



Howard County
 Phone: (765) 456-2511
 hcvso@iquest.net

Veterans Digest

October 2003

New Year's Deadline for Veterans to Register at Local Vet Centers

Veterans who served in the military during the Vietnam War era, Aug. 5, 1964 to May 7, 1975, but who weren't actually assigned to the Republic of Vietnam have until January 1, 2004 to be seen at local Vet Centers. Those who are seen by that date will be able to take advantage of the centers' group, individual and family counseling at a later date. If they do not register by that date, they will no longer be eligible.

The deadline also applies to veterans who served between those dates in other combat zones during the Vietnam War in places such as Thailand and aboard ship, but didn't actually serve in Vietnam and includes those veterans who served state-side or in other countries.

Ed Dax, Team Leader of the Fort Wayne, Indiana Vet Center, cautions that Vietnam era veterans should register at their local Vet Center even if they don't need to use it at the present time. Registration now, guarantees they will be able to use the center in the future.

There is no deadline for registration for veterans who served in-country in Vietnam at any time during the period from Feb. 28, 1961 to May 7, 1975. The deadline also does not apply to veterans of WWII, Dec. 7, 1941 to Dec. 31, 1946; Ko-

rean War, Jun. 27, 1950 to Jan. 31, 1955; Lebanon, Aug. 25, 1982 to Feb. 26, 1984; Grenada, Oct. 23, 1983 to Nov. 21, 1983; Panama, Dec. 20, 1989 to Jan. 21, 1990; Persian Gulf War, Aug. 2, 1990 to present; Somalia, Sep. 17, 1992 to present; Operations Joint Endeavor, Joint Guard and Joint Forge, who are veterans who participated in one or more operations in the former Yugoslavia (Bosnia-Herzegovina & Croatia, aboard U.S. Naval vessels operating in the Adriatic Sea, or air spaces above those areas), and those returning from present operations in Iraq (dates yet to be determined), and all veteran victims of sexual abuse, regardless of when or where they served.

The Vet Center, establish by Congress in 1979, out of recognition that a significant number of veterans were still experiencing lingering readjustment problems, is a community-based program providing readjustment counseling services to eligible veterans and their families. Veterans may have varying degrees of difficulty making the transition from military to civilian life. Issues requiring services may include fitting into a new life, the impact of military service, and Post Traumatic Stress Disorder (PTSD). Vet Center personnel are there to help veterans successfully make the change necessary to adapt to civilian life. Other services include, individual, group and family counseling, career and employment guidance, assessment and referral to other community services, VA benefit information and referral, and community education.

Vet Centers in Indiana are located at:

528 West Berry Street, Fort Wayne, IN 46802 Phone: (260) 460-1456

311 N. Weinbach Ave., Evansville, IN 47711 Phone: (812) 473-5993

6505 Broadway Street, Merrillville, IN 46410 Phone: (219) 736-5633
 3833 N. Meridian St., Indianapolis, IN 46208 Phone: (317) 927-6440.

Evans Opposes Proposal to Drastically Limit Eligibility for Veterans' Service-Connected Compensation

FOR IMMEDIATE RELEASE: September 10, 2003

Washington, DC - Rep. Lane Evans of Illinois, the Ranking Democrat on the House Committee on Veterans Affairs, today reacted strongly to Administration suggestions that dramatic limitations be placed on the ability of veterans to qualify for service-connected compensation benefits from the Department of Veterans Affairs.

According to press reports, the Bush Administration is recommending drastic restrictions which would require veterans to prove that their disabilities were incurred or aggravated during performance of official military duties in order to be compensated. Evans called the suggestion "an insult to the men and women who are putting their lives on the line in Iraq, Af-

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Limited Eligibility (continued
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ghanistan and throughout the world."

The recommendations appear to be under consideration by the Administration in response to veterans' demands for repeal of the tax on disabled military retirees. Disabled military retirees are required to give up one dollar of military retirement pay for each dollar of VA compensation they receive.

Under current law, service members who are subject to military orders 24 hours a day, seven days a week qualify for service-connected compensation benefits if they have a disability which was incurred during or aggravated by military service. For example, veterans who were exposed to Agent Orange in Vietnam or in other areas qualify for payments if they develop a disease which is scientifically associated with exposure to Agent Orange. It has taken decades for the scientific evidence to progress to the point where these veterans can qualify for compensation.

"If veterans were required to prove that their disability is related to their performance of official military duties, all veterans could be expected to undergo the delays and denials experienced by atomic veterans, Vietnam veterans and those suffering from mysterious illnesses associated with service in the Persian Gulf," said Evans. "Veterans are especially angry that these proposals are being made at a time when the young men and women in the military are serving in harm's way, and rightfully so," said Evans.

Under current law, veterans have the "benefit of the doubt" when there is evidence that the disability could be due to military service or to some other cause. In baseball parlance, it is said that the benefit of the doubt rule provides that "the tie goes to the runner." Evans noted that under the limitations being suggested, "only a home run would count."

Evans said he would oppose any move to restrict the disability criteria in order to pay for the cost of repealing the disabled veterans' tax.

"It is absolutely astounding that this Administration would attempt to take benefits away from disabled veterans in order to appear that they are helping other disabled veterans," said Evans.

Former POW Rules and Benefits May Change

President Bush has proposed legislation to Congress that would improve benefits for former POWs.

The proposal is "to eliminate the current requirement in federal law that a former POW must be detained for at least 30 days in order to qualify for full POW benefits," said VA Secretary Anthony Principi.

"That may have made sense years ago for some conditions linked to nutritional deficiencies, but even a few days enduring terror at the hands of enemy captors may lead to other conditions," he said. "Studies have shown that the physical hardships and psychological stress endured by POWs have life-long effects on health and on social and vocational adjustments."

The proposal also would improve dental care eligibility and exempt former POWs from current co-payments for medications for non-service connected conditions.



Supermarket of Benefits for Hoosier Veterans

The Indiana Department of Veterans Affairs (IDVA), in cooperation with other federal, state and local agencies will provide on-the-spot services for veterans and

their families at National Guard Armories on the following dates and in the following cities:

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| October 31, 2003 | Fort Wayne |
| November 7, 2003 | Indianapolis |
| November 14, 2003 | Lafayette |
| November 19, 2003 | Seymour |
| December 12, 2003 | Vincennes |

The intent is to provide one-stop services to as many veterans as possible for federal, state and local programs, services and benefits. Veterans and their dependents or survivors should be able to bring their problems to the site and leave with them solved. Bill Jackson, Director of IDVA, says, "We must go beyond just providing information or giving them an address or phone number to call. We need to fix whatever is wrong. If a veteran wants a home loan they should not leave until the application is complete. If they need a hunting or fishing license they should not leave until the application is approved, etc.

Veterans who wish to file a claim or those who simply have questions should attend one of the above locations. Be sure to bring a copy of your military discharge (commonly known as DD Form 214) and any other substantiating documents, such as marriage license, birth certificates, social security numbers of dependents, as well as doctors names and addresses and any medical records to substantiate the claim.

Americans Who Served During World War II, Even at Home, Can Be Honored

The American Battle Monuments Commission has developed an online registry for those who served during World War II or who supported the war effort at home.

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Online WWII Registry (continued from page 2)

The registry is accessible on the National World War II Memorial Web Site at <http://www.wwiimemorial.com/> or by calling the commission toll-free at 1-800-639-4992. Anyone can submit names and registration is free. For \$10.00 you can add a picture of the individual to the site.

The registry is available now, even though the actual World War II Monument, which will not bear any names, will not be dedicated until next Memorial Day, May 29, 2004, on the National Mall.

The registry is open not only to veterans, but to "any American that served in the armed forces or contributed to the war effort on the home front, whether in factories and shipyards or farms and neighborhoods," said the commission last year in a news release.

New Agent Orange Lawsuit From the American Legion Service and Legislative Update - July 31, 2003

Vietnam veterans who were not ill at the time of the original 1984 Agent Orange class-action lawsuit, but who are now suffering from disabilities related to exposure to Agent Orange, may now be allowed to pursue litigation against the chemical companies.

A June 9, 2003 decision by the Supreme Court involved Vietnam veterans pursuing lawsuits against the chemical companies that manufactured Agent Orange and other dioxin-containing herbicides used to defoliate the jungles of Vietnam during the war.

In 1984, Dow Chemical Company and Monsanto Chemical Company, the principal manufacturers of Agent Orange, settled a class-action lawsuit brought by Vietnam veterans whose illnesses were the result of exposure to Agent Orange. Once the settlement funds had been depleted, the federal judge who presided over the original lawsuit ruled that Vietnam veterans

whose diseases were diagnosed after the settlement, were barred from suing the chemical companies. Two such veterans appealed their cases to the United States Court of Appeals for the Second Circuit, which subsequently ruled in their favor, allowing their lawsuits to proceed because their interests were not adequately represented in the original class-action settlement.

However, an association of business groups appealed the Second Circuit Court's decision to the Supreme Court, arguing that allowing settled class-actions to be reopened would deter settlements in the future. The Supreme Court returned one of the cases to the Second Circuit Court for reconsideration. In the other case, the Court deadlocked 4-4, with one justice abstaining. The deadlocked decision, in effect, affirms the lower court's decision to allow Vietnam veterans who were not ill at the time of the original class-action lawsuit, but who are now suffering from Agent Orange-related illnesses or disabilities, to pursue litigation against the chemical companies.

Although The American Legion was not directly involved in the court action, and does not necessarily endorse the law firms, they are providing contact information for the law firms representing the two cases recently decided by the Supreme Court. The attorneys involved are: Gerson Smoger Law Firm, telephone (1-888-405-5297) or visit their web site at www.texasinjurylaw.com, and Stephen B. Murray Jr., Murray Law Firm, telephone (1-800-467-8100), or e-mail at www.info@mesolungcancer.com.

Thanks to Norma Buckley at Fayette County for reminding me of this article. She also provides Gerson Smoger's direct line telephone number at 1-510-531-4539.



First stop for Guard and Reserve Returnees? - The Veterans' Service Office

Many reservists will be returning from active duty within the next few days or weeks. After getting reacquainted with their families and reporting in to their employers, the next stop on the list for returning National Guard and Reserve soldiers should be the county Veterans' Service Office.

Since it is uncertain of what they will be told in their transitional briefings, spouses or parents of returning soldiers should be prepared to remind demobilized soldiers to stop by the office or give the Service Officer a call. There have been some VA benefits already announced and there may be others between now and the time they return.

VA Secretary, Anthony Principi, announced in October of last year that, upon return, a two-year window of opportunity opens for free VA care for these combat veterans. This provision authorizes VA to provide some veterans free medical care within two years after leaving active duty. This applies to inpatient and outpatient care as well as nursing home care, if required. They don't have to prove either a service-connection for their health care problems nor that they have low incomes, a rule that applies to most other veterans.

The benefit does not cover treatment for problems clearly unrelated to military service, such as care for common colds, injuries from accidents that happened after discharge from active duty and disorders that existed before their activation to active duty.

So far, the Pentagon has resisted any congressional efforts to improve normal reserve health care benefits. They also are opposed to lowering the age for reservists

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First Stop for Reservists?

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to receive retirement pay, and stand in opposition to many of the benefits which mobilized Guardsmen and Reservists are starting to realize they should be eligible for.

Since September 11, 2001, the days of the weekend Guardsman and Reservists are over. The reserves make up 50 percent of our total armed forces, and most of the support-type units required for the active duty to fight a war, are found only in the Guard or Reserves. Future wars will not be fought without mobilizing the reserves. National Guardsmen and Reservists have already served their time in Afghanistan, Bosnia, Kuwait and Iraq, and 1st Battalion, 293d Infantry out of Fort Wayne, Indiana, a National Guard Unit, has led the way because it has been there the longest of any Army infantry outfit. As many as 640 of those soldiers spent 4½ months in Iraq and 476 of them have received the Army's coveted Combat Infantryman Badge while another 31 have received the Combat Medical Badge for participating in ground combat against an enemy force. Furthermore, Lt. Gen. H. Steven Blum, chief of the National Guard Bureau, on Sept. 7 pinned Bronze Star Medals on Battalion Commander, Lt. Col. Ivan Denton and 5 others of his staff, Maj. Ronald Westfall, Maj. Eric Bray, Capt. Eric Derue, Capt. Wesley Russell and Command Sgt. Maj. John Runge.

Many of these Guardsmen and Reservists feel they have earned the right to full VA benefits and wonder why they are allowed to use military commissaries only a few days a year and why they can't have full health coverage for their spouses and families. These are problems which can only be addressed by the Department of Defense.

As for VA requirements, the eligibility rules for VA benefits were changed after the Gulf War. To be considered a veteran for VA benefits, those active duty soldiers who enlisted after Sep. 7, 1980 must serve at least 24 months unless they are discharged for hardship or for a disability. However, National Guardsmen and Reservists are exempt from the 24 month rule if they are called to Active Duty by federal executive order, complete the term for which they are called, and are granted

an other than dishonorable discharge.

The current window of opportunity for VA health care will close after the two-year period unless the Guard or Reserve returnee was injured or disabled while serving. After the 2-year transitional period for health care, the returnee will need to meet VA's current eligibility requirements which include being disabled with a disability attributable to their time on active duty, or having income and net worth below the VA's income thresholds. But, at least now, due to their status as a veteran, they are eligible where, before the Gulf War, they were not.

It could be in just a few weeks or it could be another 4 months before most of our soldiers are back from Iraq and many things could change in the way of benefits. The members of Indiana's County Veterans' Service Officers' Association (INVSOA) will be kept informed of these changes and will be ready to offer information and advice to our returning soldiers. Spouses and parents should put it on their calendars to remind their returning soldiers to call or drop by the Veterans' Service Office. Names and addresses of all Indiana service officers are available by visiting the INVSOA website at <http://invsoa.homestead.com> and clicking on the County Service Officers tab, or check your telephone book under County Government.

Gulf War Service and Lous Gehrig's Disease (ALS) Link Confirmed

WASHINGTON - A recent scientific study supports a 22-month policy by the Department of Veterans Affairs (VA) to recognize amyotrophic lateral sclerosis (ALS, or Lou Gehrig's Disease) among veterans of the Gulf War as a service-connected illness.

"Based upon preliminary research available in December 2001, I felt it was appropriate for us to act swiftly," said Secretary of Veterans Affairs Anthony J. Prin-

cipi. "I'm gratified that the final study supports that decision."

The study found that veterans who were deployed to the combat theater during the Gulf War were nearly twice as likely to develop the disease as veterans not deployed to the Gulf, accounting for 40 of the 107 cases identified among military personnel. The incidence of ALS was especially high among deployed Air Force personnel, who were 2.7 times more likely to develop ALS than non-deployed Air Force personnel.

"We now have compelling evidence that service in the Gulf is associated with the occurrence of ALS among veterans of the '90-'91 Gulf War," said lead author Ronnie D. Horner, Ph.D.

Another recent study by Dr. Robert W. Haley also supports VA's decision to officially recognize ALS as a service-connected illness for VA benefits.

ALS, or Lou Gehrig's disease, kills cells in the brain and spinal cord that control muscle movement, resulting in gradual wasting of the muscles. Fatal in most cases, the disease usually strikes people between ages 40 and 70. The cause of the disease is unknown.

Earlier this year, VA established a national ALS registry to identify veterans with the disease -- regardless of when they served -- and track their health status. Veterans with ALS who enroll will complete an initial telephone interview covering their health and military service and will be interviewed twice yearly thereafter.

For more information about VA's ALS Registry, based at the Durham VA Medical Center, call 1-877-DIAL-ALS (1-877-342-5257) or e-mail ALS@med.va.gov.

The ALS Association and researchers from the Centers for Disease Control and Prevention advised the study leaders. Numerous medical, academic, veteran and voluntary health organizations provided assistance in conducting the study.

Since 1994, the departments of Defense, Veterans Affairs, and Health and Human Services have spent \$213 million on 224 research projects relating to the health effects of military deployment. VA plans to spend up to an additional \$20 million by the end of fiscal 2004.
