



Vietnam Veterans of America

8719 Colesville Road, Suite 100, Silver Spring, MD 20910 • Telephone (301) 585-4000

Main Fax (301) 585-0519 • Advocacy (301) 585-3180 • Communications (301) 585-2691 • Finance (301) 585-5542

www.vva.org

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

Vietnam Veterans of America National Board of Directors Meeting April 8, 2016 Approved by Board

President John Rowan called to order the meeting of Vietnam Veterans of America National Board of Directors on Friday April 8, 2016, at 9:04 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	Charlie Hobbs	Dave Simmons
Bill Meeks, Secretary	Sharon Hobbs *	Dick Southern
Wayne Reynolds, Treasurer	Joe Kristek	Dan Stenvold
Dennis Andras	Sara McVicker	Kerwin Stone
Dottie Barickman	John Miner	Craig Tonjes
Tom Burke	Rex Moody	Sandie Wilson
Richard DeLong	Ron Morgan	Ted Wilkinson
Mike Demske	Felix Peterson	Jerry Yamamoto

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

Also present: Joseph A. Sternburg, CFO

Excused: Marsha Four & Charlie Montgomery

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

Alabama	Present	Nebraska	Present
Alaska	Present	Nevada	Present
Arizona	Present	New Hampshire	Absent
Arkansas	Present	New Jersey	Present
California	Present	New Mexico	Present
Colorado	Present	New York	Present
Connecticut	Present	North Carolina	Present
Delaware	Absent	North Dakota	Present
Florida	Present	Ohio	Present
Georgia	Present	Oklahoma	Present

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

Preliminary Business

Secretary Meeks submitted a motion to accept the tentative agenda.

Motion 1

**To accept the BOD meeting tentative agenda as amended
(Strike HGDP Report and Committee Chairs Luncheon on Friday April 8, 2016).**

Without objection motion passed.

Yes: 22

No: 0

Non Vote: 1

Not Present: 1

Secretary Meeks submitted the following motions:

Motion 2

To accept the BOD meeting minutes from January 8, 2016.

Without objection motion passed.

Yes: 22

No: 0

Non Vote: 1

Not Present: 1

National President/J. Rowan

January 12th I attended a meeting to finalize a design proposal to be submitted for the Queens County Vietnam Veterans Memorial.

From January 19-24 Mariann and I attended the CSCP meeting in Lafayette, LA. The hospitality shown by the LA SC and the local chapters was extraordinary. They fed us every local dish

including roasted pigs. We also got to see a fabulous Mardi Gras show put on by the Krewe from Dulchambre a small town of 2500 people. We also got to see Lake Charles and New Orleans. It was a wonderful trip and we cannot thank the LASC VVA and AVVA members enough.

On February 4th I attended a meeting of the 2nd District of Kings County of the NY Grand Lodge of Free and Accepted Masons to talk about veterans' health issues.

On February 18th I went to HQ. VP Four and I met with our new fundraisers Next Generation, CFO Joe Sternberg and HGDP Director Quentin Butcher to get an update on the new web site, our direct mail program and our moving forward with our online fundraising proposals. Later we met with Veterans Benefits Director Jim Vale and Deputy Kelsey Yoon to discuss the operations at the Board of Veterans Appeals Office.

On February 21st I attended the wake for Harry Bridgewood. Harry was a Marine VN-era vet, who served in Cuba. A retired NYPD Detective Harry was the CEO for 55 Water St. the major building adjacent to the NYC Vietnam Veterans Memorial. Harry was very helpful in modernizing the memorial and raising the necessary funds. He served on the NYCVN Memorial Fund and hosted the annual Vietnam Veterans Day events at 55 Water Street's atrium.

On February 23rd I attended a meeting of the NYC Veterans Advisory Board in Queens. It was well attended. We discussed the implementation of the new NYC Department of Veterans Services. At the end I discussed the recent report on "bad paper" discharges. At the end I spoke with several recent veterans who talked about friends who had gotten less than honorable discharges.

On March 3rd I was to present VVA's Legislative Agenda before a joint hearing of the Senate and House Veterans Affairs Committees. Unfortunately, I came down with a virus and Vice President Marsha Four presented our testimony. Later that weekend I called in to the Finance Committee's meeting.

On March 15th Mariann and I attended Irish Night in the NYC Council Chamber. They celebrated the 100th anniversary of the Easter Rising that led to Ireland's independence.

March 22-25 I went to the headquarters to catch up on some operational issues.

March 28th I traveled to Albany and on the 29th I presented an Achievement Medal to Wayne Jackson a Vietnam Veteran and the Assembly Sergeant at Arms for his 37 years of service. He helped VVA in our lobbying efforts ever since we started.

April 1-3 I traveled to the masonic Care Community in Utica, NY to speak to the Grand Post of the Masonic War Veterans of New York State. I briefed them on various veterans' issues and they are writing a letter similar to the letter from the "Big Six VSOs" protesting the work of the Care Commission studying the VA.

National Vice President/M. Four

Activities for this period included the following:

- National Office Visits
January 25-29 February 19-20 March 01-05 March 21-25
- Activities
 - During each office trip I meet one-on-one with office staff for up-dates and input
 - All Job Positions/Descriptions are being completed by the Department Directors
 - Staff/Director general meetings held on office visits included: a review of the use of the “Out of Office” calendar and its importance; review of time sheets and time off requests by Department Directors; review of the Temp and Intern Handbook; review of the new security system and how to use it.
 - Renewal training for staff CPR certifications
 - February 18: Meeting in national office with President Rowan on new web site to include Quentin Butcher, Next Generation (our new fund raising group), and involved staff.
 - February 28: Radio interview on the Welcome Home Show, Joe Griffies, Director, Ocean City, NJ
 - March 2: Attended the Women’s History Month Event representing VVA, honoring women veterans, hosted by Leader Nancy Pelosi with the First Lad and Dr. Jill Biden, held in Statuary Hall of the US Capitol.
 - March 3: Delivered the Annual Testimony to the joint session of the Senate and House Committees on Veteran Affairs for VVA
 - March 4-5: Participated in Annual Budget Process with Finance Committee
 - March 21: Invited to be a participant on a women veterans panel on behalf of VVA for Women History Month at the Library of Congress
 - March 23: Director meeting on new web site with Q and A
 - March 24: Invited to be a VA panel participant on behalf of VVA for Women History Month and the 50th Commemoration. It was sponsored by the Center for Women Veterans at the VA Central Office.
 - Accumulating information and suggestions for future formulation of New Board Orientation Program. Please send any suggestions to me by email.

Strategic Working Group Update

As discussed in the past, this group was not established to singularly determine the ultimate direction of VVA. Its purpose is to identify items or areas where VVA must be knowledgeable and prepared to enter into informed discussions in order to ultimately determine the direction of VVA.

One of the first priorities identified by the SWG was related to our Veteran Service Officer Program; how strong is the program, what is the attrition rate of our service officers; besides VVA service officers who holds our **POAs**; the role/responsibilities of the county service officers

who have VVA POA's; who handles VVA claims at VAROs where VVA doesn't have a presence. Jim Vale, Director of VVA Veterans Benefits Department has been working with the SWG on these items along with conversations with the Veteran Benefits Committee Chair, Tom Burke (previously John Margowski). Moving forward the Veteran Benefits Committee will be addressing these items.

National Secretary/B. Meeks

State Councils and Chapters will be holding upcoming elections and the Election Report (one form fits all) is available on the VVA web site the Resources link at the bottom of every page or directly at <https://vva.org/docs>. I will be working on chapters who are on VVA suspension for no reporting (financial & election).

National Treasurer/W. Reynolds

Associates of Vietnam Veterans of America/ S. Hobbs

The AVVA Board continues to conduct business and communicate through our online conferencing platform. Officer, Regional, and Committee reports can be read on the AVVA website. (www.avva.org).

During the months of November and December 2015, AVVA offered life membership for \$100. The "special" was well received. The total of new members joining during the sale were 613. Members upgrading from annual or 3-year memberships to life were 938. A total of **1,551** life memberships were processed during the event. The AVVA Board will be discussing the possibility of permanently reducing our life membership dues during the April meeting.

In March, I visited and toured one of our vendor's new place of business. Military Best will soon be offering the AVVA Membership pin and the AVVA Life Member pin on their website. The AVVA challenge coins will also be available.

The AVVA Board and Committees continue to work well together; we are planning the 2016 Leadership and Education Conference with VVA. I had the privilege of being involved in the finalizing of the seminar portion of the Conference. The Committee met in Silver Spring in March; I was included. AVVA will be finalizing our facets of the Conference during the upcoming Board meeting. Secondary PTSD seminar will be offered during the Conference; we will also conduct our Annual Membership Meeting.

Our Project Friendship for 2016 is *Esperanza En Escalante (EEE)*; the English translation is "**Rising Hope**". EEE is a non-profit organization (501c3) formed in 1989 by the Vietnam Veterans of America Chapter 106 of Tucson, Arizona. Information will be available during the Board meeting.

Diane Nicholson, AVVA Chaplain, continues to work with Father Phil in sending sympathy cards to the families of all reported deceased members of VVA and AVVA.

The latest edition of our online newsletter, **UPDATES**, is posted on the AVVA website. Elayne Mackey along with the Public Relations Committee do an excellent job in gathering information and publishing our E-newsletter.

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. I hope to have an update at the Board meeting.

Sharon

Conference of State Council Presidents/R. Moody

The CSCP had forty-four (44) Presidents in attendance at the Thursday meeting and the meeting went well with a full agenda of business.

- President John Rowan
- Christine Panek with Hep-C Education
- Dan Stenvold & Wes Guidry on the 2016 Leadership & Education Conference
- Richard Lindbeck presented the State Council President Welcome Guide and it was approved by the CSCP
- Dennis Howland with a Book & Documentary Disc
- Jim Vale & Dr. Tom Berger on the VSO Program
- The At Large Membership Policy & Chapter Charter Revocation Membership Policy were tabled

The CSCP approved the amendments to the VVA National Disciplinary Policy as presented.

Veterans Benefits Program Director's Report/J. Vale

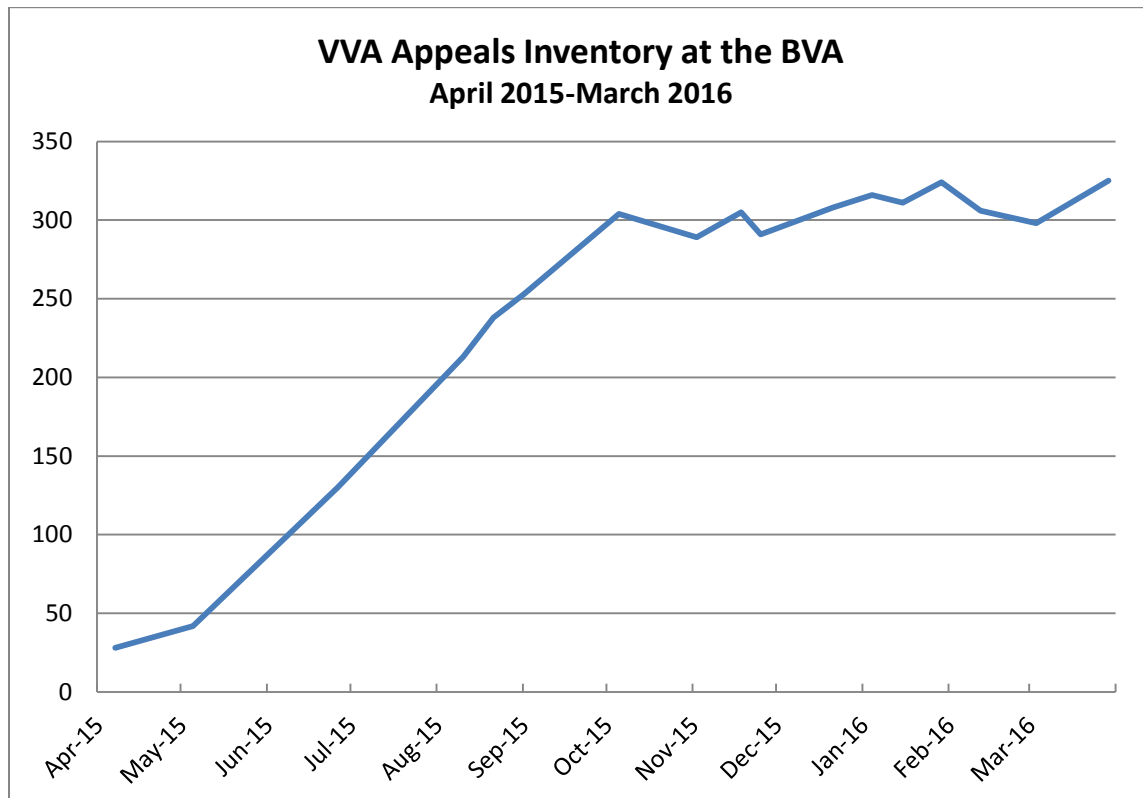
1. Appellate Advocacy Statistics
2. VVA National Claims Statistics & AMC Office Statistics
3. Staff Changes
4. VVA Litigation
5. Service Officer Training
6. VVA Accredited Representatives List
7. VetPro Database
8. VBP Policy Change
9. Service Officer Suspensions/Revocations
10. VVA Grants
11. Site Visits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

1. Appellate Advocacy Statistics

Status of VVA Claims Backlog at BVA

The number of VVA appeals in our inventory at the Board of Veterans' Appeals (BVA) continue to consistently stay above 300 cases (see chart below). This can be explained, in part, by VA's transition to VBMS and its focus on the claims backlog instead of the appeals 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. As of March 29, 2016, we have 325 cases in our inventory at the Board. This number should continue to rise with the impending backlog of appeals making their way to the BVA.



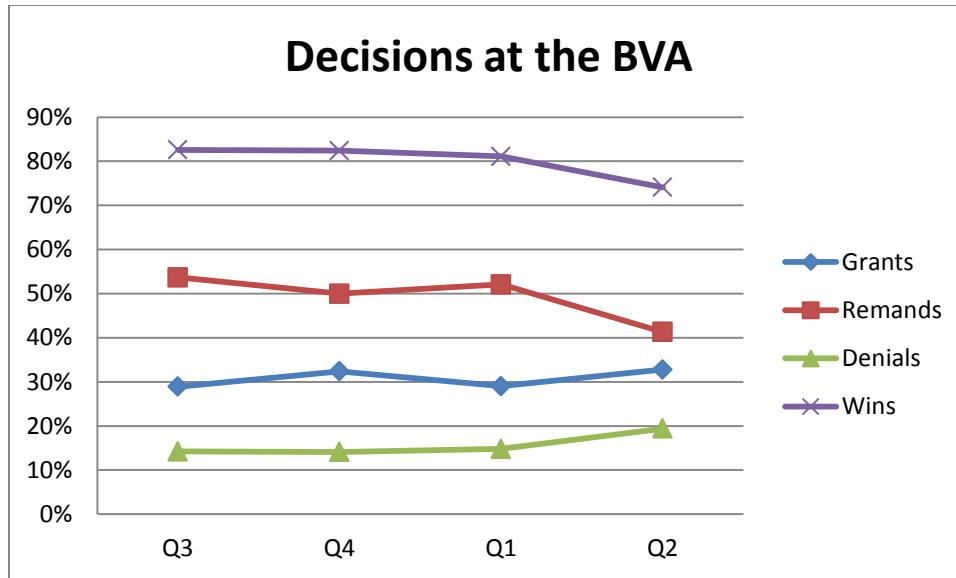
VVA BVA Statistics

Our grant rate during this past quarter for appeals was 32.8%, and our remand and denial rate was 41.3% and 19.4%, respectively. Notably, this is the highest grant rate recorded within the last four quarters. These statistics are based on 201 VVA cases decided in Q2.

VVA Appeal Dispositions (April 1, 2015 – March 31, 2016)¹

	Grants	Remands	Denials	Other
Q3	63 (28.9%)	117 (53.7%)	31 (14.2%)	7 (3.2%)
Q4	46 (32.4%)	71 (50.0%)	20 (14.1%)	5 (3.5%)
Q1	49 (29.0%)	88 (52.1%)	25 (14.8%)	7 (4.1%)
Q2	66 (32.8%)	83 (41.3%)	39 (19.4%)	13 (6.5%)
TOTAL	224 (30.69%)	359 (49.18%)	115 (15.75%)	32 (4.38%)

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



VVA CONTINUES TO WIN 75%-80% OF ITS CASES AT THE BVA!

e-VSO Statistics

During this quarter, the Veterans Benefits Program added an e-VSO position, and this position has already been integral in monitoring and tracking VVA's appealed cases across the nation. As of April 1, 2016, we are monitoring 148 SOC's to ensure Form 9s are timely filed, if appropriate. Notably, a newly created SOC tracking program, created through VACOLS, assisted us in identifying 109 of the 148 currently pending SOC's.² VBMS assisted us in identifying 30 SOC's not identified by the VACOLS SOC tracking program. To date, the e-VSO has saved 8 veterans claims from being closed due to her diligence in filing timely Form 9s.³

We will continue to track and monitor all pending SOC's to ensure a Form 9 is timely filed and appears on VBMS, if appropriate. Our e-VSO obtained access to VBMS on February 16, 2016 and immediately started tracking SOC's.⁴ Similarly, our e-VSO obtained access to SEP on March 17, 2016 and immediately started tracking Representation Requests thereafter.

SOC Tracking Metrics as of April 6, 2016	# of cases
--	------------

² VVA is grateful to Jed Wagner, VA employee and creator of VACOLS, for developing a special program for VVA that permits us to monitor SOC's through VACOLS. VVA started tracking SOC's through VACOLS on March 29, 2016, which helped us identify 109 *additional* pending SOC's.

³ Notably, we expect that the e-VSO will need to file more Form 9s since we have been able to track larger numbers of claims through the VACOLS SOC tracking program developed on March 29, 2016.

⁴ After an SOC is issued, the veteran has 60 days to file a Form 9 if he or she wishes to continue his or her appeal. If the Veteran fails to file the Form 9 within 60 days, the Veterans claim will be closed and VA will assume that the Veteran no longer wishes to continue his or her appeal.

Tracked SOC's (pending Form 9s)	140
Verified Form 9s received and uploaded to VBMS	50
E-VSO Submitted Form 9s to VA Intake Center	20

Although this quarter has primarily been dedicated to training, our e-VSO has already completed several large projects, including but not limited to:

- Created and updated a spreads
- heet composed of 789 VVA service officers with updated contact information.
- Contacted, tracked, and assisted 51 veterans within six business days when VA notified VVA that it did not receive evidence from 51 veterans that submitted evidence via e-benefits or SEP.
- Developed and created a tracking system to monitor Statement of the Cases (SOCs) and Form 9s.
- Developed and created a tracking system to monitor and respond to SEP Representation Requests.

2. VVA National Claims Statistics & AMC Office Statistics

For FY2015 Q2 FYTD veterans and dependent with VVA POA received a total of **\$418.75 Million** in compensation, pension, & DIC benefits, of which **\$256.20 Million** (61.12%) was from states with VVA Service Programs who are receiving VVA grant funding. These amounts do not include retro awards.

#	GRANTEE	TOTAL FYTD '16
1	WA	\$41.53 Million
2	MI	\$36.49 Million
3	MN	\$24.60 Million
4	IA	\$22.52 Million
5	AZ	\$10.81 Million
6	CA	\$23.79 Million
7	FL	\$20.35 Million
8	NJ	\$15.60 Million
9	MA	\$13.27 Million
10	CH 317 (MO)	\$12.33 Million
11	BUCKEYE	\$9.55 Million
12	IN	\$9.44 Million

13	CH 953 (TN)	\$8.20 Million
14	VT	\$3.31 Million
15	CT	\$2.59 Million
<u>16</u>	<u>AK</u>	<u>\$1.85 Million</u>
	TOTAL:	\$256.20 Million

SOURCE: Veterans Benefits Administration, 4/7/2016

AMC OFFICE STATISTICS

*Will be available next quarter.

3. Staff Changes

Dee Wallace was promoted to Senior National Service Officer/AMC and replaced Lillian Pitts.

Donna Lempin and Lillian Pitts left VVA in December and February, respectively. We wish them well in their endeavors.

Janelle Hardy was hired as an Administrative Assistant/AMC and replaced Donna Lempin.

We are pleased to welcome Janelle to our team and congratulate Dee on her promotion.

4. VVA Litigation

1) 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: In this case, the Department of the Army (the main party in the action) was sued in a class action 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 to 1975.

On June 30, 2015, a panel of judges agreed with the district court that the U.S. Army had an ongoing duty to provide former test subjects with newly available information relating to their health, and that his duty was judicially enforceable. The panel of judges also agreed with the district court that the Army had an ongoing duty to provide medical care. The Court, however, vacated and remanded the district court's denial of relief

on the ground that the Department of Veterans Affairs provided medical care that to some degree duplicated the care the Army was obligated to provide.

On September 4, 2015, the CIA filed a petition for rehearing and rehearing en banc. The CIA argues that the panel 1) erred in holding that the plaintiffs are entitled to an injunction requiring the army to provide medical care in addition to the care available from the VA and the panel 2) erred in holding that plaintiffs are entitled to an injunction requiring the army to provide additional notice to plaintiffs of any newly-acquired information that could potentially affect their health beyond the notice already provided.

On October 8, 2015, VVA filed an opposition against the petition for rehearing and rehearing en banc. VVA argues that the panel: 1) correctly reversed the District Court's refusal to compel the army to comply with its regulation and provide medical treatment, 2) correctly held that AR 70-25 imposes a non-discretionary duty to perform discrete agency action, and 3) properly affirmed the injunction requiring the Army to provide notice.

Link to Opposition to Petition for Rehearing and Rehearing En Banc:
<http://edgewoodtestvets.org/court-filed-documents/pdfs/20151008-053-Opp-To-Petition-For-Rehearing-En-Banc.pdf>

2) FOIA Cases: Vietnam Veterans of America et al. v. Dept. of Defense, No. 3:15-cv-658-VAB (D. Conn. 2015)

UPDATE: The parties have now resolved this dispute to the point that the Plaintiffs will be receiving a quarterly report from all branches of the Department of Defense.

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. With the assistance of the Y Veterans Legal Services Clinic, VVA previously litigated two FOIA lawsuits to obtain records regarding these practices:

Vietnam Veterans of America v. U.S. Dept. of Defense, ___ F. Supp. 2d ___, 2014 WL 1284970 (D. Conn. Mar. 31, 2014) (granting in part and denying in part DoD motion for summary judgment in FOIA action)

Vietnam Veterans of America v. US. Dept. of Defense, ___ F. Supp. 2d ___, 2014 WL 1281725 (D. Conn. Mar. 28, 2014) (denying government motion to dismiss FOIA action).

Currently, VVA is litigating a third FOIA lawsuit against the Department of Defense for failing to respond to FOIA requests. VVA and National Veterans Council for Legal Redress (NVCLR) initiated these FOIA requests to gauge compliance with former Secretary of Defense Chuck Hagel's PTSD Upgrade Memo of September 2014 that required Boards to give "liberal consideration" to PTSD claims.

On May 4, 2015, VVA, NVCLR, and YLS filed a Complaint for Declaratory and Injunctive Relief against the Departments of Defense, Army, Navy, and Air Force. On November 2, 2015, VVA and NVCLR released a report with their findings from documents the DOD had disclosed during litigation. While the report showed a significant spike in the Army Board's grant rates for veterans with PTSD, it revealed that the military boards had generally fallen short of complying with the PTSD Upgrade Memo, especially with regards to its public outreach requirement. The report detailed a number of recommendations for further military board reform.

Link to Complaint:

https://www.law.yale.edu/system/files/area/clinic/document/vlsc_vva-dod.pdf

Link to Report:

<https://www.law.yale.edu/system/files/documents/pdf/unfinishedbusiness.pdf>

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

UPDATE: VVA is currently in the process of deciding whether to appeal this case.

BACKGROUND: 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.

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 June 22, 2015, plaintiffs Conley Monk, VVA, and the National Veterans Council for Legal Redress announced that the respective record correction boards had granted the discharge upgrade requests of all five individual plaintiffs.

Link:

<https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/veterans-legal-services-clinic/monk-v-mabus/updates-monk-v-mabus>

4) Service Women's Action Network v. Gibson, Appeal No. 2014-7079 (Fed. Cir. 2014)

UPDATE: As of March 3, 2016, the Federal Circuit recently denied the Service Women's Action Network (SWAN) and VVA petition for review of VA's denial of their request for a new regulation to address PTSD claims based on military sexual trauma. VVA plans to communicate with Yale Law School at the end of April to decide whether to appeal. The next level of appeal would be to the Supreme Court of the United States.

BACKGROUND: VVA, SWAN, and 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. On July 14, 2014, VA denied the rulemaking petition. On July 29, 2014, VVA, SWAN, 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. On July 29, 2014, the Federal Circuit granted the petitioners' unopposed motion to withdraw their petition for review.

Link to Order:

5) McKinney v. McDonald, 796 F. 3d 1377 (Fed. Cir. 2015)

UPDATE: No updates to report at this time.

BACKGROUND: 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 plaintiff in VVA's current case. However, the litigation is a direct result of a Korean DMV veteran named 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 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.

VVA filed a reply brief on January 12, 2015. Oral argument was heard on April 8, 2015. On August 11, 2015, the Federal Circuit denied the petition to review a regulation's effective date that provides a presumption of herbicide exposure for certain veterans who served in or near the Korean demilitarized zone during the Vietnam era. The Court held that VA's decision to assign the 2011 regulation a prospective effective date, instead of a retroactive effective date, was not arbitrary, capricious, or contrary to law.

6) The American Legion v. McDonald, Appeal No. 15-7061 (Fed. Cir. 2015)

UPDATE: No updates to report at this time.

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 Secretary Robert A. McDonald seeking to stop the implementation of 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 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.

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.

On October 8, 2015, oral arguments were presented to the Federal Circuit by American Legion, VVA, and other veterans groups.

Link to Oral Argument:

<http://oralarguments.caafc.uscourts.gov/default.aspx?fl=2015-7061.mp3>

The case is still pending before the Federal Circuit. The Court decided to postpone issuing a decision until the briefing and oral argument occurred in the parallel DAV/VFW and PVA challenges to the same VA regulations, which were argued before the Fed Circuit about a month ago.

We now await the Court's decision in our case.

5. Service Officer Training

We are continuing to add training videos to the Service Officer Online Resource Center, accessible at www.benefitsforum.org

We will be hosting Advanced Service Officer Training at this year's Leadership and Training Conference in Tucson. A representative VA will be presenting on how service officers can monitor and sign off claims in VBMS. One of our attorneys from the Board of Veterans Appeals will be presenting the latest court decisions from the Court of Appeals for Veterans Claims (CAVC). Other topics are still being developed. There will be a final exam. This training needs to be recorded so those service officers who are not able to attend in person will be able to complete this training, but funding is uncertain at this time.

Additional training videos will also be added soon. If you have requests for topics not covered by any of the training videos, please contact Kelsey Yoon or Jim Vale.

6. VVA Accredited Representatives List

Currently there are **997** VVA accredited representatives nationwide listed on the "VA OGC Accreditation Search" database. We are continuing to update our list.

7. VETPRO Database

We now have **120** users in 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 is conducting its review of proposed changes. A revision with these changes will be submitted to the VVA Board of Directors for approval October 2016.

9. Service Officer Suspensions/Revocations

Two VVA Service Officers have been suspended for 90 days pending review and action by the VBP Disciplinary Sub-Committee.

10. VVA GRANTS

The VBC has received 13 grant applications for the Oct. 1, 2016 - Sep. 30, 2017 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 CT. 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 Diego, Los Angeles, and Long Beach Medical Center

In March 2016, VVA National sent staff to the Los Angeles RO, San Diego RO, and the Long Beach Medical Center for site visits. Our national staff visited local service officers and provided necessary support, in addition to tracking, identifying, and taking action as necessary on all pending paper and VBMS appeals.

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

Discussed how VVA could best increase the number of co-sponsors assigned to the Toxic Exposure Legislation and how the grassroots of VVA should keep the pressure on for support.

Communication Department/M. Porter

Mokie Porter spoke about social media, news and publications. There have been two-hundred (200) Town Hall meetings and a new wave of meetings that are coming.

Veterans Health Council/Dr. T. Berger

-working on several health-related issues including: obtaining a very positive decision rendered recently by the National Quality Forum (NQF) to move forward with the recommendation for trial-use approval of measure #2764 – a Fixed-Dose Combination of Hydralazine and Isosorbide Dinitrate Therapy for Self-Identified Black or African American Patients with Heart Failure (HF) and LVEF <40% on ACEI or ARB and Beta-Blocker Therapy; CMS proposals to the risk adjustment model, encounter data, and Employer Group Waiver Plans (EGWPs) will have a negative effect on our members, their families, and seniors throughout the country; FY17 Defense Health Research Programs (i.e., Congressionally Mandated Research Program) letter was sent to the House and Senate Appropriations Committees, along with every defense and health staffer of all the members of these committees...

-addressed the BOP administrators in Aurora, CO on using motivational interviewing with veterans in the system with the result that a pilot project has been proposed for prisons in CO...

-attended a White House meeting on proposed legislation that would direct the wardens at 11 federal prisons to inform VA's VJOs two months in advance of release of veteran prisoners so that appropriate transition efforts can be developed for them...

-addressed the joint VA/DoD suicide conference on February 2 and among the four items I called for was the movement of the VA Suicide Risk & Prevention Office to be placed directly under the Secretary... It was accomplished on Feb 24. Also called for increased resources for the office in the amount of \$143 million – part of the VA Omnibus bill passed by Congress last December and received assurances from Dr. Shulkin that amount was forthcoming...

-attended the CNAS meeting last week on bad paper discharges and as a result, Harvard Law School Veterans Clinic has asked us to partner on legislation and petitions re: this issue

-next week I attend the first meeting of the VA's Genomic Medicine Advisory Committee (established in Jan 2015); VP Four and I are addressing the "Grand Rounds Program" in Philadelphia on Apr 20; on to Harvard on Apr 21 where I'll be working with Drs. Matthew Nock and Ron Kessler on suicide prevention; and then Yale with Gov't Affairs ED Weidman to address the various vets' clinic work groups...

-several new research projects: a) doctoral study proposal by nursing student at the Uniformed Services Health Science University to examine the complex associations between community social network relationships and the supportive services provided by these networks among Vietnam veterans, who participate in a Veteran's service organization. Participants for study will include active members of a Vietnam Veteran's service organization, who regularly attend meetings and/or participate in the group's activities. Veterans who volunteer to participate in the study will be asked to complete an interview and questionnaires regarding their social networks.

b) a proposed study involving Drs. Linda Schwartz and Christine Kasper (toxicologist at USHSU), VP Four, myself and the Special Forces "Alumni" Association re: lead poisoning among SF operatives

c) The Vietnam Era Health Retrospective Observational Study (VE-HEROeS) is a nationwide survey study that will help the Department of Veterans Affairs (VA) understand the current health and overall well-being of Veterans as they age.

Comparing Vietnam Veterans and Veterans who served elsewhere during the Vietnam Era (1961-1975) to similarly aged people who never served in the military, we want to know if there are differences in:

- ☐ Physical and mental health conditions
- ☐ Age-related health conditions
- ☐ Lifestyle, including tobacco use and health care use
- ☐ Health experiences of children

This study involves a questionnaire for everyone and medical records review for a smaller group of participants.

Who can join?

VA researchers will invite approximately:

- ☐ 43,000 Vietnam and Vietnam Era Veterans, including Blue Water Navy Veterans
- ☐ 233,000 similarly aged U.S. residents who never served in the military

If you are invited to participate in VE-HEROeS, please do so. Your participation is voluntary. Researchers are scientifically selecting individuals to take part in this study, and cannot accept volunteers.

Start date

VE-HEROeS will begin in the fall of 2016.

-since I last reported, the VHC has received \$50,000.00

National Meetings and Special Events/W. Guidry

Things available at the upcoming 2016 National Education & Leadership Conference at the Hilton El Conquistador in Tucson, Arizona. The registration form is now on the Conference page located at http://www.vva.org/leadership_conf.html. The webpage will continue to have additions, as details are confirmed. Keep checking back!

Membership Department/T. Houston

Spoke about the access to the web roster, what file format would be acceptable to state councils and chapters and whether everyone would rather have live data/rosters instead of receiving them on a monthly basis.

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.

Meeting recesses: 10:55 am

Saturday, April 9, 2016

The meeting of VVA National Board of Directors reconvened at 9:09 am on Saturday, April 9, 2016 at the Double Tree by Hilton in Silver Spring, MD.

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

John Rowan, President	Charlie Hobbs	Dick Southern
Marsha Four, Vice President	Sharon Hobbs *	Dan Stenvold
Bill Meeks, Secretary	Joe Kristek	Kerwin Stone
Wayne Reynolds, Treasurer	Sara McVicker	Craig Tonjes
Dennis Andras	John Miner	Sandie Wilson
Dottie Barickman	Rex Moody	Ted Wilkinson
Tom Burke	Ron Morgan	Jerry Yamamoto
Richard DeLong	Felix Peterson	
Mike Demske	Dave Simmons	

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

Also present: Joseph A. Sternburg, CFO

Excused: Charlie Montgomery

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

Alabama	Present		Nebraska	Present
Alaska	Present		Nevada	Present
Arizona	Present		New Hampshire	Absent
Arkansas	Present		New Jersey	Present
California	Present		New Mexico	Present

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

Finance Committee Report

Committee Chair Ned Foote submitted the following motions:

Motion 3

Move to approve the FYE 2-28-17 Veterans Health Council Budget as presented.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Motion 4

Move to approve the 2017 National Convention Budget as presented.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Motion 5

Move to approve the FYE 2-28-17 VVA Budget as presented.

Without objection motion passed.

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

Consent Calendar

Secretary Meeks submitted the following motion:

Motion 6

1. **Motion to revoke the charter for Chapter # 348 (TX) and Chapter # 379 (TX) as the membership notified the TX State Council they were voluntarily closing the chapters down.**
2. **Motion to appoint Sandie Wilson as Chair the Veteran's Health Care Committee by President John Rowan.**

Without objection motion passed.

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

Committee – Motion Only

Public Affairs – D. Howland – made the following motion:

Motion 7

To rescind Motion # 7 from the January 2016 meeting: *“To remove and refrain the use of the terminology Vietnam ERA Veteran. To remove from organization publications, etc. Suggested to begin using terms such as Vietnam Veteran or Vietnam Generation.”*

Without objection motion passed.

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

Veterans Benefits – T. Burke – made the following motion:

Motion 8

To file suit with The Few, The Proud, The Forgotten and the VVA Connecticut State Council file suit, at no cost to VVA, against the Department of Veterans Affairs (VA) to compel the production of documents responsive to the Freedom of Information Act (FOIA) request submitted on December 7, 2015 by Vietnam Veterans of America; the Vietnam Veterans of America Connecticut State Council; and The Few, The Proud, The Forgotten.

Without objection motion passed.

Yes: 23
No: 0

Non Vote: 1
Not Present: 0

Motion 9

At no cost to VVA, join an existing rulemaking petition with NVLSP and Swords to Plowshares to ask VA to amend regulatory bars in 38 C.F.R. §§ 3.12(a), 3.12(d), 17.34, 17.36(d) (regulations interpreting 38 U.S.C. § 101(2)) that prevent veterans with Undesirable Discharges or Discharges Under Other Than Honorable Conditions to be eligible for VA benefits UNLESS the misconduct leading to discharge is serious enough that it would have resulted in a Dishonorable Discharge (assuming the veteran had been charged for the misconduct in a General Court-Martial).

Without objection motion passed.

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

Motion 10

To authorize Veterans Benefits Director to cancel VVA accreditation of County Veterans Service Officers (CVSOs) in states where approved by VVA State Councils in states where there is no VVA office at the State's VARO.

Without objection motion passed.

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

Motion 11

To rescind Motion # 9 from the April 2016 meeting: *“At no cost to VVA, join an existing rulemaking petition with NVLSP and Swords to Plowshares to ask VA to amend regulatory bars in 38 C.F.R. §§ 3.12(a), 3.12(d), 17.34, 17.36(d) (regulations interpreting 38 U.S.C. § 101(2)) that prevent veterans with Undesirable Discharges or Discharges Under Other Than Honorable Conditions to be eligible for VA benefits UNLESS the misconduct leading to discharge is serious enough that it would have resulted in a Dishonorable Discharge (assuming the veteran had been charged for the misconduct in a General Court-Martial).”*

Without objection motion passed.

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

Motion 12

At no cost to VVA, join an existing rulemaking petition with NVLSP and Swords to Plowshares to ask VA to amend regulatory bars in 38 C.F.R. §§ 3.12(a), 3.12(d), 17.34, 17.36(d) (regulations interpreting 38 U.S.C. § 101(2)) that prevent veterans with Undesirable Discharges or Discharges Under Other Than Honorable Conditions to be eligible for VA benefits UNLESS the misconduct leading to discharge is serious enough that it would have resulted in a Dishonorable Discharge (assuming the veteran had been charged for the misconduct in a General Court-Martial). This motion is also to authorize related follow-on court action at no cost to VVA to file as a petitioner, joint petitioner, or a party to an amicus brief at the Court of Appeals for the Federal Circuit (CAFC) and U.S. Supreme Court.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

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

Women Veterans – K. O’Hare-Palmer & Veterans Health Care – S. Wilson & Government Affairs – P. Peterson – made the following motion:

Motion 13

To request the VVA Board of Directors to approve submitting an application to the “Nurses on Board Coalition” on behalf of the VVA at no cost to National.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Government Affairs – P. Peterson made the following motion:

Motion 14

To add Dottie Barickman as a member to the Government Affairs Committee at no cost to National.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Agent Orange/Dioxin – M. Kaderlik – No motions

Constitution – L. DeLong – No motions

Economic Opportunities – D. Andras – No motions

Veterans Incarcerated – D. Yezzo – No motions

Minority Affairs - J. Yamamoto made the following motion:

Motion 15

**To add Dave Tweden as a member to the Minority Affairs Committee at no cost to National.
Without objection motion passed.**

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

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

Motion 16

**To add Jack Kempter and Dave Tweden as members to the Veterans Against Drugs Committee
at no cost to National.
Without objection motion passed.**

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

POW/MIA – R. DeLong/G. Coates made the following motion:

Motion 17

**To add Russ Fankell as an advisor to the POW/MIA Committee at no cost to National.
Without objection motion passed.**

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Membership Affairs – C. Hobbs made the following motion:

Motion 18

**To retire the “Chapters that are Suspended but Active or Suspended but Failed VVA
Membership Policy.
Without objection motion passed.**

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Homeless Veterans - S. Miller – No motions

Public Affairs – D. Howland – made the following motion:

Motion 19

To add Bob Gradinski and Tom Brown as members to the Public Affairs Committee at no cost to National.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Unfinished Business

VVA President/Officers & BOD Policies: Secretary Meeks made the following motions:

Motion 20

To approve the amended Board Confidentiality Policy.

BOARD CONFIDENTIALITY POLICY

(August 2005)

(Amended April 2016)

This policy is designed to address the need to keep certain items, considered by the Board of Directors, as well as the report out of such items, confidential so that the best interests of Vietnam Veterans of America, Inc. will be protected. The intent of this policy is that most items should be unrestricted so that the outcome of the Board's deliberations will be as visible as possible to the membership. The need for confidentiality may arise from many different circumstances, such as:

- ❖ Confidential attorney-client communications, which are privileged because in order to get the best advice, clients must be able to be completely candid with their legal counsel;
- ❖ Personnel and disciplinary matters, where an individual's privacy rights are involved. Also, the corporation may risk a defamation suit if negative information about a person is publicized and turns out to be false;
- ❖ Board Executive Session meetings.

On the other hand, in a membership organization accountable to its membership, openness is an important value. For instance, members will have more trust in their elected leaders if they are able to hear about and understand the decisions made by those in leadership.

In other situations, where rumors or misinformation may be circulating within the organization, it may be necessary for the Directors, to write and speak openly in order to set the record straight.

Legal Principles

A confidentiality policy must be based on the following legal principles:

1. Directors, Officers, employees, agents and members of the corporation, authorized by the Board of Directors to receive information, have fiduciary duties of care and loyalty, to protect the best interests of the corporation. These duties arise when they enter into a fiduciary relationship with the corporation, and may even continue after the relationship has ended.
2. Part of the fiduciary duty of care is the duty to protect the confidences of the corporation. After a person ceases to be a Director, Officer, employee, agent or members of the corporation authorized by the Board of Directors to receive the information, he or she may possess information received while in a capacity of a fiduciary. If the person uses or reveals such information in a manner damaging to the corporation, the corporation may take legal action.
3. The decision as to when and to whom confidential information, received in a fiduciary relationship with a corporation, is disclosed to others belongs to the corporation, not the individual. Only those Officers, Directors, employees, agents, or members of the corporation authorized by the Board of Directors to disclose confidential information may do so.
4. Corporate Law does not require that meetings of a nonprofit corporation Board of Directors be open to the public or even to voting members of the corporation. Board material properly classified as confidential may be withheld from the public and from members.

Procedures

Considering these principles, the following procedures shall be used to protect the confidences of the Board of Directors of Vietnam Veterans of America Inc.:

1. Each document, including electronic messages, provided to Officers, Directors, employees, agents, or members of the Corporation, in connection with Board business (an “item”) shall be classified under one of these two categories:

- a. **Confidential**

Items classified as “Confidential” shall be labeled as such and shall not be photocopied for, shown to, or discussed with anyone except members of the Board of Directors and/or those employees, agents, or members of the corporation authorized by the Board of Directors to receive the information.

Examples include materials containing attorney-client communications, personnel and disciplinary matters, background/position/problem documents, draft policies, draft procedures, and other reports, plans, budgets, and

commentaries prepared for Committee and Board deliberations, Board of Directors Executive Session minutes.

b. Non-Confidential

Items which are not labeled as “Confidential” will be considered “Non-Confidential”. Such items have no limitation on distribution or discussion. Officers, Directors, employees, agents and members of the corporation must use good judgment and discretion when handling such information, keeping the best interest of the organization uppermost.

Examples include Board approved policies and procedures (though they may have been classified as “Confidential” at an earlier stage), Board Meeting minutes (except executive sessions). Some matters contained in Board minutes might remain “Confidential”.

2. When items are prepared for distribution by Vietnam Veterans of America Inc. staff, the Staff Department Director shall tentatively classify each item. In some instances, a particular page or attachment may be classified differently from the rest of the item.
3. An item may be classified as “Confidential” until a specific time, after which the item becomes “Non-Confidential” and may be openly discussed. All those receiving such an item in confidence shall observe the restriction until the prescribed time.
4. If someone receiving “Confidential” information believes it would serve the best interests of the corporation to disclose the matter to, or discuss it with, someone outside of the restricted group, he or she may request approval from the Board of Directors to do so.
5. After consultation with the Staff Department Director, the President may change the tentative classification on an item. The Board of Directors may change a classification made by the Staff Department Director or the President. In all cases, the Board has the ultimate responsibility for establishing the level of confidentiality to be maintained, observing the requirements of applicable law.
6. The distribution of Board agendas and materials, Committee agendas and materials and the minutes (with attachments) of Board and Committee meetings are “Non-Confidential”, except for those items classified as “Confidential”.
7. At Board of Director’s meetings which are open to members of the corporation, any mention of “Confidential” items shall be made in a manner which does not compromise the confidentiality of those items.
8. In addition to a “Confidential” classification, an item or a portion of an item may be marked “Confidential Attorney-Client Privilege” where the material contains or reflects a matter communicated between the corporation and legal counsel in confidence.

Disclosing such matters to others may result in a waiver of privilege, causing the corporation to lose the protection of the privilege in the event of litigation.

9. Any breach of the confidentiality policy set forth shall be immediately reported to the President.
10. The Board minutes and other corporate records of Vietnam Veterans of America Inc. open to inspection by VVA membership under Corporate Law shall be limited to “Non-Confidential” materials, and only those “ Confidential” materials that the Board of Directors determines may be inspected for a purpose reasonably related to such person’s interests as a member.
11. Any violation of this policy by any Director, Officer, employee, agent, or member of this organization shall subject the violator to removal from elected position, suspension or revocation of membership, or employment, or other action as may be appropriate under the National Disciplinary Policy.

ATTACHMENT TO VVA CONFIDENTIALITY POLICY



Vietnam Veterans of America Confidentiality Agreement

As the result of being a Director, Officer, Committee or Task Force Chair, or member or special advisor, employee, or agent of Vietnam Veterans of America, Inc. (VVA), or other person authorized by VVA to VVA matters, including confidential information, I understand that I either have had or may have access to confidential VVA matters, including confidential information, records, documents, computer files, or e-mails properly designated confidential in the subject line.

By my signature below, I acknowledge that I have received, read, and understood a copy of the document entitled “Vietnam Veterans of America Confidentiality Policy.”

Therefore, I agree to hold all confidential VVA information, records, documents, computer files, e-mails and all knowledge of confidential VVA matters in strictest confidence in compliance with the policy and the law. I further agree not to disclose any confidential VVA information, records, documents, computer files, or e-mails properly designated confidential in the subject line, or knowledge of confidential VVA matters to any persons not authorized by VVA to receive it until there has been public disclosure or unless the information becomes a matter of public or common knowledge. I will not use, appropriate, reproduce, or disclose any such information to any third party unless required by law or authorized to do so by VVA.

I acknowledge that any breach of confidentiality by me may result in consequences including, but not limited to, disciplinary action accordance with the VVA National Disciplinary Policy or the VVA Personnel Policy.

Name (Print)

Signature

Date

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Motion 21

To approve the amended Board of Directors Meeting Policy.

Vietnam Veterans of America

BOARD OF DIRECTORS MEETING POLICIES

(Amended Motion # 21 April 2016)

The below motions set forth policy for meetings of the National Board of Directors.

1. Agenda to be a structured format.
2. That the draft minutes of each Board meeting be distributed to the Board Members within a reasonable time following the conclusion of each meeting not to exceed 30 days. (June 1990 BOD Motion 5)
3. That a standard agenda item be a report from the Chairman of the Council of Council Presidents or his/her designated representative and that the minutes of the meeting of State Council Presidents be posted to the VVA web site. (September 1990 BOD Motion 39, Amended Motion April 2016)
4. That in all facets of VVA, under no circumstances, will any form of sexual harassment be tolerated, whether serious or in jest. Any such action will be subject to action under the National Disciplinary Policy. (September 1992 BOD Motion 36, Amended Motion April 2016)
5. To begin board meetings on Fridays at 9 AM and ending on Saturday evening. (January 1996 BOD Motion 53, Amended Motion April 2016)

6. Substance abuse (under the influence of intoxicants, illegal drugs or any un-prescribed controlled substances) will not be tolerated at the business session during board meetings or committee meetings. The defined times were from the beginning of the board meeting business session or committee meeting until they adjourn. (October 1997 BOD, Amended Motion April 2016)
7. If particular attire is deemed advisable by the President for a specific occasion, then advance notice should be given to the BOD. This policy applies to the Board of Directors, Task Force and Committee Chairs. (August 1999 BOD Motion 3, Amended Motion April 2016)
8. That the national office of Vietnam Veterans of America has a portable first-aid kit which is to be present and available at all board meetings, national conferences and conventions. A written log and signed check list of the contents will be kept with the kit. The log will be checked by the Director of Personnel and Administrative Services on a monthly basis and after all board meetings, conferences and conventions for designated level of contents and expiration dates. Replacements will be ordered immediately. (January 26, 2002 BOD Motion 37, Amended Motion April 2016)
9. That members of the VVA National Board of Directors be allowed to ask questions regarding the report being given, regardless if the reporter of the committee has run out of official time allocated or not. (January 2005 BOD Motion 11)
10. That the National Secretary following a national board of directors meeting send out in appropriate format, prior to each Board of Directors meeting, an interim synopsis progress report of all motions passed, to include action required, responsible party and date to be completed. All motions will be considered incomplete until the Secretary receives the documentation from the responsible party. (January 2005 BOD Motion)
11. That board packets (to include the meeting agenda) be available at the VVA Office (Reception desk) for all board members and committee chairs. (April 23, 2005 BOD Motion 35, Amended Motion April 2016)

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Motion 22

To approve the amended Computer Back Up Policy.

COMPUTER SYSTEM BACKUP POLICY

BACKGROUND

The VVA computer system consists Personal Computers (desk top PC's) and printers in an Ethernet network system. There are seven system file servers providing data storage for documents, email, database and accounting data, network security and other network services.

PURPOSE

A tremendous amount of information, vital to the operation of VVA, is input daily to the VVA computer system. This information includes membership information, donor information, the VVA accounting system, administrative information such as Board of Director names and phone numbers, etc. It is extremely important that this information is accurate, updated and accessible at all times. To ensure that important information is not lost, the following policy will be implemented.

IMPLEMENTATION

On a daily basis, Monday through Saturday, the VVA computer system automatically backs itself up. This process begins at approximately 7:00 pm and lasts approximately four hours. Should someone be working during these hours, the work done by that individual will not be backed up until the following evening. In addition, any files left open by a user will not be backed up until the file is closed in time for the next backup cycle. To ensure a proper backup of all files, users should log out of their computers properly at the end of each work day.

All system backups are saved on high-capacity removable, portable USB hard disks. A set of 5 weekly backup disks are used in rotation. All disks kept on-site are stored in a fire resistant box in the Server room. A member of the IT staff exchanges the backup disk every Friday morning with the disk with the oldest data. The off-site disk from the previous week is returned to the office and placed in the fire box. The most recently removed disk is taken off-site until the following week. Off-site will be the staff member's home and is considered an acceptable location.

The backup system logs and reports are monitored regularly by the IT contractor to assure proper and successful on-going operation.

Motion 23

To approve the amended Conflict of Interest (Board) Policy.

Conflict of Interest (Board) Policy

(July 24, 2003)
(August 9, 2005)
(Amended Motion # 23 April 2016)

Purpose and Rationale

One of the hallmarks of good governance of a nonprofit corporation is the existence of formal policy on actual or potential conflicts of interest that may directly or indirectly influence organizational decision-making. Broad examples of when a conflict of interest may arise include the following:

- When a board member, committee or task force chair, or officer able to influence a decision, whether by vote or persuasion, may (a) gain some personal or professional advantage from the outcome of the decision or (b) gain some advantage for an organization or interest with which the person or a member of his or her family is directly involved; or
- When a board member, committee or task force chair, or officer accepts a gift or gratuity from a vendor or contractor and then participates in a decision concerning the vendor or contractor; or
- When a board member, committee or task force chair, or officer uses his or her access to corporate information to advance his or her personal or professional interests in a manner that conflicts with the corporation's interests.

The mere existence of a conflict of interest is neither inherently illegal nor necessarily a reflection on integrity of the director or officer. In a situation involving corporate decision-making, it is the manner in which the director, committee or task force chair, or officer and the board deals with a disclosed conflict that determines the propriety of a transaction. Since board members, committee and task force chairs, and officers owe the corporation a duty of loyalty, actual or potential conflicts of interest are best addressed by prior disclosure and abstention from decision-making in the area in which a conflict exists.

VVA Policy on Conflicts of Interest and Disclosure

1. A VVA board member, committee or task force chair, or officer must be sensitive to any interest he or she may have in a decision to be made by the board of directors and, as far as possible, recognize and disclose such interest prior to the discussion or presentation of the matter to the board.
2. To facilitate VVA board members' and, committee and task force chairs' and officers' recognition of any actual or potential conflicts of interest or breaches of the duty of loyalty, each VVA board member, committee or task force chair, and officer shall biennially no later than the date of the first Board of Directors meeting following a National Convention complete, sign, and submit to the National Office to the attention of the President the attached disclosure form. Individuals must also submit an updated form if a real or potential conflict of interest arises after signing the form.
3. When a director, committee or task force chair, or officer has a conflict of interest about a transaction or matter being considered by the board of directors, the director, committee or task

force chair, or officer should disclose the conflict to the board before the board of directors takes action on the matter.

4. Board members, committee or task force chairs, or officers who have an actual or potential conflict of interest should not participate in discussions or vote on matters affecting transactions between the corporation and the other person or organization.

5. Upon disclosure of the conflict of interest and abstention from discussion or decision-making, the board of directors should render a disinterested decision on the transaction or matter.

6. In any situation involving disclosure of a conflict of interest and abstention from discussion or decision-making, the minutes of the board meeting shall record the disclosure of a conflict of interest and the abstention from discussion or decision-making on the transaction or matter.

7. If a board member, committee or task force chair, or officer fails to disclose a conflict of interest or otherwise breaches his or her duty of loyalty to the corporation, the board of directors may take such disciplinary action as is appropriate under the VVA National Disciplinary Policy.

Biennial Conflict of Interest Disclosure Report for National Officers and Board of Directors or others that may be deemed appropriate by the VVA National President/CEO.

1. Name: _____

2. Home Address: _____

3. Name of Employer: _____

4. Address of Employer: _____

5. Is Employer a VVA Vendor or VVA Contractor? _____ Yes _____ No

6. Business and professional activities in which you or an immediate family member have had an interest (including a financial interest) as owner, officer, board member, partner, employee, or other beneficiary position as of the date this form is signed.

Name of Business or Professional Organizations With Which You Are Associated or In Which You Have an Interest	Nature of Business or Professional Organization	Position Held and Person Who Holds Position

Name of Business or Professional Organizations With Which You Are Associated or In Which You Have an Interest	Nature of Business or Professional Organization	Position Held and Person Who Holds Position

7. Are any of these business or professional organizations a VVA vendor, or VVA contractor?
Yes _____ No _____

8. Are any of these business or professional organizations engaged in activities that might conflict with VVA's mission, programs, or interest? _____ Yes _____ No _____

Affirmation

I have read the VVA Policy on Conflicts of Interest dated July 24, 2003. I understand its provisions and I hereby affirm that, during the period covered by this report, I have not, to the best of my knowledge and belief, been in a position of possible conflict of interest, except as indicated below:

I. Employment

Describe real or potential conflicts of interest, if any:

II. Business and Professional Interests

Describe real or potential conflicts of interest, if any:

Date: _____

Signature: _____

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Motion 24

To approve the amended Orderly Transition Policy.

Orderly Transition Policy

(Amended 2007)

(Amended Motion # 24 April 2016)

1. GENERAL

a. Purpose. The National Board of Directors adopts this plan to assure an orderly transition of responsibilities from outgoing officers, directors, committee & task force chairs, and other national appointees, to incoming officials following the elections held at each national convention. This will include changes in office holders due to disciplinary action, resignation or death.

b. Period of Transition.

- (1) For elected officers and directors, the period of transition is defined as the time between the declaration of final election results by the Elections Committee at the national convention and 30 days following the national convention or other election process. For appointed officials, the period of transition is defined as the 30 days following the approval of their appointment by the National Board of Directors.
- (2) Newly elected officers and directors assume full responsibility for their duties immediately upon the declaration of final election results by the Elections Committee at the national convention or other election process. Appointed officials assume the responsibilities of their office upon approval of their appointment by the National Board of Directors.

2. **TRANSFER OF OFFICERS, DIRECTORS, AND CHAIRS RESPONSIBILITIES**

- a. **Records.** Outgoing officers, directors, committee & task force chairs, and other national appointees are responsible for briefing their successors and transferring to them all VVA records and documents within 30 days of their successor's election appointment.
- b. **Actions.** Outgoing officers, directors, committee & task force chairs, and other national appointees are responsible for briefing their successors orally or in writing on all actions and unfinished business involved in the proper execution of their respective offices. Incoming officials will follow through on all such actions and unfinished business.
- c. **Information.** Outgoing officers, directors, committee & task force chairs, and other national appointees will remain available during the transition period to provide information, concerning ongoing actions and projects in the area of interest of their previous office, to their successors.

3. **REPORTS**

- a. **Outgoing** officers, directors, committee & task force chairs, and other national appointees are responsible for submitting a report in writing to the National Secretary for distribution by the end of the transition period. The report should include a statement of goals and objectives, specific information concerning the achievement of those goals and objectives, and details of ongoing and incomplete actions, projects, and programs. It should also include positive recommendation for their successors.

4. **TRANSITION FUNDING**

- a. **Outgoing** President shall continue to be paid for two months following the national convention, provided that he/she complete the requirements of this transition policy.
- b. **Outgoing** officers, directors and committee chairs' responsibilities during this period are limited solely to the transfer of their offices to their successors.

- c. **Outgoing** officers, directors and committee chairs will receive reimbursement only for the transfer of materials and information to their successors, subsequent to the national convention at which their successors assume office. Funding is not provided for travel after return home from the national convention, or for any purpose other than authorized herein, without specific prior approval.
 - d. **Outgoing** officers, directors and committee chairs must file expense vouchers not later than 30 days after the national convention at which they leave office, for reimbursement of all official expenses incurred during their tenure in office. Expense vouchers filed after that date will not be honored.
5. **IMPLEMENTATION AND LONGEVITY.** This policy amends the Transition Policy dated 2007 and will remain in effect until amended or rescinded

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Motion 25

To approve the amended Special Event Coordinator Policy.

SPECIAL EVENTS COORDINATOR POLICY

(Approved Motion #8, 3-23-02)

(Amended Motion # 25 April 2016)

BACKGROUND

Vietnam Veterans of America has long used, either as an employee or a consultant, the services of a Special Events Coordinator/Meetings Planner (Events Coordinator) whose primary functions have focused on the regular VVA Board of Director meetings, the biennial Leadership Conference and the National Convention. Over time it has become obvious that this individual is knowledgeable in the details and workings of hospitality and event services and that this individual has built up an inventory of cities and venues that would accommodate functions other than those referred to above such as Service Representative Training, Conference of State Council Presidents meetings and perhaps VVA Regional meetings as well. In addition, VVA has experienced situations where the non-use of this expertise has cost the organization money in penalties and overcharges.

PURPOSE

The purpose of this policy is to take advantage of the skill and expertise of the VVA Events Coordinator and to reduce this directive to policy format.

IMPLEMENTATION

The VVA Events Coordinator shall herewith be responsible for oversight, planning, negotiations for contract, assistance and production of all functions/events, which will be paid for by VVA (National, this does not include state council funded events) such as the Board of Director meetings, National Conventions, and Leadership Conferences.

This planning includes:

- * Recommending cities and venue for event for selection/approval by the National Board of Directors.
- * Determining VVA guaranteed block of hotel sleeping rooms.
- * Arranging contract for meeting/exhibit space.
- * Procuring Audio/Visual equipment.
- * Planning and determining banquet or food functions.
- * Arranging contract for musical entertainment.
- * Overseeing concert/sound reinforcement and production.

In addition to the preceding events, the Events Coordinator will assist in planning meetings and sites for the Conference of State Council Presidents meetings, Service Representative Training, Seminars and Symposiums. This “assistance” includes only the above areas and does not include the event agenda, training or any other such areas unless agreed to ahead of time.

Regional and State Council meetings present a special situation in planning. It is acknowledged that many directors and State Council presidents frequently have personal relationships with hotels in their areas, have been dealing with these hotels for several years and they have specific agendas for these meetings. Nothing in this policy is intended to detract or take away from these relationships. However, Regional and State Council meeting coordinators are encouraged to use the expertise of the VVA Events Coordinator to review contracts before signing with particular emphasis of “guarantees”. This review will be accomplished expeditiously.

NOTE: VVA Officers and Board of Director members, as elected officials of VVA, may NOT sign contracts for Regional or State Council meetings which in any way obligate the national organization.

Finally, by direction of the VVA President, the Events Coordinator may be directed to assist in functions not herein referred to but events to be funded by VVA.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

New Business

Honorary Life Membership: Secretary Meeks made the following motion:

Motion 26

To approve Honorary Life Membership for the following.

Name	Requested By
Colonel Tim Moore	Chapter 1051 (KY)
Melissa Hall	Chapter 1051 (KY)
Dr. Scott Garrett	Chapter 196 (VA)
Kaye Gardner	Chapter 304 (MD)
Janna Hoehn	Chapter 858 (HI)
Cameron Smith	Chapter 271 (OR)
Nerle (Jack) Strickler	Chapter 820 (OR)

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Request for Chapter Start-up Kit in SD – C. Hobbs noted the recommendation from the VVA Membership Affairs Committee to approve the request. There was lengthy discussion which included comments from the SD State Council Vice President and several Board Members.

Director Demske with a second from Director Andras made the following motion:

Motion 27

To postpone until July 2016 meeting the motion to send a start-up kit to form a new chapter in Watertown, SD.

President Rowan called for a roll call vote.

<u>Board Member</u>	<u>Motion #1</u>
John Rowan	No Vote
Marsha Four	Y
Bill Meeks, Jr.	Y
Wayne Reynolds	Y
Dennis Andras	Y
Dottie Barickman	Y
Thomas Burke	Y
Richard DeLong	N
Michael Demske	Y
Charlie Hobbs	Y
Joe Kristek	Y

Sara McVicker	Y
John Miner	N
Rex Moody	Y
Ron Morgan	Y
Felix “Pete” Peterson, Jr.	Y
Dave Simmons	Y
Dick Southern	Y
Dan Stenvold	Y
Kerwin Stone	Y
Craig Tonjes	N
Ted Wilkinson	Y
Sandie Wilson	N
Jerry Yamamoto	Y

Yes: 19

No: 4

Non Vote: 1

Not Present: 0

National Disciplinary Policy: Secretary Meeks explained the amendments made the following motion:

Motion 28

To approve the amended VVA National Disciplinary Policy.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Motion 29

To appoint a Disciplinary Work Group of Butch Huber, Tom Burke, Sara McVicker and Bill

Meeks for more revisions to the VVA National Disciplinary Policy.

Without objection motion passed.

Yes: 23

No: 0

Non Vote: 1

Not Present: 0

Committee – Reports Only

Public Affairs – D. Howland – Verbal

Veterans Benefits – T. Burke – Verbal

PTSD and Substance Abuse – Dr. T. Hall – Verbal

Women Veterans – K. O’Hare-Palmer – Verbal

Veterans Health Care – S. Wilson – Verbal

Government Affairs – P. Peterson – Verbal & written
Agent Orange/Dioxin – M. Kaderlik - Verbal
Constitution – L. DeLong – Verbal
Economic Opportunities – D. Andras - Verbal
Veterans Incarcerated - D. Yezzo – Verbal

Meeting recesses for lunch: 12:00 pm

The meeting of VVA National Board of Directors reconvened at 1:23 pm

Committee – Reports Only

Minority Affairs - J. Yamamoto – Verbal
Veterans Against Drugs – D. Simmons - Verbal
POW/MIA – R. DeLong/G. Coates - Verbal & written
Membership Affairs – C. Hobbs – Verbal & written
Homeless Veterans - S. Miller – Verbal
2016 Leadership & Education Conference Planning Committee – D. Stenvold - Verbal

The meeting adjourned at 1:48 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Bill Meeks, Jr.", written in black ink.

Bill Meeks, Jr.
National Secretary
Approved: July 19, 2016