



# Communicator

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## Presidents Message



Happy September everyone, Summer is over, the kids are back in school, and sports are back in full fashion. I hope that everyone enjoyed their Labor Day and got to enjoy as much time with family and friends during the summer as possible. I am looking forward to our October virtual Annual Fall Conference and ask that if you have not already registered yourself and your team, please do so. It will assist our Training Chair Eric Enslay with the development of a dynamic agenda for your benefit. You can register for the conference at <https://cacvsoregistration.regfox.com/2024-cacvso-fall-training-conference-virtual>

Last week, all CVSO's received an email from David Lawrence at CalVet asking you to complete 15 questions related to your county's metrics for the period of July 1, 2023, thru June 30, 2024 (FY 2023-2024). The reason you were asked for this information is because CalVet is required to report this information to the Legislature by October 1st of each year. You are asked to participate in the survey via SurveyMonkey and it should not take you too long to complete. This information will be also used in our annual report, so your participation is instrumental in ensuring that the data in our report is accurate. The survey can be accessed and must be completed by September 12, 2024.

Placer County's CVSO Steve Johnson reached out because he wanted clarification on who is entitled to the "Disabled Veteran License Plate". He found conflicting information on the California DMVs website, CalVet, and our training. This topic is one that has never been fully resolved and is something that our Legislative Chair Jim Zenner has made a priority. It is important that every Veteran in California receives the access to DMV benefits they are entitled to regardless of what county they live and that the information on benefits available to them is accurate on every state agency website.

October is going to be an active month for me with a lot of travel. Santa Clara County will be hosting the "Greater Bay Area" claims clinic on October 2nd through the 4th. This will be the first claims clinic the VA has participated in California and is an example of the great work that we as CVSOs can do through collaboration. Events like this are what separates us from those "Claim Sharks" and shows how as local county government reach underserved populations without charging them \$20,000 for our assistance. This is going to be a great event and will help us this coming year as we focus on increasing our subvention funding and passing legislation to protect our veterans from claim sharks. I know that the Director of Veterans Services for Santa Clara County could use some assistance with overwhelming demand for assistance this event is bringing. I working to see if this could be an opportunity to use mentorship funds for those who need assistance with travel. Please contact Darlyn directly if you are interested in participating in this event at [darlyn.escalante@vets.sccgov.org](mailto:darlyn.escalante@vets.sccgov.org). It will be a great opportunity to make direct connections to Optum, QTC, and VES examiners. I will be making efforts to introduce all three to our Executive Director for continued sponsorship to assist us in our mission.

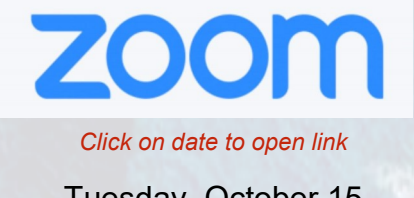
Our Legislative Chair and Reeb Government Relations (our lobbyists) are working on a strategic plan that will focus on increasing our subvention funding and passing legislation that will prevent "claim sharks" from conducting business in California in 2025. We will, as always, be engaging in every piece of legislation that impacts Veterans and their families as well, but two topics will be our focus. Our legislators cannot continue to underfund our offices and then allow these "claim sharks" to operate in California because we cannot meet demand. We can and are exceeding expectations that the PACT Act has placed on our offices, and we need the financial resources to maintain and increase our capacity. If you have any legislative questions, want information on legislative bills, or want the association to become aware and active on a particular issue, please contact Jim Zenner directly at [jzenner@mva.lacounty.gov](mailto:jzenner@mva.lacounty.gov).

Finally, I would like to ask our committee chairs to please have their reports submitted to our Secretary Yvette Mason by September 23, 2024. These reports will be used to for a quarterly newsletter and will help prepare our members for any questions that they might have for you during your reports at our general business meeting. The purpose of our newsletter is to inform both our members and our communities of our efforts and new information.

I look forward to seeing each of you virtually in October.

## UPCOMING TRAINING

### 2024 Fall Virtual Conference



Click on date to open link

[Tuesday, October 15](#)

[Tuesday, October 22](#)

[Tuesday, October 29](#)

### 2025 Winter Conference

HARD Rock Hotel and Casino  
Wheatland, CA



Dates to be determined



**Don't FORGET!** To bring a gift basket to be raffled off at the Conference. The gift(s) can be something unique to your County or something fun. See you all soon.

## Education Consultants Update



### Proceed Eyes Wide Open

We have noticed a disturbing trend lately regarding Veterans' TDIU claims (aka claims for individual unemployment) and wanted to share how we are responding.

The typical scenario is as follows: a Veteran applies for service connection (or for an increased rating) and when granted, finally meets the eligibility criteria for VA to consider the Veteran for TDIU (i.e., the Veteran has a combined rating of 70% and at least one service-connected condition individually rated as 40% disabling). In fact, in its award letter, VA will sometimes even invite the Veteran to apply for TDIU by submitting a completed VA Form 21-8940. But after the Veteran attends the TDIU-related VA examinations, VA then turns around and proposes to reduce one or more of the Veteran's disability ratings, which causes a combination of stress, anxiety, anger, and frustration for the Veteran – and then a visit to your office for help. What should you do?

Here is what we do:

Carefully review the VA exam report that is the basis for the VA's proposed reduction. Read on for what to look for in the VA exam report for it to qualify as a valid basis for a proposed reduction.

If the Veteran wants a pre-determination hearing, submit the request in writing (use VA Form 21-4138) **within 30 days** of VA's letter proposing the reduction. If a hearing is not needed or wanted, respond to VA's proposal **within 60 days** with either a personal statement by the Veteran and, or medical evidence that rebuts VA's proposed action.

Be careful NOT to submit either VA Form 20-0095 (Supplemental Claim) or VA Form 20-0996 (Higher Level Review Request) because VA's proposal is NOT a final decision and therefore these forms are not appropriate to use in these cases.

Even though most VA exam reports have one or two key parts that VA raters (and, or VA's AI computers) focus on for assigning the rating for the service-connected medical condition, you MUST still carefully read the entire exam report. This is because VA cannot properly and lawfully propose to reduce a Veteran's disability rating unless the VA examiner specifically discusses somewhere in the report how the service-connected condition "reflects an improvement in the Veteran's ability to function under the ordinary conditions of life, including employment." This requirement applies to ALL ratings, even those that have been in place for less than five years. Here is the relevant M21-1 manual provision (which conveniently references the relevant VA regulations too):

X.ii.4.A.1.b Evidentiary Standard for Reduction Due to Improvement In all rating reduction cases, to include those involving an evaluation that has not been in effect for five years or otherwise stabilized, a reduction in the evaluation may only be effectuated if the improvement is shown by a thorough examination adequate for rating purposes, as required in [38 CFR 4.2](#) and [38 CFR 4.10](#), and reflects an improvement in ability to function under the ordinary conditions of life, including employment.

**Reference:** For more information on the evidentiary standard for reduction due to improvement, see [Brown v. Brown5 Vet.App. 413 \(1993\)](#).

Again and to be clear, we are not suggesting that the Veteran avoid applying for IU; if the facts and evidence support his/her entitlement to IU, then proceed, but with eyes wide open as to what VA may ultimately decide. And remember, the only time VA is correct to propose a reduction of a Veteran's disability rating is when the VA examiner has specifically explained in the VA exam report how the severity of the medical condition in question has improved "under the ordinary conditions of life." This is not a finding that a RVSR can make; as noted in the above-cited M21-1 provision, it is a finding that only a VA examiner can make. Thus, if the Veteran is not able to obtain medical evidence to rebut VA's proposed action, then at the very least, have the Veteran write a personal statement describing in detail how the medical condition has **NOT** improved in his/her day-to-day life.

Please reach out to us if you have any questions about this topic or any other claim/appeal-related dilemmas with which we may be able to help you figure out a path forward. We are here to help all CACVSO members!

## By Laws Committee Update

Members: Dell Pratt (Napa County) and Bill Cook (Plumas County). The committee still has an opening for another voting member – as well as unlimited nonvoting members.

The Bylaws Committee is currently finalizing an update/addendum to the CACVSO Bylaws to incorporate language for a Code of Conduct (for lack of a better phrase) and our Association's expectations for conduct/behavior during conferences, meetings, acting on, interacting with, or as an official representative of CACVSO. We're 'leaning' towards a blanket statement referring everyone to their



## Nominations Update

This is Rhonda Murphy, your Junior Past President. As we gear up for our virtual conference, I wanted to remind you that at the Winter 2025 conference, we will be holding elections. Currently, we have an open position for the 2nd Vice President, but all positions are open for nominations. Please ensure that all nominations are submitted by December 31, 2024.



Additionally, remember that every in-person conference features the Yvette Mason Veteran Representative Award for excellence. The deadline for submitting nominations for this award is also December 31, 2024. This allows us enough time to review the nominees and purchase the awards. If you need the application for the award or have any questions, please let me know and I'll be happy to send it out.

## Legislative Committee Update

**Introduction:** As we approach the close of the 2024 legislative session, it's critical for the veteran community to stay updated on the latest developments in Sacramento. This comprehensive update covers the current status of veteran-related legislation, the end-of-session timeline, and upcoming changes in the legislature. Additionally, we'll discuss key veterans' advocates who are leaving office, the state budget's impact on veteran programs, and the role of the California Association of County Veterans Officers (CACVSO). Understanding these changes is essential to ensuring that the voices of veterans continue to be heard and represented in California policy.



**End of Session:** The legislative session is nearing its conclusion, with all bills needing to be signed or vetoed by Governor Gavin Newsom by **September 30, 2024**. As we close this chapter, it's important to note that a new session will begin on January 3, 2025, with a fresh set of legislators coming into office following the November elections. These changes present both opportunities and challenges for veterans' issues, particularly as we will see a shift in the makeup of the legislature.

After the election, several key veterans of the legislature will no longer be with us. **Senator Richard Roth** and **Senator Susan Eggman** are both termed out, and **Assemblymember Devon Mathis** has announced his retirement. These individuals have been long-standing advocates for veterans, and their absence will leave a gap in the legislative focus on veteran issues. With their departure, only a few legislators with military experience remain, underscoring the need for increased education and advocacy around veterans' issues.

It is critical that we work to ensure more veterans are elected to office and that those who are not veterans understand the unique challenges faced by our community. This is where efforts like the **Day at the Capitol** and the **Annual Report** play a significant role, helping to bridge the knowledge gap and inform legislators about the work that CVSOs (County Veteran Service Officers) do on behalf of veterans across California.

**Legislative Developments:** One of the most anticipated pieces of legislation this year was **AB 46**, a bill that sought to restrict state taxes on military retirement income. For many veterans, this bill represents a crucial step toward financial relief and recognition of their service. If passed, AB 46 would have significantly reduced the tax burden on military retirees, providing them with greater financial stability in their post-service lives.

The bill garnered substantial support from veteran organizations across the state, who argued that it would not only benefit retired service members but also make California a more attractive state for veterans to settle in after their service. Despite the strong advocacy and the clear benefits this bill would have provided to our veteran community, AB 46 did not advance as hoped. It faced challenges in the legislative process, particularly around budgetary concerns and the potential impact on state revenue, leading to its eventual stalling in committee.

The outcome has been a significant disappointment for many in the veteran community, but it has also underscored the importance of continued advocacy. The fight for tax relief for military retirees is far from over, and AB 46 has set the stage for future efforts to address this critical issue. We will be providing an in-depth look at the passed and vetoed legislation after the 30<sup>th</sup> of September, which marks the last day for the Governor to sign or veto legislation.

**State Budget Update:** The state budget for the upcoming year has been a significant topic of discussion, particularly as revenues have fallen short of expectations. In response, Governor Newsom had to make difficult decisions to balance the budget, drawing from the state's rainy-day fund and reallocating other resources to cover shortfalls. While the budget has been balanced, this will likely have implications for the funding available for various veteran services.

Notably, the Legislative Analyst's Office (LAO) has reported on the state's lower-than-expected revenues, a trend that may impact future budget allocations for veteran programs. It is essential for the veteran community to stay informed about these fiscal challenges and to advocate for the continued funding of vital services. As we move forward, understanding the state's financial landscape will be key to protecting the resources and advocates depend on.

**California State Commanders Veterans Council (CSCVC):** As we look ahead to the upcoming **California State Commanders Veterans Council (CSCVC)** meeting, it is important to remind CVSOs (County Veteran Service Officers) about the council's mission and its role in shaping statewide veteran policy. CSCVC serves as a vital connection point between veteran service organizations and CVSOs, providing a platform to advocate for veteran issues at the state level. The council also operates the **Voter Voice tool**, which helps mobilize veterans and their supporters by advocating for key pieces of legislation.

CSCVC plays a role in the Annual Report, placing ads and working alongside veteran organizations to ensure that policymakers understand the needs of veterans across California. This collaboration strengthens our collective voice and helps ensure that veteran services remain a top priority.

**Looking Forward: CACVSO Day at the Capitol** Finally, we look forward to seeing everyone at the **CACVSO Day at the Capitol**. This annual event offers a unique opportunity for CVSOs and veteran advocates to engage directly with legislators, share their insights, and advocate for the issues that matter most to California's veterans. With new legislators coming into office, this year's Day at the Capitol will be especially important in educating them about the challenges veterans face and the vital role that CVSOs play in supporting the veteran community. More details to come.

**Conclusion:** As we conclude this legislative session and look toward 2025, it is more important than ever for the veteran community to remain engaged and informed. The departure of key veterans from the legislature, the state's fiscal challenges, and the ongoing legislative efforts underscore the need for continued advocacy. By participating in events like the **Cal Vet Leadership Summit** and **CACVSO Day at the Capitol**, and by staying active through tools like **Voter Voice**, we can ensure that veterans' needs remain at the forefront of California policy.

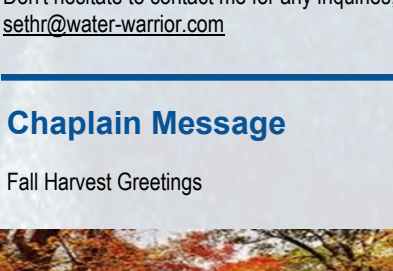
**Legislative team:** I am grateful for your keen interest in the Veterans Affairs Committee's initiatives. Your commitment to enhancing the lives of our veterans and their families does not go unnoticed. As the leading advocate at Reeb Government Relations, I am here to ensure you're always in the loop and actively participating in our legislative efforts that impact the veteran community.

Should you wish to dive deeper into any specific piece of legislation, I encourage you to coordinate with your legislative team to connect with me to set up a Zoom or phone discussion. I'm most willing to arrange a video conference to explore these matters further. It's an excellent opportunity for me to explain the legislative process in detail and, most importantly, to listen to veterans' firsthand accounts on how proposed laws could affect them. We do not always see unintended consequences.

Don't hesitate to contact me for any inquiries, feedback, or ideas you might have. I'm looking forward to our collaboration and hearing from you soon. [sethr@water-warrior.com](mailto:sethr@water-warrior.com)

## Chaplain Message

Fall Harvest Greetings



Hard to believe the summer is over and fall is here. So many love this time of year (my favorite season): pumpkin spice this or that, football and flannel shirts, candles glowing and days that are getting shorter.

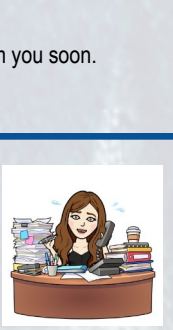
Just a short message to encourage each of you today. Keep your eyes fixed on the one who gives us everything and encourage one another. A kind smile, a kind word, a kind message just to let someone know you see them and care.

May your harvest basket be overflowing with the fruit of the Spirit: love, joy, peace, forbearance, kindness, goodness, faithfulness and gentleness and self-control. (Galatians 5: 22-23 NIV)

## Secretary's Corner



- Any questions
- Office Updates/Changes
- Roster Updates/Changes
- Conference Information
- Website additions/changes
- Newsletter submission deadline



Can be directed to your secretary and she will assist you or connect you to the appropriate contact person?

For further information, contact your secretary today at [secretary@cacvso.org](mailto:secretary@cacvso.org)

