



NEWSLETTER

A PUBLICATION FOR MEMBERS
OF THE DISABLED AMERICAN VETERANS
DEPARTMENT OF NEW YORK

Volume 18 Number 10

April 2010

SPRING AHEAD

Leo Ortiz, Department Commander

New life is beginning to sprout up in our gardens. It is time for planting new seeds and time to think about how we can reach out to our fellow veterans and their families.

Time to sign up new DAV members; don't forget to mention the reduced down payment rate of only \$20.00. This reduced rate will expire on June 30, 2010. Times are tough for a lot of people out there, so this is a great incentive.

The U.S. Mint has released the 2010 American Veterans Disabled for Life Commemorative Silver Dollar. The coin was officially launched by the Disabled Veterans Life Memorial Foundation. If you have not already purchased one, you can do so online at <http://usmint.gov> or by calling 1(800)-USA-MINT.

Our Department Convention is upon us. Registration forms have been sent out. Please make every effort to get them back to Headquarters in a timely fashion. The Headquarters staff works very hard so make sure you have your credentials in order.

If your Chapter has anyone interested in becoming a Chapter Service Officer, please mail the application form back to Howard Lam at the National Service Office in New York City as soon as possible. CSO Certification Classes will be offered at our State Convention in June.

FYI: Home improvement stores Lowe's and Home Depot offer 10% discounts to all military veterans. You must present a valid military ID at time of purchase to receive the discount. Recently while in Florida, I came across many people who were not aware of this offer.

THE VALOR OF VALHALLA

Sidney Siller, Sr., PDC; Department Adjutant

Late last December, Col. Robert L. Howard, Ret. The most decorated American Veteran of the Vietnam War succumbed to pancreatic cancer.

He was awarded the Medal of Honor in 1971, two Distinguished Service Crosses, the Silver Star, Four Bronze Stars and eight Purple Hearts. All honors were earned during five (5) tours in Vietnam. He earned his first rank as a battlefield commission. Shades of Audie Murphy, our most decorated veteran from World War II; and Sgt. York in World War I.

The loss of men like Murphy, Howard and York will always be enshrined in our America Valhalla. This esteemed recognition is truly American, for we appreciate the sacrifices of all of our service men and women who have served, and their aggregate effort is exemplified by the honors given to Howard, Murphy and York.

By now, you're probably wondering where am I going, reciting the above which I am certain all have learned about these facts either in the news or magazines. So here's why!

There is a direct legal attack being made against the Stolen Valor Act; which was enacted three years ago; sponsored by then Sen. Conrad Burns, R-Montana; who said "to protect the reputation of our military heroes with the full force of the law. Those who seek to steal recognition that they have not earned must be held accountable and brought to justice."

Continued on page 2

What is most disconcerting is that:

The Act is under attack by the ACLU and others who argue that it violates the First Amendment. There are now three cases pending where three (3) men who variously claimed medals, military status and military credentials that they were totally not entitled to claim.

These criminal cases arose because other diligent veterans were skeptical of these “persons,” and demanded to see the DD214’s.

The controlling issue is whether or not lies are protected “free speech?”

I am certain that our view is the same as the U.S. Government’s view that “substantial harm” is caused by false claims of military honors. Those who claim combat honors seek to deceive us for personal gain and to manipulate our behavior through falsehood. For instance, a recent mayor of Atlantic City, NJ ran for office as a disabled veteran; and later went to prison for fraudulently receiving benefits.

One place I recommend you visit when you next go to Arlington National Cemetery is just outside the “Unknowns Memorial.” There you will find on a triangle the stones of Joe Lewis, PFC Lee Marvin, Medal of Honor Pappy Boyinton and Medal of Honor Thomas Kelly (an old friend of DAVNY). All real true American heroes.

The final point I want to make, by “knighting” our American Heroes with medals, honors us as we raise them. We must not allow weak and ugly characters among us to demean and devalue our services.

EFFECTS OF HEALTH INS REFORM LEGISLATION ON VETS

J. Violate, National DAV Press Release 3/20/10

A number of DAV members and others have asked how the new health insurance reform law (Public Law 111-148, approved on March 23, 2010) would affect our nation's veterans. As many of you know, in general the new law requires most U.S. citizens and legal residents to obtain private health insurance coverage by 2014 or they (or their employers) will

face financial penalties through the US Tax Code.

Under this new law, we interpret that all veterans enrolled in Department of Veterans Affairs (VA) health care and their dependents and survivors under CHAMPVA, and all military families, military retirees and dependents enrolled in military health care, TRICARE, and TRICARE for Life, are deemed to have the minimum essential coverage that satisfies the individual requirement for health insurance coverage. As such, we believe these veterans and military families are not required to buy private coverage in addition to their government-provided health services, as the DAV had insisted to Congress and the Administration.

Furthermore, under the new law but outside VA and the Department of Defense (DOD), veterans and their family dependents, the same as all other Americans, may gain the option to buy a private plan through state-run insurance exchanges, beginning in 2014. Based on income limits, they may also be eligible for financial assistance in purchasing insurance coverage.

With all the misinformation that has appeared in the media and on the Internet, we can understand why some veterans and their families have become concerned about what they think might happen to them under the new law. One specific and unintended problem surfaced that concerns a few hundred severely disabled children of Vietnam and Korean War veterans with spina bifida, but that problem is being addressed now by the Veterans Committees in Congress with a technical correction. S. 3162, as passed by the Senate, would amend the reform law to guarantee that VA's spina bifida program for these children would be considered minimum essential coverage. Otherwise, we believe veterans who rely on VA health care and their family members who rely on CHAMPVA will be unaffected by the new health reform law.

Nonetheless, in an overabundance of caution due to ambiguous language, legislation has been introduced to clarify the intent of the law, as follows:

H.R. 4887, already passed by the House and pending in the Senate (S. 3148), would provide that coverage under TRICARE and DOD's Non-appropriated

Fund Health Benefits Program (for DOD employees of the Army and Air Force Exchange Service and others) constitutes minimal essential health care coverage as required by the health reform law.

H.R. 4894 would amend the health reform law to ensure nothing in that law could be construed to diminish the authority of the Secretary of Veterans Affairs or the Secretary of Defense over the VA and DOD health care programs, respectively. This bill would also directly amend the reform law to ensure that enrollment in DOD or VA health care is considered minimum essential coverage.

DAV will remain vigilant to protect the VA health care system upon which so many service-connected disabled veterans rely. We will also continue to monitor the implementation of the health insurance reform law to ensure that it will not adversely impact our nation's wartime disabled veterans, their families or dependents.

IMMEDIATE ACTION NEEDED

J. Violate, National DAV Press Release 4/8/10

On January 20, 2010, Rep. Tim Bishop of New York and lead cosponsor Rep. Carol Shea-Porter of New Hampshire introduced H.R. 4477, the Military Personnel Toxic Exposure Registry Act. This bill builds on successful legislative efforts over the last year to prohibit the disposal of toxic waste in open air burn pits in Iraq and Afghanistan and to ensure that the thousands of troops exposed to these dangerous burn pits receive proper medical care. Resolutions adopted by our membership underscore the need to support congressional oversight and federal vigilance to provide for research, health care and improved surveillance of disabling conditions resulting from military toxic and environmental hazards exposure.

In addition to the official registry documenting the troops exposed to these toxic burn pits, the bill also calls for:

A ban on the open-air burning of large quantities of plastics, which has been widely documented to occur despite the clear health dangers;

A complete history of all burn pits used in Iraq and

Afghanistan;

Physical examinations for those exposed to burn pits;

Annual reports to Congress on burn pits related sicknesses; and

A ban on the burning of plastics in large burn pits.

DAV urges you to contact your elected officials to request their support for legislation that provides for an official registry documenting the tens of thousands of troops exposed

these toxic burn pits in order to remove obstacles to accessing the VA benefits which many of them will need as a result of exposure.

Please use the prepared letter or write your own letter to urge Congress to take action NOW on this important issue. As always, DAV thanks you for your advocacy on behalf of sick and disabled veterans.

ACT NOW

Hal Hicks, DAV, Legislative Director

I am forwarding this note from Military Report of April 13th. This matter has been publicized by so many organizations that I am sure you know the need for this urgent legislation. Please take the time to help get an avalanche of input to our congressmen to save this 21% cut to Medicare and TRICARE payments to our doctors. The ten-work day delay in payment by Medicare (CMS) is expiring. We need to act now, before it is too late.

As of April 1, 2010, Medicare and TRICARE payments to physicians were cut by 21 percent. The reduced payment rate may result in fewer doctors being willing to accept TRICARE, which could leave millions of seniors and military beneficiaries without a primary care provider. Organizations like the Military Officers Association of America are urging the Senate to pass H.R. 4851, which would extend the current payment rate until May 1, 2010. The Senate is considering taking action on H.R. 4851 but it is being delayed over technical budget.

Let your Senator know how you feel about this situation!

REMINDER: NEW CONVENTION REGISTRATION

Sidney Siller, Sr., PDC; Department Adjutant

This year, the Delegate Credential Forms have changed. There will be no individual slips sent. The new Delegates Credential Form being sent is white along with the Chapters copy of the Delegate Credential Form, which is yellow.

There are **only two ways** Registration can be done. The first method is the most efficient and desirable.

Submit to Headquarters, the full name of each Delegate, Alternate and Guest on the Certification Form together with a check (\$10.00 for each name submitted). Credential Badges will be distributed to each Delegate, Alternate and Guest at the Convention Registration Desk.

Submit to Headquarters, without a check, the full name of each Delegate, Alternate and Guest on the Certification Form. At the Convention Registration Desk, Credential Badges will be prepared and distributed to each Delegate, Alternate and Guest upon receipt of the \$10.00 per person registration fee.

Immediately upon election of your Delegates and Alternates, complete the white Certification Form and return it to Department Headquarters. Both the signatures of the Chapter Commander and the Chapter Adjutant are required on the white Certification Form.

KOREAN WAR MEMORABILIA

Emailed from tom68-69korea@thecourbats.com

Email from Tom Courbat, SP5/E5 Personnel Specialist, Camp Casey, Korea 6/68-8/69 (951) 677-6451:

Here's an opportunity to have a photo you took, or that you came across (without any copyright infringement issues) become a part of the Korean Conflict Veterans' Wall in Murrieta, CA. Within this \$2 million granite Veterans Memorial, there will be 8 walls in all, from the American Revolution to Operation Enduring Freedom to an honoring of the

MIA's and POW's. We have completed the hard part for the first wall that honors the veterans from WWII. All design and materials and photo selections have been completed and construction is slated to begin very soon. It will be unveiled/dedicated on Memorial Day, May 31, 2010 in the Murrieta Civic Center.

The next wall (we're dedicating these in a sequence of most rapidly decreasing group of veterans, then the next, etc.) will be the Korean Conflict. Most monuments dedicated to the Korean Conflict run from 1950 – 1953 or 1954. ***I have requested that this wall however be unique – that it also honors those who served in the “2nd Korean Conflict (some say war) from 1966 to 1969.*** In order to convince the veterans memorial committee members to “see it our way”, we need action photos and/or highly emotion-evoking photos. We may have 10% or 15% of the entire wall, so maybe only 6 to 12 photos will be selected. So make them GREAT. They should NOT be posed photos – sorry – you and your buddy chugging beers and staring into the camera won't cut it. You know what I'm talking about. Can you find them and send them to me by February 15th? Sorry for such a tight time request, but the committee meets again on the 22nd and I need time to pull everything together to present to them.

Please email me what you have, or if you can't scan it/them, please feel comfortable in mailing them to me and I will scan them (can be photo, slide or negative) and immediately return the originals to you. To the extent possible, please describe what we are seeing, when, where, etc. In many cases, you may not know so that's ok too. JPEG or JPG preferred, but can accept any format.

If you have any MOVIES, especially ones already converted to AVI or WMV format from the old 8MM or Super 8MM or 16MM reels, please let me know. There may be a treasure trove out there and now is an excellent time to finish reading this email and go get what 'ya got and send it in!

I hope I get an overwhelming response of awesome photos that will make it nearly impossible to pick “the best” from. YOU have the chance to help veterans of the 2nd Korean Conflict receive recognition – possibly the very first time on a memorial wall.

Thank you in advance.

COUPLE WARNS OF SCAM ON VETERANS

Source: http://democratherald.com/news/local/article_14380db8-3ee2-11df-98e0-001cc4c002e0.html

ALBANY - An Albany woman called the Democrat-Herald on Friday to warn others of a possible telephone scam targeting veterans.

On Friday afternoon, her husband received a call from a man claiming to be with the VA Hospital library in Portland. He was asked to verify his name and the last four digits of his social security number, which he did, since he has stayed at the VA hospital in the past.

Then the caller told him that the video cassette he'd borrowed during his stay last November was overdue. When he said he hadn't stayed there in November, the caller again verified his name and the last four digits of his social security number.

The man passed the phone off to his wife, who again explained to the caller that her husband hadn't stayed at the hospital then nor checked out a video, to which the caller replied, "I guess there's nothing we can do about it" and hung up.

The woman, who said the phone number came up as unknown on the couple's caller ID, reported the call to the local Veterans Affairs office and planned to inform the Albany police as well.

She hopes they avoided a scam, but is concerned that the caller had a portion, or all, of her husband's social security number.

DON'T BE A VICTIM!

David Goldberg, Ret. NYPD Detective

You can help keep safe by following these simple tips:

Be alert and aware of your surroundings at all times. Criminals often target people who are distracted.

When in a bar or restaurant, don't leave your handbag over the back of your chair, on a stool or on the floor.

Hold on to your cell phone and keep it secured out of sight when not in use.

Carry your wallet in the breast pocket of your jacket or in your side pants pocket. Never in the rear pants pocket which is one of the easiest to pick.

2010 – 2011 CSO/DSO CERTIFICATION TRAINING

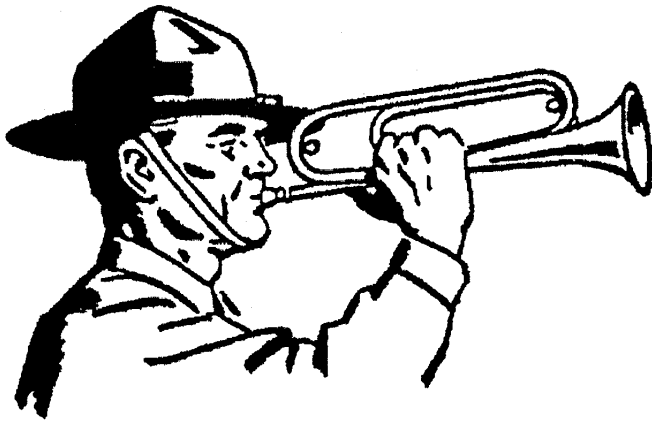
DAV National Service Officers from the New York City, Albany, and Buffalo National Service Offices' will be conducting the 2010-2011 Annual Department and Chapter Service Officer Certification Training at the Hudson Valley Resort and Spa, 400 Granite Road, Kerhonkson, NY, 12446. This year training will be held on Monday, June 28, 2010, starting at 2:00 p.m. and Tuesday, June 29, 2010, starting at 2:00 p.m. until completion in conjunction with the DAV Department of New York's Annual Convention. (Dates and times are subject to change)

Although all are encouraged to attend this training, certification and training materials will be limited to Department Service Officers and newly elected or appointed Chapter Service Officers for 2010-2011. NSO Assistant Supervisor Howard V. Lam has sent official notification and instructions to each Chapter regarding this training. It is vital for this information to be shared at Chapter meetings and the registration information properly completed and returned as soon as possible to Howard Lam at the National Service Office in New York City – not Department Headquarters.

If you have any questions or concerns regarding this training, please contact NSO Assistant Supervisor Howard V. Lam at (212) 807-3157.

**** As of 4/14 only 5 Chapters have mailed back the registration form.**

**Attention all Chapters:
If you have not received
your Chapter Officer
Report from National,
please call National toll free
1(888) 236-8313
to request a copy.**



TAPS

Department has been notified that the following comrades have been called into final formation above:

Arnold Michels
Chapter #190

Department and the membership extend deepest sympathies to the family members, friends and comrades of these fallen heroes. May each one rest in honor.

Please feel free to call, write or e-mail Headquarters at davny@optonline.net if you have a loss in your Chapter that you would like to include in this column.

Membership Status as of 4/13/10

Trial Members: 2,320
Part Life Members: 2,214
Full Life Members: 46,903
Total Members: 51,437
Goal for Full Life Members: 46,915 (99.97%)

DISABLED AMERICAN VETERANS

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DATES FOR YOUR DIARY

Department of New York's 89h Anniversary Celebration

Sunday, May 16 2010
Caribe Country Club
Brooklyn, New York

2010 New York State Convention

June 27, 2010 to June 30, 2010
Hudson Valley Resort
400 Granite Road
Kerhonkson, NY 12446

Rehab Cruise XVIII

Tuesday, July 20, 2010
New York Princess
Sheepshead Bay, Brooklyn, NY

2010 National DAV Convention

July 31, 2010 to August 3, 2010
Hyatt Regency Atlanta
on Peachtree St.
265 Peachtree Street NE
Atlanta, GA 30303
404-577-1234

\$129.00 Single/Double Occupancy