



The Sentinel

Vol. 5 No. 4

Vietnam Veterans of America – Chapter 1002 – Wallkill Valley
P.O. box 463, Vernon, NJ 07462 - 973-271-2413
Website: www.VVA1002.org

April 2018

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

Our Associate member Linda Skellenger has been printing our Newsletter for about the last 7 years and doing it at her own expense. Starting with this newsletter and all future ones they will only be posted on the Chapter web site or if you have given us your e-mail, it will be e-mailed to you. Linda will continue to receive articles for the newsletter and put it together for us but due to other commitments will not be able to print it. I personally would like to Thank Linda for helping us out and also for her continued support of our Veterans.

As of this date we still have not received our OK from the State to proceed with our 50/50 for next years' Scholarship and as soon as we get the approval Teri will be in touch about where and when we will be out there selling them.

On that note Rich Predmore and his trusty group of readers now have the scholarship applications that were sent in for this year and will be reading them and picking our winners. As in previous years they will be distributed at our June meeting.

Just another reminder that our Chapter Can Shake is May 26th at Mac and Lindys in Vernon. If anyone needs directions just call the Chapter. As always we have a good time and a lot of laughs, so if you have never been to one come out and support your Chapter.

The date for the Veterans Day at Vo Tech has been changed to Thursday May 31st at 830 a.m. If you are attending I need your name and phone number so we can sign you up and get your ID to get into the School.

That's it for now See you at the Meeting.

1st VICE PRESIDENT:

Submitted by John Brady

I'd like to share with you something some of you may have seen on Facebook but for those of us who aren't tech savvy:

**MOTHER NATURE WISHES TO APOLOGIZE
FOR THE LATE ARRIVAL OF SPRING.**

**FATHER TIME IS DRIVING AND REFUSES TO
STOP AND ASK DIRECTIONS.**

Hopefully Father Time has finally found the right road and spring will eventually get here. I know for some of us it's been a long winter. Especially with the tease of warmer weather in February to be followed by 4 Nor'easters. With the outlook of nicer weather our chapter is gearing up for activities coming in May.

First is Armed Forces Day on Saturday, May 19. Let's get the American flags out of there winter storage and fly them to honor those now serving and veterans who have served in our Armed Forces.

Next is the chapter can shake at Mac and Lindy's Liquor Store at the Acme (formerly A&P) shopping center in Vernon on Saturday, May 26. Those of us who have been at a can shake know how much fun it is. So if you haven't attended one come on out to support your chapter and enjoy. This is a big fundraiser for the chapter to begin refilling the banking accounts for expenses such as the Christmas party and to buy shirts, jacket and hats to sell.

As of now we are not planning to march in any Memorial Day parades. Again we will have a ceremony

Never again will one generation of veterans abandon another!

at the Northern New Jersey Veterans Memorial Cemetery on Monday, May 28 at a time to be determined.

Finally on Thursday, May 31 at 08:30 we will be at Sussex Vo-Tech School (next to the cemetery) to talk to some of the students about our experiences in Viet-Nam. I believe this will be our fourth time and the students really look forward to it. However, this is one activity you cannot just show up for! **YOU MUST REGISTER AHEAD OF TIME!** The school has to clear those participating. It's unfortunate but these are the times we live in. There will be someone there to check off names before we will be allowed into the school.

So mark your calendars, put it into your Day-Planner, such as me, or into your phone/I-Pad if you're so technologically inclined but most of all let's hope Father Time gets spring and the warmer weather here soon.

SERVICE OFFICER:

Submitted by Skip Kays

If you want any further information, or have any suggestions you can contact me at 973 459-9392 or at skays1@embarqmail.com.

This is a big decision as to disability benefit qualification. It remains to be seen as to how it plays out in the future.

NVLSP and Its Private Law Firm Partner Persuade the Federal Circuit to Overturn 19-Year Precedent, VA Can Now Award Disability Benefits For Pain Related to Military Service

April 4, 2018

WASHINGTON – In a sweeping legal victory for veterans, the U.S. Court of Appeals for the Federal Circuit overturned a 19-year lower court precedent which prohibited the Department of Veterans Affairs (VA) from awarding disability benefits to a veteran for disabling pain if it was not linked to a medical diagnosis.

“What this ruling means is that if a physician cannot diagnose the cause of the pain the veteran is experiencing, but the pain is related to an event, injury, or disease that occurred during the veteran’s military service, the veteran should now win disability benefits,” said Bart Stichman, executive director and co-founder of the National Veterans Legal Services Program (NVLSP) and one of the attorneys who represented the veteran in the case.

The Federal Circuit’s decision in *Saunders v. Wilkie* overturned the 1999 precedential decision issued by the Court of Appeals for Veterans Claims that said VA had no authority to award benefits for pain alone, if the pain was untethered to a medical diagnosis explaining its cause.

NVLSP partnered with pro-bono counsel, Orrick, Herrington & Sutcliffe, LLP, on the case. They won the case on behalf of Gulf war veteran Melba Saunders, who served in the Army from November 1987 until October 1994.

Saunders did not experience knee problems before serving in the Army. During her service, however, she sought treatment for knee pain and was diagnosed with patellofemoral pain syndrome. Her exit examination reflected normal lower extremities but noted she had a history of swollen knee and hip joints and bone spurs on her feet.

After leaving the military, she suffered with pain from bilateral knee disorders. In 1994, Saunders filed a VA claim for disability compensation for knee pain, hip pain, and a bilateral foot condition. The VA Regional Office denied it. She filed a reopened VA claim for bilateral knee pain in 2008 and was denied again. She appealed to the Board of Veterans’ Appeals which remanded the case to the Regional Office for additional evidence.

A 2011 VA exam found that Saunders had functional limitations on walking, that she was unable to stand for more than a few minutes, and that sometimes she required use of a cane or brace. The VA physician diagnosed Saunders with bilateral knee pain and concluded that Saunders’ knee condition was at least as likely as not caused by her military service. Nonetheless, the Board of Veterans’ Appeals denied the claim, explaining that VA is not authorized to pay disability compensation for “pain” alone, without a medical diagnosis for the pain. The Board cited in support the 1999 Veterans Court decision in *Sanchez-Benitez v. West*, which held that “pain alone is not a disability for the purpose of VA disability compensation.”

With NVLSP’s help, Ms. Saunders appealed this Board decision to the Court of Appeals for Veterans Claims in 2015. Relying on its 1999 precedent in *Sanchez-Benitez v. West*, the Veterans Court affirmed the Board’s denial of her 2008 bilateral knee claim. Ms. Saunders then appealed this 2016 decision of the Veterans Court to the Federal Circuit.

The Federal Circuit’s decision in *Saunders v. Wilkie* should affect thousands of disabled veterans suffering from pain related to their military service. Over the last 19 years, the Court of Veterans Appeals cited the precedent invalidated by the Federal Circuit in over 100 individual appeals filed by veterans in the Veterans Court. Moreover, the Board of Veterans’ Appeals cited the Veterans Court’s now-invalidated precedent in more than 11,000 individual Board decisions.



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“The Federal Circuit’s ruling is a significant victory for disabled veterans, like our client Melba Saunders, who have served their country in wartime and are now unable to work to their full capacity as a result,” said Mel Bostwick, a partner at Orrick, Herrington & Sutcliffe, LLP who argued the case before the court.

“Congress recognized that the nation owes these veterans for their sacrifices, and the court today vindicated the common-sense notion that this debt does not depend on whether a veteran’s disabling pain can be labeled with a specific medical diagnosis. We are pleased with the court’s straightforward application of the law that corrects a decades-long error by the Veterans Administration,” said Bostwick.

About NVLSP

The National Veterans Legal Services Program (NVLSP) is an independent, nonprofit veterans service organization that has served active duty military personnel and veterans since 1980. NVLSP strives to ensure that our nation honors its commitment to its 22 million veterans and active duty personnel by ensuring they have the federal benefits they have earned through their service to our country. NVSLP offers training for attorneys and other advocates; connects veterans and active duty personnel with pro bono legal help when seeking disability benefits; publishes the nation's definitive guide on veteran benefits; and represents and litigates for veterans and their families before the VA, military discharge review agencies and federal courts. For more information go to www.nvlsp.org.

My thoughts on the Ken Burns Vietnam

Documentary

This is the fast read. I have to see it again and then go over it to see what I think.

I watched the entire series, I took it out of the library since I don’t watch much TV on a regular basis.

Most of it appeared to be factually correct, but as always the devil is in the details and the way they are presented.

The “take” of the series was overwhelmingly anti-Vietnam War, anti-American, at least if you supported the war, and the all too real personal trauma and suffering of

not only the soldiers, sailors and airmen but their families at home.

Anti-American in the sense that everyone who prosecuted the war was incompetent, evil, compromised and doing their best to keep the results of their bad decisions from the public and save their reputations. There was no other possibility. I did a lot of reading and research on Vietnam, its history and the war after I got out so I am familiar with some of what was presented. But they also played what were supposed to be tapes of Johnson and his cabinet and advisors that would certainly seem to support the basic premise. I don’t take much as gospel anymore unless or until I can verify it, but it is damning.

It seemed that most of the Vets who were interviewed had either some beef with “the system” or were sort of “out there” in the way they presented things.

Pretty much all of the music used as background was by Bob Dylan or the like, protest music and counterculture/anti-war stuff.

On a very positive note it discounted the leftwing position that that the Gulf of Tonkin incident was totally fabricated and used as a pretext by the Johnson administration to get us involved in a war that didn’t need to be fought. This was backed up by documents from the North Vietnamese.

I was talking with one of my old shipmates and he had also seen it and said that with all the flaws it was the best one done up to now, and that is probably correct.

He also said that one of his buddies after seeing it, said that we were fighting for the wrong side. I can only assume that he didn’t mean we should have been fighting for the communists, but for the benefit of the people of South Vietnam, and having a more legitimate and representative SV government.

My personal feeling is that it would have been better for the SV people if the French never came back after the Japanese were eliminated after WWII, and that Ho Chi Mihn had managed to unite the country under his rule. The country would still have been under the boot heel of a repressive communist government (what other kind is

there?), but would not have and to endure 30 years of war and turmoil as it did.

WOMEN VETERANS:

Submitted by Walt Hazelman

Dependency and Indemnity Compensation

Dependency and Indemnity Compensation (DIC) is a tax free monetary benefit paid to eligible survivors of military Servicemembers who died in the line of duty or eligible survivors of Veterans whose death resulted from a service-related injury or disease.

Eligibility (Surviving Spouse)

To qualify for DIC, a surviving spouse must meet the requirements below.

The surviving spouse was:

- Married to a Servicemember who died on active duty, active duty for training, or inactive duty training, OR
- Validly married the Veteran before January 1, 1957, OR
- Married the Veteran within 15 years of discharge from the period of military service in which the disease or injury that caused the Veteran's death began or was aggravated, OR
- Was married to the Veteran for at least one year, OR
- Had a child with the Veteran, AND
- Cohabited with the Veteran continuously until the Veteran's death or, if separated, was not at fault for the separation, AND
- Is not currently remarried

Note: A surviving spouse who remarries on or after December 16, 2003, and on or after attaining age 57, is entitled to continue to receive DIC.

Eligibility (Surviving Child)

- Not included on the surviving spouse's DIC, AND
- Unmarried, AND
- Under age 18, or between the ages of 18 and 23 and attending school.

Note: A child adopted out of the Veteran's family may be eligible for DIC if all other eligibility criteria are met.

Evidence Required

Listed below are the evidence requirements for this benefit:

- The Servicemember died while on active duty, active duty for training, or inactive duty training, OR
- The Veteran died from an injury or disease deemed to be related to military service, OR
- The Veteran died from a non service-related injury or disease, but was receiving, OR was entitled to receive, VA Compensation for service-connected disability that

was rated as totally disabling • For at least 10 years immediately before death, OR

- Since the Veteran's release from active duty and for at least five years immediately preceding death, OR
- For at least one year before death if the Veteran was a former prisoner of war who died after September 30, 1999

How to Apply

- Complete VA Form 21P-534ez, "Application for Dependency and Indemnity Compensation, Death Pension and/or Accrued Benefits by a Surviving Spouse or Child and mail to the Pension Management Center that serves your state, OR
- Work with an accredited representative or agent OR
- Go to a VA regional office and have a VA employee assist you. You can find your regional office on our Facility Locator page OR
- If the death was in service, your Military Casualty Assistance Officer will assist you in completing VA Form 21P-534a, " Application for Dependency and Indemnity Compensation, Death Pension and/or Accrued Benefits by a Surviving Spouse or Child"

POW/MIA:

Submitted by Bob Gilbert

No report.

AGENT ORANGE:

Submitted by Owen Martin

No report.

COMMUNITY/PUBLIC AFFAIRS:

Submitted by Lou Storms

On March 29th I made a trip to Lyons VA Hospital to again deliver donations from the Devine Academy in Rockaway.

Erin Fuchs-Kaegi is a director of the Academy's National Junior Honor Society and along with fellow director Darleene Klus, organized the donations from their Pre-K thru 8th grade classes. The items donated were cases of individual snack items, socks, toiletry items and crafting supplies, paint kits, etc. totaling in excess of \$1000. When I arrived to make the delivery the VA staff was stunned by the size of the donation. They said everything will be more than welcomed by the vets, including the ladies 3rd floor unit. They were extremely grateful for their generosity and to have so much for the vets for Easter. The items will be distributed to the PTSD



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unit first with overflow going to the nursing home residents.

On March 13th we brought dinner down to Lyons for the PTSD Unit and 3rd Floor Ladies, again donated by Inserra Shop-Rite of West Milford. Myself, and fellow chapter members Bob Lewis, Carl Ohlson, John Fedrych and Ken Geer attended.

Anyone interested in joining us for the May dinner can sign the sheet up front or contact me.

Scheduled Meetings:

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

2018

22nd April
27th May
24th June
22nd July
26th August
23rd September
28th October
25th November

1st December – Christmas Party (TBD)

Calendar of Events:

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

May 26th - Chapter can shake at Mac & Lindys in Vernon

31st - Sussex Vo-Tech School; 8:30 a.m. (See From the Minefield for details)

NEW MEMBERS:

“WELCOME HOME”

Bruce Eakman

PASSINGS:

No report.

CONGRATULATIONS/CONCERNS:

Happy Anniversary:

Happy Birthday:

MEMBERS CORNER:

Nothing submitted.

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 May newsletter to me by Sunday, May 20th by email: skelle@ptd.net or by snail-mail to:

Linda Skellenger
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