



## Post 125

### Service Officer Blog:

Sens. Joe Manchin (D-WV) and Susan Collins (R-ME), and Reps. Daniel Meuser (R-PA) and David Trone (D-MD) introduced legislation to improve the VA adaptive automobile grant program. [S. 444](#) and [H.R. 1361](#) would allow eligible disabled veterans to receive an adaptive automobile grant every 10 years. Currently, they may only receive one adaptive automobile grant during their lifetime, despite the fact that automobiles are typically only useful for 10 years. [Learn more.](#)

Sens. Jon Tester (D-MT), Mike Crapo (R-ID), and Jerry Moran (R-KS) introduced the Major Richard Star Act. Rep. Gus Bilirakis (R-FL) along with 58 bipartisan original cosponsors have introduced the House companion bill. The bill would eliminate the unjust offset for Chapter 61 military retirees who suffered injuries in combat. The bill is named in honor of Maj. Richard Star who lost his battle with cancer on February 13, 2021. Maj. Star was a father, husband, and decorated war veteran who was medically retired as a result of his combat-related injuries.

VA's National Cemetery Scheduling Office and VA national cemeteries have received many calls from family members and funeral homes asking how they can apply for the Funeral Expense Reimbursement Program that covers funeral expenses when a loved one's death was related to COVID-19.

This new program, which began on April 12, 2021, is run entirely by the Federal Emergency Management Agency (FEMA). VA has no role in creating or tracking claims for this reimbursement program.

To learn more about the program and how to apply, visit this FEMA website:

<https://www.fema.gov/disasters/coronavirus/economic/funeral-assistance/faq>.

## **Before getting started**

- Gather the documents FEMA requires before you call FEMA to apply. Family members must provide documentation to establish a claim. You do NOT need any paperwork from VA.
- The only way to apply is by calling FEMA's toll-free number. There is no way to apply online.
- Only the person who covered the funeral expenses can call FEMA's toll-free number, not a third party like a funeral home director or cemetery representative.
- FEMA only wants documents showing the costs you incurred. If your loved one was interred in a VA national cemetery, there was no cost to you for those things associated with the cemetery, such as the headstone or marker, the gravesite or columbarium niche, the grave liner, and assorted fees for opening and closing the grave, mounting the headstone, etc. All these items were part of the Veteran's burial benefit with VA.
- FEMA's program can be used to reimburse a family for funeral-related expenses that VA doesn't cover, such as the cost of the casket or urn, clergy fees and funeral home fees. FEMA's website has more details.
- The Veterans Benefits Administration also pays a burial allowance to the families in certain circumstances, whether or not the Veteran is interred in a VA cemetery. To learn more about

this VA benefit and who qualifies, click here:

<https://www.va.gov/burials-memorials/veterans-burial-allowance/>.

Please be patient with FEMA's call center, as it is currently dealing with a very high volume of calls. If you get a busy signal, try again later. There is no deadline for submitting claims.

Finally, be prepared before calling FEMA's toll-free number. FEMA's website provides all of the details on what you need to do:

<https://www.fema.gov/disasters/coronavirus/economic/funeral-assistance/faq>.

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## **Blue Water Navy - Nehmer**

The Department of Veterans Affairs (VA) announced it will readjudicate claims for Veterans who served in the offshore waters of the Republic of Vietnam during the Vietnam War.

This review is part of the Veterans Benefits Administration's implementation of the November 5, 2020, U.S. District Court of the Northern District of California decision to readjudicate previously denied claims as applied in *Nehmer vs. U.S. Department of Veterans Affairs*.

Veterans who were previously denied service connection for an herbicide related presumptive condition due to lack of in-country Vietnam service will automatically have their claims readjudicated.

Readjudication means VA will review the evidence of record and provide replacement decisions in the cases of Veterans who were previously denied service connection for one or more herbicide related conditions on the basis that military service was not performed. Survivors of deceased Veterans may also benefit from the policy

and may be eligible for benefits based on the Veterans' service of the landmass of the Republic of Vietnam or on its inland waterways. This review will also apply to eligible survivors of deceased Vietnam era Veterans.VA is dedicated to ensuring all Veterans receive the benefits they have earned.

## Steer Clear of VA 'Claim Sharks'

As the presence of unaccredited VA disability claim representatives continues to rise, the VFW wants to make sure veterans and dependents know their options when it comes to applying for earned VA benefits and disability compensation.

As the presence of unaccredited VA disability claim representatives continues to rise, All Veteran Service Organizations wants to make sure veterans and dependents know their options when it comes to applying for earned VA benefits and disability compensation.

Veterans and their dependents need to be aware of companies that offer help filing a VA claim with promises of boosting the veteran's current disability compensation.

Often, companies will charge five times the amount of the veteran's retroactive compensation, potentially costing him or her thousands of dollars.

These companies are not accredited by VA. A lot of them require a membership fee. All of them require a portion of a veteran's disability compensation.

These companies are often referred to as "claim sharks. They often advertise on social media and have become "more aggressive" during the COVID-19 pandemic.

These companies are advertising to a receptive audience as a result of regional offices being closed during the pandemic. They promise things that a veteran or dependent can receive for free.

Some tell-tale signs unaccredited companies use to attract veterans and dependents include:

- Promising a “guaranteed” raise in disability compensation.
- Telling clients that they can “start for free.”
- Providing “coaching” during the VA disability claims process.

They use language such as, ‘If you don’t get any benefits, you don’t pay anything,’. “It belies the fact that there are organizations that have been doing this for much longer, with more proficiency and free of charge.

Many of these organizations might advertise that they will review VA rating letters to find claims veterans service organizations are neglecting to file. He also said veterans and dependents might find these companies enticing to work with because of current delays at VA.

People could see this as a way to shorten the process and receive an expedited return on their compensation. What veterans and dependents need to understand is that they will have to go through the same VA process as everyone else.

Depending on his or her contract, a veteran might not be able to get out of an agreement with an unaccredited organization or person.

Veteran Service Organizations are currently finding ways to protect those who have been affected by claim sharks.

They continue to explore consumer financial protection available to ensure that the rights and benefits of veterans and other claimants are protected.

## **A FREE OPTION FOR VETERANS**

Anyone filing a VA disability claim should only work with organizations that are accredited with VA.

The first question anyone should ask is, “Are you accredited with the Department of Veterans Affairs?” Veterans should always work with someone who is VA-accredited. Find any organization, agent or attorney that is accredited.

Veterans, whether they are members of a Veteran Service Organization or not, can expect to receive a full claims assistance service — free of charge — when working with an Accredited Service Officer who can help with all aspects of the process.

Service Officers act as a veteran’s power of attorney when it comes to handling VA disability claims. This is something unaccredited consulting groups are not legally allowed to do. The reason Veteran Service Organizations can do this is because they carry accreditation with the VA.”

VA’s accreditation process includes having strict training requirements so veteran service officers can keep pace with federal regulations, as well as to better understand how VA evaluates and rates disability claims. Accredited organizations are held to a high standard of privacy when dealing with a veteran’s health care information.

Though most service officers have been forced to work remotely for the past year, Our Veteran Service Organizations have continued to provide high quality claims assistance virtually the whole time. Many locations are reopening for in-person visits, but the best way to contact a service officer is by email or phone.

If you call one, please leave a message. They are checking voicemails and they are calling everyone back.

**MST Prosecution Changes:** Defense Secretary Lloyd Austin announced that he will be recommending the prosecution of sexual assaults in the military be taken out of the military chain of command. He plans to work with Congress to amend the Uniform Code of Military Justice. The change comes after a 300-page report completed by the Independent Review Commission on Sexual Assault in the Military was released by the White House with more than 80 recommendations. The commission met with military and veterans service organizations, victim advocacy groups, and active duty and veteran sexual assault survivors. The findings focus on four areas — accountability, prevention, climate and culture, and survivor care and support.

**Rural Mental Health Bill Becomes Law:** The president signed into law S.1468, the Sgt. Ketchum Rural Veterans Mental Health Act of 2021. Sgt. Brandon Ketchum served in the Marine Corps, completing tours in both Afghanistan and Iraq. In his first tour alone, he cleared 92 roadside bombs in 7 months – service that earned him a Combat Action Ribbon. In 2016, Sgt. Ketchum died by suicide after he was denied access to mental health services at a VA facility in Iowa, related to his battle with post-traumatic stress disorder. This law will require VA to report an assessment of health needs for rural and highly rural veterans and provide an account of VA's outpatient mental health care, residential programs, and VA's Rural Access Network for Growth Enhancement (RANGE) program cost savings.

**National Park Access for Veterans Bill Introduced:** Rep. Miller-Meeks introduced the Veterans in Parks Act, which would provide free access to national parks and public lands for service members, veterans, and their families. This bill would codify the existing benefits of the annual America the Beautiful Pass, ensuring that those who qualify for the pass would have a lifetime of free access to more than 2,000 of our nation's parks and federal recreation areas.

**Blood Donation Need Still Critical:** The American Red Cross currently has a severe shortage alert in regards to lifesaving blood products.

Hospital demand continues to outpace donations, so the Red Cross strongly urges healthy, eligible individuals who are feeling well to give blood, platelets, or plasma to help maintain a sufficient supply for those battling COVID19, cancers, other infections, or trauma victims. Those who donate July 7-31, 2021, will receive a \$10 Amazon gift card via email and be automatically entered for a chance to win gas for a year. Please schedule an appointment using the Red Cross Blood Donor app, visiting [RedCrossBlood.org](https://www.RedCrossBlood.org), or calling 1.800.RED.CROSS (1.800.733.2767)

**Philips Recalls Specific Sleep and Respiratory Care Devices:** Philips released a recall notification for several of their BiLevel PAP and CPAP devices, such as DreamStation. Potential health risks such as headaches, nausea, and cancer have been identified with the polyester-based polyurethane foam that reduces the machines' noise. Philips recommends that patients using BiLevel PAP and CPAP devices discontinue use and consult their physicians. Patients using life-sustaining mechanical ventilator devices should not discontinue use without consulting their physicians.

**Recommendation to Consider New Presumptive Conditions:** Based on recent studies related to particulate matter exposures, VA Secretary McDonough is initiating rulemaking to consider adding new presumptive regulations for respiratory conditions. The new presumptive conditions would be for veterans who served in the Southwest Asia theater of operations during the Persian Gulf War and/or after Sept. 11, 2001, or in Afghanistan and Uzbekistan during the Persian Gulf War. Please note, VA has NOT created new presumptive conditions, however, affected veterans to contact a Veterans Service Officer with any questions or concerns they may have or if they may be interested in filing a claim. **Post Service Officer note:** FILE a claim NOW if you believe that you may have respiratory conditions due to exposure to toxins in the Southwest Asia theater. When the VA finally makes a decision to grant service connection for respiratory illnesses then you will be granted service connection back to the original

date of claim - no matter how long it takes the VA Secretary to make his decision.



