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THE GUARDIAN

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AGENT ORANGE LAWSUITS UPDATE

04: Veterans who patrolled the waters off Vietnam can now claim disability benefits for exposure to Agent Orange under an appeals court ruling that opens the door for thousands of servicemen to seek medical coverage. The ruling was handed down by the U.S. Court of Appeals for Veterans Claims in the case of Haas v. VADC-Nicholson by a former sailor who served on an ammunition ship during the Vietnam War but never stepped foot on land. The court's order, issued 16 AUG, reverses the Veterans Affairs Department's denial of benefits for Jonathan L. Haas, who blamed his diabetes, nerve damage and loss of eyesight on exposure to Agent Orange. Haas, represented by the National Veterans Legal Services (NVLS) argued that clouds of the toxic defoliate, which the U.S. sprayed on Vietnamese jungles, drifted out to sea, engulfing his ship and landing

on his skin. Veterans officials said that to qualify for coverage, Haas was required to have docked in Vietnam and come ashore.

The three-judge panel said regulations governing the benefits were unclear. The court said it made no sense for veterans who patrolled Vietnam's inland waterways and those simply passing through the country to receive medical coverage while those serving at sea do not. "Veterans serving on vessels in close proximity to land would have the same risk of exposure to the herbicide Agent Orange as veterans serving on adjacent land, or an even greater risk than that borne by those veterans who may have visited and set foot on the land of the Republic of Vietnam only briefly," Judge William A.

Moorman wrote. The Court did not actually award a disability to Haas, but sent his case back to the Board for that determination. If the Board rules in his favor, the Court directed that his other Agent Orange-related medical conditions also must be compensated.

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News you can use News you can use

The Veterans Affairs Department said Friday that it was reviewing the opinion and was not sure how many veterans would be affected or how much the added coverage would cost.

This VCAA decision could eventually expand to cover more veterans than the decision appears to now cover. During Vietnam was a short time frame where military service within the Theater of Operations within the Vietnam War justified the Vietnam Service Medal. This included waters off the coast {so called brown water}, deep waters for air operations {so called blue water operations}, Thailand based Operations for USAF and other types of operations which included loading the Agent Orange aircraft. Most Vietnam combat veterans receive some medical benefits, but if their illnesses are related to their service, they could receive full coverage and their families might be eligible for benefits. David Houppert, director of veteran's benefits for

the Vietnam Veterans of America, said the ruling could allow thousands of veterans to seek coverage for service-related illnesses. Most are Navy veterans, he said, but some Marines and Army veterans could be affected. Houppert said his group was encouraging these veterans to seek coverage quickly because the ruling left it up to government officials whether to change federal regulations in a way that could deny coverage. Vets can refer to www.vba.va.gov/bln/21/benefits/herbicide/#bm04 to review what benefits they could be eligible for.

As of 20 AUG the VADC-legal office had not filed a request for a stay order pending an appeal to the Supreme Court. The Board of Veterans' Appeals is sitting at the Phoenix VARO. The senior judge has agreed to contact his office in Washington DC to get current guidance on implementation of this decision. The VCAA ruling

over turned a BVA decision on Haas. If the VADC-Sec Nicholson's office does not appeal they have no choice but to grant service connected for Agent Orange Presumptive Disabilities with military service with in the theater of Vietnam war for those with the Vietnam Service Medal. This decision will mean a potential liability of millions of dollars to the VA Medical budget and VA Administrative budget. Potential claims from the wives of already deceased Vietnam veterans could also mean considerable liability. This helps explain why the VADC has been slow to provide positive guidance about this VCAA decision. Haas is now the law of the land and therefore VA must abide by it. However, it is possible that VA may amend their regulations in such a way that it is adverse to veterans who otherwise would have benefited from the court's decision. Service organizations are recommending that other veterans like Mr. Haas who served offshore but did not set foot in Vietnam, and who suffer from diseases or conditions that they believe to be caused by exposure to Agent Orange should consider filing a claim for disability. Members who have had such claims denied may wish to re-file based on the Court's decision. Veterans are encouraged to seek the advice and assistance of an experienced veterans' service organization before proceeding. [Source: Associated Press article 18 Aug & Arizona Department of Veterans' Services msg 23 Aug 06 ++]

The Guardian is published monthly by Dennis Blessing, Service Officer of the Madera County Veterans Service Office. It is freely issued, via email, to all Madera Veterans and Service Organizations.

The primary purpose of this publication is to provide County Veterans with a timely news source; effectively informing veterans of VA up-dates and other pertinent information. Hopefully, it will also serve as an inter-group vehicle, announcing important activities and information offered by other local service organizations.

Your comments and suggestions are always welcomed.

Dennis Blessing, Publisher

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MARINE'S QUICK THINKING SAVES LIVES

BAGHDADI, Iraq, Aug. 29, 2006 — A Marine's quick thinking, coupled with a series of well-aimed shots, saved lives July 27, according to Marines and Iraqi soldiers serving here.

Cpl. Jeff Globis' split-second decision to verbally warn near-by Marines and Iraqi soldiers of an approaching suicide bomber while he was standing post at a military outpost here allowed others to avoid a potentially life-threatening explosion.

Manning an observation point at the combat outpost, the 23-year-old infantryman saw the speeding truck break through the base's protective barriers. Globis opened fire on the vehicle, which was loaded with hundreds of pounds of explosives, and warned others to take cover – acts which many here said saved their lives.

Globis, a team leader assigned to the Hawaii-based Weapons Company, 3rd Battalion, 3rd Marine Regiment, said he knew the truck was a suicide bomber as soon as it turned a corner and attempted to drive through the outpost's protective barriers.

"I only had a few seconds to act, so I fired four shots through the windshield as soon as he crashed through the first protective barrier," said Globis, a native of Winthrop Harbor, Ill. "When the truck stopped, I warned all the Marines and soldiers to move as far away from the front of the building as possible."

Globis' determinations were soon confirmed – the truck detonated and part of the roof of the outpost collapsed. No Marines or soldiers were killed because they had time to move away, avoiding the brunt of the blast, thanks to Globis' warning.

FROM THE FRONT

UNITED STATES DEPARTMENT OF
DEFENSE

However, Globis, a 2002 graduate of Zion Benton High School, refuses to take credit for saving the Marines and soldiers that day because he “was just doing what any Marine would have done in that situation.”

Staff Sgt. Richard Charley, 29, disagreed and said that many Marines and soldiers are still alive because of his quick thinking.

“Globis saved several peoples’ lives that day,” said Charley, a platoon sergeant. “He eliminated the driver of that vehicle before he could penetrate further into the compound and completely destroy the building.”

Globis will be awarded for his actions that day, but it is undetermined which award he will receive, said Charley, a native of Bishop, Calif.

This is not the first time Globis has potentially saved other Marines’ or soldiers’ lives since he deployed to Iraq in March.

A few weeks prior to the suicide bombing, Globis was riding in a Humvee during a patrol through the city. Moments before the Humvee drove over a pressure-detonated improvised explosive device, Globis said he noticed it from the corner of his eye and had the driver stop.

Upon inspection, Globis and the other Marines noticed the front tire of the vehicle was literally inches away from the roadside bomb.

“Globis has been exposed to a lot of danger since he arrived in Iraq, but he has remained dependable and mature,” said Charley. “Because of this, his subordinates and I have the utmost confidence in him.”

Recently, Globis was selected to be an infantry advisor for the Military Transition Team here. Now he spends his days training Iraqi soldiers – who are making notable progress as they continue to move towards operating independent of his unit’s support, he said.

“The soldiers are stepping up and taking charge when we are on patrol,” said Globis. “They want to succeed.”

“Ahmed,” a soldier who was slightly injured in the blast from the suicide bomber said Globis is a great leader and motivates the soldiers to fight the insurgency. He also said that he is alive today because Globis saved his life that day.

“I would have been killed if Globis did not give that warning,” said



U.S. Marine Corps Cpl. Jeff Globis’ split-second decision to verbally warn near-by Marines and Iraqi soldiers of an approaching suicide bomber while he was standing post at a military outpost in Iraq’s Al Anbar Province allowed others to avoid a potentially life-threatening explosion. U.S. Marine Corps photo by Sgt. Roe F. Seigle

Ahmed. “Marines like Globis have earned our loyalty and respect and we feel privileged to fight alongside them.”

Globis said he enjoys working with the soldiers and has learned good leadership skills, like patience and mentoring, because there is a language barrier between them and sometimes he has to teach the soldiers the same task more than once.

“The reason we selected Globis to work with the soldiers is because he is one of the most dependable and mature Marines in the company and accomplishes difficult missions, like leading soldiers on patrols, with little or no supervision,” said Charley.

Globis, and the rest of the Marines in 3rd Battalion, 3rd Marine Regiment, also known as “America’s Battalion,” are scheduled to return to Hawaii this fall and be replaced by another Hawaii-based unit.

FROM THE FRONT

UNITED STATES DEPARTMENT OF
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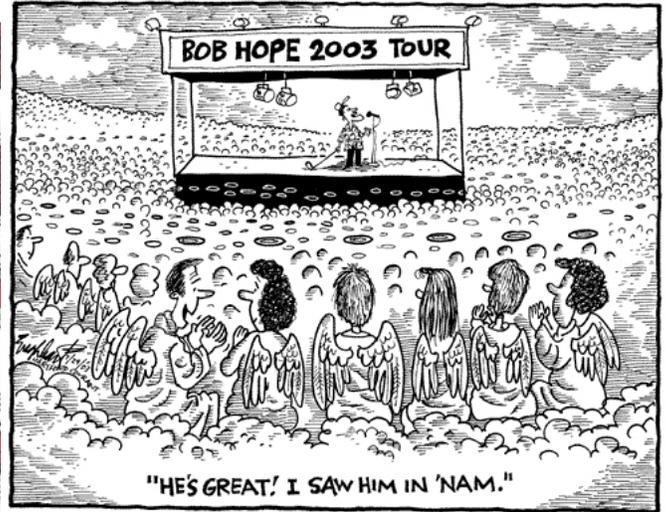
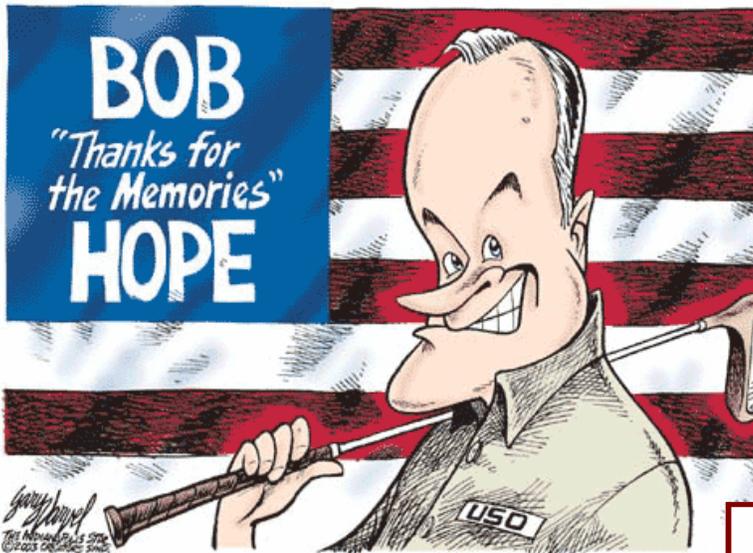


BAGHDAD EXPLOSION – Firemen and U.S. soldiers arrive on scene after a Vehicle Born Improvised Explosive Devise (VBIED) exploded on a street outside of the Al Sabah newspaper office in the Waziryia district of Baghdad, Iraq, Aug. 27, 2006. The VBIED destroyed more than 20 cars, killing two people and wounding as many as 30. U.S. Navy photo by Petty Officer 2nd Class Eli J. Medellin



SEARCH FOR CONTRA-BAND – U.S. Army Spc. Samuel Dumas secures the entrance of an Adhamiyah neighborhood apartment complex in Baghdad, Iraq, Aug. 31, 2006. Dumas' fellow soldiers from the 1st Battalion, 17th Infantry Regiment, 172nd Stryker Brigade Combat Team, are searching the apartments for weapons and other contraband items during a joint cordon and search mission by U.S. and Iraqi Army soldiers. U.S. Air Force photo by Tech. Sgt. Adrian Cadiz

THANKS FOR THE MEMORIES



As insurgents flee, joint forces strike gold

Tuesday, 05 September 2006

By Multi-National Division – Baghdad PAO

Iraqi Army Soldiers with the 7th Iraqi Army Division discover a weapons cache during a cordon and search at the al-Anbar University in Ramadi, Aug. 2. Department of Defense photo by Air Force Tech. Sgt. Jeremy T. Lock. CAMP FALLUJAH — Amid a steady counter-insurgency campaign in Baghdad, Fallujah and surrounding areas, combined U.S. and Iraqi forces continue to achieve major successes in locating and destroying enemy weapons caches hidden in those regions.

During recent clearing operations in Adhamiyah - as part of Operation Together Forward - Iraqi forces and Soldiers from the 172nd Stryker Brigade Combat Team, Multi-National Division – Baghdad, captured an improvised-explosive device-making facility. The find included a supply of bomb-making components, three mortar caches and engineering manuals.

On the heels of success in Adhamiyah, Marines from Regimental Combat Team 5, moving as part of Operation Rubicon, recently uncovered hundreds of weapons and combated insurgents in running gun battles in the town of Mushin, west of Habbaniyah.

Cpl. Brandon Stair, a team leader, was among the Marines who discovered the multiple cache sites:

"This area was definitely an insurgent stronghold ... They had stuff for the long fight, and they had stuff for tomorrow. There were initiator systems ready to go."



Iraqi Army Soldiers with the 7th Iraqi Army Division discover a weapons cache during a cordon and search at the al-Anbar University in Ramadi, Aug. 2. Department of Defense photo by Air Force Tech. Sgt. Jeremy T. Lock.

MARINE'S FIND CACHES

A U.S. Marine with Communications Company, 1st Marine Logistics Group, fires an M-16 rifle during weapons training on Camp Habbaniyah. Department of Defense photo by Marine Cpl. Samantha L. Jones. One cache yielded 500 blasting caps, each one capable of detonating a single IED. Another featured mortars. In yet another was a stash of insurgent sniper rifles.

"Every cache was a separate set-up," explained Gunnery Sgt. Kenneth A. Westgate, a platoon sergeant. "We usually find just mortars or just guns. These had a mix of everything."

Sgt. Joshua D. Cross, a reconnaissance team leader, spoke with local residents while operations proceeded. Cross said one local man, in particular, told the Marines he was grateful for their efforts to rid the region of insurgents.

"He was real grateful for what we were doing there," Cross said. "That's gratifying to hear that kind of result. We put a hurting on them. We slowed them down for a couple of months."



A U.S. Marine with Communications Company, 1st Marine Logistics Group, fires an M-16 rifle during weapons training on Camp Habbaniyah. Department of Defense photo by Marine Cpl. Samantha L. Jones.