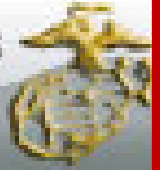


# Smoky Mountain Detachment 973

## In the Heart of the Smokies



### NEWSLETTER

DECEMBER 2008 – JANUARY/FEBRUARY 2009

#### Commandant's Corner

*It's that time of year again to begin thinking of elections and appointments for the Detachment. Everyone is welcomed to submit their names for an elected office and then offer to serve in an appointed office through the elected Commandant. We must all remember that this is a Detachment of all members and not one or a few. This past year the Detachment accomplished a lot of good throughout the community and I'm so proud of each and every one of you. The hours and dedication you exhibited, shows the true Marine that you are. We have work still yet to be done and with every member working toward the end goal, we can meet and set new goals. I look forward to seeing everyone at the March meeting, and remember elections will be held at the April 7<sup>th</sup> meeting.*

It was agreed upon at the last meeting to begin our raffle season off again with a Henry Golden Boy .22 Cal Rifle. We will get it ordered in March and begin selling raffle tickets immediately afterwards. I'll send out a notice when the rifle has been ordered and the newly elected Commandant can set the raffle schedule or appoint some one to head of that task. This is a task that needs the attention of all available members in order to make it successful.



#### Upcoming Events

Next meeting: Tuesday, March 3rd at 1830

April 7<sup>th</sup> meeting – elections

April - Raffle of .22 Rifle will begin

May 5<sup>th</sup> Installation of new Officers

Macon County Republican Convention – Color Guard

#### VETERANS INFORMATION

See following pages for vital VA information, if you have any questions about it, I'm sure the County Veterans Service Officer, and our own Corps DuBose will be more than happy to help you.

#### Prayer Corner

Remember the family and those that received PCS orders from the Supreme Commandant and those that are sick and afflicted.

**VA EMERGENCY CARE UPDATE 03:** On 19 FEB U.S. Senator Daniel K. Akaka (D-HI), Chairman of the Veterans' Affairs Committee, introduced the Veterans' Emergency Fairness Act of 2009 (S.404). This bill would enable the Department of Veterans Affairs (VA) to reimburse veterans enrolled with VA for the remaining costs of emergency treatment received outside of VA's health care system if the veteran has outside insurance that only covers part of the cost. Under current law, VA can reimburse veterans or pay outside hospitals directly only if a veteran has no outside health insurance. "Because insurance may not cover all costs, a trip to the ER can leave insured veterans financially crippled. My bill would enable VA to fill the gap for veterans whose outside insurance does not meet their needs," said Akaka. In addition to reimbursing veterans for future costs of emergency care, the bill would allow the Secretary of Veterans Affairs to provide retroactive reimbursements back to May 2000 when VA was first authorized generally to cover the cost of outside emergency care for veterans enrolled with VA for their care. [Source: Sen. Akaka press]

**VA HEALTH CARE FUNDING UPDATE 18:** THE chairmen of the House and Senate veterans' affairs committees took a major but far from final step 12 FEB in fulfilling the top request from veterans' service organizations: They sponsored legislation (S.423) that would provide funding a full year in advance for Veterans Affairs Department health care. House Veterans Affairs Chairman Bob Filner (D-CA 51st) bill H.R.1016 is the corresponding house legislation. Having Filner and Sen. Daniel Akaka (D-HI) on board does not guarantee the change in the budget process will take place, but it at least ensures the issue will receive high-level attention. It doesn't hurt that President Obama said during the presidential campaign that he also supports the idea, which could help VA weather Congress' near-constant failure to pass an annual budget on time. The support from Filner and Akaka comes as no surprise. The two chairmen announced in SEP 08 that they supported the idea, but there was not enough time remaining in the legislative session for their legislation to be considered then. The idea is to help VA avoid the uncertainty that comes from not having a budget approved on time. In 19 of the past 22 years, Congress failed to approve a VA budget by the start of the fiscal year on 1 OCT. On average, the final funding bill is approved three months late. The Filner and Akaka legislation would have Congress approve the 2011 veteran's health care budget this year, when it also passes the 2010 budget. Then, beginning in with the 2012 budget, funding levels for veterans health care programs — but not the rest of the VA budget — would be finalized one year before the VA needs the money. Congressional aides, speaking on the condition of anonymity, said advanced appropriations would not make Congress get things done on schedule. Instead of approving health care budgets 12 months in advance, it is more likely funding levels would be approved nine to six months in advance — but that would still be an improvement over late budgets. But a change in budget procedures that would have the veteran's health care budget approved before any other federal spending is not a sure thing. Proponents of other programs like education, agriculture and defense might argue that they also deserve advance funding, aides cautioned. "Everybody wants to think their program is the priority. Nobody wants to be second when it comes to dividing up the budget," said a House aide. Veterans groups, however, are happy Filner and Akaka are backing their cause. "Finally, Congress is getting ahead of the curve and sufficiently planning the VA health care budget so that veterans are not left waiting," said Paul Rieckhoff of Iraq and Afghanistan Veterans of America. The legislation is a major priority for the American Federation of Government Employees, which represents VA health care workers. The union said that inconsistent funding for VA makes it difficult to hire doctors and nurses when necessary, or make long-range plans for the health care workforce. "We can't hire anyone [in the second half of the year] because we don't know what the budget's going to be," said J. David Cox, AFGE's national secretary-treasurer. "Then, we get our funding in February, and we need to hire everybody, but nurses aren't coming out of school then. They're coming out in May and June." The union also is planning to push for expanded collective bargaining rights for VA registered nurses, physicians' assistants, and dentists. Cox said the union would advocate strongly for both the funding legislation and the collective bargaining legislation. The National Federation for Federal Employees also is supporting the collective bargaining bill, saying that increasing workers' rights and input would improve conditions at VA. Congress and the Government Accountability Office have expressed concern about growing vacancy rates in the VA's health system, especially among certified registered nurse anesthetists, whose vacancy rate is 13%. At 43 medical facilities GAO examined nationwide, 15 said that 40% or more of their CRNA positions were vacant. [Source: NavyTimes Rick Maze article 12 Feb 09 ++]

**VA CLAIMS BACKLOG UPDATE 21:** Eric K. Shinseki, the new Veterans Affairs secretary, said 4 FEB he is trying to reduce the six-month delays in paying veterans' disability claims, and he wants to move quickly toward an all-electronic claims system that could speed up the process. In his first appearance before Congress since becoming secretary, Shinseki said the VA is looking at a major switch that would phase out paper processing, possibly by 2012. "This is a brute-force solution," Shinseki told the House Veterans Affairs Committee, adding that a technological format is needed "to ensure timely, accurate consistent decision-making on behalf of our veterans. This is part of what our backlog is about. That will take investment, of course," he said. In his testimony, Shinseki also said he was launching a topdown review of his embattled department and reiterated his promise to submit a "credible and adequate 2010 budget request" that will be cost-effective while fully sensitive to veterans in need. "If it's going to be solved any faster, it's going to take leadership," he said of the challenge ahead, promising a "change of culture" at the government's second largest agency.

Shinseki, got a recent tour of the paperwork battlefield on which VA claim adjudicators serve every day. It was a bracing scene --

literally. “You walk into one of our rooms where...decisions are being made about disabilities for veterans [and] see individuals sitting at a desk with stacks of paper that go up half way to the ceiling. And as they finish one pile, another pile comes in,” Shinseki told the Committee. “There are 11,100 people doing this...good people, hired to do a rather challenging job in which they are trying to apply judgment to situations that occurred years ago,” Shinseki said. Paperwork, he added, doesn’t draw out “a full appreciation for the context of combat.” The army of claim adjudicators is equal in size to the 82nd Airborne Division, Shinseki said. It grew by 4000 in the last two years. Another 1100 will be hired this year to address VA’s claims backlog. It’s “a brute force solution” to a problem best solved with an electronic claim processing system. “If we don’t...create a paperless process,” Shinseki told lawmakers, “I’ll report a year from now that we hired more people to do this.” Rep. Vic Snyder (D-AR 2nd) said Shinseki should make another visit soon to one of VA’s file rooms. “It’s almost dangerous,” said Snyder. The rooms “are overwhelmed” with claims. Some individual claims have swelled to “three, four and five volumes.” Ironically, Snyder said, technology might be aggravating the problem.

Veterans who look continuously to strengthen disability claims are making internet searches. Printouts on all aspects of their conditions or diseases are then sent to the VA to be added to case files. “The files will just keep growing,” Snyder said. “We’ve got to get a handle on this whole thing.” One new proposal that Shinseki floated was that he believes that all active duty military members, upon discharge or retirement should be mandatorily enrolled in the VA health system. Rep. Steve Buyer (Ind.), ranking Republican on the committee, asked Shinseki to support an increase in Dependency and Indemnity Compensation. DIC is paid to survivors of members who die on active duty or die of service-related conditions in retirement. DIC hasn’t kept pace with survivor compensation for federal civilian workers, Buyer said he is preparing a bill that would raise DIC by 12 percent across the board. Basic DIC is now \$1154 a month and \$286 a month is added for each dependent child under age 18. Another \$246 is added if, at time of death, a veteran had been rated as 100-percent disabled for eight years, and had been married during that the same period. Shinseki was warmly received by the committee where he laid out administration priorities for veterans. Behind him, representatives of various veterans’ service organizations mostly nodded heads in agreement. They didn’t nod, however, when Shinseki declined to endorse a legislative priority for many VSOs this year: a bill to require that VA health budgets be funded a year ahead of normal appropriations.

Advocates say this will ensure timely funding of VA hospitals. They no longer would have to operate on the cheap under a “continuing resolution” because the VA budget got bogged down by a partisan fight. In late January, many VSOs hailed such a bill, the Veterans Health Care Budget Reform Act, reintroduced for 2009 by Sen. Daniel Akaka (D-HI), Senate VA Committee chairman.

But Shinseki implied Congress simply needs to act more responsibly on VA appropriation bills. “My preference would be for a timely budget and I will assure you I’ll do my part,” he said. While Army chief of staff, Shinseki recalled, “I lived with continuing resolutions and I know full well the impact they bring.” If his experience as VA secretary shows health care budgets still can’t get passed on time, then “other options” will be discussed, Shinseki said. House Veterans Affairs Chairman Bob Filner (D-CA 51st) said that after several years of budget restrictions and growing backlogs, the VA must work hard to restore credibility among the nation’s veterans. “So many veterans view the VA as ‘Veteran’s Adversary,’” he said. Rep. Harry Mitchell (D-AZ 5th) who chairs the oversight subcommittee, said he wants to ensure the VA remains mindful with its technology initiatives to “implement high standards” of quality given the department’s past problems with maintaining electronic data. “We all have our work cut out for us,” Mitchell said. Shinseki said he would review the “fundamentals in every line of operation.” “I intend to ... demand the highest levels of integrity, transparency and performance in leading the department through the fundamental and comprehensive change it must quickly undergo,” Shinseki said. “We will be measured by our accomplishments, not by our promises,” he added. [Source: AirForceTimes Hope Yen & Stars and Stripes Tom Philpott articles 4 & 7 Feb 09 ++]

**VA CLAIMS BACKLOG UPDATE 22:** While representatives of the Board of Veterans’ Appeals and the U.S. Court of Appeals for Veterans Claims bickered over who bears more responsibility for the long delay veterans face on disability claims, a key Republican senator said it was time to take some drastic action. Sen. Richard Burr of North Carolina, ranking Republican on the Senate Veterans’ Affairs Committee, said proposals from the appeals board, the court and veterans service organizations will not end veterans’ frustration any time soon. While such changes as holding federal workers more accountable for errors and shortening deadlines for filing and ruling on appeals might provide some help, Burr said, the end result is likely to be modest, with the Veterans Affairs Department able to finish a few more claims each year than received. But with an estimated backlog of between 600,000 and 800,000 claims, depending on how it is counted, modest progress isn’t enough, he said. Burr called for a military-style “surge” strategy to allow VA to quickly reduce the backlog using temporary measures. Burr, whose remarks came at a 11 FEB hearing on the appeals process for veterans claims, said he would work with committee chairman Sen. Daniel Akaka (D-HI) to try to find a solution. Burr said he knows VA, the appeals board and appeals court are making efforts to get decisions faster but they’re not moving fast enough. “Whatever the reasons, it is clear that the appeals process takes far too long, and it is not acceptable,” he said. VA’s average processing time on an initial benefits claim is six months, Burr said. If a veteran appeals, the Board of Veterans’ Appeals takes an average of 1,100 days to rule on the case. If a veteran appeals the board’s decision to the Court of Appeals for Veterans Claims, it can take another 14 months for a decision to be issued. “It is understandable why many veterans, including veterans back in North Carolina, are extremely frustrated by this long appeals process,” Burr said. Rep. Bob Filner (D-CA 51st) House Veterans’ Affairs Committee chairman also has talked about a “surge” approach to reducing the backlog of claims. One of his ideas is to automatically

approve claims related to Agent Orange exposure by Vietnam-era veterans, as long as there is no obvious fraud. Another Filner proposal would automatically grant claims that were prepared with the help of a veteran's service officer certified to handle claims.

Kerry Baker of Disabled American Veterans, who testified at the Senate hearing, said the appeals rate on veterans claims is climbing. In 2007, VA made 824,844 claims decisions that generated about 100,000 appeals. For 2009, VA estimates it will make 942,700 claims decisions that will result in 132,000 appeals. Baker suggested several procedural steps to make the process move a little faster, including reducing the amount of time a veteran has to appeal an initial VA determination. Current law allows up to a year to appeal the decision, but Baker said this could be cut to six months. He also said VA employees need to be held more accountable for both the speed and accuracy of claims they handle. A sign of the problem, he said, is that almost 6,000 cases handled by the Board of Appeals for Veterans Claims in 2007 were sent back because of requests for VA medical records. "The disturbing factor here is that a VA employee can usually obtain VA medical records without ever leaving the confines of one's computer screen," Baker said. [Source: AirForceTimes Rick Maze article 11 Feb 09 ++]

**VA SECRETARY UPDATE 10:** Retired Gen. Eric K. Shinseki pledged to move quickly to fix gaps in health care if confirmed as Veterans Affairs secretary, saying he will reopen benefits to hundreds of thousands of middle-income veterans denied during the Bush administration. In a 54-page disclosure obtained 6 JAN by The Associated Press, President-elect Barack Obama's choice to head the government's second largest agency also urged Congress to set VA funding a year in advance to minimize political pressures. And the former Army chief of staff said he will step down from the corporate boards of defense contractors to alleviate potential conflicts of interest. "If confirmed, I would focus on these issues and the development of a credible and adequate 2010 budget request during my first 90 days in office," Shinseki wrote to the Senate Veterans Affairs Committee, noting that VA funding in the past created "significant management difficulties" that delayed medical care. The Senate committee is scheduled to hold Shinseki's confirmation hearing on 14 JAN. If confirmed, he will be the first Asian-American to hold the post of Veterans Affairs secretary. Shinseki, 66, said he had resigned from the boards of Honeywell International Inc., which holds billions in contracts with the U.S. Army, as well as Ducommun Inc., which services defense contractors such as Boeing Inc. by manufacturing parts for aircraft. Because he will continue to receive undisclosed sums of deferred compensation from those firms, Shinseki said he will also recuse himself from any VA decisions involving those companies. The former Army chief of staff also said he will stop doing business at his consulting company Pegasus Associates Inc. and will resign positions at Guardian Life Insurance Company of America, First Hawaiian Bank and DC Capital Partners. Shinseki, who was once vilified by the Bush administration for questioning its Iraq war strategy, said a top goal will be to fulfill Obama's campaign promise to expand care to veterans who were denied access due to cost-cutting. Such "Priority 8" veterans, whose income exceeded roughly \$30,000 annually, were blocked from enrollment in the VA system in January 2003. During the presidential campaign, Obama promised to restore benefits to the "Priority 8" veterans and to improve overall funding at the VA. The VA was roundly criticized during the Bush administration for underestimating the amount of money needed to treat thousands of injured veterans returning from Iraq and Afghanistan. Since Obama's election, the VA has indicated it was taking initial steps to send additional money to VA hospitals and clinics later this month to implement a new enrollment plan possibly by June. "I believe the prudent approach will be to validate the estimated number of these veterans, giving appropriate consideration to the potential impact of current economic factors, and then assess the capacity of facilities and staffing and then quickly create a plan to phase these veterans into VA for care," Shinseki wrote. In his questionnaire, Shinseki also pledged to:

- Cut down six-month waits for disability benefits in part by switching from paper applications to "an integrated, all electronic claims processing system." Shinseki said his starting point will be achieving VA's strategic goal of roughly 145 days, a benchmark that has eluded the agency despite years of promises by current VA Secretary James Peake and his predecessor, Jim Nicholson.
- Initiate an "independent, thorough" review to ensure that the VA will not delay rollout of millions of dollars in new GI benefits in August. The VA initially suggested it might not be able to meet the deadline, but after criticism insisted it could handle the needed improvements to its information technology systems. At least 520,000 veterans are expected to take advantage come this fall, up from about 250,000 currently.
- Work more closely with the departments of Housing and Urban Development, Labor and the Small Business Administration to increase economic opportunities for veterans and reduce homelessness.

[Source: NavyTimes AP Hope Yen article 6 Jan 09 ++]

**VA HEARING AIDS/EYEGLASSES UPDATE 01:** A new directive allows VA to provide glasses and hearing aids to those who are not service connected for those conditions (Priority Groups 6-8). In the past these were available only to those service connected for the condition. These services are now considered part of the preventative care package for all veterans enrolled in the VA who meet certain criteria. The link [http://www1.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=1789](http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1789) outlines the requirements for obtaining eye glasses and hearing aids. Veterans who are enrolled in the VA health care system are eligible for battery replacement and repair of hearing aids even though those aids were purchased from a private source. Even though glasses and hearing aids may be provided at no charge, there may be a co-pay required for those in group 6-8. Audiology is a specialty clinic with a \$50 dollar co-pay for some services. There is no co-pay for the devices or the batteries. Nor are there any charges for visits for the purpose of adjusting, repairing or modifying hearing aids. [Source: VHA DIRECTIVE 2008-070 dtd 28 Oct 08 ++]