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DISABLED AMERICAN VETERANS

DEPARTMENT OF NEW YORK, INC.
200 Atlantic Avenue, Lynbrook, New York 11563



SEPTEMBER, 2008, NEWSLETTER

HELP IS JUST A FRIEND AWAY

*Robert J. Finnerty
Department Commander*

Let me start off with a true story that is common to almost all of us. It is about two WWII veterans. A very good friend named of mine named Lou was in Iwo Jima. He is a retired fireman from the New York City, but had never put in a claim with the VA. After many years of trying to have him open up a claim with the VA, I finally rode him to the DAV Service Office on Houston Street. The National Service Office opened his claim and he was promptly awarded 10%. I urged him to appeal and he is now getting 60%. That is more than his fire department pension.

The other veteran is William. I was in the waiting room at the VA Hospital in Northport when William, his daughter and his wife (who is blind) spoke to me about the prescriptions they had just ordered. I asked William if he had ever opened a claim. He said he had been awarded 10% since 1945. He has a Purple Heart and a Bronze Star. I referred him to Frank Kiss to tell him his story. We believe that William can get his compensation increased.

These two stories are so common to almost all of us. There are so many WWII, Korean, Vietnam and Iraq vets that are either sitting on 10 or 20 percent or don't even have any claim open. It's our duty to ask them whether they have opened a claim and direct them to the right place to go - that is, the Disabled American Veterans National Service Offices.

I just finished a remarkable book. The title is "*The Price of Their Blood.*" The late Jesse Brown, the former Secretary of Veterans Affairs, wrote it. The book describes the life and wounds of some 12 veterans. One of them was Roberto Barrera, DAV National Sr. Vice Commander. I strongly recommend this book to all veterans and non-veterans alike. It educates all of us as to what our heroes went through, how they picked up their lives and started all over again.

CHANGES TO THE CONSTITUTION AND BY LAWS

*Sidney Siller, Sr., PDC
Department Adjutant*

The following five changes to the DAVNY Constitution and By Laws were approved at the 87th Annual Convention and were submitted to National for their approval. We will inform you when we receive National's approval and the date these changes go into effect.

Article II, Section No. 6, Fundraising.



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The existing verbiage is: “No chapter may engage in any fundraising project without prior written approval of the State Department.”

We are going to add: “Request for any fundraisers shall be submitted at least two months in advance of the intended date of its commencement, 60 days.”

Article II, Section No. 5, Records of Proceedings.

We are going to add: “Each Chapter shall keep records of its proceedings.” And we are adding “in meetings which shall be open for inspection of the Department Commander, State Executive Committee, or their designees.” And we are adding: “Minutes of Chapter and Executive Committee meetings shall be kept for a period of at least five years.”

Article II, Section No. 4, Financial Records.

The verbiage reads; “each Chapter shall keep a complete financial record of all monies received, expended, and remitted. All monies must be deposited in the name of said Chapter and the Chapter shall have an accounting made of the same annually. A report shall be submitted to the State and National organizations.” We are adding: “All of the foregoing records shall be maintained by each Chapter for at least five years.”

Article VI, Section No. 6, Custody of Funds.

The verbiage reads: “The Department Treasurer shall be the custodian of the general fund and all special funds except those which have been committed to the custody of some other officer, committee, or member by enactment of the Department Convention or the State Executive Committee.” Adding: “All bills, canceled checks, checkbooks, and financial records shall be maintained and secured at Department Headquarters.”

Article VI, Section No. 9, Voucher System.

The verbiage presently reads: “All disbursements from the general fund or the special funds shall be by checks signed by any two of the following: Commander, Treasurer, Adjutant, or Assistant Adjutant and shall be based upon authorized vouchers.” We are going to add: “All vouchers must be cosigned by the Department Adjutant, or in his absence or unavailability, the Executive Director.”

VA HOME LOAN

Florida Veteran Council Michael Isam's article Aug 21, 2008

The Department of Veterans Affairs (VA) will use a locality-based approach in raising ceilings on its no-down payment home loans from the current \$417,000 to as much as \$729,000. The increases are effective immediately under legislation recently enacted with President Bush signing the Housing and Economic Recovery Act of 2008. That law also improved VA's Specially Adapted Housing Program. It raises primary



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grants from \$50,000 to \$60,000 toward constructing a new home or modifying an existing home to meet adaptive needs of veterans or active duty servicemembers with certain service-connected disabilities.

One new feature is a provision in the law that will assist burn victims. It will allow veterans with certain service-connected disabilities resulting from severe burns to receive the adaptive housing grants. The new law also makes future increases in ceilings on the Specially Adapted Housing Program automatic. The increased limits in the general home loan program for all veterans' home purchases or construction will be based on local housing costs, tied to the similar locality adjustments of the Federal Home Loan Mortgage Corp., Freddie Mac. VA home loans are available for veterans to purchase or construct single-family homes, and to purchase condominiums or cooperative apartments. There are about 2.3 million existing VA home loans, more than 90% are made with no down payment. More information about VA home loans and adaptive grants is available from VA at 877-827-3702 or www.homeloans.va.gov.

TRICARE NEWS VIA EMAIL

NGAUS NOTES Aug 22, 2008

The Tricare military health system's 9.2 million beneficiaries now have an easy way to receive the latest newsletters and stay informed about changes in coverage, pharmacy updates and other news. Their new electronic delivery system is up and running. Tricare officials said subscribing is fast and secure by clicking on the "little red envelope" on Tricare's Web site, www.tricare.mil. Subscribers can choose alerts by topics or beneficiary category. Delivery is safe and secure. An e-mail address is the only information collected. Subscribers also have a unique page they can manage any time and they can choose to be notified as soon as news or benefit changes are posted or get updates daily, weekly or monthly. The new subscription service also links users to similar alerts available on other Military Health System Web sites, including www.health.mil, which features MHS news and other information.

GI BILL UPDATE ASSISTANCE

AirForceTimes Rick Maze article Aug 20, 2008

Iraq and Afghanistan Veterans of America is launching a national outreach program to help veterans prepare for the big increase in GI Bill education benefits that takes effect next year. This includes an online calculator at www.gibill2008.org that gives veterans an idea of how much money they will receive when the Post-9/11 GI Bill takes full effect on August 1, 2009, with full tuition for people attending four-year public institutions, plus a monthly living expense and annual book allowance. Paul Rieckhoff, IAVA executive director, says the Web site should help answer basic questions about the



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new program, which has spawned a fair amount of confusion because the details underwent many changes before the final plan was enacted. A 20% increase in GI Bill benefits that took effect this past August 1st was just a small first step under the new plan. Full tuition payments, the living stipend, book allowance and other changes will not take effect until next summer so that the Pentagon and Department of Veterans Affairs have time to plan for the big increases.

VA TRA GRANTS

U.S. Medicine article Aug 14, 2008

A change in the law will increase the amount of grants available to seriously injured veterans seeking to modify their homes to accommodate their injuries. Prior to the change, eligible veterans and servicemembers could receive special adaptive housing grants of \$10,000 or \$50,000 from VA only once. Now they may use the benefit up to three times, so long as the total grants stay within specified limits outlined in the law. VA has averaged about 1,000 adaptive housing grant applications per year during the last 10 years, providing more than \$650 million in grants to about 34,000 seriously disabled veterans since the benefit began in 1948. Eligible for the benefit are those with specific service-connected disabilities entitling them to VA compensation for a "permanent and total disability." They may receive a grant to construct an adapted home or to modify an existing one to meet their special needs. VA has three types of adapted housing grants available:

- The Specially Adapted Housing grant (SAH), currently limited to \$50,000, is generally used to create a wheelchair-accessible home.
- The Special Housing Adaptations (SHA) grant, currently limited to \$10,000, is generally used to assist veterans with mobility throughout their homes due to blindness in both eyes, or the anatomical loss or loss of use of both hands or extremities below the elbow.
- A third type of grant established by the new law, the Temporary Residence Adaptation (TRA) grant, is available to eligible veterans and seriously injured active duty servicemembers who are temporarily living or intend to temporarily live in a home owned by a family member.

While the SAH and SHA grants require ownership and title to a house, in creating TRA, Congress recognized the need to allow veterans and active duty members who may not yet own homes to have access to the adaptive housing grant program. Under TRA, veterans and servicemembers eligible under the SAH program would be permitted to use up to \$14,000, and those eligible under the SHA program would be allowed to use up to \$2,000 of the maximum grant amounts. Each grant would count as one of the three grants allowed under the new program.



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SOCIAL SECURITY DEBIT CARDS

AARP Michelle Diament article Jul 08

The U.S. government is offering Social Security recipients a new way to receive benefits: debit cards. The cards, which target the 4 million Social Security and Supplemental Security Income recipients without bank accounts, debuted this spring in four states—Texas, Arkansas, Louisiana, and Oklahoma—and are expected to be available nationwide by the end of the summer. Those who choose to sign up for the debit program will receive a MasterCard debit card, which will be reloaded each month with benefit payments and secured with a personal identification number (PIN). The card can be used at ATMs to withdraw cash and at retailers for purchases and to get cash back.

Some usage fees are attached: Paper account statements will cost 75 cents; online bill-paying service will be 50 cents per bill. The first ATM withdrawal each month will be free; additional withdrawals will cost 90 cents each, and some ATMs may assess their own usage fees. International ATM withdrawals will cost \$3 plus a 3 percent currency conversion fee.

Judy Tillman, commissioner of the Financial Management Service at the Treasury Department, says the debit card is a faster and safer way to deliver funds than mailing paper checks. In a small pilot study conducted last year in Illinois, 85% of debit card users said they were satisfied. But consumer advocates warn that individuals must be vigilant in tracking debit card spending and fees. While debit cards carry some protection if lost or stolen, a consumer's maximum liability depends on how quickly a loss is reported. Debit cards "have a high risk of loss if stolen or abused," says Ed Mierzewski, consumer program director at U.S. PIRG, a public interest research group in Washington. "But it's an improvement on getting a check and going to a check cashier and running out of money before the end of the month (because of deduction of cashier's fee) or getting mugged on the way out of a check cashier."

CRSC UPDATE

AFPC Public Affairs Master Sgt. Kat Bailey article 12 Aug 08

Former Airmen receiving military retired pay who served less than 20 years may now be eligible to receive Air Force Combat-Related Special Compensation (CSRC). This is part of a legislative initiative designed to restore a veteran's military retirement pay that has been reduced by Veterans' Affairs compensation of at least 10% when the veteran's disabilities are combat-related. The 2008 National Defense Authorization Act, signed into law 28 JAN, expanded eligibility requirements for the CRSC program to include Medical Chapter 61, Temporary Early Retirement Act (TERA) and Temporary Disabled Retirement List (TDRL) retirees. "Prior to this change, retirees had to have 20 years of active-duty service or be retired at age 60 from the Guard or Reserve," said Mr.



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Rick Castro, Air Force CRSC program manager. "If you didn't have 20 years you weren't eligible. However with the NDAA expansion, if you are medically retired, either permanently or temporarily and you have VA payments that reduce your retirement pay, you are eligible to apply for CRSC." For example, a DESERT STORM veteran who was injured and subsequently medically retired at 14 years of service, who received a 30% disability rating from the VA, should apply; it may be the key to receiving additional tax-free money to which the veteran is entitled.

"That said, let our experts make the call," Mr. Castro said. "That way if you do not qualify and something in the law or Department of Defense CRSC policy changes in the future that could affect the prior decision, like the 2008 NDAA, we will already have a claim and documentation, and can reassess a claim based on the new eligibility factors." In determining eligibility, if you can answer "yes" to the following questions and have not submitted your CRSC claim, you should do so:

- Am I receiving retired pay?
- Do I have a compensable VA disability of 10 percent or higher?
- Is my retired pay reduced by VA disability payments?

Although CRSC specifically addresses "combat-related" disabilities incurred from armed conflict, retirees who developed disabilities from other than combat may also be eligible. Disabilities caused by exposure to Agent Orange, combat training, aircrew duties, simulated war exercises, parachuting and munitions demolition potentially qualify for compensation under this program. The CRSC team needs copies of a retiree's Department of Defense Form 214 or retirement order, any VA rating decisions addressing the disabilities being claimed, and any other available documentation. Note that CRSC is different from automatic Concurrent Retirement and Disability Pay. CRDP is also designed to restore military retired pay that has been offset by VA compensation of 50% or more; however, there is no combat-related requirement for CRDP. For more information and claim forms, visit the AFPC Public Web site www.afpc.randolph.af.mil under "Former Airmen Information." You can also get more information through the 24-hour Air Force Contact Center at (800) 616-3775.

VA NURSES HELPLINE - A PHONE CALL AWAY

Veterans, do you need information about medication dosages or prescription interactions, or do you have questions about your general health? Day or night, get answers to all your healthcare questions by calling the VA Nurses Helpline, 24 hours a day, at 1-800-877-6976.

NEW VA RULES FOR ALS VICTIMS

VA Press Release



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VA Secretary Establishes ALS as a Presumptive Compensable Illness
Cites Association between Military Service and Later Development of ALS

WASHINGTON (Sept. 23, 2008) - Veterans with amyotrophic lateral sclerosis (ALS) may receive badly-needed support for themselves and their families after the Department of Veterans Affairs (VA) announced today that ALS will become a presumptively compensable illness for all veterans with 90 days or more of continuously active service in the military.

"Veterans are developing ALS in rates higher than the general population, and it was appropriate to take action," Secretary of Veterans Affairs Dr. James B. Peake said.

Secretary Peake based his decision primarily on a November 2006 report by the National Academy of Sciences' Institute of Medicine (IOM) on the association between active-duty service and ALS.

"We are extremely grateful to Secretary Peake, Congressman Henry Brown and Senator Lindsey Graham for standing on the side of veterans with ALS across the country," said Gary Leo, president and CEO of The ALS Association. "Thanks to their leadership, veterans with ALS will receive the benefits and care they need, when they need them. Thanks to their efforts, no veteran with ALS will ever be left behind."

The report, titled Amyotrophic Lateral Sclerosis in Veterans: Review of the Scientific Literature, analyzed numerous previous studies on the issue and concluded that "there is limited and suggestive evidence of an association between military service and later development of ALS."

"ALS is a disease that progresses rapidly, once it is diagnosed," the Secretary explained. "There simply isn't time to develop the evidence needed to support compensation claims before many veterans become seriously ill. My decision will make those claims much easier to process, and for them and their families to receive the compensation they have earned through their service to our nation."

ALS, also called Lou Gehrig's disease, is a neuromuscular disease that affects about 20,000 to 30,000 people of all races and ethnicities in the United States, is often relentlessly progressive, and is almost always fatal.

ALS causes degeneration of nerve cells in the brain and spinal cord that leads to muscle weakness, muscle atrophy, and spontaneous muscle activity. Currently, the cause of ALS is unknown, and there is no effective treatment.



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The new interim final regulation applies to all applications for benefits received by VA on or after September 23, 2008, or that are pending before VA, the United States Court of Appeals for Veterans Claims, or the United States Court of Appeals for the Federal Circuit on that date.

VA will work to identify and contact veterans with ALS, including those whose claims for ALS were previously denied, through direct mailings and other outreach programs.

To view the entire regulation published in the Federal Register today, go to: www.federalregister.gov/OFRUpload/OFRData/2008-21998_PI.pdf. For more information on VA's disability compensation program, go to www.va.gov or contact 1-800-827-1000.

WORLD WAR I MEMORIAL

McClatchy Newspapers Dave Montgomery article 9 Sep 08

More than nine decades after driving ambulances on the battlefields of Europe, 107-year-old Frank Woodruff Buckles is the nation's last known survivor of World War I. Now he's also become the face of an ambitious campaign to erect a national memorial honoring the 4.6 million Americans who endured "the war to end all wars." Buckles was the celebrity participant at a news conference 9 SEP to unveil plans for a National World War I Memorial on Washington's National Mall. It would be midway between memorials already there to World War II and the Korean War. Planners envision refurbishing and expanding an existing memorial that President Herbert Hoover dedicated in 1931 to honor World War I veterans from the District of Columbia. That circular open-air Doric structure, ravaged by time and neglect, is tucked among trees at the southern edge of the Mall and often is ignored or overlooked by tourists. It was named as one of Washington's most endangered places in 2003 and 2006.

Rep. Ted Poe (R-TX) has introduced the Frank Buckles World War I Memorial Act to renovate the memorial and rededicate it as a national shrine in 2018, when America observes the 100th anniversary of the end of the First World War. Buckles said the 21st-century commitment was needed to make the memorial "what it should be" by honoring all who'd gone before him. "I just feel there should be some recognition," he said. Buckles was born in 1901 in Harrison County, Mo. He lied about his age to enlist, telling a skeptical recruiter that Missouri didn't keep birth records when he was born. He was dispatched to England, then France, where he served as an ambulance driver. After the armistice, he delivered German POWs back to their home country. Buckles spent the next 20 years as a merchant seaman before he was entangled in another world war. He was working in the Philippines in 1941 and was captured by the Japanese shortly after the bombing of Pearl Harbor. He spent the next three and a half years in Japanese prison camps. After World War II, he returned to the United



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States, married and settled down on a 33-acre West Virginia farm, where he still lives. His wife died in 1999.

The D.C. Preservation League and a newly formed World War I Memorial Foundation will take the lead in planning, designing and raising money. Refurbishing the monument is expected to cost just under \$1 million but planners said it was too early to project a total cost. The circular memorial, composed of Vermont marble, was intended as a bandstand for memorial concerts to World War I participants. It stands on a 4-foot-high circular marble platform around which are inscribed the names of the 499 Washington residents who died in the war. Planners said they hoped to pay for much of the work through private donations. One priority, they said, will be to preserve and improve the existing monument as a "place of peace and reflection" without trying to rival or surpass the scope of more opulent monuments such as the World War II Memorial.

VA VOTER REGISTRATION BAN

VA Media Relations 8 Sep 08

The Department of Veterans Affairs said on September 8, 2008, that it would no longer ban voter registration drives among veterans living at federally run nursing homes, shelters for the homeless and rehabilitation centers across the country." Back in May, the VA "said such drives would violate the prohibition on political activity by federal employees and would be disruptive. The reversal came after months of pressure from state election officials, voting rights groups and federal lawmakers who said that such drives made it easier for veterans to take part in the political process." In a press release, VA Secretary James Peake commented on the reversal, saying his agency "has always been committed to helping veterans exercise their constitutional right to vote." The Department will welcome state and local election officials and non-partisan groups to its hospitals and outpatient clinics to assist VA officials in registering voters at VA facilities. Such assistance, however, must be coordinated by those facilities in order to avoid disruptions to patient care. The policy requires that information about the right of VA patients to register and vote, and other patients' rights, be posted in every VA hospital, and that all VA patients be provided a copy of these rights when they are admitted to a VA facility.

Every hospital is now also required to publish a written policy on voter assistance, allowing patients to leave the hospital to register and vote, subject to the opinions of their health care providers. Patients unable to leave the facility must be assisted to register and to vote by absentee ballot. In their written policies, VA hospital are required to establish the criteria they will use to evaluate requests from outside agencies to register voters, and to determine where, when, and how such registration



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activities will be conducted. They will also develop procedures to coordinate offers of assistance from state and local governments and from non-partisan organizations, and how to work with VA's Regional Counsel offices to determine whether or not groups offering registration help are non-partisan, as required by law. Voluntary Service Program Managers at each of VA's 153 hospitals will be responsible for implementing the new policy, and for providing timely and accurate voting information to veterans cared for at their facilities. They will also obtain and maintain materials that are needed to assist veterans with voter registration requirements.

VA RETRO PAY PROJECT

MOAA News Exchange 10 Sep 08

The Heroes Earnings Assistance and Relief Tax Act of 2008, signed into law on 17 JUN 08, changed the federal income tax filing deadlines and the length of the look-back period for amended tax returns when retirees are affected by a retroactive VA disability compensation determination. Amended tax returns usually are required when you have paid income taxes on past retirement income that later becomes tax-free income as a result of the award of retro-VA compensation. For retro-VA compensation determinations as of 18 JUN 08 or later, retirees have up to one year to file their amended return from the date of the VA determination. The retiree now can amend tax returns going back five years. It used to be a three-year look-back. There also is a transition period allowed in the tax code change. For retro-VA compensation determinations from 1 JAN 01 through 17 JUN 08, retirees have until 17 JUN 09 to file amended returns for tax refunds for tax years

2001 to the present. Consult your tax specialist for more detailed information about how these changes affect you. Refer to H.R. 6081, Section 106, which amends the IRS Tax Code Section 6511(d) by adding a new paragraph (8). For a technical explanation of H.R. 6081 on the House of Representative's Web site refer to www.house.gov/jct/x-44-08.pdf. additional reference can be located at www.govtrack.us/congress/billtext.xpd?bill=h110-6081 and frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h6081enr.txt.pdf.

COLA BILL S 2617

Source: VFW Washington Weekly 12 Sep 08

The House cleared a cost-of-living bill that would provide an increase for veterans with service-connected disabilities, as well as dependency and indemnity compensation (DIC) for families of deceased veterans. The Senate passed the veterans' COLA measure in July. The COLA bill, S 2617, provides for a Dec. 1 increase in disability compensation, dependency and indemnity compensation, and pensions that will match



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whatever increase is provided in Social Security benefits. The increase, which applies to about 2.8 million veterans and survivors, would first appear in January paychecks. The Social Security increase won't be known until mid-October, but is expected to be a minimum of 6 percent. The Social Security COLA automatically applies to military and federal civilian retired pay, but veterans' disability and survivor benefits and pensions increase only through the enactment of new legislation. The COLA bill now awaits the President's signature.

CORRECTED LIST OF FALL MSO STOPS

The following is the October 2008 MSO stops in our area. The time for all stops is from 9:00 am until 4:00 pm. Please contact NSO Supervisor Bryan Held with any questions you may have at (716) 857-3354.

Monday, October 6, 2008 - Watertown

DAV Jefferson County Chapter #18
231 Bellew Avenue

Tuesday, October 7, 2008 - Utica

American Legion Post #229
409 Herkimer Road

Wednesday, October 8, 2008 - Cortland

DAV Cortland Memorial Chapter #153
91 Owego Street

Thursday, October 9, 2008 - Elmira Heights

DAV S/Sgt. Jack Swan Chapter #13
434 Garrison Place

The following is the November 2008 MSO stops in our area. The time for all stops is from 10:00 am until 4:00 pm. Please contact NSO Supervisor Jeff Hall with any questions you may have at (212) 807-3157.

Tuesday, November 18, 2008 - Kingston

VFW Post #1386
708 East Chester Street

Wednesday, November 19, 2008 - Amenia

Sheriff's Sub Station



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Route 22, Amenia 12501

Thursday, November 20, 2008 – Castle Point
Castle Point VA Medical Center
Route 9D

Friday, November 21, 2008 – Goshen
Dikeman Engine Hose Company #3
Dikeman Street

TAPS

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

Samuel R. Danial, Past Department Commander 1976-78, Chapter #30, 8/08

John W. McFadden, Chapter #144, 8/18/08

William J. VanHoesen, Chapter #153, 8 /22/08

Joseph Fisco, Commander of Chapter #186, 8/08

Walter Nasedka, Chapter #153, 9/12/08

Morris Lee Garrett Jr., Chapter #118, 9/6/08

Michael F. Paquin, Commander of Chapter #194, 9/08

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 davny@optonline.net Headquarters if you have a loss in your Chapter that you would like to include in this column.

DATES FOR YOUR DIARY

2009 Mid-Winter Conference
February 22, 2009 to February 25, 2009



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Crystal Gateway Marriott
Arlington, VA 22202

State Executive Committee Meeting

March 13, 2009 to March 15, 2009

Hudson Valley Resort
Kerhonkson, NY

Department of New York's 88th Anniversary Celebration

Sunday May 17, 2009

El Caribe Country Club
Brooklyn, New York

Department of New York Convention

June 28, 2009 to July 1, 2009

Hudson Valley Resort
Kerhonkson, New York

Rehab Cruise XVII

July 14, 2009

Nautical Empress
Freeport, NY

2009 National DAV Convention

August 22, 2009 to August 25, 2009

Sheraton Hotel Denver
Denver, CO 80202