

VETS FOR FULL REPRESENTATION

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REDUCTION OF COMPENSATION BENEFITS

Special points of interest:

Help us with our cause. Encourage people to become members of VFFR.

If you have a change of address please contact us.

Check out VFFR Legislative Action Center on our website.

Please share your stories with us for our newsletter.

Inside this issue:

When the VA assigns a percentage for a disability, as a veteran you may need to be aware of the possibility of a reduction in the future. It is good policy to prepare in anticipation of any possible reduction so increases can occur at the same time as the decreases of benefits occur.

A compensation examination showing improvement from a previous exam is one way a reduction can be triggered. It is good policy to always ask for another exam. Be aware that cancers that result in 100% ratings may go into remission as well. The VA sends you a proposed reduction. If you appeal the proposed reduction within thirty days and request a hearing you cannot be reduced without a hearing. In the case of reductions of benefits foresight is better than hindsight. It is more financially beneficial for an attorney to allow you to be reduced and then assist you when you try renewing your benefits while your reduction claim is on appeal. I'm not saying that any honest attorney would do that to you. Nevertheless, be aware that the way the money trail works is a high motivation of how you are represented. Moreover it may be difficult to find an attorney to assist you with fighting the reduction while it is on appeal. That is why preparing yourself in anticipation of what may happen in the future is so important. Stay one step above the VA and one step ahead of your representative.

As a veteran have you ever been told by a representative, don't appeal, don't get the VA mad because you might be reduced? Were you informed about all of your direct or secondary disabilities in which you can receive service connection? Have you been informed about how you can receive service connection for pre existing conditions that were aggravated by the military? Injuries or diseases that were caused or occurred in the military? Are you informed about the varying presumptive diseases that may apply to you? How about if your service connected condition worsens, have you been told about how to open a claim on new material evidence or worsening condition? What if you get injured when the VA is careless while you are receiving treatment at a VA hospital, education or rehabilitation through the VA? Have you been informed about when is the proper time for you to file? Immediately, when you receive the evidence, or when your claims file is received? This is important because the date of filing, in most cases, is the date you can receive your benefits even if you can only prove it later after receiving the evidence. Have you been informed about how you can assist with developing your own claim? Has assistance with obtaining medical records, evidence and medical opinions been offered to you? Has the additional assistance been offered before an appeal or after an appeal to a claim? These are the kinds of things that you as a veteran need to look for when you are pursuing your disability claims. You and your representative need to stay on top of ALL your VA claims in order to maximize your benefits.

Sometimes claims are not pursued that should be pursued, like secondary issues. Such as a back injury with sciatica secondary to a knee injury. Sometimes there are underlying developing ongoing disabilities that are caused by a primary disability that is service connected like diabetes or multiple sclerosis. Are you informed about what kind of disabilities you will have down the road as these disabilities worsen? Are you informed that some of these disabilities can lead to K-ratings or housebound and/or aid and attendance giving you more funds than 100%? I am bringing this up, to you as a veteran, because salaried representatives don't always have the incentive to do the additional work required to keep up with pursuing your claims. Sometimes they complain about attorney's fees and blame the VA for denying you or taking too long. Attorneys on the other hand complain about the inadequate representation of the traditional salaried representatives. Both the traditional salary representatives and the attorneys may blame the VA for a bad system that takes too long without focusing on the positive. Understand the financial motive of the one complaining. For instance, since attorneys can't receive a fee for issues that are not on appeal those issues not on appeal may not receive as much attention as the issues on appeal. Of course the VA is left to blame.

There is a reason for Vets For Full Representation. Its purpose is that if you educate yourself about choosing your representative and learning more about your various claims you have the best chance at maximizing your benefits. It is a long tiring process to stay on top of all your claims and for them to continue to appeal your claim. It is up to you to be your best advocate by keeping up with the newsletters and reading what is on our website, www.vets4fullrepresentation.com.

Veterans are caught in the middle between attorneys and traditional representatives for fee or for free. There are multi claims with multi paths involved in veterans law. Veterans have a hard time finding an attorney to accept their original claims. Since attorneys cannot receive a fee for claims unless appealed, traditional salaried or for free service officers would be more beneficial to the veteran in an original filing. However, sometimes the additional skills of an attorney are needed from the onset of the claim. A good example would be a non-presumptive chronic life threatening disease which needs a medical opinion. In the instant case the veteran is desperate for the best skilled representative before there is a decision in order to protect his family. Still a veteran cannot find an attorney because an attorney cannot receive pay for decision until it is on appeal. The veteran may not live that long. This is a legislative matter to be resolved in the future. Once a veteran hires an attorney after a decision there could be many multi claims on many multi paths which can be confusing to the veteran. In addition, new claims and future claims may need to be filed on behalf of the veteran as well. If an attorney is willing to assist a veteran with new claims the veteran may be frightened away because the attorney has the option to charge a consultation fee for new claims, although many do not. When an attorney is assisting veterans with claims on appeal, the new claims that are filed on behalf of the veteran may not receive the same effort by the attorney because the attorney cannot receive pay until the new claim is also on appeal. When new claims are filed the VA is obligated to address the new claims first. As a result the claims on appeal are put on hold by the VA since the VA has a problem with the claims file being on two levels of the claims process at the same time. However evidence is now scanned into the VA system nationally this may allow the VA to have more flexibility in the future. Sometimes the decision on the new claims may cause the attorneys to receive a smaller fee for the claims on appeal and the attorney may not like it. This creates a problem between the attorneys and their veteran clients. The veteran may be concerned about the attorney making conscious efforts to avoid the decisions on the new claims before the claims on appeal are made. The veteran may be concerned about the attorney zealously assisting with the development with his new claim before it is on appeal by way of attorney assistance as well. As a result veterans may want representation by a attorney but cannot count on the attorney to represent the veteran zealously on a new claim until it is appealed. At the same time the veteran may not be comfortable with the representation of the traditional salaried representative either for various reasons. Veterans still have the problem of traditional service representatives not accepting their claims, developing their claims and/or missing claims that should be filed. Representation of all the claims becomes even more confusing for the veteran. The VA has a hard time managing the fact that there may be more than one representative involved in a veteran's claim. Attorneys and traditional salaried employees find it difficult as well. Veterans going to different representatives for advice can make things more complicated for the veteran. For instance, assistance by traditional representatives with new claims may result in the attorney being unintentionally removed as the representative for the veteran for claims on appeal. Sometimes the attorney and traditional salaried representative may find veterans going back and forth for advice. The VA may have a hard time figuring out who represents the veteran for many of the veteran's claims and may get it wrong when documents are sent to the veteran and/or the veteran's representative. As a result once there is an attorney the traditional salaried representative is hesitant to help the veteran with anything to avoid confusion. Even when an attorney is let go by the veteran it may still be difficult for a veteran to find a salaried representative. It also becomes difficult to find a new attorney because of the splitting of fees have to be figured out amongst the new attorney and the old attorney. Traditional representatives are hesitant to finish a claim that an attorney didn't complete and then watch the attorney receive a fee when the traditional representative feels he completed the job on behalf of the veteran. Sometimes the veteran may feel he is in the middle between the representatives. Wouldn't it be a lot simpler for veterans if they could choose representation from start to finish for fee or free without being put in the middle and have the representative completely watch their back? Would it be nice if the veteran can have zealous loyalty from start to finish without any conflict of interest issues being in question as well? Would it be nice if fee or free stand on its own merits rather than legislative compromise for other interest other than the veteran himself?

The VA is not known for its left arm speaking with its right or walking and chewing gum at the same time. Your awareness of these problems and advocacy with your legislators will be most helpful with your claim and with future legislation. Keep referring to VFFR's website in order to inform you about choosing the best representation for you. Inform your veteran friends about joining VFFR.

VETERANS CROSSING REPORT

- * VFFR continues to assist veterans in various ways at Veterans Crossing. Since the last newsletter VFFR has assisted 23 veterans.
- * Construction is still ongoing. Soon we will have a restaurant and movie theatre.
- * The Vet Life Journey breakfast, which is the 3rd Saturday of each month at 8:30am, is being held at the Decatur Chapel 6687 State Route 555 Little Hocking, Ohio. When we are done with construction we will resume having it at Veterans Crossing.
- * We are always looking for volunteers. If you are interested in volunteering please contact us at 740-989-2015.
- * If you know anyone who would like to become a member of VFFR please have them email us at freedom@veteranscrossing.com or call us at 740-989-2015. We will send them out information.
- * We are looking for stories to put in our newsletters. If you are a veteran and would like to share your story with us please contact Sheri Jarvis at 740-989-2015.

CURRENT EVENTS

October 15, 2016

Vet Life Journey
Breakfast 8:30am. Held at
Decatur Chapel Church
6687 State Route 555 Little
Hocking, Ohio. If you have
any questions please
contact Sheri Jarvis 740-
989-2015

November 24, 2016

We will be closed for
Thanksgiving Day.

December 3, 2016

We will be participating in
Christmas in the Village
again this year. Stop by
Veterans Crossing and do
some Christmas shopping.
Support our local vendors.
The time for shopping is
9:00am to 3:00pm. If you
would like to set up at this
event call Sheri Jarvis 740-
989-2015.

OB:

Alabama

Rep Alan Baker introduced House Bill 94. The bill states that the motor vehicles, disabled veteran license plated, exemption or reductions in fees, may be applied by disabled veteran to obtain other plates. Last Action: Forwarded to Governor on May 4, 2016

California

Senator Leyva introduced Senate Bill 384. This bill would require for all multifamily housing units acquired, constructed, rehabilitated, or preserved on or after January 1, 2017, for the purpose of housing veterans, that a percentage of the bond act funds to be used for purposes of the act be reserved for housing for underserved veterans, as defined. The bill would require the percentage of the bond act funds to be determined by the Dept. of Veterans Affairs, the California Housing Finance Agency, and the Dept. of Housing and Community Development collectively, as specified. Last Action: Hearing held in committee and under submission August 11, 2016.

Florida

Senator Anitere Flores introduced Senate joint resolution 492, Homestead Tax Exemption October 9, 2015. This would propose an amendment to the State Constitution to revise the homestead tax exemption that may be granted by counties or municipalities, if authorized by general law, for the assessed value of property with a just value less than \$250,000 and owned by persons age 65 or older who meet certain residence and income requirements to specify that just value shall be determined in the first tax year that the owner applies and is eligible for the exemption and to provide retroactive applicability and an effective date, etc. Last Action: Laid on Table, companion bill(s) passed, see CS/HJR 275 (Passed), CS/HB 277 (Ch. 2016-121) on March 8, 2016.

Florida

Rep Thomas Rooney introduced House Bill 4676, Preventing Crimes Against Veterans Act of 2016, on March 2, 2016. This bill amends the federal criminal code to declare that any person who knowingly engages in any scheme or artifice to defraud an individual of veterans' benefits or in connection with obtaining veterans' benefits for that individual, shall be fined, imprisoned not more than five years, or both. "Veterans' benefits" means any benefit provided by federal law for a veteran or a dependent or survivor of a veteran. Last Action: Received in the Senate and read twice and referred to the Committee on the Judiciary.

Illinois

Rep John Cabello introduced House Bill 2412 on February 10, 2015. Amends the Illinois Income Tax Act. Makes changes to a credit awarded for wages paid to qualified veterans. Provides that the credit shall be: (1) \$5,000 (instead of 20% of the gross wages, but not to exceed \$5,000) for certain veterans who were unemployed at the time of hire; and (2) \$1,200 (instead of 10% of the gross wages, but not to exceed \$1,200) for other qualified veterans. Changes the definition of "qualified veteran" to include all Illinois residents

who are members of the National Guard, reserve, or regular component of the Armed Forces of the United States. Allows the credit to be prorated. Provides that the credit is exempt from the Act's automatic sunset provision. Effective immediately. Last Action: Re-referred to Rules Committee March 27, 2015.

Illinois

Senator Thomas Cullerton introduced Senate Bill 2192 on October 20, 2015. This bill would create the Veterans Day Paid Leave Act. Requires each employer to provide each employee who is a veteran with a paid day off on Veterans Day if the employee would otherwise be required to work on that day. Provides that the employee must provide notice to the employer that he or she intends to take time off on Veterans Day and must provide the employer with documentation verifying that he or she is a veteran. Amends the Illinois Income Tax Act. Creates an income tax credit in an amount equal to 100% of the wages paid by the taxpayer to a veteran as a result of the paid day off required under the Veterans Day Paid Leave Act. Effective immediately. Last Action: Added as Co-sponsor Senator Laura Murphy on May 31, 2016.

Massachusetts

Rep Seth Moulton introduced House Bill 4352 on January 8, 2016. Faster care for Veterans Act of 2016. This bill directs the Department of Veterans Affairs (VA) to begin an 18 month pilot program in at least three Veterans Integrated Service Networks (VISNs) under which veterans use an Internet website to schedule and confirm appointments at VA medical facilities. The pilot program's duration may be extended and the number of VISNs may be increased. Last Action: Referred to the Subcommittee on Health January 12, 2016.

Montana

Senator Jon Tester introduced Senate Bill 2527 "Sergeant Daniel Somers Classified Veterans Access to Care Act" on February 10, 2016. This bill expresses the sense of Congress that veterans who experience combat-related mental health wounds should have immediate and consistent access to comprehensive mental health care. The Department of Veterans Affairs shall: establish standards and procedures to ensure that a veteran who participated in a classified mission or served in a sensitive unit while in the Armed Forces may access VA mental health care in a manner that fully accommodates the veteran's obligation to not improperly disclose classified information; disseminate guidance to employees of the Veterans Health Administration, including mental health professionals, on such standards and procedures and on how to best engage such veterans during the course of mental health treatment with respect to classified information; and ensure that an individual may elect to identify as such a veteran on an appropriate form. Last Action: Read twice and referred to the Committee on Veterans' Affairs on February 10, 2016.

New Hampshire

Senator Jeanne Shaheen introduced Senate Bill 2545 “Veterans Choice Card Prompt Payment Act” February 11, 2016. This bill amends the Veterans Access, Choice and Accountability Act of 2014 to require the Department of Veterans Affairs, upon request from a mom-VA entity for reimbursement for health care services provided to a veteran under the Veterans Choice Program, to reimburse the entity even if the request does not include the veteran’s medical records. Last Action: Read twice and referred to the Committee on Veterans’ Affairs on February 11, 2016.

Pennsylvania

House Bill 1523 was introduced September 4, 2015 by 39 sponsors. The bill is an Act amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, providing for disabled veteran annual fishing license reciprocity and disabled veteran annual hunting license reciprocity. Last Action: Referred to Game and Fisheries September 4, 2015.

Rhode Island

Senator Sheldon Whitehouse introduced Senate Bill 2393 December 10, 2015. This bill amends the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 to extend through 2017 the one-year period after a service member’s military service during which: (1) a court may stay proceedings to enforce an obligation on real or personal property owned by the service member before such military service; and (2) any sale, foreclosure, or seizure of such property shall be invalid without a court order or waiver agreement signed by the service member. (Currently, the extended one-year period is scheduled to expire on December 31, 2015, and return to a nine-month period under the Service Members Civil Relief Act. Effective January 1, 2018 the old nine-month period in place of the one-year period granted by such Act shall be restored. Last Action: Became law March 31, 2016.

South Carolina

Representatives Stavrinakis, Williams, J.E. Smith, Hosey, Clyburn, Bamberg, Gilliard, Daning, R.L. Brown, Herbkersman, Newton, Pitts and Rivers introduced House Bill 4136 May 6, 2015. This is a bill to amend the code of laws of South Carolina, 1976, by adding article 137 to chapter 3, Title 56 so as to authorize special license plates for Iraq and Afghanistan veterans. Last Action: Referred to Committee on Education and Public Works May 6, 2015.

All information is available on the VFFR Legislative Action Center. Go to our website www.vets4fullrepresentation.com. The Legislative Action Center is located on the VFFR homepage; it is between the home button and the newsletter button on the left side of the screen.

VETS FOR FULL REPRESENTATION

A Constitutional Right

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