

Vets For Full Representation

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I HAVE A DREAM

I have a dream that every veteran will have the option to receive the best representation possible whether it is for free or for hire. I have a dream that veterans will no longer need to travel hundreds of miles to a hearing just to have a representative review his file 15 minutes before the hearing and that representative not being the same person who helped the veteran with his service connected documents in the beginning. I have a dream that veterans are no longer told not to appeal; don't get the VA mad you might get reduced. When in fact it is in the veterans best interest to appeal.

I have a dream that every veteran have the option to have a representative that is interested in appealing his claim. I have a dream that every veteran has a representative or attorney near his home without traveling hundreds of miles or being represented by a person the veteran has not seen face to face from the beginning of his representation. I have a dream that any inadequate representation of veterans is a thing of the past. I have a dream that a veteran can choose between good representation for free and/or a paid representative such as an attorney if it is in the best interest of the veteran. I have a dream that veterans choice of representation be from start to finish. I dream that representatives for free or for fee have no conflict of interest involving representation for themselves or their organizations. I dream that representation is solely based upon the merit of serving the veterans best interest rather than any organization for free or attorney or other representation for fee.

I dream that legislators, veteran organizations and attorneys recognize that they are all on the same team; veterans first, and that veterans first should not be compromised for other interest. Someone always pays, either the tax payers, donations or someone else indirectly or the veterans himself directly pays a fee.

I have a dream that all conflict of interest and ethical dilemmas are gone and all veterans can receive in their neighborhood for fee or for free the kind of representation the veteran desires. Veterans should be given deference that they have the ability to choose what is best for them rather than having it legislatively mandated.



First annual Veterans Crossing for the first annual Vets For Full Representation (VFFR) Independence Day Barbecue. The events main goal was to educate the public on the important work being done by VFFR. A big thanks to Duo Maxwell, VFFR Program Director, for putting this event together.

The event was started off with the firing of our Civil War cannon. Four shots were fired from the cannon from different people who came out for event. The first shot was fired by a local World War II veteran.

The Neon Moon Band came out to Veterans Crossing for the event and played a wide range of music. They preformed songs they wrote themselves, oldies and even sang a song with David Huffman, a song that he wrote himself.

Isaac Cain, manager at Veterans Crossing, worked the barbecue and cooked hot dogs and hamburgers. All the food that was served at the event was donated by various businesses and people around Parkersburg, Marietta and Little Hocking.

There was also face painting for the little kids and a corn hole tournament was held for the big kids. The event ended with a thirty minute fireworks display that was enjoyed by everyone who attended.



VFFR has hired a new Program Director, Duo Maxwell. Duo is a Marine/Army combat veteran with three Purple Hearts. He served in Iraq and Afghanistan.

Since Veterans Crossing Restaurant is now open for business and soon Veterans Crossing Movie Theatre will be opening, VFFR will be involved in various programs to help veterans.

Stay tuned.....

If you need assistance with determining what kind of help is best for you, call David Huffman @ 740-989-2015 or toll free 844-638-8606 extension 3.

It is important to know that what is good for one veteran may not be good for another veteran. Veterans Crossing has helped dozens of veterans organize their claims and referring them to veterans organizations or paid representatives depending on the veterans circumstances.

WATCH OUT FOR OTHER VETERANS

Please look out for other veterans. Make sure when they file for service connected issues all claims are covered and that the veteran makes the right choice for him or her. I ran into a good example at a Witten's stand in Barlow, Ohio. A veteran that had congested heart failure, severe diabetes with peripheral neuropathy of all four extremities, he could not feel his feet. He had severe renal problems, high blood pressure among other ailments. He had recently inquired about filing a claim for the first time for service connection. His diabetes may have been a factor towards his blindness. He went to the VA to file a claim for various disabilities. He was told that they were sending away for his medical records and claim file before they file any claims in his behalf. In most cases veterans receive benefits from the date of the filing of the claim especially when there is a presumptive disease and verification of a disease or injury from the date of filing. Waiting to receive medical records or a claim file can cost a veteran thousand of dollars. In this case if the veteran can receive housebound, K ratings and aid and attended over and above 100% the veteran can be losing several thousand dollars a month while waiting for his claim to be filed at a later time. It turned out that what the veteran told me in the beginning was not quite accurate, but I am telling the reader this story because it is an example of a real problem involving representation. The veteran should be believed if what he says will create a plausible basis for a claim and the filing should occur immediately so the veteran does not lose some of his benefits.

Fee Structure

Prior to 1990, the VA decisions were only able to be appealed within the VA administration. There was no veterans appeal court to appeal to if the veteran was not happy with the final decision. Veteran organization representatives or service officers were given office space at all of the VA regional offices around the country to assist veterans. They were also provided with free phone service, access to client files and easy access to the decision makers at the VA regional offices. There are 56 regional offices in the United States. The original concept of veterans law was to make it non adversarial to the veteran. Service officers assist the veterans with filing their paperwork that are friendly to the veterans with a VA that was also conceived to be friendly to the veteran. At times the system worked well and at times what friendly meant to the veteran wasn't true advocacy. Sometimes veterans claims weren't being accepted, issues were being missed and claims were not appealed. Although many of the veterans claims were represented adequately, sadly there were too many claims that were not represented adequately with no right to appeal to a court. Since 1990 veterans had available to them the veterans court of appeals, now called the United States Appeals Court, for veteran's claims. The right to appeal to a veterans court began to resolve some of the questionable decisions made by the VA and assisted with increasing the quality of the representation by necessity. However, some of the representation remained inadequate and attorneys were not allowed to represent a veteran for a fee at the administrative level. Attorneys were only allowed fees when a veteran appealed his claim to the court. In addition as a result of the court decisions veterans claims became more difficult and complex. Veterans law became more than filing applications. Knowing and applying the law became a later necessity. The VA sending away for medical records and providing an opinion was no longer enough. Veterans more and more needed assistance with medical and psychiatric opinions to counter adversarial opinions by VA examiners. As awareness grew about veterans claims and claims could not be missed and not appealed based on the opinion of someone who may not have a stake in the outcome. Veterans at the time needed representation that could send away for medical records, review those records, write medical opinions for veterans medical providers and their own examiners. The VA, veterans organizations and attorneys from an organization called NOVA, consisting of mainly attorneys that practice veterans law, recognized the problem. Some veterans organizations were not in favor of attorneys representing veterans at the administrative level even though they were aware of the problem because these organizations had a stake in representing veterans through tax payer dollars and donation. Of course attorneys were interested in representing veterans for a fee from start to finish. However, since a small group of attorneys were on opposite sides of veterans organizations concerning attorneys fees, it seemed more reasonable to come to a compromised agreement with these organizations in order for attorneys to get there foot in the door to assist veterans. As a result there was compromise legislation which benefit a few attorneys over other attorneys and benefited veterans organizations more than benefiting the veteran himself. Attorneys were allowed to receive a percentage fee after there was a notice of disagreement and any claim. It is not that simple, there are multi claims and multi paths in veterans law to consider. The new fee structure created a conflict of interest and ethical dilemmas in the fee structure itself. At times an attorney was put into a position to choose his own interest or the interest of the veteran during his representation of the veteran. That was not fair to the attorney or the veteran. An explanation of many of these conflict of interests and ethical dilemmas are explained in other articles in previous news letters. One of VFFR's goal is to have legislation passed to allow veterans to choose representation from start to finish for fee or for free. Free must always stand on its own merits or it is not for free and for fee should stand on its own merits. You as a veteran should decide what is best for you. Please contact your congressman or senator about future legislation. If you need to talk to me personally call Veterans Crossing @ 740-989-2015 and ask for David Huffman.



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