Notice of Intent, or the date of your claim, depending on which you filed first.

## How do you Continuously Pursue a VA Claim?

There are several ways to continuously pursue your VA Claim. Let's say you file a claim and the VA denies it – or a part of it. You then have three options under the AMA (Modernized Appeal) process.

**Option #1:** You can seek Higher Level Review. Everything I'm hearing from veterans and advocates is that the HLR process is a colossal waste of time. If you had a positive experience with the Higher Level Review Process, I'd love to hear about it.

**Option #2:** You can file a Supplemental Claim. So long as you submit "new and relevant" evidence with the supplemental claim, or within 60

days of the supplemental claim, you will continue to have the original effective date if the VA ultimately grants your supplemental claim.

**Option #3:** You can appeal the ratings decision to the BVA. If the BVA denies your appeal, you can then either appeal to the Court to correct legal error or, if you have new and relevant evidence, you can file a supplemental claim within one year. Some advocates argue that you can do both at the same time, but that theory has not been tested, that I know of.

Notice that so long as you continuously pursue your claim – no matter how many timely supplemental claims you file – you will preserve the original effective date so long as you have new and relevant evidence. However, the negative side to that "gamble" is that if the VA decides that one of your supplemental claims did not contain new and relevant evidence, you lose that original effective date (unless you win timely appeal to the BVA or, if appropriate, to the Veterans Court).

I'm telling you folks, this process is incredibly confusing. It gets even more confusing when you figure out that the VA is not real clear about what evidence is part of the record of a particular claim or appeal and what evidence has been 'rejected.' And, most important, Veterans who have spent the better part of 2 decades battling the VA for a particular benefit will have to rethink all of their strategies. There are not only more choices and opportunities, but there are also more risks.

The VA will tell you that the AMA (Modernized Appeal) process is not a "once-and-done" process, but that you can move your claims and appeals from one lane to another, with unlimited moves and "no option goes away." Of course, this is about the equivalent of saying that the Los Angeles Dodgers can win all 162 games in the season, and they never have to lose a game all year.

Options do go away, and they will largely go away for a couple common reasons: bad decisions by the VA and bad decisions by Veterans. If Congress intended to "gamify" the VA compensation claims process, then they have succeeded.

What are the Take-aways? There are 2 big Takeaways.

The first take-away is this: so long as you continuously pursue a VA claim with timely appeals of a denial of that claim, you keep your original effective date, which is either the date of the claim or the date you filed the VA notice of intent to file a claim, depending on the facts mentioned above.

The second take-away is this: there are 3 critical junctures of an appeal where a veteran will have to evaluate the risk and decide whether to file a supplemental claim (and attempt to add new evidence to win the claim) or to file an appeal (and challenge the VA's actual decision to deny). Here are the 3 critical junctures:

**Critical Juncture #3:** Within 1 year of the VA Ratings Decision, a veteran must decide whether or not to file a supplemental claim or appeal to the BVA

**Critical Juncture #2:** A veteran may appeal a BVA denial to the Veterans Court within 120 days or file a supplemental claim within one year of the date of the decision.

# Humorous Perspective

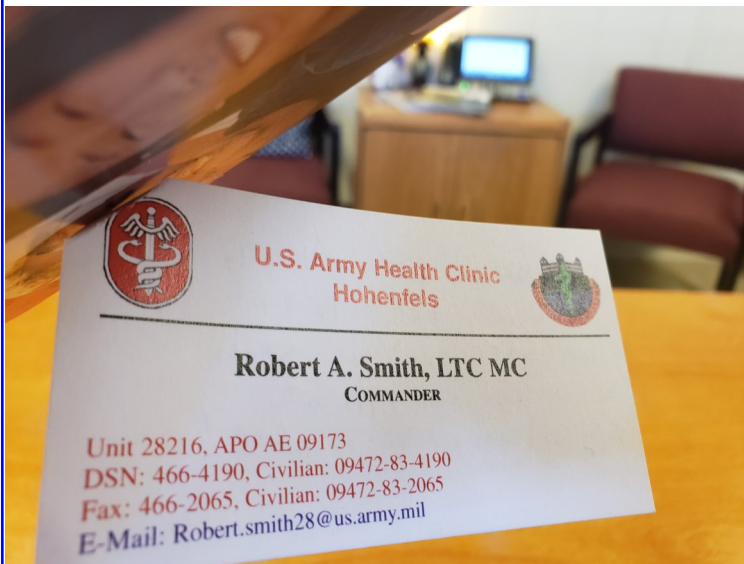
By Jessica Allmon

November is National Gratitude Month!! I think about how grateful I am for the people in my life, the experiences I have had, my job, and the possessions I have acquired. The definition of gratitude is the quality of being thankful; readiness to show appreciation for and to return kindness. In her book, *Living in Gratitude: A Journey That Will Change Your Life*, Angeles Arrien writes: "Gratitude is essentially the recognition of the unearned increments of value in one's experience." She goes on to say: "Gratitude is a feeling that spontaneously emerges from within. However, it is not simply an emotional response; it is also a choice we make. We can choose to be grateful, or we can choose to be ungrateful—to take our gifts and blessings for granted. As a choice, gratitude is an attitude or disposition."



I recall one particular expression of gratitude that was especially touching. I was stationed at Landstuhl Regional Medical Center (LRMC) as the NCOIC of the pulmonary department of the hospital. One day in my PO Box was a package of my favorite Girl Scout cookies with a note taped to the box. I don't know the LTC that sent it to me, and can vaguely recall the soldier that I took care of in the day to day operation of saving lives. But I do remember how amazing his acts of kindness made me feel. I have never opened the cookies, but they have had a place of honor on my desk to remind me that expressions of gratitude do not have to be grand. I mean for this man to track me down and take the time to write a note, attach it to the box and then mail it took thought, diligence, and action. He will never know what it still means to me.

I really think that is the point, right? How do our actions make other people feel? Expressions of gratitude are not for our benefit, but to uplift the person receiving. We reap the benefit of feeling gracious, that spontaneous or chosen emotion that drives us to expression.



Sometimes choosing to be grateful is hard, and takes effort. But one tool that I have found is to identify 3 things you're grateful for when you feel irritated, angry, jealous, or put out. For example, doing dishes, I loathe doing dishes!! But I have been working on being grateful for the small things, and I am grateful that I have running water to do my dishes, I have a home to store my dishes, I have food to put on my dishes making them dirty, and I have people to enjoy my meal with making more dishes. This exercise has now made me do dishes with a grateful heart, rather than irritated at the mess. I have found it is nearly impossible to feel any other emotion when feeling gratitude. Try it the next time you find your self burdened with a negative mindset and then express and share your gratitude to those around you! Leave a ridiculously large tip for the server, hold the door open for someone, write

a thank you note- by hand, tell people face to face what they mean to you and how they have impacted your life and then watch the positive reaction spread!! Also, be aware of how you feel when living a gracious life.

Small, grateful acts every day can uplift us, make a difference for others, and help change the world!

# More questions answered as installations get ready for the potential 3 million extra shoppers

By: Karen Jowers

An extra 3 million people will be eligible to shop at commissaries and exchanges, and have certain MWR benefits. (Defense Commissary Agency)

A little more than two months before a new shopping benefit takes effect for about 3 million newly eligible shoppers, defense officials have tested and rolled out the system that will allow these shoppers through the gates.

The technology is in place at the installations' gate scanning systems at all Air Force, Navy and Marine Corps installations, and at about 40 Army installations, according to Defense Department spokeswoman Jessica Maxwell.

Starting Jan. 1, all Department of Veterans Affairs service-connected disabled veterans, Purple Heart recipients, former prisoners of war and primary veteran caregivers will be eligible to shop at commissaries and exchanges on base, and to use certain morale, welfare and recreation facilities. All veterans with VA service-connected disability ratings of 0 to 90 percent are newly eligible.

Service-connected disabled and other veterans who are newly eligible will use their veterans health ID card, or VHIC to gain access to the installation, and to shop.

Defense officials have added the capability of scanning the VHIC card at most installations' front gate scanning systems. The balance of the Army installations will have the capability by the end of September, 2020, Maxwell said, but most of the remaining installations don't have facilities that offer the benefits, she said, such as commissaries and exchanges.

The fiscal 2019 National Defense Authorization Act expanded the pool of eligible shoppers. The expansion also applies to



That letter, along with a driver's license, passport or other authorized form of ID, will allow these newly eligible shoppers access to the installation, and allow them to use the privilege at commissaries, exchanges and designated MWR facilities.

This is similar to the process for veteran caregivers. The benefit applies to the primary caregiver of wounded/injured veterans who are registered in the VA caregiver program. The VA will post a memo to VA.gov for caregivers, to be used for access at the front gate, along with a driver's license, passport or other authorized form of ID.

Coast Guard facilities. The law also included Medal of Honor recipients, but they already had shopping privileges. Previously, veterans with 100 percent service-connected disabilities were able to shop; now all with service-connected disabilities can shop.

The benefit extends to MWR programs that are "revenue-generating facilities," according to the law. One example is golf courses.

This is the largest expansion of eligible customers in more than 60 years, and officials at the departments of defense, Veterans Affairs and Homeland Security have been planning for the rollout for more than nine months.

## **Don't have a VHIC card, but you're eligible?**

Officials have also come up with a system that will allow access for about 37,000 veterans who qualify for the new benefits, but aren't eligible for the VHIC. The only eligible veterans who aren't currently eligible for a VHIC are those veterans with a zero percent service-connected disability rating whose income exceeds the Housing and Urban Development indices, Maxwell said.

"The VA will provide a letter to these disabled veterans indicating they are eligible for these privileges, even if not eligible for the VHIC," she said.

## **Can my spouse shop, too?**

Theoretically, no. However, your spouse and family members can come into the stores with you, but they just can't buy anything.

That said, it might take longer to get on base if they're with you.

The procedures for access to the installation require people without a DoD-issued credential to stop at the visitor control center to undergo a check for criminal history and terrorism indicators, Maxwell said. If the check is successful; if the person's credential presented can be enrolled; and the installation has installation access control system enrollment capabilities, guests may be able to enroll for recurring access for later visits with their sponsor.

## **Does this new benefit apply to me if I live overseas?**

It does, unless you are living in an area where international agreements or host-nation laws limit access to commissaries and exchanges.



# Upcoming Events

**2020 Winter Conference**  
**Sacramento**

**Monday, February 24—Friday February 28, 2020**

**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/>

## DATES OF INTEREST

### November 2019

- 1 Dia de Los Muertos
- 3 Daylight Savings Time Ends (Fall Back 1 hr)
- 4 Use your Common Sense Day
- 11 Veterans Day
- 28 Thanksgiving
- 30 Stay Home Because You're Well Day

### Awareness Weeks

- 1-3 Sherlock Holmes Weekend
- 17-23 National Hunger & Homeless Awareness
- 27-29 World Karaoke Week

### Monthly Observances

- Military Family Appreciation Month
- American Indian Heritage Month
- National Gratitude Month
- Family Caregivers Month

