

SEPTEMBER 2006



VETERANS

POST

SERVING VETERANS AND THEIR FAMILIES IN RETURN FOR THEIR SERVICE TO US

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Monster Gunner



Photo by Staff Sgt. Russell Lee KlikaView, USA, 133rd Mobile Public Affairs Detachment.

Spc. Kevin Williams of Company A, 5th Battalion, 101st Combat Aviation Brigade, 101st Airborne Division, takes his position as a door gunner on a UH-60 Blackhawk helicopter in Tikrit, Iraq.

The VA Can Legally Mess Up A Veteran's Claim!

By Larry Scott & Charles Kelley

Bombshell Court Ruling On Veterans With More Than One Va Claim Pending -- When VA acts on one claim but does not address other claims, the other claims are deemed denied. VA does not have to provide Veteran with notice of denied claims. You won't find this on the VA web site.

A new case decided on July 27 by the U.S. Court of Appeals for the Federal Circuit (Fed. Cir.) contains a disaster for Veterans and their dependents. "[w]here the Veteran files more than one claim with the RO at the same time, and the RO's decision acts (favorably or unfavorably) on one of the claims but fails to specifically address the other claim, the second claim is deemed denied, and the appeal period begins to run." (citing Andrews v. Nicholson, 421 F.3d 1278 (Fed. Cir. 2005)).

This means, in contravention of 38 U.S.C. Sec. 5104 and 38 U.S.C. Sec. 3.103, that VA does not have to provide the claimant with notice of the claim or claims that have been "deemed denied" or the reasons for the denials, and the period in which to submit a notice of disagreement with the claims "deemed denied" begins to run from the date of the decision on any of the other simultaneously submitted claims.

Thus, an un-represented or poorly represented claimant could have the time to appeal the "deemed denied" claims run out without even knowing that the claims had been denied! Here is a link to the case: <http://www.fedcir.gov/opinions/05-7155.pdf>

Veterans' Outreach Kiosks

The Florida Department of Veterans' Affairs (FDVA) and the Pinellas County Tax Collector's Office launched the state's first Veterans' Information Kiosk Aug. 10 at the Mid-County Tax Collector's Office on Starkey Road. The kiosk is part of a pilot program that will soon include six additional units.

Florida is home to the second largest Veteran population in the nation and has the fastest growing Veteran population among the states. The "over 65" Veteran population is the highest in the nation. FDVA helps Florida Veterans, their families and survivors improve their health and economic well being with quality benefits information, advocacy, education and long-term health services.

For more information and assistance available to Florida's Veterans, you may log onto the Florida Department of Veterans' Affairs Web site at www.FloridaVets.org

Correction to last months story about Charlie Bort. While it is true that Bort was a tireless worker helping Veterans in Central Florida prior to his death, the report that Bort had earned the Navy Cross was erroneously reported. Also see letters to The Company Clerk on page 2.

VA Says Nam Navy Can File For AO GREAT NEWS for the BLUE WATER NAVY

August 16th, the Court of Appeals for Veterans Claims (CAVC) made a ruling that ALL Veterans that served aboard US naval ships during the Vietnam war are eligible to claim diseases associated with exposure to agent orange/dioxin.

If you have been denied Service Connection (SC) for any one of the 12 conditions associated with AO/D then you must re-file. If you are a vet who had his/her SC Comp pulled away from you that will be re-instated with retro. Whether or not those who filed claims and were denied is unclear at this time whether or not retro will apply?

You MUST have a diagnoses from a Medical Doctor whether it be a Civilian or VA Doctor for the condition/s applied for.

A list of conditions can be found by typing Agent Orange on your search engine. Click onto the sixth (6th link) listed. A picture of the C-123 "Patches" will be come up. Navigate through the web site. Get yourself somebody to represent you! Do Not Go It Alone!!!

We think VVA has the best people working on AO benefits of Veterans, but there other Veteran Service Organizations out there. VFW, Am. Legion, AmVets, Purple Heart, and quite a few others. To find a list of Vets Organization, (VSO) that are authorized to file claims for vets go to www.va.gov/forms type in the number 21-22 That is the form that is used to appoint an Veterans Service Org to represent you scroll down to the second page and you'll find a list of organizations that can represent you.

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Veterans Post News Helping Again



Paul Branesky, a volunteer staff member of the Veterans Post News, loads items for the move of Jackie Turner who had to move from her mobile home after a developer purchased it all. Other media outlets have also reported her plight, but none of them were there to help her move.



Paul Branesky and Jackie Turner unload the Veterans Post News Van & Trailer at her new home.

Sarasota County Veterans Celebrate



The new organization; Honorably Discharged Veterans of Sarasota County, celebrated on August 17th with a Pot Luck Dinner. The group has been fighting to keep its building and property that has been part of the Sarasota Community since 1919.

This is the organization that broke away from the DAV when they found out the DAV filed a claim to take ownership of the property under the Bylaws of the National DAV Headquarters.

The DAV believes that if something has the letters "DAV" on it, ALL property and assets belong to them, not the local chapter.

The local group consists of members from World War-II all the way through Desert Storm. They have tried in vain to get legal representation in their area, but so far no one wants to take on the DAV.

The property was held as a separate entity holding company for 86 years, until in 2005, leaders of the Florida DAV told them that there might be a problem with their old holding company and they could help. So the DAV had them sign paperwork not realizing the DAV can now sell it out from under them. If you know anyone willing to help this group please call our office 727-822-VETS or send email.

Web Site Honors Air Force Heroes

By Staff Sgt. Jeremy Larlee, Air Force Print News SAN ANTONIO (AFPN) -- A nonprofit organization's Web site is letting people pay tribute to Air Force heroes. A section in the Air Force Memorial Foundation's Web site, titled Air Force Heroes, allows people to honor an Airman with a paragraph about what makes them extraordinary.

With the Air Force memorial scheduled to open in the mid-October, the Web site is a great resource for people to prepare for the opening, said Maj. Kimberly Tebrugge, a public affairs officer for the 60th Air Force Anniversary Office. "It is a great opportunity for people to see those who may have slipped through the cracks in regards to recognition," Major Tebrugge said. Major Tebrugge thinks the Web site has been underused because it is new and not many people know about it.

"It is very important to recognize the proud heritage we have and the sacrifices and contributions of those who pioneered ahead of us," she said. "It makes you proud to see a collective representation of the similar values that we all share as Airmen and how they are displayed in different ways."

People interested in posting a tribute, or browsing the tributes that have already been posted, can visit the Web site at www.airforcememorial.org/heroes/. It's important to note that the reference to Airman includes Air Force members of any rank.

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