



## **Military-Veterans Advocacy, Inc. ®**

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### **VIEW FROM THE BRIDGE**

Chairman's Remarks

Our newsletter is a little late this month. Part of that was my schedule. I have been on the road for a couple of weeks and returned in time to be put in the hospital. Nothing fatal, but I have contracted an infection in my right knee which is being treated by anti-bodies. Hopefully I will be released soon and back to work.

Hey everyone - interested in serving on the MVA Board? We have slots available. Contact Robin at [Robin.Barr@madvocacy.org](mailto:Robin.Barr@madvocacy.org) with a resume if you are interested.

Brian Moyer, Jim Kuiken, and I along with my law office colleague Kristen Lyons, spent a week on Capitol Hill. We had 24 appointments in six days which is pretty fast paced for old folks like us. We discussed our legislative agenda for the next Congress with the staffs of Speaker Pelosi and Leader McCarthy. Both were receptive and interested in our thoughts for legislation in the aftermath of the PACT Act. We received an excellent reception on both the Senate and House sides. The VFW showed up to try to meet with Rep Carter's VA staffer at the same time we were scheduled for a meeting. We invited the VFW staffer to join our meeting. They were not prepared to discuss any agenda for the 118th Congress and their legislative request for the 117th was subsumed in our request. They were amazed at how much more prepared we were. On one evening we attended a reception in honor of the PACT Act. Legislative Director Brian Moyer rounded up Senators Tester and Moran for pictures as well as Chairman Takano. Brian gave PACT Act sponsor Chairman Takano a bear hug and brought him back for pictures. We had the opportunity to chat with other Members of Congress and other veterans groups. All and all an enjoyable and productive evening.

Last week I flew to Buffalo, New York to conduct training for the New York State Department of Veterans Affairs. Approximately 180 service officers were present either in person or virtually. Our presentation was well received. I stayed over to participate in a presentation on the doctrine of equitable tolling as it applies to veterans benefits. This doctrine allows a veteran to interrupt a statute of limitations if given incorrect information from the VA or a service organization. MVA currently has filed an amicus brief in support of this issue at the Supreme Court of the United States in a case called *Arellano v. McDonough*. The case will be heard this Fall.

On October 1st Robin will send out the "Early Bird" invoices. Those who renew between October 1 and December 31 will be charged \$25.00 for the year 2023 and receive a commemorative "Freedom" coin honoring service dogs and the life-saving assistance they provide to disabled veterans. The Board is considering raising dues for all those who join/renew after January 1 to \$35.00

which is more in keeping with other veterans groups. Inflation is affecting us too.

Our matching fundraiser failed to make goal for the first time ever. The goal and matching authorization was \$6000.00. We raised \$5520.00 so we lost \$480.00 in matching funds. We will have one more fundraiser this year - built around Giving Tuesday and the end of the year. Money raised from this fundraiser will be dedicated to paying for our legislative tracking program next year. That will cost approximately \$20,000.

The Court of Appeals for the Federal Circuit denied our request for rulemaking on Guam, American Samoa, and Johnston Island. That decision has been mooted by the PACT Act, however, we are considering filing a petition for certiorari to SCOTUS. There is some language in the decision we just do not like and is not helpful in the toxic exposure environment. More to follow.

Until next month stay the course.

John B Wells  
Commander USN (ret)  
Chairman

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Sgt. Major Jim Kuiken USMC (ret), Former Sgt. Brian Moyer USMC, Kristin Lyons, Esq., Commander John Wells USN (ret) before a day of meetings on the Hill this month.

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### **Message from your Executive Director**

I will be in the office at the Slidell HQ every Friday from 10 am - 4 PM central time.

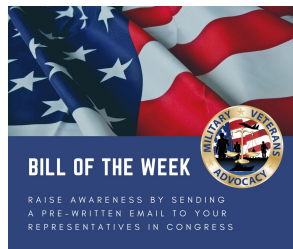
My plan is to check in with each member of the staff to talk about current projects, the calendar 3 months out, and discuss how I can help reach the goals established in each area.

Since Joanna and Jackie are both new to the organization, my near-term goal is to become familiar with how they are settling in and the programs they are managing, etc.

For those of us on the fundraising committee that I chair, eventually we'll set up a regular meeting day/time.

Rob Maness  
MVA™ Executive Director

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## **BILL OF THE WEEK**

Please support the MVA™ bill of the week. It takes a minute to register and seconds to send the pre-written email to your Member of Congress and Senators. This allows you to provide your input to Congress, support MVA™, and support your fellow veterans. Please scroll through and support all or some of our bills of the week.

<https://www.militaryveteransadvocacy.org/bill-of-the-week.html>

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Your MVA Board has put in over 7000 hours so far in 2022

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Representatives of MVA™ with Senator Bill Cassidy, LA



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### **Early Bird Membership**

October begins the Early Bird renewal period for membership. Members who join or renew Military-Veterans Advocacy® for 2023 during October 1st to December 31st will be protected from any dues increases for 2023. Additionally, they will receive a commemorative “Freedom” coin recognizing the efforts of all service dogs and our Vice-Chairman Jim Kuiken’s service dog “Freedom”. Freedom has accompanied MVA™ delegations on many trips to Capitol Hill in support of the Blue Water Navy and Pact Acts. Join early and keep your membership current.

[https://www.militaryveteransadvocacy.org/store/c2/yearly\\_dues](https://www.militaryveteransadvocacy.org/store/c2/yearly_dues)



Sgt. Major Jim Kuiken USMC (ret), Freedom, Kristin Lyons Esq, House Committee on Veterans Affairs Chairman Rep. Mark Takano - CA, Former Sgt. Brian Moyer USMC, Commander John Wells USN (ret)

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### **Nominations for MVA™ Board**

Nominations are now open for the MVA™ Board. If you are interested contact our Secretary, Tom Walden, at [tom.walden@madvocacy.org](mailto:tom.walden@madvocacy.org). Please copy

Robin.Barr@madvocacy.org. You should submit a short resume and a statement as to why you wish to serve on the board. These positions are unpaid and will run for one year starting with the December Board meeting. Board meetings are normally held virtually at 5pm ET on the first Friday of the month. Nominations must be received by October 11, 2022.

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MVA™ delegation with Senate Committee on Veterans Affairs Chairman Jon Tester - MT

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Ernie Belanger (MVA™ member and husband of our very own Princess Susie Belanger) had the honor of playing Taps at High Rock Park in New York for this year's September 11 Memorial.



MVA™ delegation with Congressman Brad Sherman, CA



MVA™ with Senate Committee on Veterans Affairs Ranking Member, Senator Jerry Moran - KS



MVA™ Vice-Chairman Sgt. Major Jim Kuiken USMC (ret) with his service dog Freedom and Mel Bostwick of the Orrick Law Firm in DC



MVA™ Chairman Commander John Wells USN (ret) with New York State Director of Veterans Affairs Viviana DeCohen

VA is expanding eligibility for health care and benefits for Veterans who may have been exposed to hazardous materials - including burn pits, radiation, Agent Orange, and other Gulf War toxins - during their military service. The Honoring our Promise to Address Comprehensive Toxics Act of 2022 (PACT Act) adds more than 20 new presumptive conditions, including respiratory cancers, for Veterans exposed to burn pits or other toxins.

For more information go to:

<https://www.va.gov/resources/the-pact-act-and-your-va-benefits/>

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## **The 2022 PACT ACT: Oncology**

On August 2, 2022, Congress passed the PACT ACT which added 20+ new Presumptive Conditions for Gulf War Veterans and for Veterans who were exposed to Agent Orange.

12 New Cancer Presumptives (Listed below), were added by PACT relative to the Gulf War.

### **Cancers Now Presumptive to Gulf War:**

- Brain cancer
- Gastrointestinal cancer of any type
- Glioblastoma
- Head cancer of any type
- Kidney cancer
- Lymphatic cancer of any type
- Lymphoma of any type
- Melanoma
- Neck cancer
- Pancreatic cancer
- Reproductive cancer of any type
- Respiratory (breathing-related) cancer of any type

Fighting cancer is a battle that for some, can be won. But victory over this enemy does not come without sacrifice. It's important for advocates to consider these secondary connections for new claims, as well as for veterans where cancer has already been service-connected.

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## **New Electronic Filing System**

Getting ready to file a claim? Mail is too slow and things get lost. Faxes are so 20th century. Surprisingly the VA has introduced an electronic filing system that actually works. QuickSubmit provides a fast and effective alternative to faxing or mailing your documents, while also maintaining a record of your uploads. There is a one-time registration. We recommend using ID.Me which is on the Quick Submit site. For more information check out:

<https://news.va.gov/106283/quicks submit-new-evidence-intake-tool-claims/>

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## **ATTENTION CAMP LEJEUNE VETS**

Please be advised that there is an offset of VA disability benefits with any settlement that may be received through a lawsuit. Veterans are encouraged to investigate carefully and consider not signing any contracts to participate in lawsuits until VA clarifies how the settlements will affect service-connected



## **GAO Report on Agent Orange Claims Processing**

The U. S. Government Accounting Office (GAO) recently reviewed the VA claims processing for neuropathy (nerve damage), chloracne, and porphyria cutanea tarda (skin blisters) and found them wanting.. Military-Veterans Advocacy has long believed that the VA M21-1 Manual provides confusing and incomplete guidance which is slanted against the veteran. The highlights of the GAO findings are below:

“About 8 percent of Vietnam veterans who received disability compensation claim decisions for three conditions associated with exposure to herbicides were granted benefits by the Department of Veterans Affairs (VA), according to GAO's analysis of VA data from fiscal years 2003 through 2021. During this period, GAO estimates that VA granted benefits to about 11,000 out of 130,000 Vietnam veterans for the three conditions. These conditions are: early-onset peripheral neuropathy (nerve damage), chloracne, and porphyria cutanea tarda (skin blisters). These conditions are unique in that they must have manifested within 1 year of service in Vietnam for VA to presume a connection between the condition and exposure to herbicides used in the Vietnam War, such as Agent Orange.”

The report goes on to say:

“GAO's interviews with claims processors suggest that they evaluate claims for these conditions inconsistently based on inaccurate interpretations of VA's claims processing procedures. Specifically, during interviews at three selected offices that process Agent Orange claims, GAO heard inaccurate statements about (1) when the 1-year manifestation period requirement applies and (2) what types of evidence can be used to address this requirement or to support requesting a medical opinion that could be used to support veterans' claims. VA's guidance does not clearly address these issues. Without clear guidance, claims processors may incorrectly apply the 1-year manifestation period requirement when veterans have evidence suggesting a direct connection to service and, in turn, could inappropriately deny benefits to some Vietnam veterans.”

For the complete report see:

<https://www.gao.gov/products/gao-22-105191>

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## **VA to extend caregiver benefits to “legacy” families until late 2025**

Veterans Affairs officials will extend caregiver benefits to “legacy” participants of the program through September 2025 under a plan announced Thursday, ensuring that thousands of families will continue to receive stipends for the next three years.

The move comes after months of controversy surrounding the Program of Comprehensive Assistance for Family Caregivers, designed to support and compensate full-time caregivers providing at-home assistance to severely wounded veterans.

Stipends vary based on where veterans live, but generally hover around \$3,000 a month for the most severely wounded individuals and \$1,800 for others in need of around-the-clock care.

About 33,000 veterans are currently enrolled in the program. Nearly 20,000 of those are “legacy” participants, post-9/11 veterans who applied to the program before October 2020.

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Be sure to visit our online marketplace. We offer a variety of products from all of our sections and are continuing to add new products.  
<https://military-veterans-advocacy.square.site/>