

**VA PRIORITIZING ALL PENDING VETERANS BENEFITS APPEALS CLAIMS FOR
VICTIMS OF HURRICANES FLORENCE AND MICHAEL**

The Department of Veterans Affairs recently announced veterans impacted by hurricanes Florence and Michael will now have their pending appeals claims for benefits prioritized.

VA's Board of Veterans' Appeals has determined that the significant effects of hurricanes Florence and Michael were sufficient cause for the Board to advance the appeals for counties in Florida, North Carolina, South Carolina and Georgia determined to be disaster areas by the Federal Emergency management Agency (FEMA).

"Accelerating the decision process on pending appeals claims for those veterans and their families affected by hurricanes Florence and Michael is the right thing to do," said VA Secretary Robert Wilkie.

By regulation, the Board may advance appeals on its docket by a motion of the chairman if sufficient cause is shown. All veterans and other appellants with an appeal currently pending before the Board whose addresses of record are in one of the affected counties will have their appeal automatically advanced on the Board's docket.

No action is needed from veterans or appellants if their addresses are current. The advancement on docket (AOD) for the storms is expected to last for six months from the date of the events. Florence counties will be AODed from October 1, 2018 to March 31, 2019. Counties affected by Hurricane Michael will be AODed from November 1, 2018 to April 30, 2019. The board reassesses AOD for the storms after the ending of the six months.

The following is information about the Advancement on Docket (AOD):

The Board is required by law to review appeals in docket order unless unusual hardship or "other sufficient cause" has been shown to advance a case on the docket. 38 U.S.C. Section 7107(a) and 38 C.F.R. Section 20.900(c). If applicable, you may submit brief, but complete, reasons to the Board for advancing your case on the docket, which must include supporting documentation to factually demonstrate reasons for advancement. The following are some examples of unusual hardship or other sufficient causes, along with recommended supporting documentation:

- Severe financial hardship (bankruptcy petition, home foreclosure notice, homelessness);

- Serious illness (physicians' statement documenting terminal or grave illness, preferably with clinical findings)
- Advanced age (75 or older)
- Administrative error (resulting in a significant delay in docketing your appeal)

Motions for advancement on the docket, along with supporting documentation, should be submitted to the Board at the address or fax number listed below. Please remember to include your name, the Veteran's name (if different), and your claim number.

Information about natural disasters qualifying for Advance on Docket (AOD) include:

The Board is making special provisions for Veterans impacted by natural disasters with appeals before the Board. Veterans can request an advancement on the docket (AOD) to accelerate their appeal.

Super Typhoon Yutu – Until April 30, 2019

Residents of the following regions of the Mariana Islands are eligible:

Hurricane Michael – Until April 30, 2019

Residents of the following counties in Florida are eligible:

Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Taylor Wakulla, Washington.

Residents of the following counties in Georgia are eligible:

Baker, Crisp, Decatur, Dougherty, Early, Grady, Lee, Miler, Mitchell, Seminole, Terrel, Thomas, Worth.

Hurricane Florence – Until March 31, 2019

Residents of the following counties in North and South Carolina are eligible: Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Dillon, Duplin, Harnett, Horry, Jones, Lenoir, Marion, Marlboro, New Hanover, Onslow, Pamlico, Pender, Robeson, Sampson, Wayne County

Hurricane Maria Until September 30, 2018

Residents of the following counties in Puerto Rico are eligible:

Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arecibo, Arroya, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas, Carolina, Catano , Cayey, Ceiba,

Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Florida, Guanica, Guayama, Guayanilla, Guaynabo, Gurabo, Hatill, Hormiguero, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Las Piedras, Loiza, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon Rio Grande, Sabana Grande.

VA AMENDS REGULATIONS ON VA PENSION AND OTHER NEEDS-BASED PROGRAMS

The U.S. Department of Veterans Affairs (VA) recently amended its regulations governing entitlements to VA pension and Parents' Dependency and Indemnity Compensation, which are need-based programs.

"The amended regulations bring consistency to the pension process and ensure benefits are available for veterans and survivors with financial need," said VA Secretary Robert Wilkie. "They will help maintain the integrity of and provide clarity to our needs-based pension program."

VA's pension program provides monthly benefit payments to eligible wartime veterans and their survivors with financial need.

Then pension regulations, which were updated October 18, cover the following:

- Establish a clear net-worth limit for income and assets for veterans to qualify for pension,
- Establish a 36-month look-back period to review asset transfers at less than fair market value that reduce net worth and create pension entitlement,
- Establish up to a five-year penalty period to be calculated based on the portion of the covered assets that would have made net worth excessive, and
- Updates medical expense definitions for consistency with VA internal guidelines.

The changes are intended to ensure VA only pays benefits to those veterans with a genuine need.

VA MOBILIZES FEDERAL AGENCIES TO PROVIDE

FREE LEGAL SERVICES TO VETERANS

The VA recently came together with representatives from the Departments of Labor, Justice, Defense, Homeland Security, U.S. Navy, and others to sign a joint statement which aims to improve access to free legal services for veterans who need it.

Federal agencies and the veterans' legal services community came together at VA headquarters in Washington D.C. to celebrate the VA's Medical Legal Partnerships and recognize volunteers who donate time at VA free legal clinics.

Currently, VA hosts at least 170 free legal clinics in its VA Medical Centers, Community Based Outpatient Clinics and Vet Centers across the country, by partnering with external legal service providers, such as local bar associations, legal aid organizations and law school clinics.

"Legal assistance stands high on the list of many veterans' important but unmet needs," said VA Secretary Robert Wilkie. "Our goal is to make sure our veterans have access to not only health care and disability benefits, but to community legal services that are central to their overall well-being."

Veterans often face stressful legal situations –such as eviction, foreclosure, child support or driver's license revocations—that can affect their ability to gain or maintain employment and housing or focus on medical treatment. At the VA-hosted event today, VA and other federal agencies committed to encourage and further the provision of volunteer legal services to veterans.

The VA maintains a complete list of the free legal clinics located in VA facilities.

NEW LAWSUIT SEEKS COMPENSATION FROM THE VA

FOR VETERANS' UNPAID EMERGENCY ROOM COSTS

According to a recent Military Times report, hundreds of thousands of veterans may become eligible for significant reimbursements of unpaid medical bills if a class-action lawsuit against the Department of Veterans Affairs is successful.

There has been a long fight brewing between the VA and advocates for veterans regarding who should pay for emergency medical care. There was also a federal court ruling announced in August that allowed veterans to file suit against the VA as a class instead of individuals.

The size of the class in the newest lawsuit isn't established, but it was filed by the National Veterans Legal Services Program. According to this organization, in the past eight years more than 700,000 people have incurred medical expenses that should have been covered by the VA.

The executive director of NVLSP said it's a "travesty" to see the VA continuing to deny those benefits to veterans.

The group filed a previous lawsuit over violations of the Emergency Care Fairness Act of 2010. That was on behalf of Richard Staab who was an Air Force veteran who had \$48,000 in unpaid medical bills following emergency heart surgery. The VA refused the payment because his secondary insurance covered a portion of the procedure.

Officials from the VA said in court that the additional insurance coverage eliminated their obligation to pay for veterans' health care costs even if the veteran was left with large medical bills. A new rule was issued by the VA in January complying with the decision of the U.S. Court of appeals for Veterans Claims, which was against the VA. Now, the VA only covers limited emergency room costs that have occurred since the appeals court ruling.

According to the NVLSP, even with the limitations of that the VA is still refusing to cover the reasonable cost associated with veterans forced to seek emergency care.

Court officials will be charged with determining whether the NVLSP arguments for a class of veterans eligible for damages if warranted. If so, it could be the first ever sanctioned by the U.S. Court of Appeals for Veteran Claims.

The VA has estimated in the past that it could be responsible for up to \$10 billion in emergency room costs if they have to cover all gaps in a veterans' private sector insurance. The VA has said that could harm medical care throughout the department.

VA JOINS MILITARY SPOUSE EMPLOYMENT PARTNERSHIP

The VA's Board of Veterans' Appeals (BVA) announced its advancing employment opportunities for military spouses by joining the DOD Military Spouse Employment Partnership (MSEP). MSEP is a career program connecting military spouses with more than 390 affiliated employers who have committed to recruit, hire, promote and retain military spouses in portable careers.

"By developing skills, knowledge and abilities that can be used in high -demand industry sections, military spouses –especially those who face frequent relocations –can achieve employment continuity and increased opportunities for upward career mobility," said VA Secretary Robert Wilkie.

"BVA is committed to delivering better services to Veterans and their families, and we understand that military spouses offer unique perspectives that can help us deliver on our promise to care for veterans."

The Board's mission is to conduct hearings and decide appeals properly and in a timely manner.

The MSEP is part of the DOD's broader Spouse Education and Career Opportunities (SECO) program, which seeks to reduce the 23 percent unemployment rate experienced by military spouses and 25 percent wage gap experienced by military wives. SECO provides education and career guidance to military spouses worldwide and offers free, comprehensive resources and tools related to career exploration; education; training and licensing; employment readiness; and career connections, SECO also offers free career- coaching services six days a week.

SPOTLIGHT ON: MY HEALTHEVET ACCOUNT TYPES

There are three types of My HealtheVet Account types.

The following is an overview of these accounts and what to know.

Basic Account

Anyone who registers on My HealtheVet starts with a Basic Account. This account does not require that you have your identity Authenticated*. A Basic Account provides limited access to features in My HealtheVet that you self-enter. You may use the journals and other tools to track your health measures. However, you cannot see your personal information located in VA or DoD systems.

*This is a process by which VA verifies a Veterans' identity before allowing access to their VA health record.

With a Basic Account you may use My HealtheVet to:

Add information to a personal health journal about over-the-counter medications, allergies, military health history, medical events, tests and allergies.

Record and track personal information such as contact information, emergency contacts, health care doctors and providers, and health insurance information.

Record and track personal health measurements (blood pressure, blood sugar, cholesterol, heart rate, body temperature, weight, pain level, etc.) in Vitals & Readings.

Print a wallet ID card with the personal information entered into the personal health record.

Set personal goals. My Goals makes it easy for you to set Goals, identify your Strengths and Tasks, to overcome Obstacles, and track your progress.

My Goals can be used to help your health care team understand what is important to you.

Advanced Account

This account is only for veterans and/or VA Patients. It is a higher level of access to features offered in My HealtheVet. It may provide you the ability to view some information in your VA and/or DoD records. This account does not require that you have your identity Authenticated*.

However, when you register as a Veteran/VA Patient, your profile information (full name, Social Security Number (SSN), date of birth (DOB) and gender) is linked to VA/DoD records.

When this happens, you are given an Advanced Account. If you are a VA patient, this type of account lets you refill your VA prescriptions online using My HealtheVet.

Note: When you are issued an Advanced or Premium Account, your personal traits (full name, Social Security Number (SSN), date of birth (DOB) and gender) are locked down on your Profile page. You cannot change this information. This is done to protect your information.

Premium Account

This account is only for veterans and/or VA Patients. It gives users the highest level of access to My HealtheVet features. To get this type of account you need to go through Authentication* and have your My HealtheVet profile information (full name, Social Security (SSN), date of birth (DOB) and gender) linked to VA/DoD records.

After you register, your account type will be displayed in the Member Login box, those with a Premium Account will have after their name.

*This is a process by which VA verifies a Veterans' identity before allowing access to their VA health record. To learn more, go to: [Upgrading your My HealtheVet account through In-Person or Online Authentication](#).

With a Premium Account you may use My HealtheVet to view key portions of your VA health record, such as:

VA Admissions and Discharges (including discharge summaries) – Discharge Summaries are available three calendar days after they are completed.

VA Allergies

VA Appointments (future)

VA Appointments (limited to past 2 years)

VA Demographics

VA Electrocardiogram (EKG)

VA Immunizations

VA Laboratory Results: Chemistry/Hematology/Microbiology – VA Laboratory Results are available three calendar days after they have been verified. Depending on the type of test, some laboratory results may not be available right away.

VA Medication History

VA Pathology Report: Surgical Pathology/Cytology/Electron Microscopy. VA Pathology Reports are available 14 calendar days after they have been completed. Some studies done at a non-VA facility may not be available or they may not necessarily include an interpretation.

VA Problem List – Your VA Problem list contains active health problems your VA providers are helping you to manage. This information is available three calendar days after it has been entered. It may not contain active problems managed by non-VA health care providers.

VA Notes – VA Notes written from January 1, 2013 forward are available three calendar days after they have been completed and signed by all required members of your VA health care team.

VA Radiology – Your report is available three calendar days after it has been verified by members of the VA health care team.

VA Vitals and Readings

VA Wellness Reminders

VA electronic health record information such as VA Continuity of Care Document (VA CCD) and other information as it becomes available.

Department of Defense (DoD) Military Service Information.