

VFW POST 604 NEWS

WWW.VFW-604.ORG

December 2015

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

"Wow"! Here comes the holidays and the end of the year. I just want to say how proud I am of all the members that have stepped forward and volunteered to make (our) Post 604 one of best Posts in the State, if not the best.

Don't forget to check our calendar and see what we have going on in December at the Post. We have parties for members and the kids Christmas party coming up. In January we have the Post birthday dinner and the presentation of awards to our Patriot Pen and Teacher of the Year programs.

I want to thank the Men's Auxiliary for all the work they do with maintenance around the Post. They just installed new lights out front for Old Glory so we can see how proud we are of her. They put new siding on the west side of our building and we will be getting a new camera security system on December 8th and 9th. Thanks to them at the cost of over \$6,000. Their fish nights and NASCAR Sunday big tenderloins continue to be a big hit. I want to thank the VFW Auxiliary for helping with bar tending and for their taco nights. Their help on Veterans Day at the courthouse is also appreciated. We also want to thank them for planning the kids Christmas party and for supplying the desserts for our Friday night dinners. I also want to thank Karen Cain for heading up our programs for Patriot Pen and Teacher of the Year.

Don't forget to pay your dues for the coming year. We are only as good as our members make us. At this time our Commander's drawing is over \$1600.00 so drop in and sign the book. You may get lucky!

Over the holiday season, please remember our service members that will not be home with their families and all who are serving our great nation. ❖

Commander - Joe Hardin

Post 604 Men's Auxiliary

Hey Gang,

I'm sure you've all heard by now, that the Men's Auxiliary will stay intact at Post 604. This also means you are stuck with me as your president. This group of men at this Post have really worked hard to better our post. We are few, but we will continue to support our veterans and our Post as best we can. However, there will be NO fish or tenderloins in the month of December. With all the hustle and bustle we decided this was our best action.

We will continue to play Texas Hold 'em on Thursday nights except for Christmas Eve and New Years Eve. We have a great group of players that support us each week if you have any spare time come check it out.

I do hope everyone had a Happy Thanksgiving and will have a Very Merry Christmas. ❖

Tim Haney, President VFW Men's Auxiliary

VFW Post 604 Shines!

We would like to thank both of our Auxiliaries for their exceptional volunteer efforts this past year. The labor support in helping staff daily operations and special functions has been incredible. In addition to the volunteerism, the Men's Auxiliary purchased the new vinyl siding on the building, flag pole lighting, and donated a state of the art video surveillance system.

With the I-69 construction and the uncertainty of how this will affect our post, as long as we all continue to work together for the better good, we will remain the envy of other posts. This is OUR post, thank you to all who participate as volunteers, patrons, and as contributors.

VFW Auxiliary

We are planning a December 18th Christmas dinner for all members of VFW Post 604 and its Auxiliaries. The Post will be providing Ham and Turkey and are requesting the VFW Auxiliary bring covered dishes. It is a pleasure to get together and celebrate the holidays with other members.

Also, the VFW Auxiliary will be hosting a Christmas party for the children of Post 604 on December 12th from 10:00 AM until Noon. Please sign your children up on the list located at the bar **not later than December 3rd**. We are looking for suggestions for gifts and games. Please contact Dorothy White with suggestions. If the child is not present at the party, their gift will be donated to a children's charity.

This month we donated \$50.00 toward gift cards for older children of National Guard parents who are deployed. We also donated \$50.00 for snacks for veterans at the VA Hospital during the holidays. A committee will be visiting the hospital to deliver the snacks.

This is it for this year. Everyone please have a Merry Christmas and a Happy New Year. Be safe over the holidays and always keep in mind all of our troops near and far; may they and all of their families be safe.

God Bless you all. ❖

Julia Curtis
President VFW Auxiliary
812-822-0028

Free VFW Membership

Effective November 17, 2015 – VFW Post 604 membership dues for qualifying World War II and Korean War veterans are no longer required. This applies to both new and existing annual members of VFW Post 604 who received one of the following:

American Campaign Medal
American Defense Service Medal
Asiatic-Pacific Campaign Medal
Korean Defense Service Medal

We are honored to have you in our ranks.

ANOTHER YEAR IS ALMOST HISTORY!!

We will **NOT** be having **Friday Night Dinners** this month and we are **NOT** going to have a **SUNDAY** opening this month as well.

Okay, that brings us to our Post 604 Holiday schedule—here we go! Christmas Eve (24th) falls on a Thursday so we will be **OPEN** from 4:00 pm till 8:00 pm. We will have snacks for you to munch on also. Then come Christmas Day—the Post will be **CLOSED**. Then we get to the 31st (Thursday) New Year's Eve—yes we are going to be **OPEN** at 4:00 pm and close at ?????? Last year we had a **Pot Luck Pitch-In** for food and we had a good turn-out so we are going try it again—we ask that you bring your favorite dish, maybe a dessert also and from there we will just zing our way into **2016!!** So make plans to come out and celebrate New Year's Eve with us----mighty fine people we are here at Post 604!!! New Year's Day the Post will be **CLOSED**.

The Post 604 House Committee would like to wish all of our Post Volunteers along with Active Military Personnel, Veterans and their families (where ever they might be this year) a Very Merry Christmas & Happy New Year. ❖

House Committee

MERRY
CHRISTMAS

Christmas Pitch-in Dinner

December 18th from 6PM - 8PM

Come join us in celebrating the holidays.

Post will provide Ham & Turkey, all others bring a covered dish or dessert.

Laurens B. Strain – VFW Post 604

December 2015

Closed Sunday	Open 1200 - 2200 Monday	Open 1600 - 2200 Tuesday	Open 1600 - 2200 Wednesday	Open 1600 - 2200 Thursday	Open 1600 - 2200 Friday	Open 1000 - 2200 Saturday
		1	2	3  Starts at 7pm * Vet to Vet – 1800	4 Commander's Drawing 1900	5
6	7 HOT DOG MONDAY Open @ Noon	8	9	10  Starts at 7pm * Vet to Vet – 1800	11 Commander's Drawing 1900	12  10:00AM - Noon
13	14 HOT DOG MONDAY Open @ Noon	15 Meetings V.F.W. – 1800 V.F.W. Aux – 1800 Men's Aux – 1800	16	17  Starts at 7pm * Vet to Vet – 1800	18  Pitch-in Dinner 1800 - 2000 Commander's Drawing 1900	19
20	21 HOT DOG MONDAY Open @ Noon	22 	23	24 Special Holiday Hours Open 1600 – 2000	25  CLOSED	26
27	28 HOT DOG MONDAY Open @ Noon	29	30	31 		

(* 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

Charity Game Night License # 137924

Raffle License # 137923

Appeals :

Amendment to last month's article

I was too negative regarding the Decision Review Officer option last month. (Even though one had me drive a veteran appellant up to the Indianapolis VARO twice in a month for the same hearing. The DRO used the wrong hearing format the first time.) I have heard that the DROs now seem to have their act together, are issuing decisions much faster than the traditional appeal process, and automatically issuing a Statement of the Case if their DRO decision is not favorable to the appellant.

Now Things Get Formal

(Continued from last month)

The unhappy claimant (with or without representation, but at this point I highly recommend representation) has received the VA Statement of the Case, skips to the last page of the SOC text, researches the point(s) the VA made as the reason(s) for denial, and still thinks the VA is wrong.

The claimant, who hereafter will be referred to as the 'appellant' to reflect his or her new status, whips out the Form 9 that was included with the SOC, fills it out, and submits it, thereby initiating a formal VA appeal. By the way, there's a sixty (60) day deadline on submitting the Form 9. Don't miss it. There are choices on the form and here are my opinions for each:

1) Do you want the regional office appeal team to consider your appeal? These folks probably have lunch with the same adjudicators who made the decision. They all work for the same Regional Office director, the director whose performance is rated partially on how many of his office's decisions are reversed on appeal. Over the years I've drifted away from recommending the regional office appeal team except in rare, very simple, formal appeals.

2) Do you want to appeal to the Board of Veterans Appeals in Washington, DC? Probably. The BVA veterans' law judges who consider these cases take great pride in pointing out that the BVA is organizationally separate from the Veterans Benefits Administration. They even have a separate building in DC. Not only do they not work with the adjudicators who made the denial, or for the same regional office director, they don't even work for the same part of the VA. (But they do work for the Secretary of the Department of Veterans Affairs. Hold that thought.)

Yes, this is usually where you want to appeal. But all the way to DC? That's only where their home base is. Look at the option under the BVA choice on the Form 9 for "Do you want a personal hearing?" Of course you do. 'Much harder to turn someone down who took the time and traveled to appear. Much easier to gauge their credibility when they are sworn in, look the judge in the eye, and give straight answers. Sure, you could travel to DC for a BVA personal hearing. I have. But it's just as effective – maybe more effective – to choose the "Do you want to appear before a traveling BVA member at a regional office near you?" option.

The regional office appeal team people will discourage you from this. Sometimes they will telephone you at home. They will claim you will have to wait months and maybe years for such a BVA hearing. They will offer a video teleconference style personal hearing instead. Don't do it. The turn down rate for VTC hearings is higher than for real personal hearings. The "will take months or years" claim? Maybe, in rare circumstances. Usually a few months extra but well worth it. The BVA veterans' law judges have the authority to consider types of indirect evidence and to pursue logical conclusions that the regional office appeal teams do not have and cannot do. Whereas the regional office people are supposed to use VA precedent decisions for guidance, the BVA people make the precedent decisions. BVA decisions are posted online and are searchable. Regional office appeals teams decisions are not. Within the VA, the Board of Veterans Appeals is the big league – and, it's free.

Remember the BVA works for the Secretary? Well, if the BVA turns the appellant down, he or she can appeal to the United States Court of Appeals for Veterans Claims, also based in Washington, DC. The Court definitely does not work for the Secretary of the Department of Veterans Affairs. The Court is part of the Department of Justice. Their federal cases are docketed as "Jones versus McDonald" (the appellant's last name versus the Secretary's last name). Court filing fees are required but can be waived in cases of financial hardship. Formal representation before the Court must be by an attorney who may work on a pro bono (free) basis. A Service Officer can assist a self-represented appellant or assist an attorney.

I've only been involved with three cases at this level and each has been an education, to put it mildly. The first two resulted in the Court vacating (invalidating) the BVA denial decision but remanding (returning) the case right back to the BVA instead of – what the veteran appellant and I had hoped for – just telling the VA to grant the claim. The Court evidently does not want to dictate to the VA, just provide guidance when the VA is really off the beam on the basis for denial. The Court's attitude is that "VA, you can't turn the claimant down on this basis, but there may be another reason for denial. We order you to adjudicate this case again." Well, in each of those first two cases the BVA just reworded their denials but still really used the same basis, which meant the appellant had to go through the BVA appeal process again, to get turned down again, to become eligible to get docketed with the US Court again. The longest of these cases is now over ten years old. The Court does get ticked at the BVA and does, at times, run out of patience. I hope the now-much-older appellant and now-much-older me can have a celebratory pizza party in a few months when the Court issues a definitive, final decision.

In VA appeals, as in life, sometimes you win and sometimes you lose. Winning is a LOT more fun, and any VA benefits paid are retroactive.

John Tilford – Service Officer

Laurens B. Strain V.F.W. Post 604
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Bloomington, IN 47404-2690

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PERMIT No. 205

"Oldest Post in the State"

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Phone: (812)-339-2375

*Thank
You*

*To all VFW and Auxiliary members who participated in
VFW Post 604 functions in 2015, both as patrons and
volunteers, thank you!*

May the New Year bring you good health and new fond memories.