



The Sentinel

Vol. 6 No. 9

Vietnam Veterans of America – Chapter 1002 – Wallkill Valley
P.O. box 463, Vernon, NJ 07462 - 973-271-2413

September 2019

Website: www.VVA1002.org

President: John Harrigan

1st Vice President: John Brady

Secretary: Carl Ohlson

2nd Vice President: Walt Hazelman

Chaplin: George Burns

Treasurer: Owen Martin

Sergeant at Arms: Ted Andrews

FROM THE MINEFIELD:

Submitted by John Harrigan

The Chapter continues to grow with the membership at 201 and our AVVA membership at 36. We still have Veterans out there that do not know about us so if you see a Veteran in your travels let them know we are open to all Veterans no matter when or where they served. We have 2 more Scholarship can shakes scheduled this year, the first is October 5th at Mac and Lindys in Vernon 9-2 and next is October 19th at Walmart in Franklin from 9-2. I'm sure if Teri can fine some other places there might be one or two more coming up.

Our Thursday Vet's helping Vet's is still pretty busy and we are seeing more and more widows coming in to find out what they can do to get help from the VA. One thing we have noticed is that there is a \$762.00 plot allowance for Veterans spouse if the Veteran is not buried in a Federal or State run Veterans Cemetery. This is something that has to be applied for and is determined on a case by case basis.

The only thing coming up is the Motorcycle on Sunday September 29th hosted by the American Legion in Franklin. The Branchville and Franklin Legion have gotten together to do this which will benefit the Veterans Cemetery. There is a BBQ and games and music. So if you don't want to cook bring the family to the Legion Post on the 29th.

See you at the meeting.

1st VICE PRESIDENT:

Submitted by John Brady

I found the following while at Sussex County Day at the Sussex County Fairgrounds on Sunday, Sept 15 and thought some may be interested.

Town of Newton Flags of Honor

In honor of Veterans Day, the Town of Newton will sponsor the **Flags of Honor**, a display of flags on the lawn of the Town of Newton Municipal Building, located at 39 Trinity Street, Newton. The American Flags will recognize and show honor to the Veterans who have dedicated themselves to the protection of our freedom. Flags will be on display throughout the month of November.

You can adopt a Flag to dedicate in honor or in memory of your Special Veteran for \$30.

Your donation will benefit Community Hope's - Hope for Veterans Program which ensures a safe haven for homeless and disabled Veterans every day.

Mail or deliver your donation, with check made payable to "Community Hope, Inc." to 39 Trinity Street, Newton, NJ 07860 c/o Flags of Honor. Include the name of the honoree with your donation. The deadline to participate is October 31, 2019.

A dedication Ceremony will take place Saturday, November 9th, 11 A.M on the front lawn of the Newton Municipal Building. All honorees, families and residents are welcome to attend. Refreshments will be served following the ceremony. This event is rain or shine.

Any questions contact the Town of Newton Recreation Department at recreation@newtontownhall.com or 973-383-3521 ext. 228.

Never again will one generation of veterans abandon another!

SERVICE OFFICER:

Submitted by Skip Kays

No report.

WOMEN VETERANS:

Submitted by Walt Hazelman

No report.

POW/MIA:

Submitted by Bob Gilbert

No report.

AGENT ORANGE:

Submitted by Owen Martin

Sedentary Labor: Learn all about the VA's favorite way to deny VA TDIU Benefits.

by [Chris Attig](#)

The VA has a whole bag of tricks for denying entitlement to VA TDIU benefits.

This, in my opinion, is really a tacky thing for the VA to do.

The veterans seeking a TDIU rating are often earning wages below the [poverty threshold – if they are earning anything at all](#). Veterans and their families often cannot survive without individual unemployability benefits. The last thing folks surviving on marginal employment, if they are employed at all, is the red tape of a federal government bureaucracy

A common way that the VA denies the 100% rate for veterans eligible for VATDIU benefits is by pretending the law is something it is not. The VA pretends you aren't [eligible for TDIU](#) because you don't have the right schedular rating percentages, ignoring that it does not matter what percentage rating you have. If you are unable to work – more specifically, you are unable to [get and maintain substantially gainful employment](#) because of a service connected disability, you are entitled to TDIU.

Another trick the VA uses in denying TDIU is denying your claim because you did not submit a VA Form 21-8940 with your claim for individual unemployability / TDIU.

[Click here to learn why this is a B.S. reason for denying TDIU and how to fix it.](#)

And, from what I am hearing from attorneys working in the new AMA system ([AMA is the appeals reform statute that went into effect early in 2019](#)) is that the VA

has a whole new bag of tricks for denying TDIU depending on [which of the three “lanes” you choose to challenge the denial of your service connected disability claim](#). More on that later.

One of the VA's favorite reasons for denying TDIU is that the veteran is able to perform sedentary labor. Here's how it works.

In a situation where you are unable to get and keep [substantially gainful employment](#) because of your service connected disabilities, a medical examiner will often write in a [C&P opinion](#) that you are able to perform “sedentary labor.” The term is never defined, but the implication is clear: the [C&P examiner](#) thinks the veteran can do some sort of “desk job.”

The [VA examiner](#) never says what kind of work can be done. He never explains how the veteran has the skills, abilities and training to perform the specific type of work. He never explains whether there are such jobs available where the veteran lives.

The VA believes, I suppose, that as long as the veteran's butt muscles are not the [cause of his service-connected disability](#), he or she can sit at a desk and make a sustainable wage.

Here's the thing. None of that is the law.

In fact, the term sedentary labor is meaningless in your VA TDIU benefits claims and appeals. And when I say meaningless, I mean that the VA should never use the words in a decision denying TDIU.

The term appears in the VA's Adjudication Procedures Manual (aka, the [M21 Manual](#)), at Part IV, sbpt. ii, ch. 2, sec. F.2.d (beginning sometime in 2015 through the original writing of this post in July 2019). The [M21 manual says](#) that medical examiners may “comment regarding what kind of work tasks or work environments (if any), to include employment that is sedentary in nature and employment requiring physical labor,” veterans can perform despite service-connected disabilities.

That's not the whole problem though – the VA never defined what the term sedentary labor meant. Though completely in the [government's power to issue regulations](#) that articulate a clean legal standard, the VA has never defined the term ‘sedentary labor.’

Instead – and this is rich – he asked the [Veterans Court](#) to define it for him using the “ordinary meaning” of the phrase. This is a classic example of a government agency “passing the buck.”

Well, the Veterans Court didn't take the [VA Office of General Counsel](#) bait: it put the ball back in the VA's court in a [case known as Withers v. Wilkie](#).

The Court said:



The Sentinel

Vol. 6 No. 9

Vietnam Veterans of America – Chapter 1002 – Wallkill Valley

September 2019

Website: www.VVA1002.org

“[T]he meaning of sedentary work must be determined from the particulars of the medical opinion in which it is used. That is, the Board must explain this meaning—to the extent that it is not apparent from the Board’s overall discussion of the opinion—as well as how the concept of sedentary work factors into the veteran’s overall disability picture and vocational history, and the veteran’s ability to secure or follow a substantially gainful occupation.”

In other words, the VA has to explain what it is about the individual veteran’s disability and work history that leads the VA to believe that there is a particular type of “sedentary work” that he or she is capable of performing.

The Court went a step further and wrote that “absent such factual context however, the phrase [sedentary labor] can be regarded as conclusory and meaningless on its own.”

This is significant – if you are seeking VA TDIU benefits you should take note of the words “absent factual context.”

It has long been my philosophy of VA claims that the veteran should take charge of providing the “factual context” for his or her own claim. Veterans should develop and give to the VA their own [5 Star Evidence](#) establishing the [elements of their particular claim](#).

To give the VA that factual context in a claim for VA TDIU benefits, there is one type of evidence that may be very helpful: a Vocational Rehabilitation expert opinion.

My law firm works with several experts – one of our favorites is a gentleman named Patrick Clifford.

Patrick is a Vocational Expert by trade. It is his job to look at your work history, training, skills and experience, compare that with what physical and mental abilities remain after the limitations imposed by your service-connected disabilities, and opine whether or not you are able to get and keep substantially gainful activity.

Watch the video below to see what Patrick says about sedentary labor in the context of a VA TDIU benefits claim.

If you want to talk to Patrick Clifford about preparing an expert opinion for your VA TDIU claim, he does work with veterans directly.

THE VETERANS LAW GROUP
8070 La Jolla Shores Dr. #437
La Jolla, CA. 92037
Toll-Free Phone: (888)-811-0523
Toll-Free Fax: (866) 931-7468

COMMUNITY/PUBLIC AFFAIRS:

Submitted by Lou Storms

On Tuesday September 10th, myself, Carl Ohlson, Ken Geer, John Fedynich and John Drinkard brought dinner to the Lyons In-Patient PTSD Unit and the 3rd Floor Ladies Unit. The food supplied by ShopRite of West Milford was great and we had a good visit with the vets. Every single bite of food was eaten. This is the beginning of the fourth year ShopRite has been supplying \$400. of their catered food every other month, for the vets and I can't thank them enough for their continued sponsorship of our program.

Our next trip will be on November 12th. Anyone wanting to join us can sign the sheet up front or contact me at 973-728-3859.

I also delivered another batch of Lap Blankets made by Caroline Podesta and Edwina Maccagnano. I know the vets who receive them appreciate having something comforting and handmade especially for them.

Scheduled Meetings:

Meetings are held at 2:00 p.m. the 4th Sunday of each month unless otherwise **noted**.

2019

22nd September

27th October

24th November

7th December (Christmas Party)

Calendar of Events:

Visit www.VVA1002.org for information on upcoming events.

50/50 Scholarship Can Shake Schedule for 2019

9/21 Jumbo Land – Branchville 4-?

10/5 Mac & Lindys – Vernon 9-2

10/19 Walmart – Franklin 9-2

Any and all questions please direct them to the can shake coordinator, **Teri Deaver**.

Other events

3rd November - Salute to Veterans Parade at the Sussex County Fairgrounds

10th November - Veteran's Mass at St. Francis de Sales Church at 14:00 (2 P.M.)

NEW MEMBERS:

“WELCOME HOME”

No report.

PASSINGS:

No report.

Homeless Committee (new):

Submitted by John Drinkard

Hope for Veterans: The Transitional Housing Program for Homeless Veterans.

My name is Jen Jensen and I am the Admissions Planner at the Hope for Veterans Program (HVP) located on the Lyons VA campus in Basking Ridge (Somerset County) NJ.

Across the county, we continue to see an increase in the number of homeless veterans and often times these veterans are unaware of the assistance that is offered by the VA for transitional housing programs and assistance with locating permanent housing. HVP is a transitional housing program to help veterans who may be struggling with homelessness.

We currently have immediate openings!

Services our program offers include, but are not limited to:

Housing for three to nine months that typically ends in graduation to permanent housing.

Recovery services for individuals experiencing substance use and mental illnesses including depression, post-traumatic stress, anxiety, and other conditions.

Case management services that focus on veteran engagement and linkage to services and supports that promote wellness and recovery.

Access to employment opportunities, educational resources, career support services, and an on-site computer lab.

Individual and group counseling with clinicians and peer led support group.

Access to pro bono legal support for a variety of law related issues.

Maximizing access to benefits and entitlements and counseling in budgeting skills to enhance financial self-sufficiency.

Permanent housing planning and housing search support.

Please feel free to contact me with any additional questions or if you need assistance. I would be happy to offer any information that could possibly help a homeless veteran who has selflessly served our country.

For Eligibility Screening, please contact:

Jen Jensen, BA

Admissions Planner

Hope for Veterans Program

Community Hope, Inc.

Phone: 908.647.5717 ext. 320

Fax: 908.647.9013

CONGRATULATIONS/CONCERNS:

Happy October Anniversaries:

Don & Kathy Schulz

Linda & Andy Skellenger

Bea & John Harrigan

Happy October Birthday's:

Happy Birthday United States Navy, Oct. 13, 1775. "A Global Force for Good".

Teri Deaver

Lenny Weakland

MEMBERS CORNER:

Nothing submitted.



The Sentinel

Vol. 6 No. 9

Vietnam Veterans of America – Chapter 1002 – Wallkill Valley

September 2019

Website: www.VVA1002.org

MISCELLANEOUS:

1. **Special Note: If you are a veteran in emotional crisis and need help RIGHT NOW, call (toll free 24/7) 1-800-273-8255 and tell them you are a veteran. All calls are confidential.**
2. Jackets (\$60 (summer) & \$70 (winter)); t-shirts (\$15); hats (\$10); golf shirts (short sleeve \$28; long sleeve \$33) are still available. See Owen Martin for purchases or to place an order (pre-payment for orders are appreciated)
3. Important note to families of deceased veterans, and/or requestors: *Submitted by Bob Caggiano*
It is the right of every deceased Veteran to have a Military honors team attend the graveside service, to present the Flag at no charge to the family. Honors Teams are sent out, at the expense of the US Government.
In January 2000, Congress passed legislation guaranteeing Veterans the right to at least two uniformed servicemen, a flag ceremony, and the playing of TAPS at their funeral. Unfortunately, there are not enough buglers to play TAPS, so the historic melody has been played on a CD player at many Veterans' last ceremony, or more currently on a bugle that plays Taps using an electronic insert. The volunteer organization "Bugles Across America" (a.k.a. BAA) was created to honor the service of veterans by providing Taps live by a bugler using a real instrument (such as a bugle, trumpet, cornet, or flugelhorn) at funerals or any other ceremony requiring a bugler. There are currently over 7500 volunteer buglers nationwide in all 50 states, and some overseas who stand ready to serve. BAA volunteers perform Taps as a free service.

As a Vietnam era veteran member of VVA Chapter 1002 and a BAA volunteer bugler, I am available to play for anyone who needs a bugler for Taps (or other appropriate bugle calls) for any honorable discharged veteran or related military ceremony. In the event I cannot play because of a

scheduling conflict, I can generally still provide a substitute bugler so please contact me - Bob Caggiano, USAF Veteran, (973) 222-7591 (cell) or FinalTaps@gmail.com.



Editors Corner:

By Linda Skellenger (AVVA)

Please have information to be included in the October newsletter to me by Sunday, October 20th by email: skelle@ptd.net or by snail-mail to:

Linda Skellenger
174 Lewisburg Rd.
Sussex, N.J. 07461