

90,000 BLUE WATER VETERANS NOW WAIT FOR DISABILITY BENEFITS

It was announced the Department of Justice is dropping its appeal of a federal court decision that awards disability benefits to the 90,000 veterans claiming exposure to cancer-causing substances while serving in the seas near Vietnam. It appears to be a big legal victory and a final one for advocates.

The Justice Department made a filing with the Supreme Court stating they weren't intending to argue for the overturning of January's Procopio vs. Wilkie decision. Lawyers from the Justice Department had asked twice for deadline extensions to file their appeal, but the VA officials were saying publicly at the time that they were going to agree with the lower court decision standing. In a statement, House Veterans' Affairs Committee Chairman Mark Takano, D-Calif., and ranking member Phil Roe, R-Tenn., said they were "encouraged by DOJ's decision not to appeal Procopio and further delay benefits to our Blue Water Navy veterans."

In January, the U.S. Court of Appeals for the federal circuit ruled 9-2 that Congress never intended to exclude servicemembers who served on the seas around Vietnam when giving presumptive benefits related to exposure to Agent Orange. Previously, House lawmakers unanimously passed legislation supporting the court decision as a way to prevent future appeals or legal challenges to overturn the benefits. Since the January decision, the VA has already started processing some of the benefits for blue water veterans, and that caseload is likely to grow substantially now with the final court decision.

HOUSE LAWMAKERS MOVE VETERAN LEGISLATION FORWARD

At the start of summer, lawmakers in the house passed nine veteran-related bills. The final bills will have to be approved by Senate, but lawmakers say these nine pieces of legislation are a way to bring attention to the issue of veterans' mental health as well as making the VA take action more quickly.

"The sad statistic shows after the 20 veterans and military service members who die by suicide, 14 of those 20 have not received VA health care," said Rep. Mark Takano, D-California and Chairman of the House Veteran's Affairs Committee, before the votes on Tuesday. "This is one step toward changing this tragic number."

There were no objections raised for any of the measures. Several of the bills that passed the House will require more information from the VA on suicide prevention and mental health efforts. For example, one bill requires faster notification to Congress about suicide attempts on VA campuses. A measure also advanced that expands eligibility for adjustment counseling that had previously excluded members of the Coast Guard, National Guard and Reserves.

Included in the bills were one that would create a fourth administration within the VA. This proposed administration would focus on education and employment. That's currently managed within the Veterans Benefits Administrations, but proponents of the new legislation say they don't get the necessary attention within the VBA.

The bills included the annual cost of living adjustment for veterans benefits for the coming year also.

A COMPLETELY DIGITAL DD214 IS ON THE WAY

A recent announcement came indicating that the Defense Department is working on a fully electronic version of the DD214. This would provide veterans with an easier way to access their information and would reduce privacy concerns related to the current form. The Defense Department hopes to bring the digital version of the DD214 online by 2024 at the latest.

There may be changes included on the information of the form as well, if the DoD follows recommendations from a Rand Corporation study. "In some cases, data inaccuracies occur when service members fill out Form DD214 by hand, a problem which auto-populating data will help correct," according to the report. "However, some interviewees are worried that auto-populated information will not be further verified."

The Rand corporation held interviews with around 100 key stakeholders which included VA staff, DoD staff, veterans and others. "This effort is all about making something better," Patricia Mulcahey, the department's director of officer and enlisted personnel management, told Military Times on Thursday. The changes would be the first major overhaul of the DD214 since 1950, when they were first issued. The DD214 is a piece of paper that explains why separating service members are leaving active service and their characterization of discharge.

It now not includes information not only on career service and rank, but also awards, deployments, units of assignments and more than 30 other pieces of information. The information comes from personnel records, transcriptions and other documents from different offices. "If the VA has everything that they need on you to adjudicate your benefits, then why do you really need to be bringing them on a piece of paper?" Kent Bauer said. "Ultimately, I'd love to have this down to something that is really useful and succinct for the member," Bauer said.

The goal of the digital form would be to provide a complete list of information online, so veterans could log in and view it if they ever needed to, or if they needed to send it somewhere. Just as there are privacy concerns related to having hard copies floating around with that information, there are similar concerns about having it all stored in one place online.

"We want to understand what the impacts would be with information that we have and the ability to dispense it electronically, against the requirement to give people this release certificate and to protect their privacy," Mulcahey said.

The department is looking at about three to five years to get the new DD214 fully online, Bauer said, which is in line with the services' individual efforts to create integrated pay and personnel systems, where something like this form could be accessed in the future.

VA HOME LOAN GUARANTY PROGRAM

NOTIFIES VETERANS OF POTENTIAL FEE WAIVERS

The U.S. Department of Veterans Affairs (VA) announced May 13 that veterans who qualify for a VA Home Loan funding fee waiver are now being notified in their home loan eligibility certificate and disability compensation award letter. The recent change to the Home Loan Guaranty Program aims to improve benefits delivery to veteran homebuyers.

“Through an internal quality improvement effort, VA has put a plan in place to better inform veterans through key communications when the law allows VA to waive the fee for a veteran,” said VA Secretary Robert Wilkie. VA also modified the “home loan welcome” letter to make sure veterans know they may qualify for a loan fee waiver, should they later obtain a VA disability compensation award.

Historically, VA tasked lenders with verifying the “exempt” status of veteran homebuyers and the department would identify waiver cases using its own internal loan audit process or by relying on veterans contacting VA directly. Further internal procedural changes will provide a more regular review of program data and VA will soon issue policy and procedural changes to ensure a veteran’s up-to-date status for the fee waiver is correctly identified. A major issue under review is how VA credits borrowers who, after loan closing, were awarded disability compensation with retroactive effective dates.

The department is working to determine how far VA can go to provide relief, given the current restrictions of applicable laws.

VA’s ongoing quality review looked at millions of loans dating back to 1998 originations. Since the initiative is ongoing, VA has not totaled how many borrowers might be helped by the new efforts. VA notes that it routinely returns funding fees when appropriate. Since 2014, the department has provided an average total of \$75-\$100 million to roughly 5,000 Veterans each year.

More information about the VA funding fees and refunds is available in VA’s Lenders Handbook. Veterans who think they may be eligible for a refund should visit VA’s website.

VA ANNOUNCES FINAL COMMUNITY CARE REGULATIONS UNDER MISSION ACT

The U.S. Department of Veterans Affairs (VA) announced the publication in the Federal Register of two final regulations as part of its new Veterans Community Care Program under the VA Maintaining Internal Systems and Strengthening Integrated Outside Networks (MISSION) Act of 2018. Signed into law on June 6, 2018, the MISSION Act strengthens VA's ability to deliver trusted, easy to access, high quality care at VA facilities, virtually through telehealth, and in veterans' communities. The law makes several improvements to VA care that began on June 6, 2019.

"President Trump promised to give veterans greater choice," said VA Secretary Robert Wilkie. "We are honoring that promise by making sure Veterans have access to timely, high-quality care, whether from our VA facilities or our community providers."

A key component of the MISSION Act is a new urgent care benefit that provides eligible veterans with greater choice and access to timely, high-quality care. With urgent care, veterans have a new option for care for the treatment of minor injuries and illnesses, such as colds, sore throats and minor skin infections. The benefit is offered in addition to the opportunity to receive care from a VA provider, as VA also offers same-day services.

VA also published the final regulation for the Veterans Community Care Program governing how eligible veterans receive necessary hospital care, medical services, and extended care services from non-VA entities or providers in the community. The new Veterans Community Care Program replaces the Veterans Choice Program, which expired June 6, 2019.

VA previously published an interim final rule for Veterans Care Agreements (VCA) on May 14, 2019. VA may use VCAs to order care when that care is not otherwise feasibly available through VA's contracted network. VCA's are intended to be used in limited situations. VA will purchase most community care for veterans through its contracted network as part of its strong partnerships with third party administrators. Currently, these administrators are TriWest Healthcare Alliance and Optum Public Sector Solutions.

VA is implementing improvements to its community care program as required by the VA MISSION ACT. Veterans can find detailed information on urgent care eligibility, community care eligibility and MISSION Act implementation at www.missionact.va.gov

WHAT TO KNOW ABOUT USING THE NEW VA URGENT CARE PROGRAM

A new program lets veterans who are enrolled in the VA health care system visit civilian urgent care providers for free and without an appointment as part of the MISSION Act that became effective on June 6. When a veteran who is enrolled in the VA health care system and who has visited a VA doctor or civilian doctor under the VA Choice program, can see an urgent care doctor for free in certain situations.

Veterans in Priority Groups 1 to 5, as well as some veterans in Priority Group 6, can visit an authorized urgent care center for free up to three times every year. After that each visit will cost \$30. Veterans in Priority Groups 7 and 8 will have a \$30 co-payment for each visit.

The VA says most types of urgent care are covered under the program, but you do have to get urgent care from a provider who's in the VA's contracted network. You can search for this information online on the VA's website.

You should verify with the VA that you're eligible for this benefit once you find a provider. You will likely only need do this once. However, if you go to an urgent care provider and you don't have eligibility, you'll be required to pay the full bill. You can call the VA at 866-606-8198 to determine if you are eligible.

If you're eligible for travel reimbursement as well, the VA will pay one-way travel to the urgent care center. After three visits to an urgent care provider within a calendar year, you must pay a co-payment of \$30 for each visit. You don't have to pay this at the doctor's office; the VA will bill you for it. Urgent care visits for flu shots don't count toward the three-visit limit. However, follow-up visits to the same urgent care provider do count against your three-visit limit. The VA says that you should visit your normal VA provider for any follow-ups.

If you go to an urgent care and you are prescribed medicine, you are eligible for a free 14-day supply of medication related to the condition.

The recommendation is to try and get your prescription from the urgent care center or VA network pharmacy if you can. If you are not able to, then you have to pay the full price at the pharmacy and then file a claim for reimbursement with the VA. If you need more than 14 days' worth of the medication, then you have to get it from your regular VA doctor.

The VA will share your medical records with the urgent care provider as necessary to make sure there are no drug interactions, underlying medical conditions or "doctor shopping" for painkillers that civilian doctors should know about. This will also include information about prescribed painkillers, and possibly mental health and other sensitive medical issues.

ACCORDING TO INSPECTOR GENERAL,

VA OVERCHARGED DISABLED VETS ON HOME LOANS

According to the VA Office of Inspector General in a newly released report, from January 1, 2012 to December 31, 2017, the VA improperly charged disabled veteran loan funding fees they weren't required to pay because of their disabled status. The VA charged almost 73,000 veterans incorrect home loan funding fees that added up to \$286 million. This could lead to refunds for the affected veterans.

According to the report, around 53,200 veterans may be owed a total of \$189 million, while another 34,400 veterans could receive refunds totaling \$164 million if the problem isn't fixed. The VA was made aware of the problem as early as 2014 but did nothing about it.

"OIG finds it troubling that senior VBA management was aware that thousands of veterans were potentially owed more than \$150 million yet did not take adequate actions to ensure refunds were issued," VA Assistant Inspector General for Audits and Evaluations Larry Reinkemeyer wrote in the report.

Roughly \$67 million of the charges were levied on veterans who were exempt by disability status at the time of their loan applications – what VA OIG termed "avoidable fees," since their disability rating was known to the VBA. The remainder were seen as unavoidable because veterans were appropriately charged when they applied for a loan, but then their disability status changed so they became exempt.

The VA refunded \$97 million to 19,700 affected veterans from January 1, 2012, through December 31, 2017, but 53,200 are still owed refunds, according to Reinkemeyer. The average funding fee charge was \$4,483 and the highest was \$19,470 according to the report.

The VA OIG is recommending veterans be identified and issued refunds. It's also recommending the VA identify exempt veterans erroneously charged the fee before 2012 and provide refunds to them as well. The VA set a target date for identifying veterans and providing refunds of July 31.

LOWE'S PARTNERSHIP SEEKS TO HELP VETERANS

WITH JOB TRAINING AND HOUSING

Lowe's Home Improvement just announced new partnerships with three military service organizations to help veterans in different phases of their transition. The University Service Organizations, American Veterans and Operation FINALLY HOME will help connect the veterans and resources Lowe's has in place relating to job training, scholarships for education, and affordable housing.

"Lowe's commitment to the military is longstanding and partnerships with these organizations allow us to form stronger connections with the military community," said Joe McFarland, U.S. Marines veteran and Lowe's Executive Vice President of stores. "We look forward to working closely with each organization to serve the military community through programs focused on safe, affordable housing and transitioning military into dynamic careers."

The USO is known as the Force Behind the Forces and strengthens America's military service members by keeping them connected to family, home and country throughout their service to the nation. Lowe's national partnership with the USO will support military spouse programming and the USO's Pathfinder Program, which offers a network of resources and personalized support throughout all aspects of transition during their military careers.

"The USO is honored to partner with Lowe's to offer service members and military spouses' interactive workshops and networking opportunities designed to help them land apprenticeships and jobs in the skilled trades" said Lisa Anastasi, USO Chief Development and Marketing Officer. "Together, we will connect them to the training and support they need to thrive in these career fields while navigating the frequent transitions of military life."

AMVETS is the nation's most inclusive congressionally-chartered veterans service organization representing the interests of 20 million veterans. Lowe's partnership contributes scholarships and workforce training, helping veterans' transition from military service to employment nationwide. "With Lowe's, we're looking to close the gap and offer scholarships and programs that place the military in highly-trained positions," shares Rege Riley, national commander at AMVETS. "Through this effort, we plan on reaching 3 million individuals across our military channels."

Operation FINALLY HOME provides custom-built, mortgage-free homes and home modifications to wounded, ill and injured veterans and the widows of the fallen from all branches of the military. Lowe's current partnership contributes home building and modification support to projects across the country.

“Lowe’s is an outstanding fit as we continue to bring builders, developers and volunteer together to help our heroes and their families,” said Rusty Carroll, executive director at Operation FINALLY HOME.

Since being founded by a WWII veteran in 1946, Lowe’s has a longstanding appreciation for the military community, whether they are a customer, supplier or one of its nearly 20,000 military associates. To honor the military, Lowe’s offers programs like differential pay during service, a 10% military discount, veteran parking and the option to wear camo vests as a symbol of associates’ service.

SPOTLIGHT ON: AID AND ATTENDANCE AND HOUSEBOUND

Veterans and survivors who are eligible for a VA pension and require the aid and attendance of another person, or are housebound, may be eligible for additional monetary payment. These benefits are paid in addition to monthly pension, and they are not paid without eligibility to Pension. Since Aid and Attendance and Housebound allowances increase the pension amount, people who are not eligible for a basic pension due to excessive income may be eligible for pension at these increased rates. A veteran or surviving spouse may not receive Aid and Attendance benefits and Housebound benefits at the same time. The Aid & Attendance (A&A) increased monthly pension amount may be added to your monthly pension amount if you meet one of the following conditions:

You require the aid of another person in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting yourself from the hazards of your daily environment;

You are bedridden, in that your disability or disabilities requires that you remain in bed apart from any prescribed course of convalescence or treatment;

You are a patient in a nursing home due to mental or physical incapacity;

Your eyesight is limited to a corrected 5/200 visual acuity or less in both eyes; or concentric contraction of the visual field to 5 degrees or less.

This increased monthly pension amount may be added to your monthly pension amount when you are substantially confined to your immediate premises because of permanent disability.