



## Vietnam Veterans of America

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*A Not-For-Profit Veterans Service Organization Chartered by the United States Congress*

### **Vietnam Veterans of America National Board of Directors Meeting April 10, 2015 Approved by Board**

President John Rowan called to order the meeting of Vietnam Veterans of America National Board of Directors on Friday April 10, 2015, at 9:12 am, at the Double Tree by Hilton in Silver Spring, MD. National Chaplain Father Phil Salois delivered the opening prayer which was followed by a moment of silence and the Pledge of Allegiance.

The National Secretary conducted the roll call of the National Board of Directors. Present were:

John Rowan, President	Sharon Hobbs *	Tom Owen
Marsha Four, Vice President	Ken Holybee	Jim Pace
Bill Meeks, Secretary	Joe Jennings	Felix Peterson
Wayne Reynolds, Treasurer	Joe Kristek	Dick Southern
Bob Barry	Allen Manuel	Dan Stenvold
Linda Blankenship	John Margowski	Ted Wilkinson *
Dennis Cohoon	Sara McVicker	Jerry Yamamoto
Richard DeLong	John Miner	
Charlie Hobbs	Charlie Montgomery	

*\* AVVA President is a non-voting member of the National Board of Directors*

*\*Alternate Region 2 Director*

Also present: Joseph A. Sternburg, CFO and Alternate Region 2 Director Ted Wilkinson because Herb Worthington was excused.

Secretary Meeks conducted roll call of the State Council Presidents. Present were:

Alabama	Present	Montana	Present
Alaska	Absent	Nebraska	Present
Arizona	Present	Nevada	Present
Arkansas	Present	New Hampshire	Absent
California	Present	New Jersey	Present
Colorado	Present	New Mexico	Present
Connecticut	Present	New York	Present

Delaware	Absent		North Carolina	Present
Florida	Present		North Dakota	Present
Georgia	Present		Ohio	Present
Idaho	Present		Oklahoma	Present
Illinois	Absent		Oregon	Present
Indiana	Present		Pennsylvania	Present
Iowa	Absent		Puerto Rico	Present
Kansas	Present		Rhode Island	Present
Kentucky	Absent		South Carolina	Present
Louisiana	Present		South Dakota	Present
Maine	Absent		Tennessee	Present
Maryland	Present		Texas	Present
Massachusetts	Present		Vermont	Present
Michigan	Present		Virginia	Present
Minnesota	Present		Washington	Present
Mississippi	Present		West Virginia	Present
Missouri	Present		Wisconsin	Present

**Preliminary Business**

Secretary Meeks submitted the following motion:

**Motion 1**

**To accept the BOD meeting agenda.  
Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

Director McVicker submitted the following motion:

**Motion 2**

**To amend the BOD meeting minutes from January 9, 2015 in Silver Spring, MD to include the minutes from the executive session held during the January 2015 National BOD meeting in the official minutes of that meeting.**

**Yes: 22**

**No: 1**

**Non Vote: 1**

**Not Present: 0**

Secretary Meeks submitted the following motion:

**Motion 3**

**To accept the amended BOD meeting minutes from January 9, 2015 in Silver Spring, MD.  
Without objection motion passed.**

**Yes: 23**

**No: 0**  
**Non Vote: 1**  
**Not Present: 0**

**National President/J. Rowan**

President Rowan has submitted a written report and gave a verbal report:

January 21, 2015 I attended a NYC Council Veterans Committee hearing on amendments to municipal affecting the Veterans Advisory Board to which I was recently reappointed.

On January 22<sup>nd</sup> I attended the State of the Borough address by Borough President Melinda Katz.

January 23-25 Mariann and I attended the NYSC meeting in Owego, NY.

January 26<sup>th</sup> I attended another meeting of the NYC Council Vets Committee to testify in favor of a resolution in support of the toxic exposure research bill. It was later passed by the Council.

January 27-29 I was at the VVA HQ with Jack McManus and lobbied on behalf of our AO bills and reviewed Jack's ideas on the future operations of the AO Committee.

Friday February 6<sup>th</sup> I met with newly elected Rep. Lee Zeldin. I was joined by Chapter 82 President Joe Ingino, Chapter 11 President Richie Kitson, and VP Clarence Simpson. We spent an hour going over our AO bills with Rep. Zeldin's Chief of Staff.

February 12-15 Mariann and I attended the CSCP Winter Meeting in San Diego, CA. It was a good turnout and discussed some pressing issue, including our Legislative Agenda.

I was supposed to present our annual Legislative Testimony on March 5<sup>th</sup> but was snowed out.

The Finance Committee met March 6 & 7 and finalized the budget.

On March 12<sup>th</sup> I joined Council Member Urlich, Assembly Member Goldfeder, and NYC Veterans Affairs Commissioner Sutton in presenting a Vietnam veteran with his long overdue "v" device for his bronze star. Over one hundred people attended the ceremony.

March 15<sup>th</sup> Mariann and I attended the NJ State Council meeting.

On March 17<sup>th</sup> Tom Berger came into town and we presented at an all-day program on elderly veterans and health issues, especially PTSD.

On March 23<sup>rd</sup> Rick Weidman came into town and we met with leaders from Hofstra Law School to learn about their Veterans Law Project. The Student leader of this program is an Iraq veteran. They use pro-bono attorneys assisted by the law school students to provide free legal services to veterans and their families. It is primarily focused on civil law issues. They were very interested in the Veterans Health Council and our AO legislative efforts, as they have a special legal/health program leading to a joint JD/MPH degree. We are looking forward to working with them.

March 24<sup>th</sup> I attended a briefing by the VA National Cemetery Administration. They are planning on building a columbaria on the St. Albans VA campus, which presently contains a nursing/rehab facility, an Outpatient Clinic and a NYS Veterans Home. This is part of a nationwide initiative to provide burial services in densely populated urban areas that have to travel long distances to access a veterans' cemetery. Their initial program will include NYC, LA, Chicago, and Indianapolis.

March 26-29 I attended the George Duggins Region III Conference in Knoxville TN. As usual it was a very informative, well attended program.

### **National Vice President/M. Four**

Vice President Four submitted a written report and gave a verbal report:

National Office Visits: March 3-8 April 6-9

Security and Safety: National Office and Staff

- Assist with production of RFP for security and construction companies.

Strategic Plan Working Group

- Meeting with working group (D. Stenvold, J. Kristek, S. Miller, J. McManus)
- Data Base development on VA Regional Offices and VVA Veteran Service Officers
- Working with Jim Vale, Director, VVA Benefits Department and John Margowski on retention of veteran files

VVA Handbook for Interns and Temporary Employees

- Review of present handbook
- Began edits and up-dates

AVVA

- In Memory Plaque (IMP)
  - VVA officers meeting with AVVA officers regarding its current status and future planning
- Met with President Sharon Hobbs regarding use of Power Point information and inclusion of videos on AVVA web site

Veterans Initiative trip to Vietnam (January 21 – February 11)

- Met with Madam Binh upon our arrival in Vietnam. Press conference held at that time.
- 28 meetings in 20 days following strict protocol procedures
- Began in Hanoi and ended in Ho Chi Minh City
- Meetings with US Embassy in Hanoi and with US Consulate in Ho Chi Minh City

- Co-Chair of a round table discussion on MIAs, Unexploded Ordnances and Agent Orange attended by government officials and agency representatives
- Vietnamese film crew assigned to us for entire trip to create a documentary
- Letters to Kimo Williams and Tran Mahn Tuan on possible fund raising.

National Advisory Council of the American Academy of Nursing

- Invited as member to provide guidance, direction and public awareness of the goals and objectives of its *Have You Ever Served in the Military*. This council deals with health issues and concerns confronting veterans.

Meetings and Conference Calls

- Invited by NBC and attended Premiere of the American Odyssey, Philadelphia, PA (March 25)
- Attended Veteran Owned Business Recognition Breakfast, Union League, Philadelphia, PA (March 19)
- Annual VVA Finance Committee Budget Meeting, National Office (March 6-8)
- National Office Staff and Director meetings, National Office (March 5)

**National Secretary/B. Meeks**

Secretary Meeks noted that copies of his report had been distributed. Here is an update on recording the proof of eligibility (DD-214's) in the VVA database as the documents are forwarded to VVA from chapters or state councils and there are 72 honorary life members in the VVA database.

**January 2014**

Membership Class	Membership Total	DD214 not noted in Database	Percentage
Overall	71,182	10,293	14%
IND1	15,942	6,092	38%
IND3	8,972	3,505	39%
Life Member Paid	43,511	225	.5%
Life Member Time	294	22	7%
Incarcerated	2,191	385	17%
Permanently Hospitalized	272	64	23%

**April 2015**

Membership Class	Membership Total	DD214 not noted in Database	Percentage
Overall	74,729	7,533	10%

IND1	15,250	4,415	29%
IND3	9,156	2,727	30%
Life Member Paid	47,761	21	0.04%
Life Member Time	66	0	0%
Incarcerated	2,179	307	14%
Permanently Hospitalized	317	63	20%

**National Treasurer/W. Reynolds**

Treasurer Wayne Reynolds gave a verbal report and submitted a written report:

1. Actively seeking passage of the Agent Orange/Toxic Substances bills with Congressmen and Senators
2. Visited several State Councils to provide In Service and updates on VVA activities. Met with Senator Manchinn in West Virginia to get his support for VVA Legislation.
3. Worked with Staff for improved Data Services and iMIS upgrades. We are implementing a new Membership Component to allow more accurate and coordinated Membership data exchange.
4. Presented Tony Cordero, President of Sons and Daughters in Touch, with an Honorary Life Membership in VVA. Plans are underway for me to attend the Father’s Day Conference of SDIT in Washington, DC on June 19-21.
5. The Budget Cycle has been completed. We are now working to implement new staffing and funding initiatives approved by the BOD.
6. Work has been progressing on an RFP for the Security System at the National Office.
7. Consulted with a number of Committees and Staff on Contract initiations and revisions.
8. All of the Officers have been meeting in person and telephonically to coordinate our activities.

**Associates of Vietnam Veterans of America/ S. Hobbs**

AVVA President Hobbs submitted a written report:

Since returning home from the January Board meeting, the Board has conducted business and communication through the Internet. The April 2015 Officer, Regional, and Committee reports can be read on the AVVA website. ([www.avva.org](http://www.avva.org)).

AVVA continues to work with Father Phil in sending sympathy cards to the families of all reported deceased members of VVA and AVVA. Unfortunately, a small percentage of cards are returned as “unable to forward” or “undeliverable” due to the timeframe between the date of death and the date reported to the National Office.

This year’s Project Friendship is the Spring Street Veterans Renaissance (SSVR), a division of the Fifth Street Renaissance/SARA Center in Springfield, Illinois. Veteran Renaissance is a

transitional housing program for veterans who are homeless and/or disabled. SSVR is a 15-bed facility which provides shelter and supportive services for up to 24 months and addresses all barriers to independent living. Sandy Miller, our VVA Project Friendship Advisor, says “*I have checked out the Spring Veterans Renaissance and they are in fact a relatively new facility...they opened in October 2012. They are also a VA Grant & Per Diem program (like the ones I run)...I know that money can very tight with these type of programs and would recommend them be a recipient of the Project Friendship this year at the convention*”. <http://www.fsr-sara.org/programs>

The *In Memory Plaque* Task Force continues to work with JC Cummings, design architect, and the governmental agencies in the repair of the Plaque. The Taskforce is made up of AVVA and VVA members; all dedicated to the repair and restoration of this Plaque so that it is once again an honorable tribute.

During the AVVA National Convention, our delegates will be deciding on bylaw amendments, electing national officers, and Regional Directors. We are finalizing our plans for the luncheon, registration, information booklets, and will formally announce our Project Friendship and luncheon speaker during the April meeting. After recommendation from Michael Swift, we are pleased to have Barbara Miller, PRP, to serve as the AVVA Parliamentarian during the Convention.

I thank everyone for the prayers, emails, phone calls, and well wishes during my recent surgery. But most of all, I thank the AVVA Vice President and Board of Directors for continuing our work and mission during my incapacitation and rehabilitation.

**Sharon**

**Conference of State Council Presidents/C. Montgomery**

CSCP President Montgomery stated that the CSCP 2015 Winter Meeting in San Diego, CA was a very successful meeting. The CSCP meeting yesterday was attended by 39 out of 48 state council presidents and Utah has the newest state council. The 2016 Annual/Winter meeting will be held in Lake Charles, LA.

The CSCP President Montgomery made the following motions:

**Motion 4**

**The CSCP request that the BOD accept the Chapter President, SC/C Secretary and SC/C Treasurer Handbooks as revised.  
Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Motion 5**

**The CSCP request that the BOD insert into the National Disciplinary Policy under Section**

**II Temporary Suspension Part A, item # 3: “Any and all temporary suspensions imposed by a State Council President, Regional Director, or National Officer may not be reversed prior to the completion of the appropriate disciplinary action other than by a majority vote of the National Board of Directors.”**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

Director Miner with second from Director Hobbs made the following motion:

**Motion 6**

**To have each committee evaluate their committee’s performance over the last two years.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Veterans Benefits Program Director’s Report/J. Vale**

1. Appellate Advocacy Statistics
2. VVA National Claims Statistics & AMC Office Statistics
3. Staff Changes
4. VVA Litigation
5. Service Officer Training
6. VVA Accredited Representatives List
7. VetPro Database
8. VBP Policy Change
9. Service Officer Suspensions/Revocations
10. VVA Grants
11. Site Visits – San Juan RO, Puerto Rico RO & St. Paul RO, MN

Appendix:

- A. San Juan, Puerto Rico RO Site Visit Memo
- B. St. Paul, MN RO Site Visit Memo

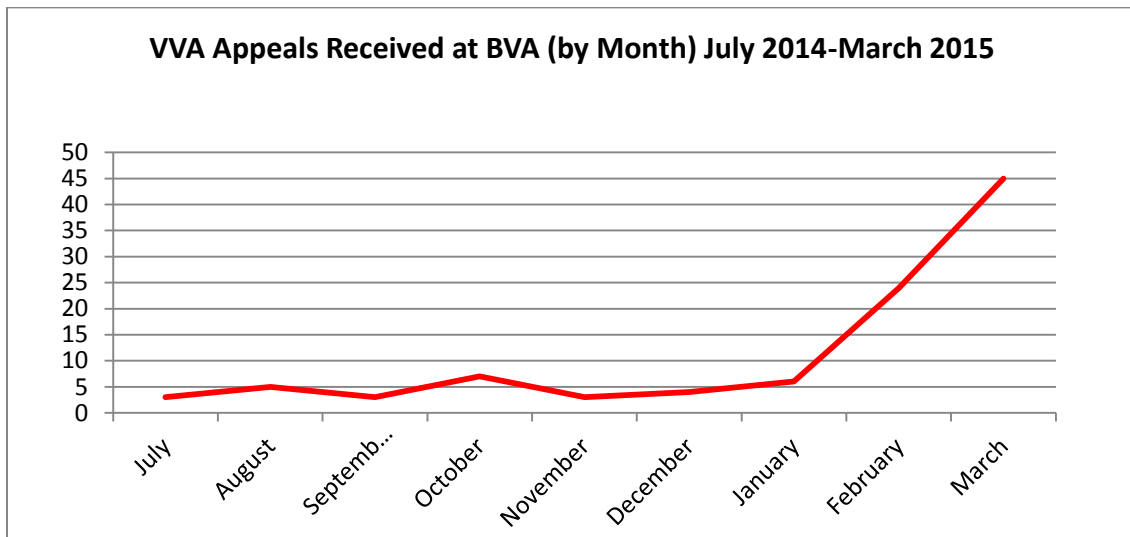
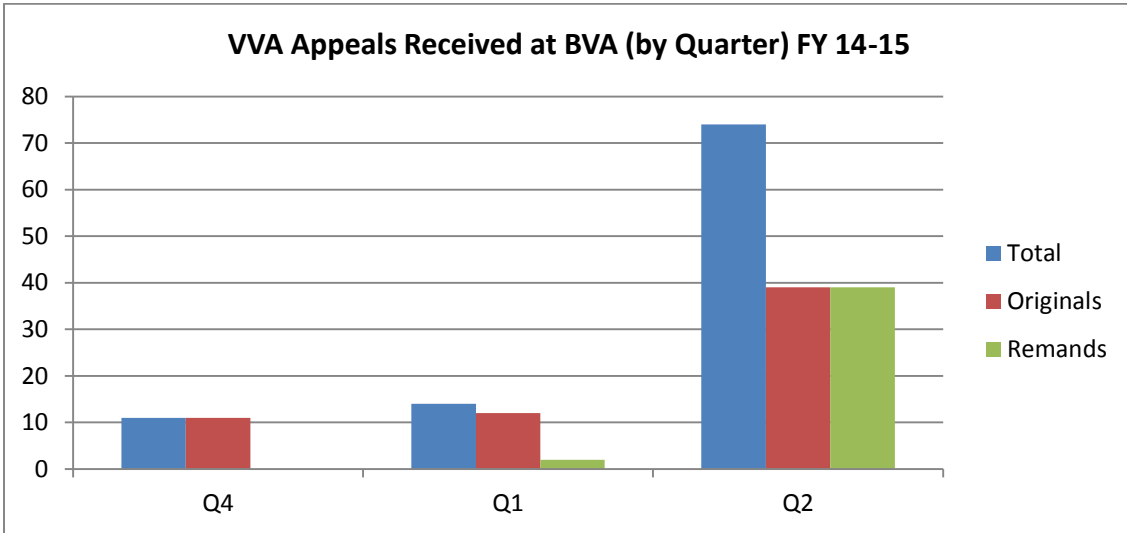
**1. Appellate Advocacy Statistics**

***Status of VVA Claims Backlog at BVA***

There has been a noticeable increase in the past two months in the amount of VVA appeals received at the BVA (see charts below). This can be explained, in part, by the VA’s transition to VBMS and its focus on the claims backlog. Reports from the field and complaints from veterans indicate that there continues to be a long delay between filing



an appeal and that appeal being certified to the Board. VA data shows that there are approximately 10,000 appeals under VVA POA, of which 1,300 are waiting to be certified to the Board. As of April 7, 2015 we have 116 cases in our inventory at the Board. This number should increase with the impending backlog of appeals making their way to the BVA.



### VVA BVA Statistics

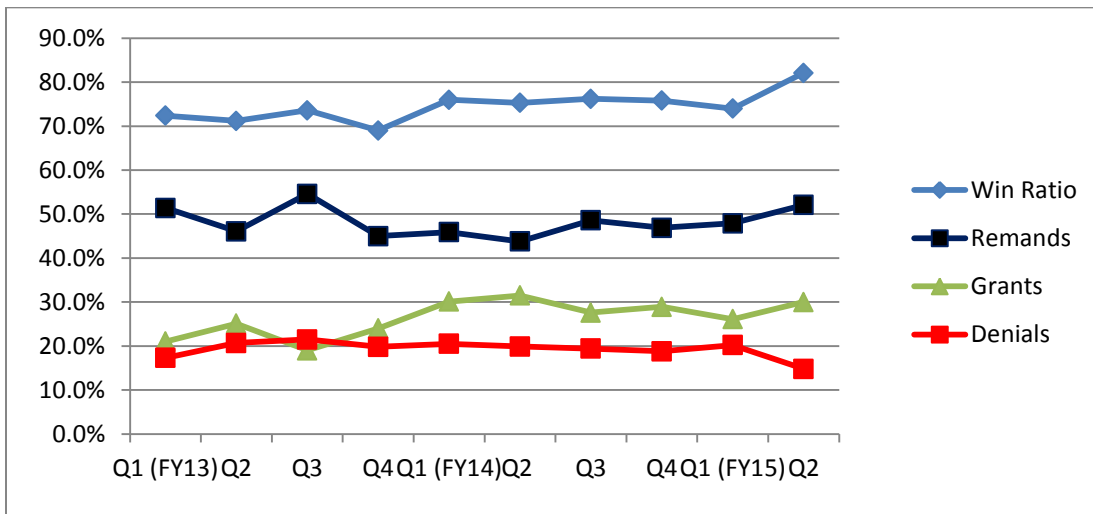
Our approval (grant) rate during this quarter for appeals is 30%, our denial rate is 14.8%. This is the lowest denial rate ever recorded. These statistics are based on 257 VVA cases decided in FY'15 Q2.

The average date of receipt at the Board for our appeals as of April 7, 2015 is February 2015 with a median docket date of July 2014. The Median Docket Date for the Board is August 2013. For Q2 FY 2015 VVA received a total of 74 appeals at the BVA: 35 originals and 39 post-remands. For Q2 FY 2015, VVA improved upon its success at the Board.

**VVA Appeal Dispositions FY 2015 (Oct 1, 2014 – Sep 30, 2015)<sup>1</sup>**

	Grants	Remands	Denials	Other
Q1	67 (26.1%)	123 (45.9%)	52 (20.2%)	15 (5.8%)
Q2	77 (30.0%)	134 (52.1%)	38 (14.8%)	8 (3.1%)
Q3				
Q4				
<b>TOTAL</b>	<b>144 (28.0%)</b>	<b>257 (50.0%)</b>	<b>90 (17.5%)</b>	<b>23 (4.5%)</b>

**VVA Appeal Dispositions (Oct 1, 2013 – Mar 31, 2015)**



**VVA CONTINUES TO WIN 70%-75% OF ITS CASES AT THE BVA AND IN Q2 FY15 WON A RECORD 82.1% OF ITS CASES!**

**2. VVA National Claims Statistics & AMC Office Statistics**

For FY2015 Q2 FYTD veterans and dependent with VVA POA received a total of **\$387.4 Million** in compensation, pension, & DIC benefits, of which **\$245.5 Million** (63.37%) was from states with VVA Service Programs who are receiving VVA grant funding. These amounts do not include retro awards.

<sup>1</sup> Note that Q1 = Oct 1 - Dec 31; Q2 = Jan 1 - Mar 30; Q3 = Apr 1 - Jun 30; Q4 = Jul 1 - Sep 30

#	GRANTEE	TOTAL FY '14
1	WA	\$37,745,486
2	MI	\$34,905,417
3	MN	\$23,316,283
4	IA	\$21,330,317
5	NY	\$20,546,050
6	CA	\$19,661,437
7	FL	\$18,628,532
8	MA	\$17,301,648
9	NJ	\$14,813,230
10	CH 317	\$12,207,335
11	BUCKEYE	\$9,244,405
12	IN	\$8,943,069
13	VT	\$3,234,093
14	CT	\$2,334,339
15	AK	\$1,317,409
	<b>TOTAL:</b>	<b>\$245,529,050</b>

SOURCE: Veterans Benefits Administration, 4/9/2015

For FY2014 veterans and dependent with VVA POA received a total of **\$728.8 Million** in compensation, pension, & DIC benefits, of which **\$447.5 Million** (61.4%) was from states with VVA Service Programs who are receiving VVA grant funding. These amounts do not include retro awards.

#	GRANTEE	TOTAL FY '14
1	WA	\$70,044,796
2	MI	\$66,953,513
3	MN	\$45,977,131
4	IA	\$39,879,221
5	NY	\$37,399,527
6	FL	\$35,445,857
7	CA	\$34,068,506
8	NJ	\$28,607,669
9	CH 317	\$23,056,484
10	MA	\$19,736,980
11	BUCKEYE	\$17,155,852
12	IN	\$17,029,837
13	VT	\$6,385,885

14	<b>CT</b>	\$4,042,013
15	<b>AK</b>	\$1,730,183
	<b>TOTAL:</b>	<b>\$447,513,454</b>

SOURCE: Veterans Benefits Administration, 10/9/2014

**AMC OFFICE STATISTICS**

**AMC Awards Stats for Q2 FY15**

Total Retroactive Awards<sup>2</sup>: \$1,851,325.90  
Ongoing Monthly Increase<sup>3</sup>: \$30,860.18  
Rating Decisions Reviewed: Total = 139

**Visitors/ Phone Calls Report**

	<b>January</b>	<b>February</b>	<b>March</b>
<b>Incoming Calls</b>	230	217	244
<b>Outgoing Calls</b>	123	107	112
<b>Appointments</b>	13	10	16
<b>Walk-Ins</b>	7	6	7

*\*These stats are based on VetPro Visitors/Phone Calls section*

**Submissions**

	<b>January</b>	<b>February</b>	<b>March</b>
<b>21-22</b>	13	3	5
<b>646</b>	0	16	9

SOURCE: Veterans Benefits Administration, 4/9/2015

**3. Staff Changes**

**Margo Williams**, National Service Officer at AMC left VVA March 2015 to pursue other career interests. We wish her well in her endeavors.

**Stephanie Vang** was promoted to Senior National Service Officer/AMC, and in this capacity she now supervises the VVA AMC office.

**Dee Wallace** has been promoted to National Service Officer and replaced Margo Williams.

We are now seeking to fill the Administrative Assistant/AMC position. All eligible candidates are encouraged to apply.

<sup>2</sup> This figure reflects retroactive payments awarded in VVA claims reviewed by AMC office.

<sup>3</sup> This figure records the actual *increase* in monthly payment that the new rating decision grants, as compared to the veterans old compensation payment. (e.g. Vet currently gets \$1000 a month. The new decision grants him a new total monthly payment of \$1200. Therefore, the ongoing *increase* is \$200.)

## 4. VVA Litigation

### 1) CIA Case

*Vietnam Veterans of America, et al. v. Central Intelligence Agency, et al.*

Case No. CV-09-0037-CW, U.S.D.C. (N.D. Cal. 2009)

**UPDATE:** No updates to report at this time.

### **BACKGROUND:**

Case continues to proceed with the assistance of the law firm, Morrison & Foster. On November 4, 2014, the Army provided a status report concerning its activities under the Court's injunction to provide information on chemical agents. The Army has contracted with a third party, an organization called *Blue Earth Marketing*, to identify information relevant to long-term effects of exposure to the chemical and biological agents identified in the Court injunction. Report will also focus on any new information published in scientific literature since June 30, 2006.

This case remains in dispute despite an order and attempt by the Court to have the parties come to an agreement. In this case, the Department of the Army (the main party in the action) was sued in a class action (certified in August 2013) of which VVA is a party in respect to the testing of up to 400 unknown chemical agents on soldiers at Ft. Detrick, the Aberdeen Proving Grounds, the Ridgewood Arsenal and other locations from the years 1952 – 1975.

### 2) FOIA Case

*Vietnam Veterans of America Connecticut and Vietnam Veterans of America v. US Dept. of Defense, Dept. of Homeland Security and Veteran's Affairs*

**UPDATE:** VVA is sending a letter to the Department of the Army (letters already sent to Air Force and Navy) on April 9, 2015. VVA has negotiated with all of the Departments relative to the paperwork we need. Bottom line is that VVA plans to continue to push the Departments to comply with its promise to disclose the information.

### **BACKGROUND:**

The Plaintiffs argue that the Department of Defense has violated the law by failing to release records showing that it has wrongfully discharged nearly 31,000 service members on the basis of so-called "Personality Disorder," preventing disabled veterans from receiving the disability compensation and other benefits they have earned. In October 2013, we reported that the case is currently before the U.S. District Court for the District of Connecticut awaiting a ruling. The same holds true as of today.

### **3) Monk v. Mabus, Case No. 3:14-cv-00260 U.S.D.C. (Conn. 2014).**

**UPDATE:** No updates to report at this time.

#### **BACKGROUND:**

On November 14, 2014, Judge Warren Eginton remanded the claims of the five individual plaintiffs to the Boards for Correction of Military Records so that the named plaintiffs' discharge upgrade applications could be reconsidered in light of the new guidelines issued to the boards by Secretary of Defense Chuck Hagel in September 2014 (see below). The Court ordered the boards to decide each resubmitted application of a named plaintiff within 120 days. In the same order, Judge Eginton dismissed without prejudice the claims brought by Vietnam Veterans of America, Vietnam Veterans of America Connecticut State Council, and the National Veterans Council for Legal Redress. This means that the Judge did not make any ruling on the merits of the organizations' claims, and that the organizations may refile the case in the future. The Judge dispensed with all other pending motions in the case, including plaintiffs' motion for class certification.

On March 3, 2014, five combat Veterans and three VSOs filed a class action lawsuit in Federal District Court seeking relief for Vietnam Veterans who developed PTSD during their military service and subsequently received an other than honorable discharge. For more than 40 years, the Army Board for Correction of Military Records, the Board for Correction of Naval Records, and the Air Force Board for Correction of Military Records, have virtually ignored the claims of Plaintiffs and tens of thousands of similarly situated veterans by categorically refusing to recognize undiagnosed Post-Traumatic Stress Disorder ("PTSD") as the underlying cause of behavior that led to their other-than-honorable discharges.

### **4) SWAN & VVA, Petition to initiate rulemaking (2013).**

#### **UPDATES**

There have been no substantive developments to report at this time.

#### **BACKGROUND**

VVA and Yale Law School (YLS) submitted a petition for rule-making to the VA seeking to reform regulations regarding disability claims filed each year by thousands of veterans suffering from PTSD related to rape, sexual harassment, or sexual assault (collectively "military sexual trauma" or "MST"). Filed in June 2013, the petition requested that VA adopt evidentiary accommodations for MST claims, as VA has done for numerous other disabilities that are difficult to prove and that disproportionately affect male service members. When VA ignored the rulemaking petition, the clinic filed suit in the U.S. Court of Appeals for the Federal Circuit to compel the agency to respond to the petition. In July 2014, VA

denied the rulemaking petition. VV and YLS filed a second suit in the Federal Circuit challenging VA's rejection of the petition and its refusal to end discrimination against MST survivors.

## 5) **McKinney v. McDonald**

### **UPDATES**

VVA filed a reply brief on January 12, 2015 and the litigation is ongoing. Oral argument was heard on April 8, 2015. Audio of the argument can be heard via the following link:

[http://www.veteranslawlibrary.com/files/Fed\\_Cir\\_Audio/2015/McKinney\\_2014-7093.mp3](http://www.veteranslawlibrary.com/files/Fed_Cir_Audio/2015/McKinney_2014-7093.mp3)

### **BACKGROUND**

This is a relatively new case that has to do with Agent-Orange (AO) Korean DMZ cases. Parties to the case are NVLSP, VVA, Military Order of the Purple Heart, and American Legion. At issue is the effective date of a 2011 regulation that applied a presumption to Korean DMZ claims. *See* 3.307(a)(6)(iv). In 2003, Congress passed the Veterans Benefits Act, which authorized benefits for AO exposure, but only applied a presumption for Korean DMV vets who served from 4/1/68 to 7/1/69 (16 month window). Veterans who served from 9/1/67-3/31/68 and from 8/1/69-8/31/71 did not get the presumption and had to prove exposure on a factual, case-by-case basis. This was later changed in 2011, when the 16 month window of exposure was expanded to 41 months. This means that the presumption only applied for those who filed after 2011.

The litigation claims that potentially hundreds or thousands of veterans who filed for claims after 2003 but before 2011 were denied AO related compensation because of the regulation's February 24, 2011 effective date.

McKinney is the veteran that is the plaintiff in VVA's current case. However, the litigation is a direct result of a Korean DMV veteran by the name of Brian Mallory. Mallory took his case to the CAVC, seeking benefits for diabetes dating back to December 2006. Shortly before oral argument, the VA decided to settle the claim. In the settlement, the VA anticipated that it would similarly treat claims appealed to the CAVC that were similar to Mallory case. VVA's lawsuit seeks to change the 2011 effective date to 2003, so that all veterans would receive the same treatment afforded to Mallory.

The lawsuit was filed on October 24, 2014. The VA responded on December 8, 2014 arguing that there is no legal basis for applying an earlier effective date.

## 6) **"C-123" Case**

### **BACKGROUND**

VVA has been working on this litigation with the Yale Law School Veterans Clinic. VA is set to announce a decision on April 10, 2015 on whether to extend an Agent Orange presumption to pilots and mechanics of C-123s in Vietnam. If the presumption is extended, at issue will also be whether the presumption will apply to the soldiers, nurses and other personnel that were transported on these toxic aircraft.

## **7) The American Legion vs. Macdonald**

### **BACKGROUND**

The case was filed in the United States Court of Appeals for the Federal Circuit on March 20, 2015.

The American Legion, AMVETS, the Military Order of the Purple Heart, the National Veterans Legal Services Program, and the **Vietnam Veterans of America** joined forces to file the lawsuit together against Veterans Affairs (VA) Secretary Robert A. McDonald seeking to stop the implementation of a new VA rule RIN 2900—AO82 eliminating most informal VA claims and limiting the types of claims VA will adjudicate.

The lawsuit seeks to have VA's new rule eliminating the most important part of the informal VA claims process, and limiting the types of inferred claims VA adjudicates, declared unlawful.

Injured veterans will suffer under a new rule implemented by the Department of Veterans Affairs (VA) that went into effect on March 24, 2015. Under VA's longstanding informal adjudication process, benefits awarded to veterans are paid retroactively starting on the date on which the VA received a notice from the veteran (usually a letter) signaling an intent to file. Under the new rule, the clock for an effective date for benefits starts only when a veteran files standardized VA paperwork.

Additionally, under the final rule, VA severely limits the types of benefits that the agency will adjudicate when presented with a disability benefits claim by a veteran. If a veteran files a disability claim based on post-traumatic stress disorder but fails to mention in the application that he or she lost both legs in combat, VA is purportedly no longer obligated to develop or adjudicate any benefits related to the veteran's amputations—even if the service treatment record documents the amputations. This policy change stands to hurt countless veterans, but especially those returning from combat, who often have multiple injuries and disabilities.



## **5. Service Officer Training**

The training videos of the advanced service officer training in Wichita, KS are now available on the training video website: accessible at [www.benefitsforum.org](http://www.benefitsforum.org). Three additional training videos will be added this month. If you have requests for topics not covered by any of the training videos, please contact Jamie Rudert or Jim Vale.

## **6. VVA Accredited Representatives List**

Currently there are **945** VVA accredited representatives nationwide listed on the “VA OGC Accreditation Search” database. We are continuing to update our list.

## **7. VETPRO Database**

We have **115** users on VetPro, and are continuing webinar training so we can add more service officers.

## **8. Proposed VBP Policy Changes**

The VBP Policy was updated April 2013. The VBP committee has completed its review of proposed changes. A revision with these changes has been submitted to the VVA Board of Directors for approval April 2015.

## **9. Service Officer Suspensions/Revocations**

None at this time.

## **10. VVA GRANTS**

The VBC has received 17 grant applications for the Oct. 1, 2014-Sep. 30 grant cycle. These applications are under review.

The 6-Month Report from the current grantees is due **April 15, 2015**. As of April 9, 2014, we have received 6-Month Reports from Chapter 317, CT, & NY. The VBC is still waiting for reports from the remaining grantees. Those who fail to comply with the terms of the MOU will be subject to loss of grant funding. All grant recipients have been warned.

## **11. Site Visits – San Juan, Puerto Rico RO & St. Paul RO, MN**

In March 2013, VVA National sent staff to the San Juan RO and St. Paul, MN RO for site visits. The goal of the San Juan RO visit was to provide additional training and support to VVA VSO, Awilda Torres and to track, identify, and take action as necessary

on all pending appeals at the San Juan RO. For insight into the site visit, please refer to Appendix A. The goal of the St. Paul, MN site visit was to audit the office and facilitate the transfer of VVA POA cases to the MN CVSO. For insight into this site visit, please refer to Appendix B.

## Appendix A

### MEMORANDUM

TO: Rudert, Jamie  
FROM: Lemons, Micah  
CC: Vale, Jim  
Date: 3/23/2015  
Re: San Juan RO Visit 2015

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#### 1. What I did.

At the San Juan Regional Office, I reviewed cases from a list provided by Marc McCabe listing all of the pending cases in appellate status. Initially, I attempted to pull up all of the cases on VBMS. If I found that a case was not complete on VBMS, I made a note of it. I assumed that these were paper files. After this initial review, we had VARO workers locate the paper files and bring them to our conference room. For each case, Michael Garza and I reviewed the procedural status of the appealed issue in order to identify the next appropriate step, either for the Veteran or the VA. If the case was awaiting a SOC or some other procedural document from the VA, we drafted a 21-4138 to explain the next step for the VA. We also reviewed the substantive nature of each case. If we determined that there was enough evidence for in the file for a grant, either partial or full, we identified the relevant pieces of evidence in a short argument on a 21-4138 and submitted it to the Coach. Finally, if a procedural document was required of the Veteran, we drafted the document and gave them to Marc and Awilda to submit in a timely fashion. In most cases, this meant drafting a Form 9.

#### 2. How to better prepare incoming VSOs.

Awilda gave the impression that she had not been adequately trained by VVA. She also informed us that she regularly went to the DAV service officers at the San Juan RO if she had questions regarding disability compensation claims. I believe that VVA can provide additional support to incoming VSOs by preparing short packets or fact-sheets for common claims. For example, VVA could prepare a one or two page sheet on getting service connection for PTSD. The materials should be short, to the point, and easy to understand. This should help VSOs gather and retain the information they need for each claim. The materials should cover both substantive and procedural issues. They can also deal with office management and client relations issues.

If VVA is able to build up a database of this type of collected material, a VSO could simply pull up a short instruction for a service-connection claim for tinnitus, a short instruction on filing a Form 9, and a short instruction on determining whether to request a hearing. After reviewing this information, the VSO should also be equipped with the email addresses and phone numbers of the Board attorneys if they have further questions.

In addition to creating easy, accessible, short packets of information, VVA National should consider sending all of their attorneys to the advanced VSO trainings. Each attorney could give a presentation and answer questions. While this may seem unnecessary, it will allow the VSOs to personally meet the attorneys. I believe that this type of face-to-face interaction is invaluable in making the VSOs comfortable with contacting us with their questions.

3. Whether VVA National should engage in future site visits.

I also believe that future site visits to under-manned VSOs would be a beneficial idea. Such visits would provide moral support to the local VSO and begin to strengthen the relationship between the National office and locally-funded VSO. Additionally, the attorney can do a short review for each of the pending claims and also identify RO-specific problems that could be clogging the system. I would also strongly recommend that the Deputy Director attend these visits for dealing with VA personnel and facilitating the visits. A physical visit is important for the relationship between VVA National and the local VSO and in order to address the paper claims. It is also important to have boots on the ground to identify and resolve any issues with pending cases.

4. Other notes.

I thought that the trip was generally a success. We addressed all of the cases that we had identified and the VA folks were responsive in getting the case files once we had the actual C-File numbers. I will note that the actual number of appeals in San Juan was around 35 cases. The San Juan RO, however, only reported 18 active appeals when queried by Deputy Director.

## **Appendix B**

From The Desk of Marc L McCabe  
VVA located at VARO 317 St Petersburg, Florida

Site Visit to Regional Office VARO 335 St Paul, Minnesota  
Date: March 30<sup>th</sup> thru April 3<sup>rd</sup> 2015

Purpose of Trip: To assess the Office of the VVA located at R/O St. Paul VARO 335, assess the needs and to determine the disposition of records/claims located in the late Julie Bailey's Office. To represent two ( 2 ) veterans during their scheduled Board of

Veterans Appeals Hearings, we accomplished this by having appeal overview completed on Monday March 30<sup>th</sup> in preparation for their hearings on Tuesday March 31, 2015. Staff on this trip to undertake this project: Stephanie Vang, staff attorney and National Service Office from the Appeals Management Center, Washington DC and Marc McCabe, National Service Officer, St Petersburg VARO 317, St Petersburg, Florida. We discovered in excess of 40 filing cabinets which were in neat and alphabetic order and categorized by active files, deceased files, revoked files, DIC files and RAAC files (employees of other R/O's that jurisdiction is assigned this R/O 335).

Most glaring and troublesome aspect of this trip was how "sterile" this office was, no wrappers in desk drawers, no pieces of papers, no dust, it seems as this office was scrubbed clean prior to our arrival. This gave the appearance of something amiss, and then yes we found files that were not filed, claims filed but no files in the cabinets, SSOC's that had no answers and no notifications to the veterans that was apparent. With a site that has less than 500 total official pending claims (appeals, new End Product Codes, etc.) there is an overabundance of old files dating back some 20 years that needing to be purged from the office to fully understand what is the liability. The sense one got after the third day is that a huge vacuum existed and anything that might have been pending or needing official action just simply vanished. Since no one at MDVA could explain this I can only conclude that either; David Bailey disposed of everything from ink for printers (as we ran out causing an issue) to paper clips, to staples and staplers, to the very basics one would find when they walked in to any office.

After a discussion with Jim Vale, Director of Veterans Benefit Programs for the Vietnam Veterans of America the disposition of the files were accordingly disposed or rectified in the following manner: 1. The Deceased files that were labeled as such and DIC is appropriate were shredded; 2. The Revoke files since under OGC Rules we do not carry POA nor do we have the authority to have access to these files and that the veterans in most cases their POA was revoked in 2006 these files were also shredded in accordance to standard protocol set by the VBA (Veterans Benefit Administration); 3. The files labeled as DIC, Active (meaning that either they have a claim pending or as in most just that they had an active award running with the VBA these files were left intact and discussed with the Director of Minnesota Department of Veterans Affairs. (If no MOU is established with MDVA then a discussion of these files must be undertaken for their rightful disposition); (4) Due to the limited time we had to ascertain the complete status of all these records it was deemed unreliably to either scan all the records (estimated a few thousand and exist in some sort of stage of pending to inactive, deceased or revoked) or to ship to the national office (cost prohibited). Since there has been identified a large volume of inactive files a final recommendation would be based on the outcome of the MOU that is being negotiated, if MDVA completes the MOU than they would incorporate their procedures for a paperless office and either dispose of them (best case) or they would have them shred based on time frames. If MDVA fails to negotiate a MOU with VVA than the recommendation would be to shred these identified files in accordance with the current policy of expired files at the VBA.

We left all remaining files in the custody of the MDVA with exception to the RACC files that are identified as veterans that are current or in the past 5 years have been current employees of the VBA within exception the cases that had implications in Florida and I took proper jurisdiction of these files. On Wednesday I took part in an active discussion with staff members of MDVA and Jim Vale to discuss the pending points of contention with a working MOU between the two active VSO's for the best possible outcome for veterans holding POA with Vietnam Veterans of America.

We did find some serious issues within the working operations of the defunct office in St. Paul; in particular (1) a case was brought to our attention that a Denial from the Board of Veterans Appeals was received by this office on Sept 2014, to wit they had thirty (30) days to file an appeal to the CAVC, as of this writing that didn't happen also the veteran was never made aware of his rights either. The veteran's contentions had been denied but one issues for the left ankle was granted dating to 2006; (2) another case was presented to us in a gym bag whereas the veteran dropped of his paperwork and as we can ascertain no actions were taken by the past staff, after careful review it is still an unknown what the veteran desired for this office to perform on their part. Several attempts to contact the veteran failed. (3) Due to the lack of use of an automated system it became apparent that no tracking mechanism was in place to track timeframes and deadline as well as pending claims. However, since this national service officer had previously requested a detailed report from the office of PA&I we have been able to ascertain the number of active claims pending and the number of appeals by type that is, remand, unknown (which is a catch all for the VBA for status such as waiting DRO hearing, formal DRO hearing, remands and awaiting certification to the Board of Veterans Appeals).

The following is a confirmed list as follows on the following pages:

(A). Pending Appeals located at St Paul VVA Office VARO 335

RO 335 - Appeals		
Count of APPEAL_STATUS_ADV_STG_DESC	Sta#	
APPEAL_STATUS_ADV_STG_DESC	335-St Paul	Total
Form 9	28	28
NOD	21	21
SOC	6	6
SS	8	8
Unknown * see note 1	95	95
Total	158	158

- Note 1 Status of these appeals are End Product Codes 170- 175 which are either awaiting DRO formal, awaiting DRO informal or remanded cases.

Count of APPEAL_STATUS_DESC	Sta#	
APPEAL_STATUS_DESC	335-St Paul	Total
Active	19	19
Advance	83	83
Remand	56	56

Total	158	158

Count of ISSUE_DESC	Sta#	
ISSUE_DESC	335-St Paul	Total
. (Blank)	1	1
Automobile or adaptive equipment	1	1
Effective date	2	2
Increased rating	34	34
Service connection	109	109
Severance of service connection	2	2
Status as a veteran	1	1
TDIU	8	8
Total	158	158

(B). Pending New Claims located at St Paul Office VARO 335

Count of CLAIM_LABEL	STN_NBR	Total
CLAIM_LABEL	335	Total
PMC-Income Adjustment	26	26
New	25	25
PMC-Predetermination Notice	23	23
Claim for Increase	19	19
Predetermination Notice	17	17
PMC Social Security Reduction	17	17
Initial Live Comp < 8 issues	15	15
PMC-Income - Reopened Claim	9	9
New/Increase	9	9
PMC-Reopened Pension	8	8
Rvw/Ref/Other	7	7
DRO Decision	7	7
Form 9	7	7
VBMS eFolder Creation	7	7
Dependency	7	7
PMC-Initial Live Pension	7	7
eBenefits 526EZ-Supplemental (020)	6	6
PMC-Initial S/C Death	6	6
PMC Report of Death of Beneficiary	6	6
Reopened Compensation	5	5
PMC-Dependency	4	4
PMC SC Burial	4	4
Grant of Benefits	4	4
Reopen/Increase	4	4
Correspondence	4	4
New/Reopen	4	4
Routine Future Exam	4	4
New/Reopen/Increase	3	3
PMC-Initial S/C Death/Pension	3	3
PMC Non SC Burial	3	3
Review-Writeout Affecting Payments	3	3
PMC-Reopened S/C Death	3	3
Drill Pay Adjustment (600)	2	2
Privacy Act Request	2	2
eBenefits Dependency Adjustment	2	2
DRAS Predetermination Notice	2	2
PMC FOIA	2	2

PMC-Special Monthly Pension	2	2
Non DRO Hearing Held	2	2
PMC-Statement of the Case	2	2
PMC-DRO Decision	2	2
PMC-Initial Death Pension	2	2
PMC-Appeal Action	1	1
Initial Live Comp/Pension	1	1
PMC - DRO Informal Conference	1	1
D2D-School Attendance	1	1
Accrued	1	1
PMC-Formal Hearing by Other Than DRO	1	1
Appeal Action	1	1
Dependency 674	1	1
PMC \$90 Reduction	1	1
Income Adjustment	1	1
Rating Control	1	1
PMC-Incompetency Review - Pension	1	1
Reviews - Authorization Only	1	1
Formal Hearing by Other Than DRO	1	1
Special Home Adaptation Grant	1	1
Initial Compensation 8+ Issues	1	1
PMC-Special Controlled Correspondence	1	1
Automobile Allowance	1	1
PMC-SSA Prison Match	1	1
Hospitalization Adjustment	1	1
Predetermination - Rating Issue	1	1
PMC-Medical Expense Report	1	1
Initial Live Pension	1	1
PMC-Net Worth	1	1
Remand	1	1
Burial Allowance	1	1
Initial S/C Death/Pension	1	1
PMC-Reopened Helpless Child	1	1
Automated Dependency 686c Reject	1	1
eBenefits 526EZ-Supplemental (400)	1	1
eBenefits Dependency Adjustment Reject	1	1
Non-Rating Control	1	1
Substitution of Claimant	1	1
PMC-Review- Potential Overpmt	1	1
CRSC/CRDP Processing	1	1
PMC-Soc Sec Admn Match	1	1
Total	332	332

Once again due to the impact of the new report completed by the VBA's office of PA&I and the ability of our staff at St Petersburg to take this raw data and make sense and to develop pivot reports it allows us to see the liability and ethical impact which now becomes a relative number and one that was an unknown but now poses challenges to the Vietnam Veterans of America to take immediate action. If no actions are taken a certain to be determined financial impact and liability will result against VVA.

Recommendations; (1) first priority would be to ensure that the veterans we represent will have proper representation at all future DRO, De Novo and BVA hearings by an accredited representative; (2) next to ascertain the best VSO Partner that VVA can negotiate a safe MOU with that guarantees these veterans will have continued representation if this cannot be completed on a timely basis than a letter to all veterans currently holding VVA as their duly appointed VSO/POA should be written explaining

their options then VVA needs to completely shut down the service officer program as it exist today and concentrate on the liability at hand; that is the claims that are in some sort of pending appeals where the veteran cannot revoke POA and that VVA is financially and ethically liable for these hearings.

Both veterans that were identified had successful representation before the Board of Veterans Appeals and both expressed thanks to the VVA for being present for their hearings as they have waited some 7 years to have their time in front of the court. If a MOU isn't completed than you must secure the office and shut down all operations if the state council cannot hire an accredited rep to handle the case load. Their or sensitive data files and claims that exist, these files should either be shredded/disposed of or if pending transferred to the national office for prosecution immediately.

I would like to thank Stephanie Vang for her professional dedication to this project and being appraised of the cases before the Board of Veterans Appeals and assisting with these hearings as well as taking the time to decide what is in the best interest of the veterans of Minnesota. A special thanks goes out to my volunteer staff in St Petersburg, Ms. Becky Racaniello and James Fletcher for picking up the slack and to Becky for taking the raw data from the Central Office PA&I report to develop pivot reports by station by diagnosis, by appeals by pending claims for all VVA Regional Offices of responsibilities.

Respectfully submitted this 3<sup>rd</sup> of April 2015

Marc L. McCabe  
VVA Bureau Chief St. Petersburg VARO 317  
*Semper Fi Alumni Class of 1968 - 1972*  
*India Co 3rd Battalion 9th Marines 3rd Marine Division FMF Vietnam Etiam In Pugna.*  
*Brothers Forever*

Cc: James Vale, Director of Veterans Benefits Program, VVA Silver Springs, Md.;  
Jamie Rudert, Deputy Director of Veterans Benefits Programs, VVA, Silver  
Springs, Md.; Stephanie Vang, Staff Attorney, VVA, AMC VARO 397,  
Washington DC. Files: VARO 317 Site Report 3/30 – 4/3, 2015 St. Paul VARO  
335

### **Government Affairs, Executive Director's Report/R. Weidman**

The Joint Hearing of the House and Senate Veterans' Affairs Committees has been rescheduled for Wednesday, May 20, 2015 at 10:00 a.m. in the Auditorium of the in the U.S. Capitol Visitor Center.

### **Membership Department/A. Alt**

The membership department has been working hard to process daily work in a timely, accurate and professional manner. We have held meetings for training on new procedures and to review old ones. This also gives us a chance to voice concerns, make recommendations and keep tabs on any membership issues that need extra direction.



We have met the delegate deadline and worked hard to process all of February's memberships to ensure delegate accuracy. This did take us into March with the last of the February postage dated material coming in on Monday, March 16<sup>th</sup>. Delegate letters were sent out immediately after the input was complete and the statistics were determined.

One of my main projects is to create a written procedure book for membership. It will be available both as a document and a hard copy for review and revision at any time. It will address actual daily and monthly procedures along with the time frame of the activity. It will also address membership's part in credentialing. I will be meeting with staff to request their input and suggest that they review their procedures annually to make updates.

I will summarize other departmental activities:

Scanners have been set up in three offices. They will be used to record DD2-14's and eliminate hard copy storage. The 'L' drive has just been set up and staff is waiting for training.

A letter went out to LMT members to advise members of their status and the amount of dues owed. It also informed them of the Board decision to discontinue this type of membership. We got a moderate response to the letter.

A 'pending' letter was sent out to advising those who had not submitted a DD2-14 of their membership status. We requested that the DD2-14 be sent to us and advised how veterans who did not have this form could get access to a SF-180. We did get a response to this letter and were able to update a number of memberships. The deadline for response was March 31<sup>st</sup>.

A letter has been prepared to introduce the opportunity to utilize an online web roster. It will allow one authorized individual to access the roster at their convenience. We will issue a password to the designated individual for security and monitor any changes in designations. It will be a wonderful opportunity to get current activity at any time and should be used as the alternative to the email or snail mail roster. We are continuing to work on this.

Tracie, Frankie and I along with the membership staff worked with Mike Keaton to address an issue regarding a request made some spouse/family members of deceased members. They would like to receive 'The Veteran' at least one more time after we have received a deceased notification. It would allow them to receive the issue that shows their loved ones name in TAPS. This is a request that we are very happy to be able to accommodate I have been working with Tracie and Frankie to add some new criteria to IMIS to enhance our statistics and to capture some individual membership statistics immediately upon going into a record.

These updates, for example, will enable us to gather information on new members generated from a specific VVA event for statistics and planning purposes. We also have new information easily available and easy to view in each membership record. Records of officers will indicate their office, the Chapter or State Council they represent without having to go into longer information gathering formats. It's right there in front of us and helps us direct our response to questions and assistance.

In the same area is a summary including the member's age, the chapter/SC, information about their membership type and their age. This new option keeps getting even more specific and more useful.

I am processing 2015 financial reports daily and working on the credentialing portion of registrations for our Springfield Convention.

I have started training in end of month reports and will continue training with Frankie.

I am monitoring staff for response to complaints, questions and updates. Not all issues can be researched and resolved immediately, but we will endeavor to respond within a reasonable time frame.

**HGDP Report/Q. Butcher**

The revenue picture is still flat, the state council payments are with the Finance Department and all contracts are in place. I have met with the MN Attorney General concerning problems they have with a vendor in their state.

**VVA Web Site Update/T. Burke & Q. Butcher**

We have been working on a completely new VVA website as our main marketing tool and as a vital portal to our organization. A video presentation was planned, but due to technical problems, the presentation was not made.

**Meeting recesses: 11:00 am**

**Saturday, April 11, 2015**

The meeting of VVA National Board of Directors reconvened at 9:09 am on Saturday, April 11, 2015. National Chaplain Father Phil Salois officiated the opening prayer followed by a Moment of Silence.

The National Secretary conducted the roll call of the National Board of Directors. Present were:

John Rowan, President	Sharon Hobbs *	Tom Owen
Marsha Four, Vice President	Ken Holybee	Jim Pace
Bill Meeks, Secretary	Joe Jennings	Felix Peterson
Wayne Reynolds, Treasurer	Joe Kristek	Dick Southern
Bob Barry	Allen Manuel	Dan Stenvold
Linda Blankenship	John Margowski	Ted Wilkinson *
Dennis Cohoon	Sara McVicker	Jerry Yamamoto
Richard DeLong	John Miner	
Charlie Hobbs	Charlie Montgomery	

*\* AVVA President is a non-voting member of the National Board of Directors*

*\*Alternate Region 2 Director*

Also present: Joseph A. Sternburg, CFO and Alternate Region 2 Director Ted Wilkinson because Herb Worthington was excused.

Secretary Meeks conducted roll call of the State Council Presidents. Present were:

Alabama	Present	Montana	Present
Alaska	Absent	Nebraska	Present
Arizona	Present	Nevada	Present
Arkansas	Present	New Hampshire	Absent
California	Present	New Jersey	Present
Colorado	Present	New Mexico	Present
Connecticut	Present	New York	Present
Delaware	Absent	North Carolina	Present
Florida	Present	North Dakota	Present
Georgia	Present	Ohio	Present
Idaho	Present	Oklahoma	Present
Illinois	Absent	Oregon	Present
Indiana	Present	Pennsylvania	Present
Iowa	Absent	Puerto Rico	Present
Kansas	Present	Rhode Island	Present
Kentucky	Absent	South Carolina	Present
Louisiana	Present	South Dakota	Present
Maine	Absent	Tennessee	Present
Maryland	Present	Texas	Present
Massachusetts	Present	Vermont	Present
Michigan	Present	Virginia	Present
Minnesota	Present	Washington	Present
Mississippi	Excused	West Virginia	Present
Missouri	Present	Wisconsin	Present

### **Communication Department/M. Porter**

As protocol officer for the Veterans Initiative mission, I give top marks to VVA's representative who made the 24<sup>th</sup> trip to Vietnam (January 21- February 11). After 48 hours of travel, the team hit the ground running, starting with two meetings within hours of having arrived in Hanoi. During the 20 days in-country, there were 28 meetings. It was a rigorous schedule, and the team held up well and did an excellent job in communicating the urgency of providing information on our MIAs now--the witnesses are dying and there is a boom in development, all of which is impacting our accounting efforts. The Vietnamese practice is to match the rank or position of each member of the delegation, and as VVA provided their vice president, the Vietnamese provided their second in command, which in one case was their former vice president, Madame Nguyen Thi Binh, who negotiated at the Paris Peace Conference on behalf of the Vietcong.

On the communications front the timing for the trip was excellent. This year marks the 20th anniversary of normalized relations between Vietnam and the U.S. A diplomatic conference was held on the U.S Vietnam relations. Attendees included three former U.S. ambassadors, including Pete Peterson, and their Vietnamese counterparts who served in D.C. It was reported to the VVA delegation

by Deputy Foreign Minister Ha Kim Ngoc that one of the topics at the conference was the critical role that veterans in general and VVA in particular had in laying the groundwork for the resumption of diplomatic relations between the two countries. As background, the *60 Minutes* segment on the 1994 Veterans Initiative mission was reviewed during the Clinton regime by the National Security Council and was factored into the decision to move forward.

We began working with the producer for Vietnam Television (VTV) a few months before our departure. Interviews were conducted by VTV at our national office with our subject experts on the MIA issue, PTSD, and Agent Orange. The producer is the nephew of Professor Le Cao Dai, M.D., and VVA was able to provide footage and photos for a biographic profile. (Dr. Dai directed the North Vietnamese Army Field Hospital 211 in Central Vietnam, and was former head of Vietnam's 10/80 Committee, charged with investigating the effects of Agent Orange on human health. Dr. Dai met with VVA delegations on numerous occasions.)

As a result of these preliminary meetings, Vietnam Television assigned a three-person film crew to cover the entire VVA trip and gather footage for a series of documentary news stories to be aired in conjunction with the anniversary of normalization. Of particular note is a special on MIAs, which will feature the VI and is being produced with the participation of the Vietnam People's Army, The Standing Office of Vietnam 1237 Project, the US Joint POW/MIA Accounting Office in Hanoi, and the Vietnam Office for Seeking Missing Persons. The Program is scheduled to be broadcast globally in the 40th Anniversary of the end of Vietnam War (April 30th). This is exactly the kind of publicity that is needed to urge witnesses to come forward with any information related to our MIAs.

On the Agent Orange town hall meeting front, the Communications department provided support for 76 town hall meetings in FY15. There have been a total of 157 Agent Orange town hall meetings to date and there are currently 29 scheduled. The outreach and education that has been conducted by our VVA and AVVA chapters and state councils on the topic of toxic exposures is phenomenal. Each of these town hall meetings has garnered local press and we have pages and pages of links of stories. This coming week, we will be engaging the national media to spread the word re the Toxic Exposure Act of 2015.

Just to pass along some praise for VVA. Betty Mekdeci, Executive Director of National Birth Defect Registry and special advisor to the Agent Orange Committee, commented that her husband, in his experience as a lobbyist has never seen an idea move to legislation so quickly. This is a testament to VVA energy at every level of the organization.

Once the Military Toxic Exposure Act of 2015 becomes law, the focus of the town hall meetings and our media outreach will shift to getting the word to all veterans and their families who believe their health has been impacted by military toxic exposures regarding the need to file a claim with the Department of Veterans Affairs.

This will require a massive social media outreach effort as our younger veterans and their families are engaged on the internet, and stepping up our social media presence will serve to address our need to be relevant in a world where the attention span is constantly decreasing.

While our website visits have only increased 10% percent to just over 905,000, we hope to see increased numbers once our 12-year old site disappears and the new web site is launched. Amber

Chaney, Communications Specialist, continues to do an excellent job with Facebook and twitter. Facebook likes are up 339%. Twitter followers are up 56%, and YouTube visits are up 41%.

March 27 was Kit Reiner's last day as VVA's videographer and video editor. As this was a temporary position (without benefits) within the Communications Department, she was able to find a position that offers health insurance, and so we will be looking for another young person under the age of 25 to serve as our videographer and editor. Prior to her departure, we prepared a video to introduce YouTube to our members who are unaware of the social media platform which houses videos libraries available for their use. This video can be found at [https://www.youtube.com/watch?v=4s\\_nfVNCA6M](https://www.youtube.com/watch?v=4s_nfVNCA6M) . VVA's YouTube channels are <https://www.youtube.com/user/VietnamVetsAmerica> <https://www.youtube.com/user/facesofagentorange> and <https://www.youtube.com/user/VetsHealthCouncil>

The numbers don't lie, it appears that Social Media is the future—twitter has grown in popularity for instant communication, and works in concert with Facebook and YouTube. We will be focusing on expanding our twitter numbers.

On the publications front, this quarter, we oversaw the design and production of the *Legislative Agenda & Policy Initiatives for the 114<sup>th</sup> Congress*, revisions and reprints of the *VVA Self-Help Guide to Service-Connected Compensation for Exposure to Agent Orange*--which we cannot keep in stock. The *FY14 VVA Annual Report* is now posted to the web and work begins on the Convention binders.

While we can anticipate our numbers on the social media front to increase, what is most astonishing is the number of brochures we have been distributing--almost double the number in FY15 when compared with FY14.

Dr. Thomas Berger, Executive Director of VVA's Veterans Health Council, and I collaborate on the web weekly, which goes to our media list as well as to over 20K members for whom we have email addresses. The Web Weekly serves to keep VVA in the eye of the news media on a weekly basis and has positively impacted the number of press inquiries that VVA receives.

In a nutshell, from the engagement perspective, VVA appears to be more vital than ever, and is displaying no signs of being on the wane.

#### **Veterans Health Council/Dr. T. Berger**

-attended and presented three seminars at the VVA Region III Conference; also presented at Adelphi University in New York City on March 17

-exploring change in our name to National Veterans Health Council

-exploring contributing partnership with the Founder/CEO of Truck Stop Events and The Truck Drivers Health Programs

-HCV treatment funding breakthrough... in early March the VHC drafted a letter that was subsequently endorsed by MOAA and sent to all House and Senate members of Approps, Mil Con and Veterans Affairs committees urging them to allocate funds for life-saving treatments for veterans

suffering from the hepatitis C virus (HCV) consistent with the Department of Veterans Affairs request in the President's proposed budget for the FY 2017 advance appropriation and the FY 2016 supplemental appropriation for Department of Veterans Affairs (VA) healthcare services accounts...

-on Friday, April 3, we learned that the chair and ranking member of the Mil Con committee are interested in pushing our proposal forward IF we send a stronger letter cosigned by as many VSOs and MSOs as we can get... So another, stronger letter was drafted and sent to all the major VSOs and MSOs asking them to sign on by COB, Friday, April 10. As of yesterday morning, MOAA, IAVA, AmVets, VFW, the Legion and Jewish War Veterans have signed on...

-Vietnam veterans' morbidity study project involving VVA members, other VSOs with Vietnam veteran members, and the Blue Water Navy Vietnam Veterans Association, conducted by VA Research & Development and Office of Public Health and focusing on physical health conditions such as bladder cancer, tbi, brain cancer, respiratory conditions, and other neurologic conditions. In addition, have also asked these folks to talk with the NC4PTSD to consider adding a mental health component. I understand that I have been nominated to serve on the steering committee on study design, working out sample size and power calculations.

So I am asking you to provide me with two questions that you'd like to see on such a survey questionnaire relative to the relationship (if any) between mental health and physical health...

-since my January report, the VHC has received a \$11,500 in donations...

#### **National Chaplain Report/Fr. P. Salois**

I continue to work with AVVA in sending sympathy cards to the families of all reported deceased members of VVA and AVVA.

#### **National Meetings and Special Events/W. Guidry**

Mr. Guidry stated that board members and committee chairs could now start placing their room reservation for the convention. All other individuals must make their own room reservations and he noted several activities that will happen at the convention.

Director Stenvold submitted the following motion:

#### **Motion 7**

**For VVA to enter into a contract with the Double Tree, Silver Spring for sleeping rooms and meeting space for our BOD meetings in 2016, 2017, & 2018.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

#### **Finance Committee Report**

Committee Chair Ned Foote submitted the following motions:

**Motion 8**

**Move to approve the 2016 National Education & Leadership Conference proposed budget as presented.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Motion 9**

**Move to approve the FYE 2-29-16 VHC proposed budget as presented.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Motion 10**

**Move to approve the VVA FYE 2-29-16 proposed budget as presented.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Committee – MOTIONS ONLY**

POW/MIA – R. DeLong – No motions

Membership Affairs – C. Hobbs made the following motion:

**Motion 11**

**To have a “Life Member Fire Sale” at \$100 starting August 1, 2015 and ending December 31, 2015.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

Public Affairs – T. Burke – No motions

Veterans Incarcerated – D. Yezzo – No motions

Veterans Benefits – J. Margowski – No motions

PTSD and Substance Abuse – Dr. T. Hall – No motions

Women Veterans – K. O’Hare-Palmer – No motions

Homeless Veterans - S. Miller – No motions

Veterans Health Care - P. Bessigano – No motions

Government Affairs – P. Peterson made the following motion:

**Motion 12**

**To support H.R. Bill # 1581 Veteran’s Education Tax Security Act of 2015.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

Agent Orange/Dioxin – J. McManus

Constitution – L. DeLong – No motions

Economic Opportunities – D. Johnson made the following motions:

**Motion 13**

**To have the VVA President send a letter to all State Governors calling them to support recent legislation that allows any Veteran who has served at least 90 days of active service to pay resident tuition rates in any state within three years of leaving the military.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Motion 14**

**To have the VVA President send a letter to Congressman Wenstrup, Chairman of the House Veterans Affairs Subcommittee on Economic Opportunity, calling for support of H.R. # 476 GI Bill Education Quality Enhancement Act of 2005 to consider the inclusion of language that any state including DC the VA Secretary can approve without the two year waiting period.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Motion 15**

**For VVA to support H.R. # 1141 “GI Bill Fairness Act of 2015 introduced by Rep. Takano that calls for the consideration of time spent by members of the Guard and Reserves for medical care by DOD as active duty time.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Motion 16**

**The VVA co-sponsor at no additional cost to VVA National the Leave no veteran behind- Veterans Employment Opportunity Fair and Expo Initiative intended to increase the number of veterans employed and doing business in the Airport/Airlines Industries.**



**Without objection motion passed.**

**Yes: 23**  
**No: 0**  
**Non Vote: 1**  
**Not Present: 0**

Resolutions – D. Southern – No motions

Rules – J. Jennings – No motions

Minority Affairs - J. Yamamoto – No motions

Veterans Against Drugs – D. Simmons submitted the following motion:

**Motion 17**

**To add Charlie Montgomery to the Veterans Against Drugs Task Force as a member at no cost to National.**

**Without objection motion passed.**

**Yes: 23**  
**No: 0**  
**Non Vote: 1**  
**Not Present: 0**

Elections – S. DeArman

Credentials – J. Blount

**Consent Calendar Motions/National Secretary**

Secretary Meeks submitted the following motion:

**Motion 18**

**To accept the Consent Calendar Motions:**

- 1. To revoke the charter of VVA Chapter 682 (VA) as the VA State Council has done everything necessary for this voluntary closure.**
- 2. Move to increase the per diem for VVA staff to forty-five (\$45) per day effective April 15, 2015.**

**Without objection motion passed.**

**Yes: 23**  
**No: 0**  
**Non Vote: 1**  
**Not Present: 0**

**Unfinished Business**

**Strategic Working Group:** Vice President Four stated that there were numerous short/long term goals being considered and discussion with Jim Vale about Veterans Benefits cases/files.

**New Business**

**Honorary Life Membership Nominations:** Secretary Meeks submitted the following motion:

**Motion 19**

**Motion to approve the requests for Honorary Life Membership (HLM) that are listed below:**

<b>NAME</b>	<b>REQUESTED BY</b>
Bill Kennedy	334 MT
Abraham H. Sternberg	23 FL
Marilyn McKenzie	23 FL
Ronald P. McVaney	WV State Council

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

Director Stenvold submitted the following motion:

**Motion 20**

**Award the VVA Achievement Medal to Donald Grella former MIA from State of Nebraska and his remains have been found and identified.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Policy on the Use of VVA and AVVA Marks:** Secretary Meeks submitted the following motion:

**Motion 21**

**To strike the word not in the 3<sup>rd</sup> sentence of item # 14 and add VVA before campaign literature in the 3<sup>rd</sup> sentence of item # 14 in the Policy on Use of the Vietnam Veterans of America and Associates of Vietnam Veterans of America Trademarks, Service Marks, and Logos by VVA State Councils, VVA Chapters, or VVA Regions.**

- 14. Marks Shall be Used Only in Connection With Official VVA or AVVA Business or in Conjunction with Approved VVA or AVVA Uses; Written Permission Shall be Obtained From the VVA Director of Communications for Any Other Use of Any of the Marks**

The Marks may be used only in connection with official VVA or AVVA business or in conjunction with approved VVA or AVVA uses, as enumerated herein. The Marks shall not be used for personal matters or personal business unrelated to official VVA or AVVA business, whether at the National, State Council, or Chapter level. Personal matters or personal business includes advertising one's business, as well as running for public office (e.g., school board, city council, county board, state legislator, Congress, etc.), and as such, the Marks may **not** be used on VVA campaign literature, campaign letterhead, campaign press releases, campaign websites, etc. The Marks shall not be used on foundation letterhead or envelopes, business cards, checks, etc. Express written permission from the VVA Director of Communications must be obtained before using any of the Marks for any purpose or in any manner other than those enumerated herein. Requests for use of any of the Marks should be sent to: Mokie Porter, Director of

Communications, Vietnam Veterans of America, 8719 Colesville Road, Suite 100, Silver Spring, MD 20910. Phone: (301) 585-4000, Ext. 146. E-mail: mporter@vva.org. This Policy regards uses by VVA State Councils, Chapters, or Regions, and in limited circumstances, foundations established by State Councils or Chapters (in relation to the publication or a newspaper or newsletter). Only the Board of Directors in its discretion, or the Director of Communications, may authorize any other individual, organization, or corporation to use any of the Marks.

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**VVA Direct Mail Contract:** Treasurer Reynolds stated that Linda Mansfield has decided her firm will no longer provide Direct Mail services for VVA. There will be a thoughtful and deliberate decision making process to determine who will handle the Direct Mail for VVA. That decision has not been made at this time.

President Rowan with a second from Director Montgomery submitted the following motion:

**Motion 22**

**To endorse the Gold Star Mother's National Monument.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

**Committee Reports Only**

Elections – S. DeArman – Verbal & written report  
POW/MIA – R. DeLong – Verbal & written report  
Membership Affairs – C. Hobbs – Verbal & written report  
Public Affairs – T. Burke – Verbal report  
Veterans Incarcerated – D. Yezzo – Verbal report  
Veterans Benefits – J. Margowski – Verbal & written report

Director Margowski submitted the following motion:

**Motion 23**

**To approve the changes made to the Veterans Benefits Program Policies Manual update is**

**4/11/2015.**

**Without objection motion passed.**

**Yes: 23**

**No: 0**

**Non Vote: 1**

**Not Present: 0**

PTSD and Substance Abuse – Dr. T. Hall – Verbal report  
 Women Veterans – K. O’Hare-Palmer – Verbal report

**Meeting recesses for lunch: 11:45 am**

**Continue Committee Reports: 1:15 pm**

Homeless Veterans - S. Miller – Verbal report  
 Veterans Health Care - P. Bessigano – Verbal report  
 Government Affairs – P. Peterson – Verbal report  
 Agent Orange/Dioxin – H. Worthington - Verbal report  
 Constitution – L. DeLong – Verbal & written report  
 Economic Opportunities – D. Johnson – Verbal report  
 Resolutions – D. Southern – Verbal report  
 Rules – J. Jennings – Verbal report  
 Minority Affairs - J. Yamamoto – Verbal report  
 Veterans Against Drugs – D. Simmons – Verbal report  
 Credentials – J. Blount – Verbal report

Director Barry with a second from Director Montgomery submitted the following motion:

**Motion 24**  
**For the VVA National Board of Directors to go into Executive Session.**  
**Without objection motion passed.**  
**Yes: 23**  
**No: 0**  
**Non Vote: 1**  
**Not Present: 0**

President Rowan stated that the VVA National Board of Directors would go into Executive Session at 2:45 pm and Dr. Tom Berger was asked to stay. President Rowan called for the executive session to end and the meeting of VVA National Board of Directors reconvened at 3:26 pm.

Director Barry with a second from Director Owen submitted the following motion and President Rowan asked for a roll call vote:

**Motion 25**  
**Ask for charges to be brought against VVA member # 164653 for Misconduct – Stolen Valor.**

<b><u>Board Member</u></b>	<b><u>Motion # 25</u></b>
John Rowan	No Vote
Marsha Four	N
Bill Meeks, Jr.	N
Wayne Reynolds	ABS
Bob Barry	N
Linda Blankenship	N
Dennis Cohoon	N

Richard DeLong	N
Charlie Hobbs	N
Ken Holybee	N
Joe Jennings, III	N
Joe Kristek	N
Allen Manuel	N
John Margowski	N
Sara McVicker	N
John Miner	N
Charlie Montgomery	N
Tom Owen	N
Jim Pace	Y
Felix Pete Peterson, Jr.	N
Dick Southern	N
Dan Stenvold	N
Ted Wilkinson	N
Jerry Yamamoto	N

**Yes: 1**  
**No: 21**  
**Non Vote: 1**  
**Not Present: 0**  
**Abstention: 1**  
**Motion failed.**

The meeting adjourned at 3:38 p.m.

Respectfully submitted,



Bill Meeks, Jr.  
 National Secretary  
 Approved: July 21, 2015