

# VFW POST 604 NEWS

[WWW.VFW-604.NET](http://WWW.VFW-604.NET)

March 2013

## V.F.W. Mission Statement

The purpose of this corporation (VFW) shall be fraternal, patriotic, historical, charitable, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead, and to assist their widows and orphans; to maintain true allegiance to the Government of the United States of America, and fidelity to its institutions of American freedom, and to preserve and defend the United States from all her enemies, whomsoever.

## Commander's Corner

Hello. If you weren't at the Post meeting on the 19th, we took a vote on building the deck onto the back of the Post. We received the number of votes needed to proceed with construction. We hope to have the project started in the near future. We think this will add to what we have to offer our members, especially since the deck will have a roof on it.



It is now time for all of our members to seriously start considering running for office at the Post. We will be holding our nominations in April and then moving on to our election so our new officers can take office at the end of June. I have served as Commander for the past three (3) years and, with the help of our officers, we have made quite a

few changes to the Post. What we need is for some of our members to come out to fill the offices that will become vacant. Although I will not be running for Commander again, I will still be at the Post to help whoever becomes Commander. The Post continues to improve and we are always looking for ways to make it better. We have good people that are involved with the Post and really care about helping Veterans and standing up for our military.

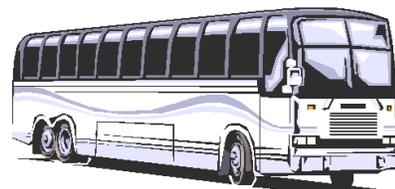
I am asking for members to become a part of what the VFW stands for. All you have to do is show up at the Post and say you are there to help. There is so much going on at the Post and you need to become a part of it. We are proud of what we do because no one does more for Veterans than the VFW. ❖

**Commander - Joe Hardin**

## Post 604 Men's Auxiliary

Wow! Our Daytona Open Sunday last month was a great way to drop the green flag on a new NASCAR season as well as, what we hope will be, a regular line-up of open Sundays involving the Men's Auxiliary. Many thanks to Tim Haney for some of the world's best-ever hand-dipped tenderloins! All of the guys who pitched in to help on that Sunday deserve a pat on the back.

We want to grow our membership so we can better support Post 604 and its veterans. What better way can there be to bring in new members than by having a series of activities to get them involved and active? Come be a part of it with us! Our next Open Sunday will be on March 17. We'll have twice as many reasons to celebrate that day because this year's NASCAR race at Bristol falls on St. Patrick's Day. Can't wait to see who wants to elevate Danica to sainthood by then. Yes, we'll be able to give you a green beer if you want one.



Another important date for those who are interested – something the Men's Auxiliary will be promoting heavily – is Saturday, April 27. The Men's Auxiliary will be running a bus (or buses) down to Lawrenceburg, IN that day to the

See Men's Aux - Continued on page 2





## March MADNESS

Let's start off by telling you about the Men's Auxiliary's **NASCAR** Sunday last month. They came up with a **gigantic hand-dipped breaded tenderloin** that was absolutely fantastic—1 inch thick—if not thicker — tender as could be and way bigger than the bun. You missed out if you weren't there — great job guys!! Plus, we hear that they are going to do this month's **NASCAR SUNDAY (OPEN HOUSE ALSO)** so be sure to check out their article in this month's newsletter.

Other things are in the works too, such as an upcoming bus trip to a casino—more info on that will probably be in next month's newsletter. If you have read the Commanders article then you know we are getting closer to building a deck onto our building. This would be great for this summer—lots of things we can do with an outside deck.

The Post has replaced our old big (65") screen TV with no less than a **70" BIG SCREEN TV**—mounted on the wall, it can be seen from just about anywhere in the Post — Great for **NASCAR** or **BASKETBALL**.

Sometimes out of the blue, we just have an idea and throw together an unadvertised special... Only way to know is to come on by, you just never know!!!

Just about something always going on right here at the **VFW Post 604** in Bloomington, IN—**YOUR POST!!** ❖

House Committee

## Men's Aux - Continued from page 1

big, beautiful Hollywood Casino boat. It will be a 12-hour trip (giving us eight full hours on the boat). Space is limited and reservations for the bus will have to be made in advance. Cost will be just \$30/person and much of that will be offset by comps the casino will be giving us. See flyers on the bulletin boards or see a member of the Men's Auxiliary to sign on. Bring your friends along, too.

We'll be nominating officers this spring for the next year. I've been blessed to have had the opportunity to serve as president of our Men's Auxiliary during the time the new club facilities were opened and improved upon. I've always enjoyed the joke that compares Congress to a baby's diaper and the need to change both for the same reason. Hopefully, that analogy doesn't ring too true with my tenure! Nevertheless it's time to allow someone with fresh ideas an opportunity to step up and take a turn at the helm. So, please consider casting your hat into the nomination process.

Our meeting in March will be at 6pm on Tuesday the 19<sup>th</sup>. Hope to see you there! ❖

**Michael Pipher, President VFW Men's Auxiliary**



# Laurens B. Strain – VFW Post 604

**March 2013**

Closed	Open 1600 - 2200	Open 1600 - 2200	Open 1600 - 2200	Open 1600 - 2200	Open 1600 - 2200	Open 1000 - 2200
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					<b>1</b> Serving Dinner 1800 - 2100  Commander's Drawing 1900 Brad Harris Entertains 1900	<b>2</b> Bingo– 1430
<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>  Bingo– 1730 * Vet to Vet – 1800	<b>8</b>  Serving Dinner 1800 - 2100   Commander's Drawing 1900 Brad Harris Entertains 1900	<b>9</b>  Bingo– 1430
<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>  Bingo– 1730 * Vet to Vet – 1800	<b>15</b>  Serving Dinner 1800 - 2100   Commander's Drawing 1900 Brad Harris Entertains 1900	<b>16</b>  Bingo– 1430
<b>17</b> <b>NASCAR Sunday</b>  <b>Open 11:00 – Win!</b>	<b>18</b>	<b>19</b>  Meetings V.F.W. – 1800 Men's Aux – 1800 Ladies Aux – 1800	<b>20</b>	<b>21</b>  Bingo– 1730 * Vet to Vet – 1800	<b>22</b>  Serving Dinner 1800 - 2100   Commander's Drawing 1900 Brad Harris Entertains 1900	<b>23</b>  Bingo– 1430
<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>  Bingo– 1730 * Vet to Vet – 1800	<b>29</b>  Serving Dinner 1800 - 2100   Commander's Drawing 1900 Brad Harris Entertains 1900	<b>30</b>  Bingo– 1430

(\* For Vet-to-Vet Held at IVY Tech, 200 Daniels Way room A118 – Check website <http://www.vetovetbloomington.com/> to confirm location)

**Telephone Number (812) 339-2375 Bingo License # 128637**

**Raffle License # 127960**

## “Reasonable doubt” and “As likely as not”

These two Department of Veterans Affairs regulations have been on my mind a lot lately. “Reasonable doubt” may be the last chance for two widows to obtain Dependency Indemnity Compensation (and associated CHAMPVA medical coverage. Both of their Vietnam-era veteran husbands died due to conditions which are on the VA’s Agent Orange presumptive list, and both would have been clear cut cases if the veterans had documented service on the ground in Vietnam during that war. However, one was a Navy vet whose vessel was a hospital ship on station many miles off the Vietnam coast. The other was an Army veteran who served in Thailand. We’ve claimed service connected deaths for both. The Navy vet told his wife that he flew on the med evacuation helicopters which picked up the seriously wounded and took them to the hospital ship. I think it logical to assume that he was “on the ground” in Vietnam as he helped load the wounded. We included that rationale for Agent Orange exposure with the initial claim. The Army vet told his wife and me shortly before he died that his transportation to and from duty in Thailand included stops in Vietnam. The VA has already in one case, and soon will in the other, come back to the respective widows asking for more information regarding their late husbands’ Agent Orange exposure.

Well, there’s the problem: the veteran husbands are dead and can’t provide more details, or the names of buddies who might be found to provide statements, or anything. They’re dead. All we really have for evidence of their transient service in Vietnam are second-hand statements from the widows regarding what their husbands told them (and a statement from me in one case). If these widows are very, very lucky they may get an adjudicator in a good mood. They get the DIC and CHAMPVA. If not, they get denied and as part of their appeals we may be able to confirm the veterans’ service on board the hospital ship and in Thailand through the National Personnel Records Center, Military Records. There’s another chance to get lucky – the NPRC may have some copy of orders to report to some location in Vietnam on some date for training or to await transportation. Not likely. What is much more probable is that we will have to claim “reasonable doubt” as described in Title 38, Code of Federal Regulations, Section 3.102:

*It is the defined and consistently applied policy of the Department of Veterans Affairs to administer the law under a broad interpretation, consistent, however, with the facts shown in every case. When, after careful consideration of all procurable and assembled data, a reasonable doubt arises regarding service origin, the*  
See “Reasonable doubt” - Continued next page

## Post & Auxiliary Elections

Annual Office elections for V.F.W. Post 604, Ladies Auxiliary, and Men's Auxiliary are upcoming. Nominations from, Nominees submitted, and voting is limited to members in good standing. Offices as follows:

### V.F.W. Post 604 Offices

Nominations: Open March 19 2013- Close April 16, 2013

Open Voting: April 16th 2013 meeting after nominations close

- Commander
- Sr. Vice Commander
- Jr. Vice Commander
- Quartermaster
- Chaplin
- Judge Advocate
- Surgeon
- 3-Year Trustee
- 3-Year House Committee

### VFW Ladies Auxiliary Offices

Nominations: Open April 16, 2013

Open Voting: April 16th 2013 meeting after nominations close

- President
- Sr. Vice President
- Jr. Vice President
- Treasurer
- Chaplin
- Conductress
- Guard
- 3-Year Trustee

### VFW Men's Auxiliary Offices

Nominations: Open March 19 2013- Close April 16, 2013

Open Voting: April 16th 2013 meeting after nominations close

- President
- Sr. Vice President
- Jr. Vice President
- Treasurer
- Secretary
- Chaplin
- 3-Year Trustee



Member participation is desired and encouraged!!!



## Reasonable doubt (Cont.)

*degree of disability, or any other point, such doubt will be resolved in favor of the claimant. By reasonable doubt is meant one which exists because of an approximate balance of positive and negative evidence which does not satisfactorily prove or disprove the claim. It is a substantial doubt and one within the range of probability as distinguished from pure speculation or remote possibility. It is not a means of reconciling actual conflict or a contradiction in the evidence. Mere suspicion or doubt as to the truth of any statements submitted, as distinguished from impeachment or contradiction by evidence or known facts, is not justifiable basis for denying the application of the reasonable doubt doctrine if the entire, complete record otherwise warrants invoking this doctrine. The reasonable doubt doctrine is also applicable even in the absence of official records, particularly if the basic incident allegedly arose under combat, or similarly strenuous conditions, and is consistent with the probable results of such known hardships.*

Board of Veterans Appeals judges are usually more receptive to “reasonable doubt” arguments – if supported with at least some evidence – than are regional office employees, many of whom are inexperienced, fearful, and find it occupationally safer to deny than to approve. The widows and I must create a claim situation in which the veterans’ presence, on the ground in Vietnam falls into the realm of “reasonable doubt”.

While the phrase “as likely as not” sounds a lot like the above – and it is – this phrase is usually used within medical statements provided by physicians in support of veterans’ claims. The concept is similar. Here’s an excerpt from Board of Veterans Appeals Citation Nr: 1100931, Decision Date: 01/10/11, Docket No. 08-00 114:

*Remand, 2.b. Note: The term "at least as likely as not" does not mean merely within the realm of medical possibility, but rather that the weight of medical evidence both for and against a conclusion is so evenly divided that it is as medically sound to find in favor of causation as it is to find against it.*

“Reasonable doubt” can be used by good adjudicators to bail themselves out of a “50-50” situation and to do so in favor of the veteran claimant. “As likely as not” can be used, almost certainly should always be used, by medical authorities to bail themselves out of seeming to claim to be God. First, medicine is often much more art than science. Not every patient will react to a drug the same way, to a chemical poison the same way, or to a wound the same way. Examining a patient decades after exposure to something nasty does not confirm the nasty, it only shows

what the patient’s symptoms, disabilities, and scars are now. The doctor must infer/deduce the cause to make a service connection supportive statement. Inferences and deductions are subject to error. No reasonable physician will state that (from an actual Operation Crossroads veteran’s case) “Mr. Smith’s present carcinomas, bone necrosis, and chronic subcutaneous bleeding were caused by his exposure to ionizing radiation in the South Pacific in 1946” – signed by omniscient Doctor Jones. The best we could have expected to get out of a medical professional would have been something like, “Mr. Smith’s present carcinomas, bone necrosis, and chronic subcutaneous bleeding are, as likely as not, caused by his exposure to ionizing radiation.” – signed by reasonable and credible Doctor Jones. If we could have obtained a medical statement similar to the latter example, we would have won this veterans case. We had already established his exposure to the nukes’ fallout. But, we couldn’t and we didn’t. In other veterans’ cases we have and we did.

When approaching a doctor (or, more likely, the doctor’s nurse office manager) for a supportive medical statement always recommend the “as likely as not” qualifier phrase. Not only will the office manager be much more willing to prepare such a statement for the doctor’s signature, but the VA adjudicators look for exactly that phrase in credible statements.

So, if a positive/negative determination regarding a benefits claim to the VA is a toss-up, they are obligated to decide in the claimant’s favor. The claimant’s job is therefore to provide evidence supporting at least that 50-50 situation.

Another take-away is that veterans should file their service connected disability claims while alive and can answer VA questions and not curse their surviving spouses with these headaches.

**John Tilford – Service Officer**



Laurens B. Strain V.F.W. Post 604  
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## Please Support

### VFW Post 604



**Conducted by V.F.W. Ladies Auxiliary**

Thursday – Sales open 5:30PM – Play starts 6:30PM

Saturday – Sales open 2:30PM – Play starts 3:30PM

**Serving Veterans in Our Community Since 1921**

**Bingo License # 128637**