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Veterans Digest

April 2003

New Disease Added to Agent Orange Presumptive List

WASHINGTON (Jan. 23, 2003) - Based upon a recently released review of scientific studies, Secretary of Veterans Affairs, Anthony J. Principi has decided to extend benefits to Vietnam veterans with chronic lymphocytic leukemia (CLL).

"Compelling evidence has emerged within the scientific community that exposure to herbicides such as Agent Orange is associated with CLL," Principi said. "I'm exercising my legal authority to ensure the full range of VA benefits is available to Vietnam veterans with CLL."

The ruling means that veterans with CLL who served in Vietnam during the Vietnam War don't have to prove that illness is related to their military service to qualify for Department of Veterans Affairs disability compensation. Additionally, for more than 20 years, VA has offered special access to medical care to Vietnam veterans with any health problems that may have resulted from Agent Orange exposure, and this decision will ensure higher-priority access to care in the future.

The decision to provide compensation was based upon a recent report by the Institute of Medicine (IOM) that found among scientific studies "sufficient evidence of an association" between exposure to herbicides during the Vietnam War and CLL.

The IOM review, conducted at VA's request, was the latest in a series spanning

the period since 1993 when the independent, non-governmental agency first published a report for VA that examined thousands of relevant scientific studies on the health effects of various substances to which American servicemembers may have been exposed in Vietnam.

"On the modern battlefield, not all injuries are caused by shrapnel and bullets," Principi said. "This latest IOM study and my decision to act upon it are the latest examples of VA's continuing efforts to care for the needs of our combat veterans."

VA requested the IOM panel of experts to focus on CLL in their report because of veterans' concerns that CLL shares some similarities with non-Hodgkin's lymphoma, which the IOM had previously connected to Agent Orange exposure.

Principi ordered the development of regulations to enable VA to begin paying compensation benefits once a final rule takes effect. Publication of that regulation is expected in the near future. VA will publish further details, when available, on its Web site at <http://www.vba.va.gov/bln/21/benefits/herbicide/>.

In the meantime, veterans with questions about health-care, compensation and survivor benefits may call a toll-free help line at 1-800-749-8387 for information. VA also encourages Vietnam veterans who have not done so to request a subscription to Agent Orange Review, VA's free newsletter that will keep them abreast of developments on this issue and other policies and scientific findings in the future.

Newsletter subscription information is available from the help line number above. Back issues and additional information about Agent Orange are available at another VA Web site at <http://www.va.gov/agentorange/>.

Source: VANEWS-L January 23, 2003.

Vietnam Cross of Gallantry Update



The Vietnam Cross of Gallantry can be an individual or unit award for bravery in combat.

For unit awards the RVN government distinguished between units serving in combat support of the Republic and in civic action support (or both) awarding the RVN Cross of Gallantry with Palm, Unit Citation to combat units and the RVN Civic Actions Honor Medal, First Class, Unit Citation to logistic units.

According to the Department of the Army General Order DA GO 8 1974, the Vietnam Gallantry Cross Unit Citation with Palm was awarded to Headquarters U. S. Military Assistance Command (MACV) and all its subordinate units during the period 8 FEB 1962 to 28 MAR 1973.

All military personnel who were assigned to units serving in-country Vietnam during this period were considered assigned to MACV and its subordinate units, regardless of service or component.

Under DA GO 43 1970 the Vietnam Cross of Gallantry was awarded to all military personnel of all branches who served in-country Vietnam between 1 MAR 1961 and 28 MAR 1973 and to U.S. Army Vietnam and its subordinate units for the period 20 JUL 1965 to 28 MAR 1973. Both of these DAGOs should be listed in Army Pamphlet 672-3 which contains all units specifically cited and is the guideline used

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Vietnam Cross of Gallantry (continued from page 1)

by NPRC for making corrections to DD-214s.

This is a foreign award that was issued by the Army of South Vietnam. When awarded to U.S. military personnel it was awarded with Silver Star (the equivalent to the US Army Silver Star) or with Bronze Star (equivalent to the US Bronze Star). It is also the equivalent of the French Croix de Guerre.

When awarded to units it was always with Gold Palm. As with U.S. unit awards all personnel in the unit during the period of action for which the award is given may wear the award at all times.

Individuals not in the unit during the designated period can wear the award only while assigned to the unit. As a foreign decoration the Vietnamese Cross may not be worn until the award is approved by the US Department of State. That approval is then passed to the Department of Army and a General Order for the award is published [i.e. DA GO 43 1970 & DA GO 8 1974].

If you never received a medal, ribbon, or certificate it cannot be reissued by NPRC since this is a foreign award. However, amended discharge papers (DD-215) can be issued if the citation is not listed on your DD-214. Veterans who want to confirm their eligibility can request an amendment by submitting a Standard Form 180 (SF-180) to the National Personnel Records Command (NPRC). This form can be downloaded at www.fra.org/links, <http://members.aol.com/forvets/htomr.htm>, or http://www.archives.gov/facilities/mo/st_louis/military_personnel_records/standard_form_180.html. Veterans who cannot access the Internet may call 1-800-FRA-1924 to request the form, or can obtain one at their local Veterans' Service Office.

Any individual who wants to have their awards and decorations reviewed and a replacement (one-time) set issued can write to: NPRC, 9700 Page Avenue, St Louis, MO 63132-5000. Upon receipt NPRC will access the appropriate records, attach the request, and send the case to AFPC to work. Include name, Service Number, SSAN, inclusive dates in the service, DD Forms 214 if available, and cur-

rent mailing address. Ask that the records be reviewed for additional unit or individual awards and decorations not reflected on the DD Form 214, correction of the DD Form 214, and issuance of a complete replacement set of awards and decorations if desired. Veterans should expect to wait at least four-six months for a response. Any request for changes to a DD Form 214 should be accompanied by the necessary documents to substantiate the claim. Questions regarding Air Force awards/decorations can be emailed to Georgia.Wise@randolph.af.mil. Queries on verification cannot be answered unless your request was previously submitted in writing with the requester's signature to NPRC. The Veterans' Service Office can also assist with this.

Many vets never received their Vietnam Cross of Gallantry who were eligible. The medal and ribbon can be viewed at www.campeagle101.com. A certificate suitable for framing can be purchased for a fee at CampEagle101@aol.com. [Source: Armed Forces News 3 JAN 03, FRA News-Bytes 0 JAN 03, VWV President Claire Starnes www.campeagle101.com & <http://members.aol.com/bn61st/vcg.htm>]

The Future of VA Health Care?

The following questions and answers may explain.

Since the FY 2004 budget request includes a large discretionary increase, will the department reverse its recent decision suspending health care enrollment for Priority Group Eight veterans?

The Secretary's decision to suspend new enrollments in VA's health care system for Priority Group 8 veterans was made to allow the department to refocus its health care resources on serving those veterans who need it most -- those with service-connected conditions, those with lower incomes and those with special health care needs, such as blindness, amputations or spinal cord injuries.

Even with the budgetary increase, a large number of higher-income, non-dis-

abled veterans enrolling in the VA health care system would prevent VA from focusing on its core constituency and reducing waiting times.

VA continues to be recognized for outstanding quality and patient safety; the issue has been access to this excellent care. Until the waiting time for medical appointments can be reduced to an acceptable standard, it would not be in the best interest of those most in need of care to enroll additional priority group 8 veterans.

Regardless of what future decision is made regarding enrollment, it is worth noting that we are exploring other possibilities for making VA health care available to all veterans. For example, we are working with the Department of Health and Human Services to develop a plan that will provide non-enrolled priority group 8 veterans the option of using their Medicare benefits to obtain their care from VA.

Why do we refer to "expected FY 2003" funding levels?

Federal government agencies are operating under a continuing resolution because Congress has not yet passed and sent a FY 2003 appropriations bill to the president for signature. "Expected FY 2003" refers to the funding level we believe will be established in the budget that will be sent to the president soon.

Will this budget speed the processing of benefits claims?

This budget request supports VA's goal to reduce claims processing time to 100 days by the end of FY 2003. VA expects to meet that goal and to maintain that standard throughout FY 2004. In the last year, VA has reduced its inventory of pending disability claims to about 320,000, down from a peak of 430,000.

Can you provide details of the proposed change in the law that will allow VA to charge annual enrollment fees?

The proposed change is to charge a \$250 annual enrollment fee for non-service-connected (NSC) Priority 7 and all Priority 8 veterans, beginning October 1, 2003.

Veterans with higher incomes rely less on VA for their health care and usually have other health care options, including third party insurance coverage and Medicare. Charging annual enrollment fees will support VA's efforts to provide timely,

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Future of VA Health Care? (continued from page 2)

high quality health care to our core constituency: veterans with service-connected disabilities, those with lower incomes, and special populations of veterans.

In 2004, it is expected that this fee would reduce enrollment by 1.25 million (485,000 Priority 7 NSC and 770,000 Priority 8).

What will be the effect of raising the primary care co-payment amount for Priority 7 and Priority 8 veterans?

This proposal would allow VA to raise the co-payment for Priority 7 NSC and enrolled Priority 8 veterans from the current \$15 per outpatient visit charge to \$20, beginning Oct. 1, 2003. This would result in additional revenue of approximately \$8 million a year.

What will be the effect of raising the pharmacy co-payment threshold for some veterans?

Currently, veterans whose annual incomes exceed the base pension rate, which for a single veteran is \$9,690, are required to pay VA a co-payment for each 30 day or less supply of outpatient medication. This proposal would raise the threshold to the base Aid and Attendance rate, which for a single veteran is \$16,169. This proposal would allow more veterans to receive outpatient medications without being subject to a medication co-payment. We estimate that this will save veterans approximately \$33 million a year.

What will be the effect of raising the pharmacy co-payment amount for Priority 7 and Priority 8 veterans?

This proposal would allow VA to raise the medication co-payment amount for Priority 7 and Priority 8 veterans from \$7 to \$15 for a 30-day supply of medication, beginning Oct. 1, 2003. This would result in additional revenue of approximately \$65 million a year.

How much is VA investing in the expansion of systems that will allow veterans to conduct business electronically and extend this to other programs?

The president's FY 2004 budget request includes \$10.1 million for the continued development of the One-VA Enterprise Architecture, designed to streamline and unify VA's information technology efforts.

The requested VA budget provides \$225 million for new construction associated with CARES. Does this budget assume any savings from the CARES process, such as facility conversions or closings?

We anticipate savings in the future that will allow us to increase the proportion of the health care budget that provides direct medical care, not maintenance of infrastructure. Timing and availability of the savings are dependent on the intensity of our investment in restructuring.

VA Headstones and Markers Available by Fax



Government Headstones or Markers may be ordered using the VA's special toll-free

fax number, 1-800-455-7143.

To order a VA Headstone or Marker by fax, use the following guidelines.

1. Provide a copy of the veteran's DD-214 and/or other military discharge documents you will be using to support entitlement to this benefit.

2. Using the information on the DD-214 and other supporting documents, fill out the application (VA form 40-1330) as completely as possible. Be sure to include appropriate telephone numbers and signatures. If you aren't sure if you are using the most current version of the application form, select the following link <http://www.cem.va.gov/pdf/401330.pdf> or visit your local Veterans' Service Office.

3. If this is a second request, or if you are requesting a replacement for an incorrect or damaged marker, you must explain this in block #27 of the application. Also if the grave site is already marked with a tombstone or other kind of marker, in block #27 VA has asked that you indicate that the grave is already marked. This is information for a survey VA is taking to

find out how many are taking advantage of this new benefit.

4. Make sure you let VA know who is faxing the application. You can do this by activating the feature on your fax machine that causes the name and fax number to print across the top of all faxed documents. Regardless of where you are faxing from, be sure you include information that tells VA who they should contact if the faxed application does not transmit properly.

5. Verify your fax machine is set at standard resolution, not high resolution. A setting of high resolution may cause the transmission to terminate due to the type of scanning equipment on VA's receiving end.

6. Check the application carefully to be sure it is accurately filled out and properly signed. Make sure you have all of the supporting documents (including a DD-214) that show active duty service, war service, valor awards, etc. These documents are needed to establish eligibility and to support requests for special inscription items.

7. Put your application and supporting documents in the following order:

Top - Application form (VA Form 40-1330);

Next - Fax cover sheet with your name and phone number (use of a cover sheet is optional);

Last - ALL supporting documents for this application.

8. FAX the application and supporting documents to the following toll-free fax number: 1-800-455-7143.

It is important to send one application package (application plus supporting documents) at a time. For this totally electronic system to work as intended, you must disconnect the call and re-dial between each new application package. If you fax several applications without re-dialing between each one, it will delay the process while VA manually separates the applications and supporting documents from each other.

Caution: When using the toll-free number to fax an application - **do not** follow-up by sending a paper copy of the application through the mail.

Tinnitus Eligibility Expanded

Armed Forces News Issue 28 Feb 2003

The United States Court of Appeals for Veterans Claims has announced a decision in the case of Wanner v. Principi.

At issue was whether service connection or compensation for tinnitus should be allowed only for "head injury, concussion or acoustic trauma."

The Court held that persistent tinnitus, no matter how it was acquired during service, entitles a veteran to compensation under the rating schedule.

Accordingly, in claims for service connection for tinnitus filed before June 10, 1999, including those now on appeal, claimants will now be entitled to service connection without regard to how the tinnitus was acquired.

The court did not decide whether veterans are entitled to separate ratings for service-connected bilateral tinnitus (tinnitus in each ear).

CHAMPVA May Reinstate Spouses Who Remarried After Age 55

CHAMPVA - Remarried Widows: The Department of Veterans Affairs (VA) recently stated that some military spouses who were beneficiaries under TRICARE or Civilian Health and Medical Program of the VA (CHAMPVA), but lost their benefits upon remarriage, may be eligible to be reinstated for benefits.

A provision in the Veterans Benefit Act of 2002 authorizes this reinstatement if the former beneficiary's remarriage was before Feb. 4, 2003 and was on or after his/her 55th birthday, provided that the

original marriage was to a veteran who was permanently and totally disabled or died from a service-connected condition.

Similarly, a surviving spouse who remarried after becoming age 55 and lost access to TRICARE benefits may now be eligible for CHAMPVA coverage.

Eligible spouses due this benefit retroactively must enroll before 4 February 2004, and can obtain an application for benefits by calling (800) 733-8387. [Source: FRA News-Bytes 27 Feb 03]

Congress to Close Commissaries?

A list of options for cutting federal spending that was released by the Congressional Budget Office last week includes a cap on military pay raises at 2 percent for several years.

It sounds much like a federal pay raise plan proposed for 2004 by the White House Office of Management and Budget that was rejected by the President.

Another option was to close down military commissaries.

This would lead military exchanges to increase on-base grocery sales. Since exchange foodstuffs are generally 10 percent higher than similar commissary sales, about half of the \$1.1 billion saved through commissary closings would be funneled back to service members through a grocery allowance of \$500 a year.

The CBO's reports generally get mixed responses from Congress.

Source for this and the next 2 articles: Armed Forces News, March 14, 2003 Issue.

Stars and Stripes Offers E-Mail Messages to Troops

U.S. troops deployed to the Persian Gulf region and other overseas locations will soon receive personal messages from

family members, friends, neighbors, colleagues and supporters via the pages of Stars and Stripes.

"Messages of Support," a daily section debuting March 17, will give family and friends of deployed service members a chance to pass their greetings, words of encouragement and announcements free of charge.

"Messages of Support" can be emailed to Stars and Stripes 24 hours a day at messages@estripes.com. SAS limits the messages to 50 words or less and will print them on a first-come, first-run basis. Stars and Stripes reserves the right to screen and edit all messages and to omit any that are determined to be inappropriate.

Stars and Stripes is an editorially independent, Defense Department-authorized daily newspaper distributed overseas for the U.S. military community.

American Legion Unyielding on School Pledge

"This decision is just plain wrong," says American Legion commander Ronald F. Conley, responding to the 9th U.S. Circuit Court of Appeals' refusal to reconsider its 2002 ruling that reciting the Pledge of Allegiance in public schools is unconstitutional because of the words "under God."

Conley said that, if the case is appealed to the U.S. Supreme Court, The American Legion will seek to file a friend-of-the-court brief asking the court to overturn the decision. "There are references to God in the Declaration of Independence, on our nation's currency and in the oaths taken by witnesses in the courts of law.

What's next? The 9th Circuit will consider those unconstitutional? Millions of U.S. schoolchildren should not be denied the right to pledge allegiance to their nation's flag just because a handful of judges and one atheist say so.

The American people know this ruling is wrong. And The American Legion stands with the people."
