

January 29, 2016

## Veterans Service Update

### **Department Service Office February Business Hours:**

The department veteran service office will be closed on President's Day, Monday, February 15, and department service officers will be away from the office from Tuesday, February 16 through Monday, February 22 due to their attendance at the national service offices' training school in Washington DC. This office will otherwise be open each Monday through Friday from 7:30 AM until 4:00 PM during the month of February. Appointments are necessary for client visits. You may contact the department service office by calling our direct number of 317-916-3605; calling a long distance toll free number of 1-888-723-7999, extension 1; faxing us at 317-916-3406; or by using the following e-mail address: [al.vbaind@va.gov](mailto:al.vbaind@va.gov).

### **Local Service Issues:**

**Post Service Officer Award Nominations:** Each year, the National Veterans Affairs and Rehabilitation Commission (VA&R) and The American Legion Department of Indiana acknowledges the contributions of exceptional post service officers with a national Meritorious Service Citation and a department post service officer award certificate. Posts may nominate their post service officers by completing the attached "American Legion Department of Indiana Post Service Officer Award Nomination" form and returning it to the department's veterans service office address noted on the form.

**Post Service Officers Attend Service Officer Training Seminar:** American Legion department service officers conducted a training seminar for post service officers at the Mid-Winter Conference on Saturday, January 16, 2016. Those present received information to help post members and other veterans within their local communities better understand veterans benefits as well as where, when and how to apply for those benefits. These dedicated volunteers

help further the goals of The American Legion by selflessly giving their time in service to other veterans, their dependents and survivors. Their efforts will allow many more veterans to lean about life changing benefits. Hats off to the following post service officers and representatives for attending the seminar: Allen Viduka, Post 303; Cliff Morlon, Post 360; Ann Adcook, Post 510; Julie Newell, Post 11; (name not legible, Post 8; John McGee, Post 238; Peter Noer, Post 220; Gary Kain, Post 455; Joseph Fuller, Post 4, Kevin Hinton, Post 7; Phil Vonsick, Post 28; Ron Bollengaugh, Post 468; Jordan Kinkead, Post 45; Joe Mandil, Post 155; Bob Shaler, Post 34; Juan Sanders, Post 186; Allen Connelly, Post 215; George Alyea, Post 500; David Sharber, Post 5; Mike Baumbardner, Post 129; Glenn, Post 8; Jasmin Pettiford, Post 249; Brien Engelheds, Post 53; Marshall Terrs, Post 249; and Frankie Billingsley, Post 148.

### **National Service Issues:**

**VA Proposes Providing Compensation for Disabilities Associated with Contaminated Water Exposure at Camp Lejeune:** VA currently provides healthcare services for veterans having certain medical conditions who served at Camp Lejeune, from 1953 through 1987. The Secretary of Veterans Affairs has also decided to propose regulation for allowing payment of compensation for certain conditions associated with the contaminated water after discussions were conducted between environmental health experts at the Veterans Health Administration and the Department of Health and Human Services Agency for Toxic Substances and Disease Registry (ATSDR). Those conditions include: *Kidney Cancer, Liver Cancer, Non-Hodgkin Lymphoma, Leukemia, Multiple Myeloma, Scleroderma, Parkinson's disease, and Aplastic Anemia/ Myelodysplastic Syndromes.*

The Secretary's proposal would also expand benefit eligibility to Reserve and National Guard personnel who served at Camp Lejeune for any length of time from August 1, 1953, through December 31, 1987. VA would presume them to have been exposed to the contaminated water during their Reserve or National Guard service and, in appropriate circumstances, to have been disabled by such exposure during service, thus allowing them to qualify for VA benefits under the statutory definition of "Veteran." This would make them eligible for VA disability compensation and medical care for any of the presumptive conditions, and their surviving dependents would be eligible for dependency and indemnity compensation and burial benefits.

VA is working on these regulations and **VA cannot grant these claims until the regulations become final**, but veteran who served at Camp Lejeune between August 1, 1953 and December 31, 1987 and developed a condition they believe is related to the Camp Lejeune drinking water should contact a qualified veterans service officer about filing a disability compensation claim with VA. (Source: VA News Release, 12/17/2015)

**Federal tort claims and USC 1151 Compensation claims.** If a veteran incurs additional disability caused by negligent VA health care services, the veteran may file either a federal tort claim or a VA compensation claim, or both. A tort claim is a legal issue that should be submitted to the VA district counsel using a completed Standard Form 95. If the VA district counsel believes the veteran has a valid claim, it will contact the veteran in an attempt to negotiate a settlement. The district council will try to pay as little as possible when negotiating a settlement. If the veteran or VA will not settle, the veteran could then continue his/her tort claim by filing in federal court. The American Legion does not represent veterans with tort claims, but we highly advise veterans to seek the services of an attorney before filing a tort claim. The tort claim is filed "against" the VA, and unlike compensation claims, VA is not under an obligation to resolve reasonable doubt in favor of the veteran. In fact, VA will do everything it can to not pay a tort claim.

The American Legion can, however, represent veterans with a 38 USC 1151 claims for VA compensation benefits due to neglectful VA health care services causing additional permanent disability. The veteran can file a 38 USC 1151 claim by using a VA Form 21-526EZ. If VA grants 38 USC 1151 benefits, VA will pay for the disability in the same way it pays service connected compensation benefits.

The veteran can file both a tort claim and a USC 1151 claim. If, however, both claims are won, VA will withhold payment of the 1151 compensation benefits until the tort claim payments have been recouped in full.

**Inquiry Routing & Information System (IRIS):** This VA webpage is found at: <https://iris.custhelp.com/>. It provides additional resources for obtaining VA information, including: VA facility locations, VA toll free numbers, a way to obtain answers to VA Education Assistance inquiries, an eBenefits portal, a Frequently Asked Questions list, a place to ask VA questions about VA programs, and links to finding the status of a pending claim, obtaining a copy of a DD Form 214 or other service record, VA Forms, Aid and Attendance and Housebound pension information, general claims processing time information, direct deposit information, information concerning jobs and employment opportunities, and much more.

**Unclaimed Veterans Remains:** For deaths after January 10, 2014, VA will reimburse an individual or entity that pays for a casket or urn used to inter the remains of an unclaimed veteran interred in a VA National Cemetery on or after May 13, 2015. The current maximum reimbursement cost is \$1,967 for a casket and \$172 for an urn subject to an annual established average cost. Application for reimbursement should be made on a VA Form 40-10088 along with documentation of the veteran's qualifying military service and an appropriate bill of sale. Caskets and urns must meet VA National Cemetery standards. More information is available in the National Cemetery Administration Unclaimed Veterans Remains Casket or Urn Reimbursement Program fact sheet at: [http://www.cem.va.gov/cem/docs/factsheets/CasketUrn\\_Reimbursement.pdf](http://www.cem.va.gov/cem/docs/factsheets/CasketUrn_Reimbursement.pdf)