
VFW POST 604 NEWS

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.

WWW.VFW-604.NET

September 2013

Commander's Corner

The display of the Marine Corps Vette here at the post was a big success. We had a lot of people turn out to see the vette not to mention the good food provided. A big thanks goes to Mike Pipher and Frank Ozug for cooking and serving the many, many hamburgers and hot dogs that were consumed that day. Thanks also to Bill Evans for manning the recruiting table and Roy Smith for cutting the grass and making the grounds look good.

Pending projects at the post include relocation of the storage shed, construction of the back deck, and construction of the standup bar. The area for the new location of the shed has been cleared and leveled. The shed is scheduled to be relocated upon completion of the rear deck.

Many are asking "What's the progress on the rear deck?". As it stands right now all necessary requirements of the county planning board have been completed and drawings have been submitted to State for their review and approval. As soon as State approves the construction of the deck then the building permit can be obtained and work started. If all goes well the deck should be completed in September.

On a final note, the Post in cooperation with Walmart will be preparing care packages to be sent to the front line troops stationed in Afghanistan. The project is currently in the infancy stage and more details will be forthcoming as they are ironed out.

Bob Lanning, Post Commander

Post 604 Men's Auxiliary

We had most of our helpers (workers) missing in action July and August (vacation). So the Men's Aux. was idle those 2 months. However in September we're back in action. Sept. 15th the Men's Aux will be hosting (NASCAR Sunday GEICO 400). TENDERLOINS ARE BACK. Television coverage of the race will begin at 2pm. We will start serving around 1pm until race ends. As always there will be extra side dishes and desserts available (from our famous cooks and bakers). Everything is just \$5.00. Nowhere else in town provides better chow than us. So get your carcass off that couch and join us for a fun day at the VFW. (Again that's Sunday afternoon, 9/15/2013 starting at 1pm).

Greg Fender joined the Men's aux. in August. Welcome aboard Greg.

As soon as the deck is finished the Men's Aux. is planning to have a cook-out, dance, and party outside so hurry up with them boards.

Tim Haney, President Men's Auxiliary



Post 604 Ladies Auxiliary

Hello everyone. Well it's that time of the year to contact our Schools for our contests. One is the Voice Of Democracy this is open to students in grade 9-12 This is the VFW premier scholarship program each year. The theme this year is (Why I'm Optimistic About Our Nation's Future) Another is the (Patriot's Pen) The theme on this one is (What Patriotism Means To Me) grade'7-8-9th. To qualify all entries must be submitted to sponsoring VFW POST by Nov.1,2013 We have information at the Post or you can get it on-line at www.vfw.org. Donations were made to the Boy's and Girl's club this month. Distributions have been paid for our Obligations to the Hospitals and Cancer Aid and Research. We have received over half of our membership dues. This is wonderful as we get to keep an extra \$1.00 on each person until Aug.31,2013. Our request for help gave us two more ladies who are going to work on Committee reports thanks so much. We also need more chairs filled with officers, Please come to our Sept. meeting if you can help. If you change your address please let us know. Keep all in your prayers. Janet

Janet Williams, President VFW Ladies Auxiliary

Renewing Membership

Your continued membership is important to us. The V.F.W. and its Auxiliaries are the life-blood of our post. If you know of someone desiring to join our ranks please do not hesitate to contact one of our officers.

VFW National has voted to increase annual dues by \$10.00 beginning on January 1st 2014. Dues collected between now and December 31st will still be \$25.00.

Dues renewal paid before October 23 will automatically register the member for the Department of Indiana's random drawing for one of fifteen free Life Memberships, five in October, five in November and five in December. Pay EARLY and you could hit pay-dirt.

Annual membership renewal forms are mailed to each V.F.W. and Auxiliary member. Dues shall be forwarded per the directions contained in the notice received by the member with the renewal form. If you do not receive a renewal notice, or if you prefer please drop by Post 604 and we can save you a stamp. Contact the Quartermaster or one of your club officers for assistance. ❖

SEPTEMBER—LABOR DAY--ALREADY !!!

It has been a good summer as far as the weather goes but good golly the time sure has flew by! And we have a lot on our plate for this month starting with **LABOR DAY-MONDAY-Sept 2nd**. The Post will open at Noon just like normal but starting at 2:00 p.m. we will be serving a **Pulled Pork Sandwich with Cole Slaw and Chips**. Rumor has it that Frank is making the Pulled Pork and believe us he is a good cook. Cost is only \$5.00 a plate—Hey!!—You pay more than that for a Big Mac & Fries. So make it out to the Post before 6:00 p.m. for this meal. The Post will close somewhere around 7:00 p.m. depending on the crowd.

Then we get to have our **1st Friday of the Month Dinner Special** (Sept 6th) where we will be featuring **Cube Steak** cooked in **Mushroom Gravy** with **Mashed Potatoes** and **Corn on the Cob & Rolls**. Now we give you a knife & fork with the meal but you only need the knife to put butter on your rolls, you can cut the steak with your fork—so tender!! This corn is super good---we bake it in the shuck—yep that right!!—we bake it and it is tender & juicy!! But of course it just cost **\$5.00!!**

NASCAR SUNDAY—Sept 15th is being brought to you by the Mens Auxillary this month which means **Gigantic Hand-Dipped Breaded Tenderloins**. We will also be giving away coupons for **FREE** stuff from O'Charleys Steak house. Okay, just to give you a idea of what your missing on these Sundays—last month we had Quarter Pound Hot Dogs (Beef), Bushs Beans, and Corn on the Cob—plus you got to pick from Upside Down Pineapple Cake, Coconut Cake or Brownies—that is a lot of food for little \$\$\$\$. Its an OPEN HOUSE so everybody can come with ya, your in-laws, out-laws, your former girlfriends sister, bring em-all. Be sure to read the Men's article to get all the info. Post will Open at Noon—Close at 6:00 p.m.

And a **BIG THANK-YOU** to all of our volunteers, while not many in numbers, they do the greatest job they can for Post 604 and for **YOU**, Post 604 Members.

House Committee

Laurens B. Strain – VFW Post 604

September 2013

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  Pulled Pork Sandwiches 2 to 6pm \$5.00 Open @ Noon	3	4	5 * Vet to Vet – 1900	6 Serving Dinner 1800 - 2100 State Campout  Commander's Drawing 1900 Brad Harris Entertains 1900	7 State Campout
8 State Campout	9 Open @ Noon	10	11 Patriot Day	12 Bill Thien Homecoming	13 Serving Dinner 1800 – 2100 Bill Thien Homecoming  Commander's Drawing 1900 Brad Harris Entertains 1900	14 Bill Thien Homecoming
 15 NASCAR Bill Thien Homecoming	16 Open @ Noon	17 Meetings V.F.W. – 1800 Men's Aux – 1800 Ladies Aux – 1800	18	 19 POW/MIA DAY * Vet to Vet – 1900	20 Serving Dinner 1800 - 2100  Commander's Drawing 1900 Brad Harris Entertains 1900	21
22	23 Open @ Noon	24	25	26 * Vet to Vet – 1900	27 Serving Dinner 1800 - 2100  Commander's Drawing 1900 Brad Harris Entertains 1900	28
29 Indiana Day at National Home – Eaton Rapids, MI	30 Open @ Noon					

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

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Regionalization and Form 9

The Milwaukee Pension Management Center is the central processing office for Department of Veterans Affairs pension claims originating from Indiana and eleven other states. Total of twelve states. (Remember that. There will be a quiz later.) Their website says nice things like, "Committed to Excellence". The VA alleges Milwaukee and other regionalized processing centers have increased pension adjudication accuracy rates from 56% to 96%. It doesn't say from when to when, or what methodology was used to measure accuracy.

Let's consider one Milwaukee Pension Management Center case that was 1) not adjudicated correctly, 2) which might have been considered "accurate" in their data, but 3) which was corrected after filing the VA Form 9. Ellettsville widow Smith filed for Dependency Indemnity Compensation (DIC) based on her Vietnam combat veteran husband's service connected death. Basic DIC is now \$1,215 per month, not taxable. A surviving spouse of a veteran who died due to a service connected cause is also entitled to CHAMPVA, the VA free (well, not really "free" if your spouse died a service connected death or was rated 100% service connected disabled to get it for you) health care program. Since Mrs. Smith was over 65 and on Medicare, CHAMPVA was the perfect supplement. She cancelled her other health insurance and saved hundreds of dollars per month. But, we're ahead of our story.

The Pension Center denied her claim. 'Said her husband's liver failure (cause of death shown on death certificate) was not manifested while on active duty or within a year after separation from active duty. At that point the Center was no doubt congratulating themselves on being 100% accurate on this denied case. The widow gave up. She kept trying to pay her bills in the home they had shared for decades using her only income, Social Security benefits. She's now alone, in her late 60s, kids gone. Story over.

Not quite. Mrs. Smith's next door neighbor was a Coast Guard Reserve retiree and a civil service retiree. He and I worked two buildings away from each other on Crane in the early 1980s. Good guy. One afternoon, while he was talking to Mrs. Smith over their shared fence, Richard asks, "Say, whatever happened to that VA claim?" She answers, he didn't think it sounded right, and he called me. Mrs. Smith then gave Dick copies of her late husband's final medical records and VA correspondence, he gave them to me. At the time of his death Mr. Smith, former USMC Corporal in Vietnam, had adult onset diabetes, ischemic heart problems (both considered by the VA to be Agent Orange presumptive conditions, diabetes in 1999 and

ischemic in 2010), and his allergy to one of his diabetes medicines caused the fatty deposits in his liver which lead to the liver failure. His diabetes had been severe enough to interfere with treatment for his other conditions. His heart had been reduced to 20% effectiveness. Both the diabetes and the severe heart problem obviously contributed to his death. Mrs. Smith, Polly, and I met at the Wee Willies West restaurant in Ellettsville. She agreed to start the appeal by signing a short "notice of disagreement" letter to the Pension Center. The "plan" was that the Center would respond with a formal Statement of the Case, thereby laying their cards on the table. They did, and they didn't have a straight flush. All they had was ". . . not manifested on active duty or within one year of separation."

The Center included VA Form 9 with the VA Statement of the Case. The VA always does. The Form 9 is the formal appeal form, the step the VA hopes the claimant does not take after being intimidated by the thirteen page Statement. What they don't tell the claimant is that the first twelve pages are the same words for every Statement of the Case. Only the last page has information about, in this example, the rationale for Mrs. Smith's denial.

I filled out the Form 9 for Mrs. Smith's signature. *Issue appealed?* Denial of service connection for the veteran's death. *Why do you think the VA decided your case incorrectly?* They give you half a page. I used that and continued on the back of the form. As I saw it, there were at least three ways to service connect Mr. Smith's death and maybe more. Here's the actual Form 9 "why wrong" text:

1) Severe ischemic heart disease contributed to my husband's death. I will obtain, and provide at my hearing, a medical doctor's statement to that effect. My interpretation of the Nehmer court order is that the current presumptive service connection for ischemic heart disease due to Agent Orange exposure is applicable in his case.

2) I will obtain another medical doctor's statement to the effect that my husband's service connected diabetes type II contributed to his death.

2a) I have discovered a multitude of peer-reviewed scientific papers clearly linking insulin resistance syndrome (one of my husband's diagnoses associated with his service connected diabetes type II) to non-alcoholic steatohepatitis. ('Steatohepatitis' is the scientific nomenclature for 'non-alcoholic fatty liver disease'.) The Statement of the Case describes ". . . non-alcoholic fatty liver disease . . . suspected as a cause of the cirrhosis". The

See Form 9

Continued on page 5

Statement of the Case shows cirrhosis as the primary cause of death.

Summary of my position: My husband's severe ischemic heart disease should be established as service connected in accordance with the Nehmer court order. His heart disease certainly contributed significantly to his death. My husband's service connected diabetes type II contributed to his death in both in a general/traditional manner AND as a cause of his steatohepatitis, the cause of death cited in the Statement of the Case. For DIC claim adjudication purposes, steatohepatitis should be considered as service connected secondary to my husband's service connected diabetes type II.

I will provide the above referenced medical doctors' statements and a sampling of scientific papers in support of the above rationales at the time of my personal hearing in the Indianapolis Regional Office before a traveling member of the Board of Veterans Appeals.

I specifically request a BVA hearing in the Indianapolis Regional Office. It is unreasonable to require a surviving spouse to travel from Ellettsville, Indiana to Milwaukee, Wisconsin at her own expense for an appeal hearing. Obviously, I also request my late husband's claim folder be made available to the BVA member and to my representative prior to the BVA hearing in Indianapolis.

Thank you for the opportunity to present my case in person.

The "Nehmer court order" required the VA to apply new Agent Orange presumptives to claims made before the new presumptives were added to the AO presumptive list. In other words, the VA was forced to admit that, for instant example, ischemic heart problems established in 2010 to be associated with exposure to Agent Orange were probably also service connected in earlier years. I felt citing the Nehmer decision in Mrs. Smith's Form 9 narrative was necessary because Mr. Smith died before 2010. In other words, I did not trust the VA to comply with the Nehmer decision retroactive requirement on their own initiative, and wanted to avoid yet another appeal if they didn't.

Demanding that our personal hearing before a member of the Board of Veterans Appeals be held in the Indianapolis VA Regional Office was because – well, I just could not believe the paperwork which came with the Statement of the Case stating that Mrs. Smith would not be entitled to any reimbursement for her travel expenses to her hearing (OK, that's standard) AND that the hearing

would be located in Milwaukee, Wisconsin! Remember the quiz? Twelve states served by the Milwaukee Pension Center? Louisiana, Mississippi, and Alabama are included. Can you imagine a financially strapped, grieving widow similar to our Mrs. Smith who was forced to appeal and request a hearing being told she had to get to Milwaukee from, say, New Orleans? Maybe in the winter? At her own expense? That's inhumane, disrespectful, and stupid. So that's why the "hearing in Indy" paragraph was in there. 'Wanted to see what would happen.

Meanwhile, back at the ranch, Mrs. Smith agreed to work on getting the "contributed to" statements from her husband's cardiologist and from his personal physician (the latter regarding diabetes). I started additional research on insulin resistance association with fatty liver disease. I told her we had a few months to wait for the notice of the BVA hearing date and weeks or months after the notice before the actual hearing. I was wrong.

Mrs. Smith left a message on my cell phone just a few weeks after we had submitted the Form 9. She'd received a paper check from the US Treasury for over \$25,000. I told her to wait a few days and she'd receive a letter from the VA. She did. All it said was that her husband's death was service connected. No apology. No notice of any hearing date or location – which, of course, we didn't need then. I described to Mrs. Smith how to apply for CHAMPVA, her educational benefits (paid to go to school if she wanted), Post Exchange and Commissary privileges, property tax deduction, etc.

Happy ending, right? Well, for Mrs. Smith, yes – except her husband suffered and died. But consider, at no point during the processing of her claim did it ever show up as an error. Her Form 9 was not processed to start the formal appeal, because the Pension Center read it, determined they would not get by with the denial, did not want to be caught by the BVA judge, and granted the benefits. Also, since there never was a hearing, Mrs. Smith and I never submitted any additional evidence. No doctors' statements, no peer-reviewed research papers, no sworn testimony, nothing additional for the VA to consider. This means that the Pension Center already had everything they needed to support a positive decision granting the benefits at the time they initially denied the claim AND – second look – at the time they composed their Statement of the Case.

So, how much does the "96% accuracy rate" mean? Not a whole lot, especially if you are a widow

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