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Veterans Digest

July, 2002

Appeals: Older Veterans Could Get Priority

New rules proposed by the Department of Veterans Affairs would give older veterans priority for having their claims appeals heard by the Board of Veterans Appeals (BVA).

The BVA, located in Washington, D.C., gets claims which could not be resolved by local VA Regional Offices. Claims have been known to take over two years to be resolved.

This modification to the first-come, first-served queue for appeals is being proposed precisely because the process can be a lengthy one.

"We are concerned that aging veterans may not survive to see it through to the end," VA officials said in a statement.

Under the proposal, the VA would give veterans age 75 or older priority for appeals. That age was chosen because it represents a group large enough to provide significant relief but not so large that other veterans would have tremendously long waits.

About 18 percent of veterans are 75 or older and about 27 percent are over 70.

The policy is open for comment until August 12, with a final decision due later this year.

From the Army Times FastTrack dated Jul. 8, 2002

New Computer Software Could Speed Claims Processing

WASHINGTON - June 26, 2002

To further reduce the time it takes for veterans' claims for disability compensation, the Department of Veterans Affairs (VA) developed new software that will help veterans' service organizations (VSO, such as the American Legion, VFW, Disabled American Veterans, etc.) prepare claims on behalf of veterans.

With the new software, a VSO representative who holds power of attorney for a veteran will be able to review medical information in the veteran's electronic record at VA health facilities such as the Indianapolis, Marion, or Fort Wayne VAMC's - information that is needed to prepare claims for benefits based on medical conditions.

"We understand how valuable VSO assistance can be to a veteran filing a claim," said Gary Christopherson, chief information officer, Veterans Health Administration. "We also understand how important privacy and confidential information is to veterans and the new software also provides that security."

VA has incorporated two features to safeguard veterans' medical records.

First, the software provides "read-only" access to medical files, which are protected by federal law. Users will not be able to add, delete or modify any information in the veteran's medical record. Second, the software limits a user's access to the medical records of only those patients for whom, he or she holds a valid power of attorney.

Currently, VSO representatives with power of attorney can request medical records in paper form from VA. With the new system, representatives will be able to review information electronically as well, speeding the claims process for veterans. Representatives will have access to information from all VA hospitals in which a veteran was treated.

VA plans to release the new software in late summer 2002.

From Butch Miller, Veterans Liaison Office, June 26, 2002

Editor's Note: County Veterans' Service Officers (CVSO's) will not have access to this information. The VSO's referred to in this article are those which are located in Indianapolis at the VA Regional Office (American Legion, VFW, DAV, PVA and AMVETS) and at the Indianapolis VAMC (Marine Corps League and the Purple Heart). The Vietnam Veterans of America (VVA) is located in Muncie.

The County Veterans' Service Officer (CVSO) normally assists the veteran in appointing one of these organizations as their representative (called power of attorney by the VA). While the CVSO can assist in filing the claim and can help the veteran in general VA matters, by state law the CVSO cannot represent the veteran and therefore cannot have access to this or any other computerized information from the VA.

Former POWs Exempt from Co-Pay at VAMC

Former POWs are exempt from making means test co-payments for inpatient and outpatient medical care and treatment received.

They may also be exempt from the prescription co-payment if they are rated service-connected 50 percent or more, are receiving medications for service-connected condition(s) or their income is below the maximum annual pension level.

If they do not meet one of these exemptions, they will be assessed a prescription co-payment for each 30-day or less supply of medications dispensed on an outpatient basis.

Former POWs also are exempt from making co-payments for long term care if the care is for a service-connected condition or if their income is below the single veteran pension level.

Many Diseases are Presumed Service- Connected in Former POWs

The VA laws on former POW benefits recognize that military records do not cover periods of captivity. For many diseases, unless there is evidence of some other cause, VA disability compensation can be paid on the basis of presumption that a disease present today is associated with the veteran's captivity or internment.

Many of these diseases are automatically assumed to be service-

connected in former POWs who were detained for 30 days or more, but VA must determine that the disease is compensable (at least 10 percent disabling).

Those diseases are:

Avitaminosis; beriberi; chronic dystentery; dysthymic disorder, or depressive neurosis; helminthiasis; irritable bowel syndrome and malnutrition, including associated optic atrophy.

Also covered are:

Organic residuals of frostbite; pellagra and any other nutritional deficiency; peptic ulcer disease; peripheral neuropathy, except where directly related to infectious causes; post-traumatic osteoarthritis; psychosis and any of the anxiety states.

For former POWs who suffered from swelling of the legs or feet during captivity, ischemic heart disease (sometimes known as "wet" beriberi) is also covered.

Bill Would Prohibit Veterans from Selling Their Benefits Checks

A federal bill recently introduced in the Senate would prohibit disabled veterans from selling a stake in their disability benefits in return for instant cash.

The legislation, Senate bill S2003, was introduced by Senator Bill Nelson, D-Fla., who said veterans desperate for money are accepting cash payments worth as little as 30 cents on the dollar. In one case discovered by the Department of Veterans Affairs, a veteran accepted a \$73,000 payment in return for turning over 10 years of his \$2,700 monthly disability checks (an ultimate value of \$324,000, not including cost-of-living increases).

The bill was read twice on the floor on Mar. 8, 2002 and referred to the Senate Veterans' Affairs Committee, where it is likely to get a sympathetic response

because the VA considers this a predatory lending practice. As of this writing, no further action had been taken.

Cutting off cash advances may protect veterans from giving away future benefits, but it doesn't address the plight of some low-income veterans who have no financial assets other than their disability benefits. This is why Nelson also proposes offering financial education programs to veterans.

The bill adds \$3,000,000 a year to VA from fiscal year 2003 to 2007 to carry out a program of outreach to inform veterans of the prohibition on the selling of their checks under the law. The program shall include information on various schemes used by the buyers of the checks to evade the prohibition, and means of avoiding such schemes.

From the Army Times FastTrack

Senate Ignores President Bush's Threat to Veto Bill

The Senate has overwhelmingly passed the fiscal 2003 defense bill, including a measure to kill a century-old law requiring military retirees to forfeit one dollar of retired pay for each dollar of VA disability pay awarded.

The inequity would be replaced by full concurrent receipt for all disabled retirees with 20 or more years of service, effective this year. Meanwhile, the House version would authorize concurrent receipt for retirees with 60 percent or more disability compensation, to be phased in over five years.

If a conference committee approves either measure (or a compromise), and the bill passes both houses, it then faces a veto threatened by presidential advisors.

Armed Forces News, July 5, 2002 Issue

State Program Offers Seniors Reimbursement for Prescriptions

INDIANAPOLIS -- Senior citizens who qualify for the HoosierRX program to provide prescription drugs at lower prices now can pick up applications at local pharmacies, Area Agencies on Aging, Social Security offices and local Offices of Family and Children.

State Rep. Mark Lytle (D-Madison) said qualifying seniors must fill out the application and mail it in to receive refund certificates that will enable them to receive up to \$1,000 in reimbursements for prescription drugs purchased during the next year. During the 2000 session of the Indiana General Assembly, legislators set aside \$20 million of the state's share in the national tobacco settlement to fund the drug reimbursement program.

"Gov. Frank O'Bannon's program gives older Hoosiers on lower incomes a chance to cut their prescription drug costs in half," Lytle said. "Hoosier RX is designed to help seniors avoid having to make a choice in spending what money they do have on either the drugs they need to stay healthy, the food they need to stay alive or the utilities they need to stay warm in the winter."

To qualify for the program, Lytle said a person must be an Indiana resident who is 65 years of age or older, have no other prescription drug insurance coverage, including Medicaid, and have a family income below 135 percent of federal poverty guidelines. For instance, a single person's limit is \$997 per month, while a couple's monthly limit is \$1,344.

"In January, people who participate in the program will have to ask their pharmacists to print out all prescriptions that were filled for them between Oct. 1 and Dec. 31," Lytle said. "They would send

those records to HoosierRX, along with one of the refund certificates. A cash refund then would arrive in the mail within about 45 days."

Any participant who spends less than \$2,000 a year on prescriptions would receive half of what he or she did pay for drugs. For example, a person who spent \$500 on prescriptions would receive a \$250 refund. However, Lytle said that Indiana Medicaid records show most seniors spend more than \$1,000 each year.

For more information on the program, Lytle said a person can call toll-free 1-866-267-4679 or visit the HoosierRX web site at <http://www.in.gov/fssa/rxprogram>.

Brochures also are available at pharmacies, Area Agencies on Aging and Social Security offices, as well as local Offices of Family and Children.



American Legion Representatives Back To Three

New American Legion Department Claims Representative Reva Torrence completed her 18 month Department of Indiana Accredited Service Officers' Training Program on June 11, 2002.

This now allows the Department Ser-

vice Office to divide its caseload into thirds and enhance services for an increasing number of claimants.

Reva will now be the primary American Legion accredited claims representative for claimants with the first letter of their last names beginning with I through Q. Dave Wilson's caseload is being adjusted to work the A through H cases, and John Hickey will work cases R through Z.

Reva's clients will not be disappointed. Reva has studied all veterans' benefit programs in detail and has a thorough knowledge of the appeals process. Although Reva has just begun working her own caseload, her training program has already allowed her to apply much of the knowledge she has learned during the last 18 months.

Prior to employment with the American Legion, Reva served 20 years in the United States Army. She also has a BA degree in psychology, and additional formal training in skills specific to her present employment. such as, Legal Research and Writing, Legal Ethics, Medical Terminology, and Human Anatomy and Physiology. Reva has also been a member of American Legion Post #438 for 6 years.

She has now obtained the necessary skills to assist veterans and their dependents with most all types of complicated veterans' benefit issues.

American Legion SERVICE AND LEGISLATIVE UPDATE June 30, 2002

List of Atomic Vets Gets Longer

Thousands of veterans exposed to cancer-causing radiation during atomic tests decades ago will be eligible for compensation under regulations adopted recently by the Department of Veterans Affairs

The rules add five types of cancer - brain, bone, colon, lung and ovary - to the 16 already presumed to be connected to

(see next page)

List of Atomic Veterans

(continued from page 3)

radiation exposure during military service. "Atomic veterans who meet the criteria will be eligible for monthly benefits ranging from \$103 to \$2,163, depending on their level of disability."

The five cancers are being added to the VA's so-called presumptive list - meaning if a veteran is found to have the disease and participated in "radiation-risk activities," it is presumed the illness is related to service time. The new rules go into effect March 26, 2002.

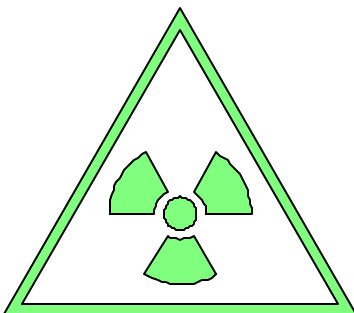
"These veterans accepted the risks of duty and have borne the burden of their illnesses in service to our nation," said Veteran Affairs Secretary Anthony J. Principi. "They should not have to bear an additional and unequal burden to prove they deserve the benefits they've so rightfully earned."

The VA estimates it will grant 11,000 veterans claims, as well as 5,800 dependency claims over the next 10 years.

Since 1994, Sen. Paul Wellstone, D-Minn., tried to expand the "presumptive list" of cancers legislatively. Although he never succeeded, the VA proposed doing so administratively in 2000, after Congress extended similar protection to civilian employees exposed to radiation.

Thelma Petrie, whose husband, Bill, died of lung cancer four years ago at the age of 78, recalled fighting for such benefits for decades. Bill Petrie served in the U. S. Navy in "Operation Crossroads," the atomic testing program in the Pacific in 1946.

"He went over there to give his life, and he didn't ask why," said Mrs. Petrie, of Alvord, Texas. "I think our veterans should be recognized for what they went through."



Veterans Weigh In For Pledge of Allegiance



Veterans and veteran's organizations were appalled by a decision on June 26 by a three-judge panel of the U. S. Court of Appeals for the Ninth Circuit in San Francisco to declare the Pledge of Allegiance unconstitutional in the classroom because it contains the words "under God."

"This decision is ridiculous," said Richard J. Santos, National Commander of The American Legion. "If the pledge is unconstitutional, so is the Declaration of Independence, since it refers to 'nature's God,' a 'Creator' and the 'protection of divine providence.'"

Vincent B. Niski, president of The Retired Enlisted Association, said, "If the pledge is unconstitutional, then so is our currency, and the oaths of allegiance that are taken by our congressional representatives, our military, and, ironically, the very judges who rendered this decision."

The decision could be overturned by the full court or by the Supreme Court.

Senate Wraps Up Defense Bill

By a vote of 92-2, the Senate has completed its work on the fiscal 2003 Defense Authorization Bill. Highlights: across-the-board enlisted pay raise of 4.1 percent minimum, with targeted increases of up to 6.5 percent for pay grades E-5 through E-9; up to \$1,500 in incentive pay for members who volunteer for unpopular assignments; increases in Basic Allowance for Housing to reduce average out-of-

pocket expenses to 7.5 percent; extension of the Selected Reserve Montgomery GI Bill from 10 to 14 years; expansion of Tricare Prime Remote to family members when the sponsor is assigned to an unaccompanied tour location; and a "National Call to Service" program which, in return for incentives, establishes a military commitment of 15 months after initial training followed by a national service commitment in the reserves or a civilian national service programs. The bill now moves to a conference committee with the House.
