VA’s Transitional Pharmacy Benefit Will Affect Some Indiana Veterans

On September 10th, VA Northern Indiana Health Care Center Director, Michael Murphy, announced there are no veterans at the Fort Wayne or the Marion Campus who will be affected by the VA’s offer to fill prescriptions from non-VA physicians.

The Patient Response Supervisor at the Indianapolis VA Medical Center indicates, however, that there are many veterans at that facility who are still waiting for their first appointment. The waiting time for the first visit at Indianapolis is almost a year.

In a news release dated July 24, 2003, VA announced a special program allowing VA Medical Center pharmacies to honor prescriptions written by civilian physicians for veterans waiting to see their VA primary care doctor for the first time.

The headline of the news release was very misleading. It read:

“VA Offers To Fill Some Non-VA Prescriptions”

The offer is an attempt to ease the swelling waiting lines at VAMCs, waiting lines filled with veterans waiting to see their primary care doctor for the first time, but who really only want to get their prescriptions filled.

In the NACVSO newsletter article, Secretary Principi said, “This new short-term drug benefit should help to reduce waiting lists even further and faster. Some veterans may choose to postpone their first appointment if they have medications for which a private-sector doctor has already written a prescription. In turn, the earlier appointment times will go to other veterans on the waiting list. Funding levels in the president’s budget will allow VA to reduce these waiting lists to manageable levels by the beginning of 2004 and to offer more timely appointments, which would eliminate the need to continue this benefit.”

We are concerned, however, that those veterans who begin to get medicines prescribed by their family doctor from VA pharmacies, instead of just postponing their appointment, will actually cancel it. This would be a grievous error. We have been informed that cancellation of their appointment could cause their application for health care to be cancelled entirely and it is possible that more than one postponement of an appointment could also cause cancellation.

Veterans should be advised that they should not postpone or cancel their appointment. If they cancel the appointment, it is likely their prescription will not be refilled, and if they postpone their appointment, it will cause VA to look closer at the veteran’s motivation for seeking VA health care in the first place, also causing the prescription to be cancelled.

To be eligible for the new benefit, veterans must meet all of the following conditions:

* Have enrolled in VA health care before July 25, 2003, and
* Requested their first primary care appointment with VA before July 25, 2003, and
* Must be waiting more than 30 days for their first appointment with a primary care physician on Sept. 22, 2003.

The first prescriptions will be filled under the new program on September 22. Eligible veterans will be unable to get prescriptions filled before that date. The period between the announcement of the program (July 24) and filling the first prescriptions (Sept. 22) is necessary to allow VA to identify and contact eligible veterans and to put new systems and procedures in place to deliver this benefit.

Principi stressed the policy is a short-term measure. It will not apply to veterans who were put on the waiting list after July 24. VA estimates that 200,000 veterans will be eligible for the benefit.

We tend to agree with Senator Tom Daschle, who made this statement, “Today’s announcement may create good headlines for the VA, but it will disappoint thousands of veterans. I’m happy for the small number of veterans who will have their prescriptions filled as a result of this new policy, but it’s frankly too little and too late. The Department of Justice has told the VA it has the legal authority to fill all prescriptions, and the VA should take immediate steps to adopt the solution proposed in my legislation - a permanent fix, for all veterans. Instead, the VA has chosen to set up a complex, bureaucratic tangle that will do very little to shorten the waiting lists or end the VA health care crisis.”

In fact, in an interview given by Secretary Principi on July 23, 2003, he said he would consider a second step, permitting all enrolled veterans to fill privately written prescriptions at the VA, in six months. He said he expects the new policy to cost $20 million to $30 million this year, which the

(continued on next page)
VA’s Transitional Pharmacy (continued from page 1)

VA will fund from its $57 billion budget.
We’ll have to wait and see what becomes of that.

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Evans Opposes Proposal to Drastically Limit Eligibility for Veterans' Service-Connected Compensation

Washington, DC - September 10, 2003 - Rep. Lane Evans of Illinois, the Ranking Democrat on the House Committee on Veterans Affairs, today reacted strongly to Administration suggestions that dramatic limitations be placed on the ability of veterans to qualify for service-connected compensation benefits from the Department of Veterans Affairs.

According to press reports, the Bush Administration is recommending drastic restrictions which would require veterans to prove that their disabilities were incurred or aggravated during performance of official military duties in order to be compensated. Evans called the suggestion "an insult to the men and women who are putting their lives on the line in Iraq, Afghanistan and throughout the world."

The recommendations appear to be under consideration by the Administration in response to veterans’ demands for repeal of the tax on disabled military retirees. Disabled military retirees are required to give up one dollar of military retirement pay for each dollar of VA compensation they receive.

Under current law, service members who are subject to military orders 24 hours a day, seven days a week qualify for service-connected compensation benefits if they have a disability which was incurred during or aggravated by military service. For example, veterans who were exposed to Agent Orange in Vietnam or in other areas qualify for payments if they develop a disease which is scientifically associated with exposure to Agent Orange. It has taken decades for the scientific evidence to progress to the point where these veterans can qualify for compensation.

"If veterans were required to prove that their disability is related to their performance of official military duties, all veterans could be expected to undergo the delays and denials experienced by atomic veterans, Vietnam veterans and those suffering from mysterious illnesses associated with service in the Persian Gulf," said Evans. "Veterans are especially angry that these proposals are being made at a time when the young men and women in the military are serving in harm's way, and rightfully so," said Evans.

Under current law, veterans have the "benefit of the doubt" when there is evidence that the disability could be due to military service or to some other cause. In baseball parlance, it is said that the benefit of the doubt rule provides that "the tie goes to the runner." Evans noted that under the limitations being suggested, "only a home run would count."

Evans said he would oppose any move to restrict the disability criteria in order to pay for the cost of repealing the disabled veterans' tax.

"It is absolutely astounding that this Administration would attempt to take benefits away from disabled veterans in order to appear that they are helping other disabled veterans," said Evans.

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First stop for Guard and Reserve Returnees? - The Veterans' Service Office

Most Reservists will be returning from active duty within the next few months. After getting reacquainted with their families and reporting in to their employers, the next stop on the list for returning National Guard and Reserve soldiers should be the county Veterans' Service Office.

Since it is uncertain of what they will be told in their transitional briefings, spouses or parents of returning soldiers should be prepared to remind demobilized soldiers to stop by the office or give the Service Officer a call. There have been some VA benefits already announced and there may be others between now and the time they return.

VA Secretary, Anthony Principi, announced in October of last year that, upon return, a two-year window of opportunity opens for free VA care for these combat veterans. This provision authorizes VA to provide some veterans free medical care within two years after leaving active duty. This applies to inpatient and outpatient care as well as nursing home care, if required. They don't have to prove either a service-connection for their health care problems nor that they have low incomes, a rule that applies to most other veterans.

The benefit does not cover treatment for problems clearly unrelated to military service, such as care for common colds, injuries from accidents that happened after discharge from active duty and disorders that existed before their activation to active duty.

So far, the Pentagon has resisted any congressional efforts to improve normal reserve health care benefits. They also are opposed to lowering the age for reservists to receive retirement pay, and stand in opposition to many of the benefits which mobilized Guardsmen and Reservists are starting to realize they should be eligible for.

Since September 11, 2001, the days of the weekend Guardsmen and Reservists are over. The reserves make up 50 percent of our total armed forces, and most of the support-type units required for the active duty to fight a war, are found only in the Guard or Reserves. Future wars will not be fought without mobilizing the reserves. National Guardsmen and Reservists have already served their time in Afghanistan, Bosnia, Kuwait and Iraq, and 1st Battalion, 293d Infantry out of Fort Wayne, Indiana, a National Guard Unit, has led the way because it has been there the longest of any Army infantry outfit. As many as 640 of those soldiers spent 4½ months in Iraq and 476 of them have received the Army's coveted Combat Infantryman Badge while another 31 have received the Combat Medical Badge for participating in ground combat against an enemy force. Furthermore, Lt. (continued on next page)

Many of these Guardsmen and Reservists feel they have earned the right to full VA benefits and wonder why they are allowed to use military commissaries only a few days a year and why they can't have full health coverage for their spouses and families. These are problems which can only be addressed by the Department of Defense.

As for VA requirements, the eligibility rules for VA benefits were changed after the Gulf War. To be considered a veteran for VA benefits, those active duty soldiers who enlisted after Sep. 7, 1980 must serve at least 24 months unless they are discharged for hardship or for a disability. However, National Guardsmen and Reservists are exempt from the 24 month rule if they are called to Active Duty by federal executive order, complete the term for which they are called, and are granted an other than dishonorable discharge.

Huntington County Veterans' Service Officer, Tom Applegate, who is also the president of the Indiana Veterans' Service Officers' Association, made up of himself and Indiana's 90 other county Service Officers, is himself a veteran of 17 ½ years in the National Guard as a full-time soldier and 8 years of active duty in the Air Force. "In light of the new requirements placed on the Guard and Reserves," Applegate said, "this was a good rule to change."

Applegate says the current window of opportunity for VA health care will close after the two-year period unless the Guard or Reserve returnee was injured or disabled while serving. "After that 2-year transitional period for health care, the returnee will need to meet VA's current eligibility requirements which include being disabled with a disability attributable to their time on active duty, or having income and net worth below the VA's income thresholds. But, at least now, due to their status as a veteran, they are eligible where, before the Gulf War, they were not."

It could be in just a few weeks or it could be another 4 months before most of our soldiers are back from Iraq and many things could change in the way of benefits. The members of Indiana's County Veterans' Service Officers' Association (INVSOA) will be kept informed of these changes and will be ready to offer information and advice to our returning soldiers. Spouses and parents should put it on their calendars to remind their returning soldiers to call or drop by the Veterans' Service Office. Names and addresses of all Indiana service officers are available by visiting the INVSOA website at http://invsoa.homestead.com and clicking on the County Service Officers tab, or check your telephone book under County Government.

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**Operation Argus**

In late August and early September of 1958, U. S. Navy Task Force 88, consisting of nine ships and approximately 4,500 men, secretly conducted three high-altitude nuclear tests in the South Atlantic.

The code name of the operation was ARGUS. In each of these tests, the task force launched from the missile trials ship, USS Norton Sound (AVM-1), a specially modified X-17a three-stage ballistic missile carrying a low-yield nuclear warhead, which was detonated high in the Earth's upper atmosphere. Upon completion of these launchings on September 6, the task force departed the operating area for Rio de Janeiro, Brazil, and thence to home ports in the United States. The official report provides the details of Department of Defense personnel participation in these tests, and the emphasis on radiological safety. But it's possible that personnel were exposed to higher doses of radiation than was originally thought.

The tests were conducted in complete secrecy and were not announced until the following year. The organization conducting these tests was Task Force 88, a naval organization consisting of nine ships and approximately 4,500 men. A few specialists from the other services and the Atomic Energy Commission and their contractors were with the fleet. Coordinated measurement programs using satellite, rocket, aircraft, and surface stations were carried out by the services and other government agencies and contractors throughout the world.

The ships of Task Force 88 were the antisubmarine carrier USS Tarawa (CVS-40), the destroyers USS Beards (DD-654) and USS Warrington (DD-843), the destroyer escorts USS Courtney (DE-1021) and USS Hammerberg (DE-1015), the fleet
Force 88 (TF 88) and its subordinate organizations. What was desired were documents that accurately placed personnel at the test sites so that their degree of exposure to the ionizing radiation resulting from the tests could be assessed. The search for this information was undertaken in archives and libraries of the Federal Government, in special collections supported by the Federal Government, and, where reasonable, by discussion or review with participants. Unfortunately, most of these records cannot be located.

If you were aboard any of the ships mentioned above in late August or early September 1958 and remember being part of Task Force 88, and especially, if you have noticed health problems which you suspect may have been caused by exposure to radiation, you should immediately contact your closest VA Regional Office (VARO) and be advised as to your next course of action. VA Regional Offices in every state can be contacted by dialing 1-800-827-1000. That number rings in to your closest VARO. If you have the means, print out or copy this article and take it with you to your nearest VA Medical Center. If you have no luck with either of those two VA sources, contact your nearest County Veterans’ Service Officer.

This information came from the United States Atmospheric Nuclear Weapons Tests, Nuclear Test Personnel Review, prepared by the Defense Nuclear Agency as Executive Agency for the Department of Defense.

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**Veterans of Operations Iraqi Freedom and Enduring Freedom Will Get Only One Campaign Medal**

The Department of Defense recently announced that only one medal would be awarded to veterans who served in both Iraq and Afghanistan during the war on terrorism. President Bush says the Global War on Terrorism will likely last many years and be fought on many shores, but no matter how many times they are deployed overseas, our veterans will receive only one campaign medal, the Global War on Terrorism Expeditionary Medal (GWOTEM). The Expeditionary Medal will recognize service in Operations Enduring Freedom and Iraqi Freedom.

A second medal, the GWOTSM (Global War on Terrorism Service Medal) will recognize duty in Operation Noble Eagle, the homeland defense mission against further terrorist attacks, as well as duty in support of Operations Enduring Freedom and Iraqi Freedom performed in areas that don't qualify for the Expeditionary Medal.

This is a big departure from wars in the past during which a soldier could earn as many as seven campaign medals. During World War II many veterans received the European-African-Middle Eastern Campaign Medal, the Normandy Campaign Medal, the Rhineland Campaign Medal, the Rome-Arno Campaign Medal, the Southern France Campaign Medal, the Northern France Campaign Medal and the Argonne Campaign Medal. Soldiers in the Pacific Theater of Operation and the American Theater could also be awarded multiple campaign medals. These awards told other soldiers where you had been. A simple glance at the rows of ribbons on a uniform could tell the battles in which a soldier had participated and, in a way, showed the soldier's experience level.

The most recent example is the 1991 Gulf War. The Southwest Asia Service Medal was awarded for soldiers serving in that area anytime between Aug. 2, 1990 and Nov. 20, 1995. Three separate campaigns are recognized: the defense of Saudi Arabia, the Liberation of Kuwait, and enforcing the cease-fire agreement through Nov. 20, 1995. Soldiers were eligible to receive the medal up to three times.

The Department of Defense is still working on eligibility criteria for the medals and the Army Institute of Heraldry said on June 13 that Secretary of Defense Donald Rumsfeld's staff is finalizing the implementation rules for the two medals.

The criteria for the award of these two medals will have no affect on the award of other normal medals such as the Bronze Star Medal or the Purple Heart. Soldiers will still be able to receive the others if they are recommended for them. But receipt of only one GWOT Medal will make it much more difficult for a person to be able to tell for which duty they were awarded and how many times they were deployed.

Many soldiers feel each country should be a separate campaign and the medal should be awarded each time you serve in a different country. Some say there has been at least three different operations in Iraq, including Southern Iraq, Northern Iraq and the Battle of Baghdad and maybe more. However, regardless of how the soldier on the ground feels about the medals, the decisions will be made at a higher level. A fact recognized by soldiers from every war.

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**Tuition Assistance**

Disabled veterans in Indiana with children who are college-eligible may be wondering where the money for college is going to come from.

One answer is: from the Indiana Department of Veterans Affairs (IDVA) which offers a tuition-free education to the children of wartime disabled veterans.

The program, called Remission of Fees for the Child of a Disabled Veteran (CDV) is available for post secondary education at state supported colleges and universities and is offered by the State of Indiana for the children of wartime disabled veterans who are or who have been a resident of Indiana for 36 consecutive months, or who is a recipient of the Purple Heart or who was a prisoner of war or missing in action after January 1, 1960.

The wartime disability, which must be verifiable with the VA or with the Department of Defense, can even be rated at zero (continued on next page)
Tuition Assistance (continued from page 4)

percent (0%). The veteran can be the natural or legally adoptive parent. Step-children and grandchildren or foster children are ineligible unless they are adopted.

The age of the child is not a factor and the benefit can be used for an undergraduate or graduate degree, up to a total of 124-semester credit hours, but no reimbursement is authorized for terms completed prior to the application.

The following schools are the only ones which qualify for this program: Ball State, Indiana State, Indiana University, Purdue University (or any IU/PU campus), IVY Tech, University of Southern Indiana and Vincennes University.

The benefit covers all tuition and mandatory fees charged by state-supported institutions to eligible students, as defined by the Commission for Higher Education and the State Student Assistance Commission and can be used in addition to any educational benefit offered by the federal government to the family of disabled veterans.

For further information and for an application, contact your local Veterans’ Service Officer.

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IDVA Fall Conference

Bill Jackson, Director of the Indiana Department of Veterans’ Affairs, has announced the annual Fall Conference will be held on October 9, at the Indiana Veterans’ Home, 3851 North River Road, West Lafayette, Indiana.

The conference will start at 9:00 a.m. in the auditorium. After the IDVA portion, the Indiana Veterans’ Service Officers’ Association (INVSOA) will hold a short meeting, after which there will be a tour of the facilities for those who would like to see it.

Lunch will be available at the Veterans’ Home for $1.00.

All county Veterans’ Service Officers are encouraged to attend. We will be taking pictures of Service Officers whose pictures are not yet on the web site.

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Supermarket of Benefits for Hoosier Veterans

The Indiana Department of Veterans Affairs (IDVA), in cooperation with other federal, state and local agencies will provide on-the-spot services for veterans and their families at National Guard Armories on the following dates and in the following cities:

October 31, 2003 Fort Wayne
November 7, 2003 Indianapolis
November 14, 2003 Lafayette
November 19, 2003 Seymour
December 12, 2003 Vincennes

The intent is to provide one-stop services to as many veterans as possible for federal, state and local programs, services and benefits. Veterans and their dependents or survivors should be able to bring their problems to the site and leave with them solved. Bill Jackson, Director of IDVA, says, “We must go beyond just providing information or giving them an address or phone number to call. We need to fix whatever is wrong. If a veteran wants a home loan they should not leave until the application is complete. If they need a hunting or fishing license they should not leave until the application is approved, etc.

The Veterans Benefits Administration (VBA) as well as the Veterans Health Administration (VHA), the Indiana Housing Finance Authority, representatives from the various veterans organizations, as well as representatives from the Indiana Veterans’ Home and the Indiana Soldiers’ and Sailors’ Children’s Home will be on hand along with County Veterans’ Service Officers to provide a full range of services to all veterans who attend.

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From the President
By Tom Applegate

I would encourage all County Veterans’ Service Officers to participate in the Supermarket of Benefits for Hoosier Veterans at the location closest to their office and, if they have not al-ready responded to Mr. Jackson’s letter, I would also encourage them to do so as soon as possible in order to let him know who to expect, and how many posters you want to put out around your county. We have an opportunity to assist many Hoosier veterans and we shouldn’t miss it.

I’ve had many telephone calls about this program and have told all callers the same thing: we should support this program.

Local news releases should inform veterans the importance of bringing their DD214, marriage license, dependent children’s birth certificates and Social Security Numbers of spouse and dependent children.

Details concerning supplies to bring, etc., will be addressed later on, but I’ve been told that tables will be set up for each CVSO who attends and CVSOs will be able to make copies of documents and applications before they are sent.

I will be at the Fort Wayne location and also hope to assist at the Indianapolis and, perhaps, the Lafayette programs.

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September 11, 2003
Huntington County Veterans Service Officer
County Courthouse
354 North Jefferson
Huntington, IN 46750-2898

Dear County Service Officer:

Recently there was an article in the Wall Street Journal, which criticized the Department of Veterans Affairs, specifically, the Veterans Benefits Administration, for the handling of a claim from a veteran who had been injured in Afghanistan.

The veteran in this case happened to be from the State of Indiana and our office was the one that processed his claim for increase after his release from active duty.

Without revealing too many specifics and violating this veteran’s right to privacy, I can state that he was released from active duty on October 14, 2002. He received his first check from VA on November 29, 2002, which paid him at the 50% rate (a pre-stabilization rating). He was seen for his service connected disability exams at
the Northern Indiana Healthcare System and his file was returned to us at the end of January 2003. We worked his case on May 17, 2003, where he was granted 100% for his service connected disabilities and payment retroactive to date of release for the difference in pay.

Now many of you are probably wishing that we worked all claims that you submit that fast, and I would hope that we could too. Unfortunately, in many cases we can't get the evidence necessary as quickly as we did for this veteran. However, the purpose of this letter is to ask for your assistance.

The general tone of the WSJ article was not complimentary to VA because, in the writer's opinion, we were not doing enough or acting quickly enough to honor America's returning heroes from Afghanistan and Iraq. The article has caused quite a stir in Washington, DC, and the agency is working to implement procedures that will allow VBA to meet our obligations in a better manner to those who have been injured or wounded from combat operations.

However, no matter what procedures we put in place, there will probably always be those who for one reason or another, do not receive the world class service that they are entitled to as they return from the Middle East or other combat operations throughout the globe. This is where you can help us. You might become aware of individuals who have become injured or wounded in the service to their country and have not received the appropriate level of service from VA as they return to their home.

We have designated a point of contact for you to refer these individuals, so that we may offer any needed assistance or benefits information to help these deserving veterans make the transition to civilian life and receive the full benefits to which they are entitled.

The Point of Contact is Dave Dezern, who is the Assistant Veterans Service Center Manager. Dave can be reached at 317-226-7860. If he is not available, his backup is Walt Morris, the coach of the Public Contact team. Walt can be reached at the same number.

Again, I appreciate all that you do for veterans throughout the state. I ask for your assistance to help us ensure that we deliver world class service to our returning Hoosier men and women who have made a commitment to defend our nation's freedoms.

Thank you.

Sincerely,
JEFFREY M. ALGER
Director, Indianapolis VA Regional Office

GOP Joins Democrats, Veterans Against Benefit Cuts

JIM ABRAMS - Associated Press

WASHINGTON - Senior Republicans on the House Veterans' Affairs Committee have joined Democrats and veterans groups in a chorus of protest against proposals being considered by the Bush administration to shrink the number of military personnel who qualify for disability benefits.

Changes in the definition of service-connected disability "could have far-reaching and unintended consequences for millions of service members and veterans," wrote the committee chairman, Rep. Christopher Smith, R-N.J., and three of the panel's subcommittee chairmen.

The Senate's top Democrats, Minority Leader Tom Daschle of South Dakota and Whip Harry Reid of Nevada, also weighed in on the issue Friday, telling President Bush in a letter that it was "outrageous to pit one group of disabled veterans against another."

Daschle said the proposals, if retroactive, could disqualify about 1.5 million veterans, about two-thirds of those now in the VA disability program, however, the proposals have not gone beyond the preliminary discussion stage. They were part of a response to what veterans regard as a century-old injustice, not fixable without adding another major chunk to a federal deficit, already at record levels because of the war on terror, operations in Iraq and tax cuts every year during the current administration.

Under current law, disabled veterans eligible for military retirement pay have their retirement reduced by the amount they receive in disability payments. Veterans groups argue that civilian federal employees on disability get full retirement benefits, and lawmakers for years have tried to extend that right to veterans.

The problem is cost: estimates are that full "concurrent receipt" of both benefits would cost $58 billion over 10 years.

This year the Senate, in its version of a $400 billion defense spending bill for next year, included full restitution of benefits. The House bill did not contain the provision, and the issue has become a major sticking point in reaching a compromise on the crucial defense bill.

The White House and House GOP leaders have floated less costly compromise proposals that would phase in the increase of benefits over four or five years and narrow the definition of service-connected disabilities.

Democrats circulated on Friday a two-page draft, described as a White House document, that defines qualifying disabilities as those injuries and illnesses "directly resulting from the performance of official military duties."

Actions unrelated to official government business, including travel between home and duty station, would not qualify.

Smith and the other Veterans' Committee Republicans cited estimates that 50 percent to 90 percent would not qualify if these standards were applied to current disability claims. They added that future payments to widows could also be jeopardized.

House Democratic leader Nancy Pelosi, D-Calif., and Rep. Lane Evans of Illinois, top Democrat on Smith's committee, said they would oppose any attempt to restrict disability criteria to pay for repealing what they called the disabled veterans' tax.

Currently, service-connected disability payments are made to about 2.4 million veterans, at an annual cost of about $17.6 billion. Payments also are made to some 315,000 surviving spouses and children of disability-qualified veterans.

Veterans groups are adamantly opposed to the changes. The American Legion promised in a statement to "stop dead in their tracks any fiscal compromises that would make it harder for veterans to receive just compensation."

"If this is the only compromise that is thrown out there, then I think it will kill the issue," Legion Commander John A. Brieden said in an interview.

Five other service organizations, including Disabled American Veterans and Paralyzed Veterans of America, put out a statement saying that the "House majority leadership has shown callous contempt for the sacrifices of America's defenders by attempting to impose overly restrictive conditions that would limit benefits for disabilities."

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GOP Joins Democrats  
(continued from page 6)  

Republican aides stressed that no final decision has been reached on benefits, and the drive to link benefits and a smaller eligibility pool may be abandoned. Among ideas being discussed, they said, were extending both retirement and disability pay to a smaller group of more seriously disabled veterans.

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New Agent Orange Lawsuit  
From the American Legion Service and Legislative Update - July 31, 2003

Vietnam veterans who were not ill at the time of the original 1984 Agent Orange class-action lawsuit, but who are now suffering from disabilities related to exposure to Agent Orange, may now be allowed to pursue litigation against the chemical companies.

A June 9, 2003 decision by the Supreme Court involved Vietnam veterans pursuing lawsuits against the chemical companies that manufactured Agent Orange and other dioxin-containing herbicides used to defoliate the jungles of Vietnam during the war.

In 1984, Dow Chemical Company and Monsanto Chemical Company, the principal manufacturers of Agent Orange, settled a class-action lawsuit brought by Vietnam veterans whose illnesses were the result of exposure to Agent Orange. Once the settlement funds had been depleted, the federal judge who presided over the original lawsuit ruled that Vietnam veterans whose diseases were diagnosed after the settlement, were barred from suing the chemical companies. Two such veterans appealed their cases to the United States Court of Appeals for the Second Circuit, which subsequently deadlocked 4-4, with one justice abstaining. The deadlocked decision, in effect, affirms the lower court’s decision to allow Vietnam veterans who were not ill at the time of the original class-action lawsuit, but who are now suffering from Agent Orange-related illnesses or disabilities, to pursue litigation against the chemical companies.

Although The American Legion was not directly involved in the court action, and does not necessarily endorse the law firms, they are providing contact information for the law firms representing the two cases recently decided by the Supreme Court. The attorneys involved are: Gerson Smoger Law Firm, telephone (1-888-405-5297) or visit their web site at www.texasinjurylaw.com, and Stephen B. Murray Jr., Murray Law Firm, telephone (1-800-467-8100), or e-mail at www.info@mesolungcancer.com.

Thanks to Norma Buckley at Fayette County for reminding me of this article. She also provides Gerson Smoger’s direct line telephone number at 1-510-531-4539.

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Many More CVSO’s Now Have Their Own Web Sites

Over one-quarter of Indiana’s County Veterans’ Service Officers have begun using their web page on the INVSOA web site as their web site, or as their second web site.

At last count 26 service officers had responded to the offer I made a few months ago and had e-mailed or mailed me a list of the veterans service organizations in their counties. Once I received that list I reformatted their web page on the Indiana Veterans’ Service Officers’ Association web site and sent them a news release to send to their local newspapers to announce the site.

Each of those sites now contains the following:

* A link to the “What’s New” page which periodically publishes articles which can be used in your local newspapers, and
* A link to the “Latest Campaign Medals” page which explains all the newest campaign medals offered by the government.

Since July, when the site saw 123 hits during the month, it has grown to 349 hits in the month of August and, so far this month, 507 hits, an average of almost 30 hits a day. Veterans and CVSOs are using the web site and it gets bigger every month. Just as I was sitting here typing this, the site got another hit!

If you haven’t yet sent your list of the veterans service organizations in your county to me, please do so as soon as possible. If you like, you can bring the list to the Fall Conference and give it to me.

I’d also like to take this opportunity to encourage those CVSOs who do not have computers or who do not have internet access, to go to their local library and establish an e-mail address through a free e-mail service such as Yahoo! I am currently able to correspond on an instantaneous basis with 51 of Indiana’s 91 CVSOs, sending them articles and other information several times a week. Questions can be answered right away, without having to make a telephone call.

Please, go to your library and check it out. If you get an e-mail address, make sure you let me know what it is. And be sure to check your e-mail at least twice a week. Join those of us who have instant access to each other via e-mail.

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New Service Officer

IDVA’s Jim Kiser has informed us that Rush County now has a new Veterans’ Service Officer, Duane (Dewey) Grocox. His address is 1528 E. Orange Pike, Rushville, Indiana 46173. Telephone (765) 932-4347.

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Dale Kuhn to Retire

Hancock County CVSO, Dale Kuhn, has told me he intends to retire at the end of this year. Dale’s been a real asset to Indiana’s CVSO force and we will be sorry to see him go.
Indiana Veteran’s License Plates

The State of Indiana currently supplies six different veteran-related license plates. They are:

- Hoosier Veteran
- Purple Heart
- Disabled Veteran - Partial Disability
- Disabled Veteran - Total Disability
- Ex-POW
- National Guard

According to the Bureau of Motor Vehicles (BMV) web site, only one of those license plates, the Hoosier Veteran plate, requires an additional fee of $15.00. Even the Pearl Harbor Survivor plate requires no additional fee, even though it was commissioned by a private organization.

All-in-all I think Indiana’s veterans are pretty well served by the BMV.

Jim Kiser at IDVA informs me that next year the Disabled Veteran plates will contain the wheelchair symbol, which should end the debate about whether or not those veterans can park in a handicap parking spot.

Certificates Available for Bronze Star Recipients

County Veterans’ Service Officers who are planning ceremonies around the Bronze Star Medals for the recipients of the Combat Infantryman Badge or the Combat Medic Badge during World War II, might be interested in also presenting them with a special certificate.

I am offering these certificates, free-of-charge for those veterans who will be receiving the Bronze Star Medal. Service Officers need only supply me with a list of those who are going to be honored and I will mail you the certificates. A sample is shown at the right. Please forward the list of names not later than October 31, 2003 to Tom Applegate, CVSO at Huntington County.

Bronze Star Medal Application Deadline

Deadline for applications for the Bronze Star Medal to Senator Lugar’s Office is September 30th. If you’ve already requested the medals, but not yet received them, send Senator Lugar’s office a list which includes the veteran’s name, award number and projected delivery date and they will request expedited processing from the Total Army Personnel Command.

Concerns Surface About VA Hospitals


The Republican chairman and senior Democrat on the House Veterans’ Affairs Committee are raising doubts about the administration’s plans for realigning veterans’ medical facilities. Of particular concern are long-term care facilities, mental-health treatment, programs for homeless veterans and the availability of care in rural areas, they said in a letter reviewing VA’s plans.

Rep. Christopher Smith, R-N.J., the committee chairman, and Rep. Lane Evans, D-Ill., the senior minority party member, aren’t alone in their concerns. The commission plans to hold 40 public meetings on the hospital realignment plan before making a recommendation in November.

Note from Ed. It’s good to know that veterans are not the only ones who are nervous about what may come from the CARES Commission recommendations.

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