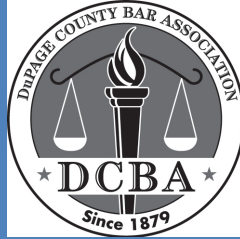
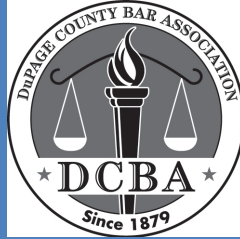


**DCBA/DAWL Veterans Day CLE Program
Webinar
November 11, 2022**

- 12:00 PM – 12:05 PM** **Welcome/Announcements and Introductions**
Stacey Lynch and Harold Conick, DCBA Veterans Day Committee
Chair and Vice Chair
- 12:05 PM – 12:10 PM** **2022 Veterans Day Video**
[Operation Outdoor Freedom Foundation](#)
[Operation Healing Heroes](#)
- 12:10 PM – 12:40 PM** **Honoring our Veterans**
Honor Flight Video Presentation
Cyndy Greenglass, President, Livingston Strategies
- 12:40 PM – 1:00 PM** **Paying for Care, Veterans Benefits and More**
Jerry Schmitt, CFP
VA Accredited Claims Agent
- 1:00 PM – 1:10 PM** **Break**
- 1:10 PM – 2:00 PM** **Practicing VA Law**
Commander John B. Wells USN (ret.)
- 2:00 PM – 2:30 PM** **Hines VA Hospital: Proudly Serving Those Who Served**
Jon Beidelschies, Associate Director of Operations
Edward Hines Jr. VA Hospital
- 2:30 PM – 3:00 PM** **Honor and Respect – We’ve Got Your Six – Estate Planning for
Heroes**
Karen Mills, Aronberg Goldgehn



3:00 PM – 3:05 PM	Break
3:05 PM – 3:10 PM	Eickhoff Family Veterans Scholarship at NIU Rob Eickhoff
3:10 PM – 3:30 PM	The PACT Act Ed Farmer, The Law Offices of Edward M. Farmer
3:30 PM – 3:50 PM	Camp Lejeune Water Contamination and Burn Pits Haig A. Himidian and Brad Pollock, Taxman, Pollock, Murray & Bekkerman, LLC
3:50 PM – 4:00 PM	Guitars for Vets and Recognition of DCBA Veterans Bill Kalbfleisch, Guitars for Vets
Link to Evaluation	Please complete the evaluation to receive MCLE credit. https://www.surveymonkey.com/r/VeteransDay11112022
DCBA Events:	December 8, 2022 – DBF Holiday Breakfast Fundraiser – Cooper’s Corner, Winfield December 15, 2022 – DCBA/DAWL/Justinian 2022 Grand Holiday Gala – Harry Caray’s, Lombard



Renew Your Court Pass

All 2022 Court ID's expire January 31, 2023. As soon as you receive confirmation of your ARDC registration for 2023, you can renew your court ID through the DCBA website at this link - <https://www.dcba.org/page/courtid>. The renewal fee is \$25 payment if you renew online and \$35 if you renew in person. Your 2023 extension stickers will be mailed in January. First time applicants may prepay for a new ID, but must report in person to the Bar Center for a photo and to receive the ID. For a new ID, bring your ARDC card and \$35 payment to the DuPage County Bar Center from 9:00 AM - 4:00 PM, Monday - Friday. There will be no in-person renewal in the courthouse. **Save time and money by renewing online and renew before January 31st to avoid reactivation delays.**

DCBA OnDemand CLE is Available on IICLE:

Members can find the link to The Illinois Institute for Continuing Legal Education (IICLE) catalog on the DCBA website under the menu item **CLE & Events**→**IICLE Online Library**. You must be logged into your DCBA Membership Profile to view courses for free or at a reduced price.

View & Print CLE Certificates through the DCBA Website:

CLE Certificates can take up to a week following the date of the CLE program to appear in your member profile. Members can view and print their certificates for any DCBA CLE program attended by first signing into their account on the DCBA website. Hover over the **CLE & Events** menu item and select **Find My CLE Credits**. This page will list all the CLE credits earned with DCBA. To the left of each program is an icon to print or email the Statement of Credit.





HONOR. THANK. INSPIRE.

Honor Flight Chicago recognizes the service and sacrifice of America's veterans and builds awareness and appreciation of the gratitude the country owes these men and women.

We honor senior service members from WWII, the Korean War, and Vietnam War with an all-expenses paid trip to Washington, D.C. to tour the nation's military memorials.

We thank veterans for their service and encourage communities to show their own gratitude and respect throughout the year with signs, parades, and other celebrations.

We inspire future generations about the power of gratitude and respect by connecting students with veterans through our Operation Education program.

"HONOR FLIGHT CHICAGO MADE ME FEEL THAT MY SERVICE TO MY COUNTRY WAS IN FACT APPRECIATED AND THE SACRIFICES MADE WERE NOT VIEWED AS SOMETHING TO BE ASHAMED OF. I AM ABLE TO HOLD MY HEAD UP BECAUSE I WAS FINALLY BEING RESPECTED FOR SERVING MY COUNTRY."

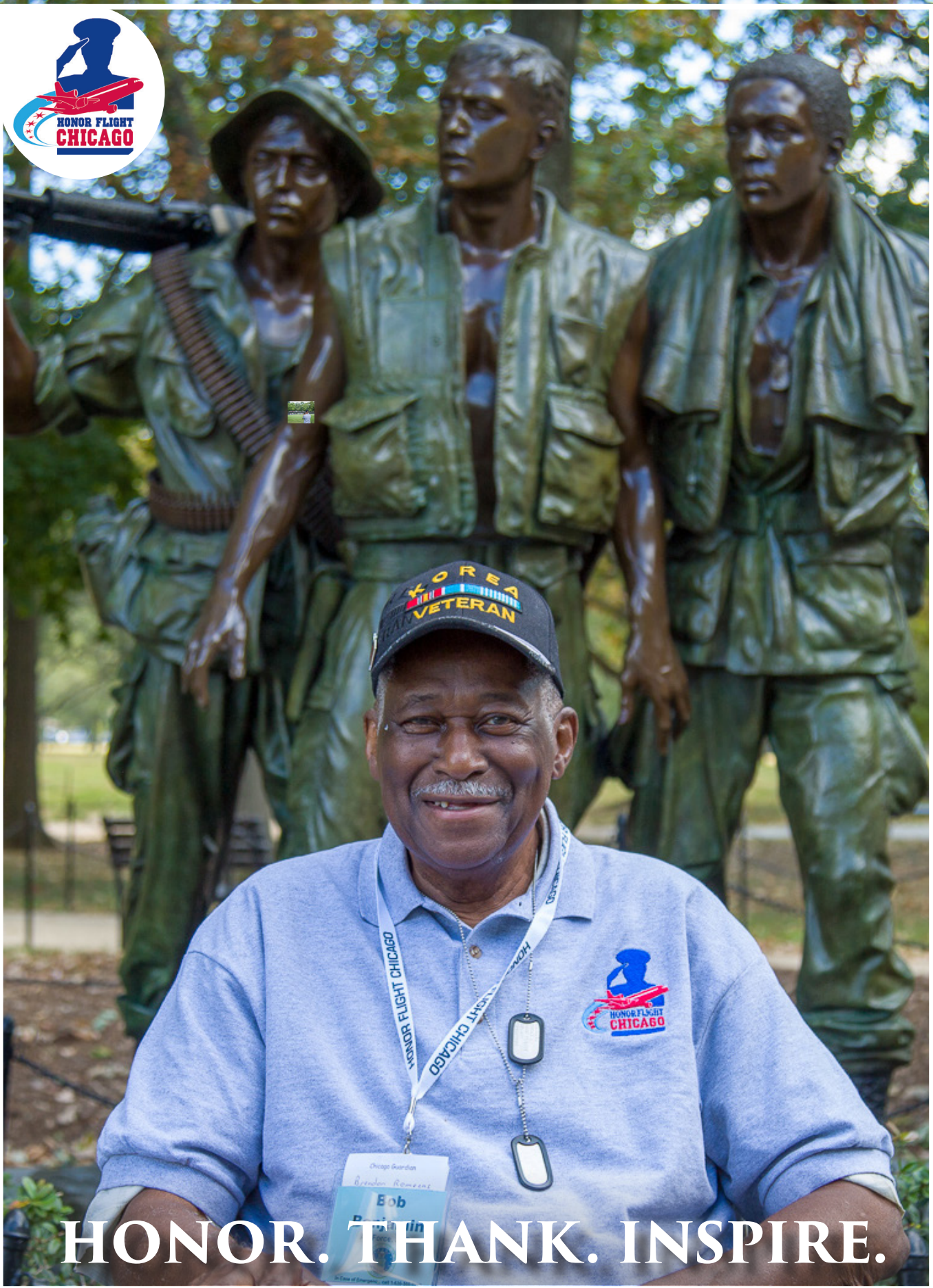
— THOMAS STROSSNER

WE ARE LOOKING FOR VETERANS

We want to honor the senior veteran in your life! Encourage any WWII, Korean War or Vietnam War veteran you know to apply for their trip to D.C. today!

HELP US CONTINUE OUR MISSION

We're able to honor our senior war veterans thanks to the donations of time and money by our loyal supporters. Visit [honorflightchicago.org/donate](https://www.honorflightchicago.org/donate) or call 773.227.VETS (8387) and donate today.



HONOR. THANK. INSPIRE.



Honor Flight Chicago recognizes the bravery, determination, and patriotism of America's senior war veterans with an all-expense-paid, one-of-a-kind journey to Washington, D.C., for a day of honor, thanks, and inspiration.

WHO IS INVITED?

Honor Flight Chicago is accepting applications from any veteran who served on active duty during WWII, the Korean War, or the Vietnam War. That service does not have to have been "in country." If you served, you answered your country's call to duty, and you deserve to be honored.

HOW LONG IS THE TRIP?

We fly our veterans to Washington, D.C., and back on the same day. It's a long day, but it's worth it!

WHAT HAPPENS IN WASHINGTON, D.C.?

The trip includes chartered bus rides to some of the city's most famous landmarks, including the Vietnam Veterans Memorial, Korean War Memorial, World War II Memorial, Lincoln Memorial, Air Force Memorial, and the Steven F. Udvar-Hazy Center — the Smithsonian National Air and Space Museum's annex at Washington Dulles International Airport. A special ceremony honoring all veterans on the trip, as well as those who paid the ultimate sacrifice for their country, is held at the World War II Memorial.

HOW MUCH DOES THIS COST?

All costs associated with the veteran's trip, including airfare to and from Washington, D.C., are covered by Honor Flight Chicago. As a 501(c)(3) non-profit organization, all flights are funded by individual and corporate donations.

HOW DO I SIGN UP?

Visit honorflightchicago.org/how-to-apply or call us today at 773.227.VETS (8387).





Veteran's Pension and more...

Jerry Schmitt

Legacy Benefit Planning LLC

630-915-9467

jerryschmitt2010@comcast.net

www.legacybenefitplanning.com

What is Veteran's Pension?

A VA Benefit awarded to Wartime veterans or their surviving spouses that meet strict criteria

Criteria Includes:

- **Military Service Period**
- **Medical Condition**
- **Income**
- **Net Worth**

Military Service of the Veteran

- **90 Days Active Duty**
- **1 day during a period of war**
 - WWII: Dec 7, 1941 – Dec 31, 1946
 - Korea: June 27, 1950 – Jan 31, 1955
 - Vietnam: Aug 5, 1964 – May 7, 1975
(Feb 28, 1961 – Aug 4, 1964 serving in the Republic of Vietnam)
- **Honorable or General Discharge**
- **Surviving Spouses apply on most recent Spouse's Service**

Physical or Cognitive Impairment

The background of the slide features a faded, light-colored image of the Statue of Liberty in New York Harbor, with the water and sky visible.

Assistance with 2 ADLs

- Bathing
- Dressing
- Toileting
- Feeding
- Transferring
- Ambulating

Diagnosed with

- Dementia
- Alzheimer's Disease
- Macular Degeneration
- Parkinson's Disease

Claimant must Need, Receive, and Pay for Care.

Income and Medical Expenses

The background of the slide features a faded, light-colored image of the Statue of Liberty in New York City, viewed from a distance across the water. The statue is the central focus of the background, with its crown and torch visible against a pale sky.

Income Includes

- Social Security
- Pensions
- Wages
- Rental Income
- Interest and Dividends

Medical Expenses Include

- Senior Living
- Home Care
- Nursing Home
- Health Insurance
- Prescriptions

**Include expenses paid
out of pocket and not
reimbursed by insurance**

2023 Monthly Maximum

Surviving Spouse	\$1,433
-------------------------	----------------

Single Veteran	\$2,228
-----------------------	----------------

Married Veteran (veteran healthy, spouse needs care)	\$1,749
---	----------------

Married Veteran (veteran needs care)	\$2,642
---	----------------

Income Calculation

Total Income	\$4,000
---------------------	----------------

<u>Care Expenses</u>	<u>- \$5,000</u>
-----------------------------	-------------------------

Net Income	= \$ 0
-------------------	---------------

Care expenses include the entire cost of Assisted Living

The Claimant would receive the FULL VA Monthly Benefit with a Net Income of Zero or less

Income Calculation

Total Income	\$4,000
---------------------	----------------

<u>Care Expenses</u>	<u>- \$3,500</u>
-----------------------------	-------------------------

Net Income	= \$ 500
-------------------	-----------------

**If the spousal benefit amount is \$1,318, the award
would be approximately \$818**

Countable Net Worth

<p>Are your assets above \$138, 488?</p>	<ul style="list-style-type: none">• Bank Accounts• CDs• Annuities• IRAs / 401Ks	<ul style="list-style-type: none">• Mutual Funds• Real Estate• Stocks• Bonds
<p>What Assets are not included?</p>	<ul style="list-style-type: none">• Home• Final Expense Policies• Vehicles• Personal Property	

Is there a “Look Back”?

**The VA has a 36-month look-back period
and a 60-month penalty period**

**If an applicant mistakenly applies with more than
\$138,488 or has improperly gifted, they may be
penalized up to 5 years.**

**With proper planning some families are eligible
immediately while others may wait up to 36 months**

Are there Strategies to Qualify sooner than just waiting?

Yes

**We may want to calculate and make an intentional gift
Other strategies involve purchasing exempt assets
Consult legal professionals prior to implementing**

**With proper planning some families are eligible
immediately while others may wait up to 36 months**

VETERANS

**Those who have served well...
have earned the right to live well!**

THANK YOU

FOR YOUR

SERVICE!



Veteran's Pension and more...

Jerry Schmitt
VA Accredited Claims Agent
630-915-9467
jerryschmitt2010@comcast.net
www.aid-attendance.com

Zoom Tuesdays at 7pm

Veteran Pension Presentation

VA Pension Criteria

Case Study #1 (Plan & Apply Later)

Case Study #2 (Apply now exempt home)

Case Study #3 (Stay at Home, use MCPN)

Legal (VA Accredited Attorney)

Powers of Attorney

Wills, Trusts, and Beneficiaries



1

Practicing VA Law

Commander John B Wells, USN (Ret)
 Chairman
 Military-Veterans Advocacy
www.militaryveteransadvocacy.org
John.Wells@mvadvocacy.org
 025-641-1855

2

Military-Veterans Advocacy

Non-Profit 501c3 organization.
 Litigate, Legislate and Educate on Behalf of Veterans.
 All Volunteer Organization.
 We are on Facebook at Military-Veterans Advocacy Inc.
 We are on Twitter at @MVadvocacy.
 Web site www.militaryveteransadvocacy.org.

3

Part 1

Introduction, Definitions and VA Organization

4

VA General Information

- VA Established by Exec Order 5398 on 21 July 1930
- Elevated to cabinet level on 15 March 1989
- 269 billion dollar budget (2022)
- \$157 billion in mandatory spending (benefits)
- \$112.2 billion discretionary
 - – *Medical care*
 - – *Construction*
 - – *Administration*

5

VA Organization

- Secretary Denis McDonough.
- Deputy Secretary – Donald Remy
- 412,892 Personnel as of March 2022
- Subdivisions
 - Veterans Health Administration
 - Veterans Benefits Administration
 - National Cemetery Administration

6

VA Infrastructure

- 171 medical centers
- 1112 outpatient clinics
- 135 nursing homes
- 57 regional offices
- 131 national cemeteries
- 412,000 employees

7

Sources of VA Law

- Title 38 U.S. Code
- Title 38 Code of Federal Regulations
- Case law from the United States Court of Appeals for the Federal Circuit
- Case law from the United States Court of Appeals for Veterans Claims
 - Formerly Court of Veterans Appeals
 - Veterans Reporter (Vet. App.)

8

Organization of the VA Claims System (VBA)

- Regional Office
 - Agency of Original Jurisdiction
- Board of Veterans Appeals
- Court of Appeals for Veterans Claims
- Court of the Appeals for the Federal Circuit
- Supreme Court of the United States

9

Who Are Veterans?

- Veteran of the active military, naval or air service discharged under conditions other than dishonorable
- 17.4 million veterans (as of November 2021)
 - 11.2 million receiving veterans health care
 - 3.5 million receiving benefits
- Status based on military service records
- Claimant must prove status based on preponderance of evidence
 - DD 214

10

DD 214

11

Active Service

38 U.S.C. § 101(24)/38 C.F.R. § 3.07

- Active duty
- Any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and
- Any period of inactive duty training during which the individual concerned was disabled or died--
 - from an injury incurred or aggravated in line of duty; or
 - from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.

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Active Duty

38 U.S.C. 101(21)

- Full-time duty in the Armed Forces
- Full-time duty as a commissioned officer of the Public Health Service on or after July 29, 1945
- Full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessor organization the Coast and Geodetic Survey on or after July 29, 1945
- Cadet/Midshipman at a service academy
- Authorized travel to or from such duty or service.

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Active Duty for Training

38 U.S.C. § 101(22)

- Full-time duty in the Armed Forces performed by Reserves for training purposes
- Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service on or after July 29, 1945
- In the case of members of the Army National Guard or Air National Guard of any State, full-time state duty
- Duty performed by a member of a Senior ROTC program when ordered to such duty for the purpose of training or a practice cruise by the member before commissioning
- Authorized travel to or from such duty

14

Wartime Service

38 U.S.C. § 101(6)-(11)/38 C.F.R. § 3.2

- Indian Wars 1/1/1817-12/31/1898
- Spanish American War 4/21/1898-7/4/02
- Includes Boxer Rebellion & Philippine Insurrection
- Mexican Border War 5/9/1916-4/5/1917
- World War I 4/16/1917-11/11/1918
- - Extended to 4/1/1920 for USSR service
- =====
- World War II 12/7/1941-7/25/1947
- Korean Conflict 6/27/1950-1/31/1955
- Vietnam Era 8/15/1964-5/7/1975
- Persian Gulf War 8/2/1990 - Present

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Part 2

Military Discharges and Upgrades

16

Types of Discharge

38 C.F.R. § 3.12

- Honorable Discharge
- General Under Honorable Conditions
- Other Than Honorable Discharge (OTH)
 - Previously called Undesirable Discharge (UD)
- Bad Conduct Discharge (BCD)
- Dishonorable Discharge (DD)
- Dismissal for Officers
- Entry Level Discharge

17

Common Reasons for Discharge

- End of Service Obligation
 - 8 years
- Retirement
 - Statutory
 - Medical
- Convenience of the government
- Unsuitability
- Misconduct
- Unfitness – (pre 1980)
- Punishment BCD, DD, Dismissal

18

Character of Service

- Honorable – The Best
- General Under Honorable Conditions
 - Protects most VA benefits
 - Does not protect GI Bill
- Other than Honorable Conditions
 - Formerly “undesirable discharge” for enlisted personnel
- Bad Conduct Discharge
 - BCD or Big Chicken Dinner
 - Awarded by Special or General Court-Martial
- Dishonorable
 - General Court-Martial Only

19

Types of Mil Justice Action

- Administrative Actions
- Non Judicial Punishment
- Summary Courts-Martial
- Special Courts-Martial
- General Courts-Martial

20

Appeals

- **Administrative boards**
- No direct appeal but must be approved by officer exercising General Court-Martial jurisdiction
- Separations before discharge date are subject to review in the Court of Federal Claims under the Tucker/Military Pay Act
- Discharge Character may be reviewed by Discharge Review Board
- **Non Judicial Punishment**
- May be appealed to officer exercising General Court Martial jurisdiction
- May be reviewed by military correction boards
- May seek review under the Administrative Procedures Act

21

Appeals

- Summary Courts and trials where there is no punitive discharge or confinement for less than one year may be appealed to the Judge Advocate General under 10 U.S.C. § 869.
- Otherwise, automatic right of appeal to the service court of criminal appeals
 - Panels of three Military Judges
 - Can disapprove conviction based on factual and legal errors
- Discretionary review by the Court of Appeals for the Armed Forces
 - 5 civilian judges
- - Certiorari available to the Supreme Court

22

Discharge Upgrades

- **Military Correction Boards**
 - < 10 U.S.C. § 1552
 - < Civilian board
 - < 3 year waivable statute of limitations from discharge
 - *Detweiler v. Pena*, 38 F.3d 591 D.C. Cir. 1994)
- **Court of Federal Claims**
 - < Tucker Act (Back Pay over \$10,000.00)
 - < Military Pay Act
 - < 6 year non-waivable statute of limitations from discharge
- **Discharge Review Boards**
 - < 10 U.S.C. § 1553
 - < Military board
 - < 15 year non waivable statute of limitations from discharge
- **Federal District Court**
 - < Administrative Procedures Act
 - < 6 year statute of limitations from action

23

Military Correction Boards

- Federal District Courts require petition to correction boards as an administrative remedy
- Courts give great deference to the decisions of a correction board
 - < *Roberts v. United States*, 741 F.3d 152 (D.C.Cir.2014)
 - < *McIntyre v. United States*, 30 Fed. Cl. 207, 213 (1993)
- Often act as a rubber stamp for the service
- OK on technical matters (correcting dates etc.)
- Can review courts-martial only as matter of clemency

24

Court of Federal Claims

- Article I Court
- Jurisdiction under the Tucker Act for Monetary Claims Not Sounding in Tort
 - < Requires a Money Mandating Act
 - < Military Pay Act Applies to Premature Discharges
 - 37 U.S.C. § 702
 - Does not apply to Reserve pay
- Review is similar to APA review but the court does not have APA jurisdiction

25

Court of Federal Claims Jurisdictional Issues

- Not a court of equity
 - < Equitable action if it is incidental and collateral to the pay action
 - 28 U.S.C. § 1491(a)(2)
 - See also *Holley v. United States*, 124 F.3d 1462, 1465 (Fed.Cir.1997)
- No requirement to exhaust remedy of a military correction board
 - < *Martinez v. United States*, 333 F.3d 1295 (Fed. Cir. 2003)
 - < *Caldbeck v. United States*, 109 Fed. Cl. 519, 526 (2013)
- May be a requirement to seek special board under 10 U.S.C. § 1558
- < *Crumley v. United States*, 122 Fed. Cl. 803 (2015)

26

Discharge Review Board

- Established by 10 U.S.C. § 1553
 - < 15 year non-waiverable statute of limitations
 - < Encourage delays to establish how Applicant has improved his or her life
 - < Should provide letters from friends, relatives, employers, clergy, teachers
- Cannot act on a punitive discharge awarded by a court-martial
- Post Traumatic Stress/Traumatic Brain Injury
 - < Must include a clinical psychologist/psychiatrist or physician with special training
 - < DRB must review with "liberal consideration" that PTS/TBI contributed to the misconduct

27

Federal District Court

- Can bring review of actions under the APA 5 U.S.C. § 551
 - < Except court-martial and military commissions
 - < Except Review of VA regulations brought in the Federal Circuit under 38 USC § 502
- Must exhaust administrative remedies (correction boards)
 - < But see *Darby v. Cisneros*, 509 U.S. 137, 154, (1993);
 - < *Brezler v. Mills*, 220 F. Supp. 3d 303, 322 (E.D.N.Y. 2016)
- Review of court-martial for incarcerated personnel is available via Habeas action
 - < Anti Terrorism and Effective Death Penalty Act of 1996
 - < 28 USC § 2255
- Statute of limitations runs from administrative action

28

Part 3

- Veterans Benefits Law

29

Length of Service Requirements

38 C.F.R. § 312a

- Prior to Sept 8, 1980 no minimum service requirements except
 - < 90 days for non-service connected benefits
 - < 181 days for Vietnam era GI bill
- Since Sept. 8, 1980, must serve 24 months or full period called for active duty except:
 - < Service connected disability
 - < Hardship discharges
 - < Disability separation/retirement

30

Willful Misconduct

38 CFR § 3.1(n)

- Deliberate or intentional wrongdoing with knowledge of or wanton and reckless disregard of its probable consequences
- Examples
 - < Alcohol abuse
 - < Drug abuse
 - < Venereal Disease
 - < Suicide
- Mere technical violation of police regulations or ordinances will not per se constitute willful misconduct

31

VA Service-Connected Disability

- **Requirements**
 - < Discharged under conditions other than dishonorable
 - < Disease or injury incurred or aggravated in line of duty
 - < Disability is not a result of own willful misconduct
 - < Entitled to additional compensation for dependents if 30% or more disabled
- **Special compensation for severe disability**
- **Dependency and Indemnity Compensation**
 - < Surviving spouse, child & parents
- 38 U.S.C. § 1110

32

Non-Service Connected Disability

- Need based program
- War time service
- Total and permanent disabilities
- Very low income
- Cannot be paid concurrently with compensation
- 38 U.S.C. § 1521

33

Presumption of Soundness

- 38 U.S.C. § 1111
- VA presumes veteran entered service in sound condition
- Limits ability of VA to deny claim based on preexisting condition
 - < *Bagby v. Derwinski*, 1 Vet. App. 228 (1991)
- Does not apply to anything documented in entrance physical examination
- Can be rebutted by clear and unmistakable evidence
 - < *Doran v. Brown*, 6 Vet. App. 264 (1994)

34

Service-connection requirements

- Veteran must have a medical diagnosis or current disability
 - < 38 C.F.R. § 1110, 1131
- Veteran must have medical evidence or at least lay evidence of in-service occurrence or aggravation of a disease or injury
 - < 38 U.S.C. § 101(24)/38 C.F.R. § 3.1(m)
- Nexus at least as likely as not between in-service occurrence or aggravation and the disease or injury
 - < 38 U.S.C. § 5107/38 C.F.R. § 3.102

35

Service Connected Determination

38 C.F.R. § 3.303

- Veteran's Military Service Records
- Veteran's Military & VA Medical Records
- Veteran's Claims Files ("C" File)
- Place, type and circumstances of service
- History of the veteran's unit
- Pertinent medical evidence
- Pertinent lay evidence

36

Direct Service Connection

38 C.F.R. § 303(b)

- Chronic condition arising on active duty or during applicable presumptive period
 - < Permanent condition
- Continuity of Symptomatology
 - < Requires medical evidence
 - < Nexus to service not required to be proven
 - *Savage v. Gober*, 10 Vet. App, 488 (1997)
 - Example: Diabetes
- Evidence required to establish disability
 - < *Wamhoff v. Brown*, 8 Vet. App. 517, 521 (1996)

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Delayed Direct Service-Connection

38 C.F.R. § 3.303(d)

- Not diagnosed in service
 - < PTSD
 - < Agent Orange
 - < Burn Pits
- Evidence establishes that disease was incurred in service
- Claimant must establish a nexus with military service
- Service connected by presumption if it arises within presumptive period
- Presumptive period not extended

38

Service Connection by Aggravation

38 U.S.C. § 1153

- Pre-existing disease or disability
- Must prove that the condition worsened while in service
- Does not have to prove that a particular incident worsened the disability
- Does not apply if there is a specific finding that the increase in disability is because of the natural progression of the disease

39

Service Connection by Presumption

38 C.F.R. § 3.309

- Liberalizing rule to assume service connection when there is not enough evidence to establish it directly
 - < Requires 90 days wartime service, or Service after January 1,1947
 - <Must show that the disease or disability period manifested itself within the presumption period and a diagnosis follows
- Presumption is rebuttable

40

Service-Connection by Presumption

38 U.S.C. § 1112

- Chronic disease & tropical disease w/in one year of separation
- Tuberculosis & Hansen's Disease w/in three years of separation
- Multiple Sclerosis w/in three years of separation
- Prisoner of War
 - < Must be held for thirty days
 - < Designated diseases
- Radiological diseases
 - < Must show participation in radiation exposure event
- Gulf War I & II
 - < Designated respiratory diseases and cancers

41

Agent Orange Benefits

38 U.S.C. § 1116/1116A

- Exposure to herbicide agent
- Exposure presumed for service "in the Republic of Vietnam"
 - < Includes territorial sea
 - < *Procopio v. Wilkie*, 913 F3d 1371 (Fed. Cir. 2019)
- Must have an enumerated disease as outlined in 38 C.F.R. § 3.307/3.309
- Now includes portions of Thailand, Korea and the C-123 aircraft used for spraying.
- New PACT Act covers Guam, Johnston Island, American Samoa, Thailand, Laos, Cambodia

42

PACT ACT Pub. L. 117-168

- Health Care Expansion
- Burn Pits
- Radiation
- Herbicide

43

Expansion of Health Care for Contingency Operations § 103

- A veteran who deployed in support of a contingency operation specified in clause (ii) is eligible for hospital care (including mental health services and counseling), medical services, and nursing home care for any illness.
- *A contingency operation specified in this clauses any of the following:*
 - “(I) Operation Enduring Freedom.
 - “(II) Operation Freedom’s Sentinel.
 - “(III) Operation Iraqi Freedom.
 - “(IV) Operation New Dawn.
 - “(V) Operation Inherent Resolve.
 - “(VI) Resolute Support Mission

44

EXPANSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR CERTAIN VETERANS OF COMBAT SERVICE § 111

- Backdated start date to Sep 11, 2001 from January 27, 2003
- Increased 5 year post discharge application period to 10 years
- Includes any veteran who, in connection with service during such period, received:
 - Armed Forces Expeditionary Medal
 - Service Specific Expeditionary Medal
 - Combat Era Specific Expeditionary Medal
 - Campaign Specific Medal
 - Any other combat theater award

45

Presumption of Service Connection for Radiation Exposed Veterans §§ 401-402

- Enewetak Atoll during the period beginning on January 1, 1977, and ending on December 31, 1980.
- Participation in the vicinity of Palomares, Spain, during the period beginning January 17, 1966 and ending March 31, 1967.
- Participation in the response effort in the vicinity of Thule Air Force Base, Greenland, during the period beginning January 21, 1968, and ending September 25, 1968.

46

Additional diseases for herbicide exposure § 404

- *Monoclonal Gammopathy of Undetermined Significances*
 - *Effective: August 10, 2022 or 1 October 2022*
- *Hypertension*
 - *Effective August 10, 2022 or 1 October 2026*

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Burn Pit Presumptive Conditions §406 Part 1

- "Asthma that was diagnosed after service of 15 the covered veteran as specified in subsection (c).
- The following types of cancer:
 - Head cancer of any type.
 - Neck cancer of any type.
 - Respiratory cancer of any type.
 - Gastrointestinal cancer of any type.
 - Reproductive cancer of any type.
 - Lymphoma cancer of any type.
 - Lymphomatic cancer of any type.
 - Kidney cancer.
 - Brain cancer.
 - Melanoma.
 - Pancreatic cancer.

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**Burn Pit Presumptive Conditions §406
Part 2**

- Chronic bronchitis.
- Chronic obstructive pulmonary disease.
- Constrictive bronchiolitis or obliterative 5 bronchiolitis.
- Emphysema.
- Granulomatous disease.
- Interstitial lung disease.
- Pleuritis.
- Pulmonary fibrosis.
- Sarcoidosis.
- Chronic sinusitis.
- Chronic rhinitis.
- Glioblastoma.

49

Rule of Construction § 407

- (a) **GENERALLY.**—Nothing in this Act shall be construed to prevent the Secretary of Veterans Affairs from processing claims for benefits under title 38, United States Code, for a condition or disease for which this Act establishes a presumption of service connection, as a claim for benefits for a condition or disease with direct service connection.
- (b) **EFFECTIVE DATES AND APPLICABILITY.**—The Secretary shall not deny a claim for benefits under title 38, United States Code, for a condition or disease for which this Act establishes a presumption of service connection because the claimant filed the claim prior to the effective date or date of applicability for that particular condition or disease.

50

**Benefit of the Doubt
38 U.S.C. § 5107**

- Requires VA to consider all information in the record including lay evidence
- In an approximate balance of positive and negative evidence, VA is required to give the claimant the benefit of the doubt
- Does not apply if VA finds that there was no balance of evidence
- Absence of evidence not considered evidence
< [Buczynski v. Shinseki, 24 Vet.App. 221, 224 \(2011\)](#)

51

How to Get Records

- Privacy Act 5 U.S.C. § 552A
- Freedom of Information Act 5 U.S.C. § 552
- Include authorization form from client
 < VA Form 21-22a
- Indicate request is on behalf of your client and not for commercial gain
- Request waiver of fees
- Duty to Assist (VA) 38 U.S.C. § 5103A
- Secretarial disclosure 38 U.S.C. 5701(b)
 - *But See, Lawrence v. Wilkie*, 33 Vet. App. 158 (2020), *vacated and remanded sub nom. Lawrence v. McDonough*, No. 2021-2118, 2021 WL 6331586 (Fed. Cir. Oct. 5, 2021), and *vacated and remanded sub nom. Lawrence v. McDonough*, No. 2021-2118, 2021 WL 6331586 (Fed. Cir. Oct. 5, 2021)

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Where to Get Records

- Service and Medical Records
 < National Personnel Records Center (Military Personnel Records), 9700 Page Ave., St. Louis MO 63132
 < Form SF 180
- VA Records
 < VA Evidence Intake Center 1282Fs | 888.981.7347
 < VA Hospital for medical records
- Military service headquarters
- Military units
- Military hospitals

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SF 180

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Types of Records

- Official
 - < Service records
 - < Military health records
 - < Deck logs
 - < Combat diaries
 - < Cruise books
 - < After action reports
- Unofficial
 - < Reunion sites
 - < Buddy statements
 - < Newspaper articles
 - < Letters to/from families/friends

55

Notice of Required Information

38 U.S.C. § 5103

- VA required to notify claimant and claimants representative of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the claim
- < Claimant must submit complete or substantially complete package
- Claimant has one year to provide information

56

Duty to Assist

38 U.S.C. § 5103A

- VA under statutory duty to help veterans develop their cases
- Duty is mandatory and not discretionary
- Includes requirement to seek records from other agencies
- Veteran must file a "well grounded" claim
 - < Burden on claimant
 - < Fact driven
 - < Plausible but not conclusive
- < *Murphy v. Derwinski*, 1 Vet. App. 78 (1990).
- Limited by Veterans Appeals Improvement and Modernization Act

57

Combat Veterans

38 U.S.C. § 1154

- Official records not required
 - < Congress noted record keeping less precise in combat
- Must be consistent with the circumstances conditions or hardships
- Every reasonable doubt resolved in favor of the veteran
- Effectively, if veteran claims injury in combat, VA must accept as true
- Vet must show satisfactory evidence of combat
 - VA does not have to take veteran's at their word

58

Combat Veterans

Satisfactory Evidence

- Applies to evidence submitted by the veteran which must be considered "standing alone"
 - < *Collette v. Brown*, 82 F.3d 389 (Fed. Cir. 1996)
 - < May be lay evidence
- Evidence must be credible, plausible or capable of being believed
 - < *Caluza v. Brown*, 7 Vet. App. 498 (1995)
- Evidence must be consistent with the circumstances of service
 - < *Caluza, supra*.
- Cannot be clear and convincing evidence in the record against the incurrence or aggravation during combat

59

Non-Service Connected Pension

- Discharged under other than dishonorable conditions
- Active service including 90 days wartime service or one day of service resulting in discharge for service connected disability
 - < 38 U.S.C. § 5303A
- Limited income and net worth that does not provide adequate maintenance
 - < 38 U.S.C. § 1521-22
- Vet must be permanently and totally disabled
 - < 38 U.S.C. § 1521
- No willful misconduct

60

Part 4

Appeals

61

Veterans Appeals Improvement and Modernization Act

- Effective February 19, 2019
 - Higher Level Review
 - Supplemental Claim
 - Appeal to Board of Veterans Appeals
- Must be filed within one year of denial

62

Higher-level review

38 USC § 5104B

- Claimant may request and Secretary must approve (except for good cause) a review of the decision of the AOJ by a higher level adjudicator within the agency of original jurisdiction
 - < Request for higher-level review shall be
 - In writing in such form as the Secretary may prescribe;
 - VA Form 21-0996
 - Made within one year of the notice of the agency of original jurisdiction's decision.
 - May indicate whether such review is requested by a higher-level adjudicator at the same or different office of the agency of original jurisdiction.
- < De Novo Review on the record - **Cannot supplement**

63

Board of Appeals Decision Review

- **Multiple Dockets 38 U.S.C. § 7107**
- The Board shall maintain at least two separate dockets. (They have three).
 - < Cases in which no Board hearing is requested and no new evidence submitted.
 - < Cases in which no hearing is requested but new evidence is submitted.
 - < Cases in which a Board hearing is requested in the notice of disagreement.

67

VA For 10182

68

Record Before Board

38 U.S.C. § 7113

- **Cases with no request for a hearing**
 - < Evidentiary record shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.
- **Cases with a request for a hearing.**
 - < Evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.
 - The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:
 - Evidence submitted by the appellant or representative, at hearing.
 - Evidence submitted by the appellant or representative, within 90 days following the Board hearing, his or her representative, if any, with the notice of disagreement.

69

Part 5

- Pro-Veteran Canon and Judicial Review

70

Pro-Veteran Canon

- **Recognized by the Supreme Court in World War II.**
 < *Boone v. Lightner*, 319 U.S. 561, 575 (1943)
 < Special consideration for those who have "been obliged to drop their own affairs and take up the burdens of the nation.
- **Reaffirmed by SCOTUS in 2011**
 < *Henderson v. Shinseki*, 562 U.S. 428, 131 S. Ct. (2011).
- Addressed by Judge O'Malley in her *Procopio* concurrence *Supra*.

71

Pro-Veteran Canon

- *Procopio* Court ordered issue briefed.
 < Did not reach the question because it relied upon plain meaning canon.
- At what point does it apply in *Chevron* analysis?
- < *Epic Sys. Corp. v. Lewis*, ___ U.S. ___, 138 S. Ct. 1612 (2018).
 - Canons of construction apply at step 1 of *Chevron*.
 - Accord, *Kisor v. Wilkie* 138 S.Ct 2400 (2019)

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Judicial Review under APA

38 U.S.C. § 502

- Codified in 38 U.S.C. § 502.
 - Applies to 5 USC §§ 552(a)(1) and 553.

Nat'l Org. of Veterans' Advocs., Inc. v. Sec'y of Veterans Affs.,
981 F.3d 1360 (Fed. Cir. 2020)

- Applies section 502 to adjudication manual
 - Previously did not apply
 - VA was using adjudication manual to circumvent judicial review
- Applied general 6 year statute of limitations
 - Previously 60 days

73

Part 6

Attorney's Practice Before the VA

74

Attorneys Fees

- Bad News: Prior to 1988 an attorney could only charge \$10.00.
- Worse News: Since 1988 an attorney can charge nothing through the initial claim at Regional Office

75

Attorney's Fees

- No fees allowed for Regional Office review
- Attorney may now charge for higher level review, supplemental claims, notices of disagreement and subsequent services
 - VA tried to eliminate fees for supp claims older than 1 year
 - *Mil.-Veterans Advoc. v. Sec'y of Veterans Affs.*, 7 F.4th 1110, 1123 (Fed. Cir. 2021)
- 20% of past due benefits presumptively reasonable
- No fee restriction for correction boards or discharge upgrades or Camp Lejeune claims

76

Attorney's Fees

- Fee agreement must be filed within 30 days with the Regional Office, BVA and/or CAVC.
 - They don't talk with each other.
- Must file form 21-22a with RO & BVA.
- VA will withhold 20% of back benefits if included in contract.
 - Minus \$100 fee
- < Sixty day waiting period.
- Contract must include VA file numbers and fol language: The client agrees to the direct payment of fees by the VA from past-due benefits under 38 U.S.C. § 5904(d) and/or 38 C.F.R. §. 14-636. This is a direct pay fee agreement in which the total amount of the fee payable to the attorney is to be paid to the agent or attorney by the Secretary directly from any past-due benefits awarded on the basis of the claim pursuant to 38 C.F.R. § 14.636(g)(2).
- Must include EAJA offset provision.

77

Admission to Practice Before VA

38 C.F.R. § 14:629(b)

- Approved by VA General Counsel
 - < File Form 21a
- Must self certify membership in bar of a State
- Within 12 months of approval must complete 3 hours of CLE in veterans law
 - < Must be certified by a state bar association
 - < Cover representation before VA, claims procedures, eligibility for benefits, right to appeal, disability compensation, dependent's indemnity compensation and pension
- Additional 3 hours within the initial three years
- Repeat every two years
- Must certify in writing

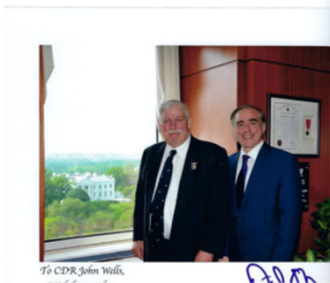
78

Admission to Court of Appeals for Veterans Claims

- See Rules 3 & 46
- Separate from Admission to Practice Before the VA
- General Requirements
 - < A person of good moral character and repute
 - < Admitted to practice and in good standing in SCOTUS, or the highest court of any state, the District of Columbia, or a United States territory or commonwealth
 - < File with the Clerk a completed application accompanied by the applicable fee and a current (3 months) certificate from the appropriate court showing that the applicant is a member in good standing

79

The End



80

DuPage County Bar Association Virtual Veteran Event

Edward Hines, Jr. VA Hospital

Jon Beidelschies, JD – Associate Director (Operations)

jon.beidelschies@va.gov



Choose VA
Choose Hines



Introduction

- Edward Hines, Jr. VA Hospital, located 12 miles west of downtown Chicago on a 147-acre campus, offers primary, extended and specialty care and serves as a tertiary care referral center for VISN 12.
- Specialized clinical programs include Blind Rehabilitation, Spinal Cord Injury, Neurosurgery, Radiation Therapy and Cardiovascular Surgery.



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Introduction

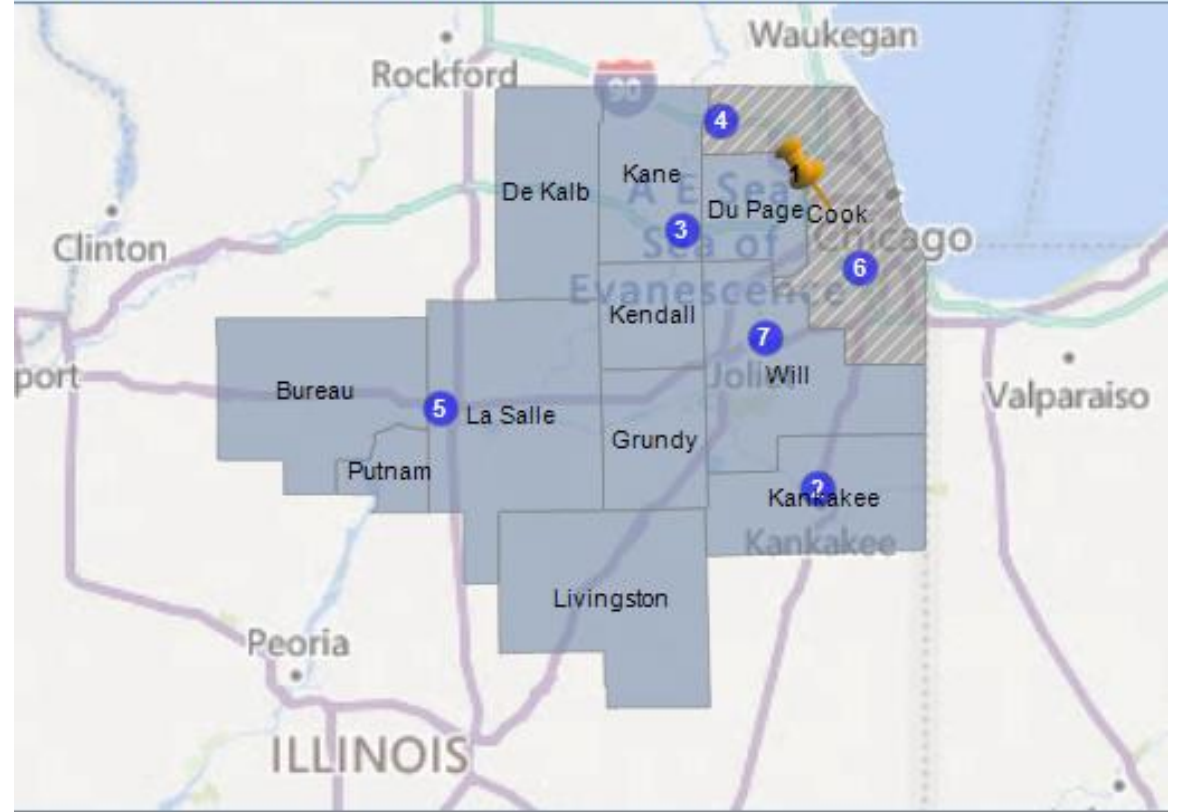
- The hospital also serves as the VISN 12 southern tier hub for pathology, radiology, radiation therapy, human resource management and fiscal services.
- Hines VAH currently operates 483 beds and six community based outpatient clinics in Hoffman Estates, Kankakee, Oak Lawn, Aurora, LaSalle, and Joliet.
- As of February 2022, Hines had over 46,500 unique patients. In FY 2021 the budget was over \$860 million. Hines VAH represents virtually the entire spectrum of VA healthcare and clinical programs.



Service Area Map

1	VA Medical Center (VAMC)	(3V12) (578) Hines, IL (Edward Hines Junior)
2	Primary Care CBOC	(3V12) (578GC) Kankakee County, IL
3	Primary Care CBOC	(3V12) (578GD) Aurora, IL
4	Primary Care CBOC	(3V12) (578GE) Hoffman Estates, IL
5	Primary Care CBOC	(3V12) (578GF) LaSalle, IL
6	Primary Care CBOC	(3V12) (578GG) Oak Lawn, IL
7	Multi-Specialty CBOC	(3V12) (578GA) Joliet, IL

(3V12) (578) Hines, IL HCS
 Counties Assigned Based on Percent of Total Primary Care Relative Value Units (RVUs) in 2020
 Gray slashed counties are shared with another facility, both having >45% PC RVUs.



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Services available at Aurora CBOC

- a. Primary care services for Veterans
- b. Behavioral Health services including individual, and group counseling.
- c. Audiology and hearing aid repair clinic
- d. Telehealth
- e. Women's health care
- f. Laboratory: Blood drawing services available.
- g. COVID vaccine



Facility Accomplishments

- Hines VA Hospital (Hines) is proud to house one of the VA's premier Research Services. Hines investigators are published in medical journals and have received national and international news media attention for groundbreaking research in Rehabilitation, Clostridium Difficile treatment, Parkinson's disease, Spinal Cord Injury, Traumatic Brain Injury treatment and much more. There are about 150 investigators working on approximately 415 active studies with over \$20 million in annual funding.
- Hines serves as an educational hub with more than 1660 trainees/year from many clinical disciplines. Loyola University Schools of Medicine and Nursing are the major academic affiliates in addition to 41 other affiliations with other universities and colleges which cover 71 programs.



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Facility Accomplishments

- Hines VA Hospital is committed to advancing Whole Health to improve the lives of Veterans and offers Whole Health workshops and complementary and integrative health services
- Completing its first transplant in November 2020, the Hines program is one of only eight VA Kidney Transplant Programs in the country. The program initially planned for 10 transplants in its first calendar year. However, due to a large national need and the dedication of program staff, Hines VA completed 36 in FY21. Since this January 2022, the Hines Kidney program has already completed 14 kidney transplants in 2022, alone. Total Hines has completed 50 kidney transplants.



M2VA Program

Eligibility

Service Members and Veterans who served on or after September 11, 2001, including those who served in support of OEF/OIF/OND, and are ill or injured and transitioning to VA.

Referral Sources

- Military Treatment Facilities
- VA Solid Start
- InTransition
- Yellow Ribbon and Outreach Events
- Vet Centers
- Community Organizations
- Eligibility and Enrollment
- Inpatient or Outpatient Clinics
- Walk-Ins



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How can M2VA Case Managers Help?

- Arrange smooth transfers from the Military to VA
- Address barriers to care
- Provide information about VA benefits
- Coordinate care and manage appointments
- Explore social issues
- Solve problems and identify goals
- Offer support and monitoring as clinically needed



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U.S. Department
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Hines M2VA Team

Program Coordinator:

Catherine Mazzuca, LCSW
x24406

Program Support Assistant :

Charles Merrick
x22633

Case Managers:

Taylor Brady, LSW
Joe Morales, LCSW
Tanya Pringle, LCSW
Joe Ross, LSW

TBI/Polytrauma Case

Managers:

Octavia Stewart, LCSW
Takila Simmons, LCSW

Transition Patient Advocate:

Danny Ziegler



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Homeless Programs

- Healthcare for Homeless Veterans – Outreach, intake, and short-term case management. Linkage to VA and community housing resources.
- Contracted Emergency Residential Services/Low Demand Safe Haven – Same day placement for homeless Veterans. Room and board paid for by VA, on site services provided by contracted community partner. Partners in Chicago, Melrose Park, Maywood, Oak Park, and Aurora.
- Grant & Per Diem – Transitional Housing (average stay is 6-12 months) – VA granted housing programs provided by community partners. Hines VA has three community partners, with Midwest Shelter for Homeless Veterans operating in DuPage.
- Veteran Justice Program – Case management and outreach for justice involved Veterans. Linkage to mental health and substance abuse services as part of mandated treatment through Veterans Treatment Court.
- Housing Urban Development VA Support Housing – Long term case management for Veterans who are homeless. Veterans receive a Housing Choice Voucher. DuPage Housing Authority partners with the VA on 25 of these vouchers.



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Homeless Veterans Programs

- The Veterans Justice Outreach Program covers a total of 9 formal Treatment Courts in our catchment area.
 - Jessica Ogletree, LCSW serves the DuPage County Court as Hines' Veteran Justice Program Specialist. Her direct number is (708) 202 – 4063 and her email: Jessica.Ogletree@va.gov. She outreaches and case manages justice involved Veterans. She assists in providing linkage to mental health & substance abuse services as part of court recommended treatment thru Veterans Treatment Court.
 - To note, Jessica is currently on maternity leave however any member of the VJP program can assist. Best way to connect with the team is through email at HinesVeteransJusticeProgram@va.gov

Hines VA Food Pantry

- Opened in November 2014 due to the partnership between Hines VA Hospital, AmeriCorps, and the Greater Chicago Food Depository.
- Weekly food pantry operating on Thursdays from 10am-Noon. Located in the canteen on Hines VA campus.
- Provides food assistance to Veterans, active service members, and their families. Averaging 150 households a week.
- Remained opened throughout the pandemic, adding an outdoor drive-up option.
- The Surplus Project: an extension of the pantry, developed in partnership with Loyola UMC. Left over cafeteria food is packaged into single microwavable meals and provided to Veterans at the pantry and in the Homeless program.



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Women Veterans Program

- Mission: to address the care needs of women Veterans and work to ensure that timely, equitable, high-quality, comprehensive health care services are provided in a sensitive and safe environment
 - Comprehensive primary care by a proficient and interested primary care provider
 - Privacy, safety, dignity, and sensitivity to gender-specific needs
 - The right care in the right place and time
 - State-of-the-art health care equipment and technology
 - High-quality preventive and clinical care, equal to that provided to male Veterans



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Women Veterans Program

- Foundation

- Women's Health Medical Director
- Women Veteran's Program Manager
- Women's Health PSA
- Women's Health Program Clinical Coordinator
- Women's Mental Health Champions

- Designation

- Must be offered an assignment to a WH-PCP and WH-PACT team
- Option to designate their preference for a female or male PCP
- Must be at least 2 WH PCP at each site of care
- WH PCP must complete at least 10hrs of CME/CEU in women's health every 2 years



Women Veterans Program

- Model 3 Women's Health Clinic
 - Located Building 200, 12th floor
 - 3 PACT teamlets
 - 11 WH PCPs and a resident clinic
 - 3 MSAs
 - Lactation Room
 - Children's Play corner
 - Private Restrooms
 - Patient Education computer area
 - Group Room
 - Extended clinical hours
- Specialty Services
 - Gynecology
 - Urogynecology
 - Mental Health
 - Maternity Care
 - Cardiology
 - Nutrition
 - Pharmacy
 - Telehealth
 - Social Work



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U.S. Department
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Women Veterans Program

- Six Community Based Outpatient Clinics
 - Designated WH-PCPs at each site (minimum 2)
 - WH Liaisons at each CBOC
 - Children’s play area in every CBOC
 - Appointments available face-to-face, over the phone, and VVC



Women Veterans Program

- Women Veteran Based Groups
 - Confident and Courageous Support Group
 - WoVen: Women Veterans Network
 - MST Support Group
 - Coping Courageously
 - Telehealth Perinatal Support Group
 - Eating Skills
 - Women's Disability Support Group
 - Women's Tele-Move
 - Whole Health Coaching Group
 - Women's Coping Skills Group (ATP)
 - Tele-genomics



LGBTQ+ Specific Services

- Service and PRIDE! support group
- Transgender support group
- Transgender Communication treatment (group and individual)
- Prosthetics for gender affirmation
- Hormone therapy
- Surgical procedures currently not offered, timeline ~2 years until these are available



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Patient Advocate Services

A “Patient Advocate is a VA employee who is specifically designated at each VHA facility to manage the complaint process in order to make system improvements by presenting the Veteran’s perspective of the problem and desired resolution. ”

What You Can Expect

We will listen to you.

You will be treated with dignity, courtesy and respect.

We will help you be aware of your patient rights.

We work with your providers to make them aware of your concern(s).

Asking for help will not cause reprisal(s) now or in the future.

We will accept written and verbal concerns, questions and compliments.

Visitors in person or by phone are assisted on a first come, first served basis.

Contact Us:

Monday-Friday

(except Federal Holidays)

By Phone:

(708) 202-2716

Walk In Hours:

Bldg. 1, Room C130

9am– 3pm

By Secure Message:

Send a MyHealthVet message to

“Hines Patient Advocates”

By Mail:

Edward Hines Jr. VA Hospital

5000 S. 5th Avenue

Attn: Patient Advocate (122)

Hines, IL, 60141



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Do I qualify for VA Healthcare?

- VA health care covers care for your physical and mental health, including a range of services such as checkups, surgeries, prescriptions, medical equipment, and home health care.
- Eligibility for enrollment is determined by many factors including military discharge information and, in some cases, gross household income.
- The application process is quick and easy!
- Please apply today!



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Applying for VA Healthcare

- Online: www.va.gov/health-care/apply/application
- By phone: (877) 222-VETS (8387), Monday through Friday, 7:00am to 7:00pm CT
- In Person: The Hines Eligibility team, located in the main lobby, is available to assist you with your application.
- By mail: Complete VA Form 10-10EZ, Application for Health Benefits, and send it to:
Health Eligibility Center
2957 Clairmont Rd, STE 200
Atlanta, GA 30329

Please compile the following information before completing your application:

- Separation papers relating to your military service, if available,
- Current health insurance information,
- Last year's gross household income and deductible expenses, and
- A copy of your Power of Attorney (POA) (if completing an online or paper application on Veteran's behalf).

Questions? Call (877) 222-VETS (8387), Monday through Friday, 7:00am to 7:00pm CT for assistance!

PACT Act

The Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act is a new law expanding VA health care and benefits for Veterans exposed to burn pits and other toxic substances. This law helps us provide generations of Veterans – and their survivors – with the care and benefits they’ve earned and deserve.

PACT Act expands and extends eligibility for VA health care for Veterans with toxic exposures and Veterans of the Vietnam, Gulf War, and post-9/11 eras, adds more than 20 new presumptive conditions for burn pits and other toxic exposures, adds more presumptive-exposure locations for Agent Orange and radiation, among many other changes.

For more information, visit www.va.gov/resources/the-pact-act-and-your-va-benefits/.



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Veteran ID Cards

- **Veteran Health Identification Card (VHIC):**

- Available to Veterans enrolled in VA health care.
- VHICs can be used to check in for your appointment at VA medical centers and may also be used to obtain discounts offered to Veterans at many businesses and restaurants.
- If you have a VHIC, you don't need to request a VIC card to prove you're a Veteran or to obtain retail or business discounts.
- Please visit the Hines Eligibility office or your local CBOC to apply. Trained staff will take your picture and your new VHIC will arrive within 7 to 10 days.
- For more information, visit www.va.gov/health-care/get-health-id-card/.

- **Veteran Identification Card (VIC):**

- Available to Veterans regardless of enrollment status.
- Can be used to obtain Veteran discounts offered at businesses.
- To apply, visit www.va.gov/records/get-veteran-id-cards/vic/.

Available Transportation Services

- Travel Claim Reimbursement through Beneficiary Travel Self Service System (BTSSS)
- Veteran Transportation Service
 - Special Mode Transportation (Wheelchair Accessibility)
 - Ambulance Transportation
 - Door to Door Service
 - Shuttle service for Community Based Outpatient Clinics (CBOCs)
 - Community Outreach



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General Mental Health Programming

- MH Intake Center - provides Veterans with same day access to MH triage, assessment, and treatment, and is the main entry point for new patients seeking specialty mental health services at Hines VA Hospital
 - Services are available in person, as well as virtually with the Veteran either at a CBOC (CVT) or at home (VVC)
- Mental Health Clinic - offers outpatient medication management & individual/group evidence-based psychotherapies at Hines and the six CBOCs (Aurora, Hoffman Estates, Joliet, Kankakee, LaSalle, and Oak Lawn) both in person and via virtual modalities including CVT and VVC



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U.S. Department
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General Mental Health Programming (continued)

- Primary Care Behavioral Health - serves as an innovative best practice model of integrating co-located, collaborative mental health care into medical care areas in the facility (Same day access)
 - Therapies include (but not limited to): Cognitive Behavioral Therapy (CBT) for Insomnia, CPAP desensitization, Coping with Chronic Pain, CBT for Chronic Pain, CBT for Depression, Problem Solving Therapy, Motivational Interviewing, Motivational Enhancement for SUD, Acceptance & Commitment Therapy (ACT) for Chronic Pain, ACT for Depression, Coping with Cancer, and Biofeedback
 - Co-located collaborative care provided to all Hines based PACT teams, as well as Oncology and Infectious Disease medical subspecialties. PCBH co-located services are also available at the Hoffman Estates and Aurora CBOCs



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General Mental Health Programming (continued)

- Recovery Services - the Local Recovery Coordinator (LRC) implements recovery principles into the MHSL's delivery of services, to provide an atmosphere of hope, partnership, and holistic care, and to diminish stigma attached to mental illness within and outside the VA community. Peer Specialists assist Veterans in their recovery and integration into the community. They also educate staff and community partners on recovery.
- Home Based Primary Care Mental Health - addresses behavioral, cognitive, psychiatric, and psychosocial needs of Veterans enrolled in the Home Based Primary Care program, using Evidence Based Practices

General Mental Health Programming (continued)

- Suicide Prevention – has the primary mission of providing enhanced care for Veterans at an increased risk for suicide. They provide direct care to Veterans, as well as support, consultation, and education for the staff at Hines and the six CBOCs. Suicide prevention 2.0 extends beyond the facility, including more of a community-based approach and embracing cross-agency collaborations and community partnerships.
 - Offerings include (not limited to): case management, f/u on missed appts, assistance with suicide safety planning, following high risk flagged Veterans, f/u calls in response to the Veterans Crisis Line, NEO staff training, provide outreach to and build partnerships with various community partners and organizations, staff trainings at the CBOCs, and facilitating/managing community Veteran suicide prevention coalitions.



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Specialty Mental Health Programming

- Trauma Services Program – well-established program providing trauma-focused, evidence-based, and recovery-oriented treatment to Veterans experiencing problems associated with exposure to traumatic stress
 - Evidence-Based Psychotherapies include (not limited to) Cognitive Processing Therapy, Prolonged Exposure, CBT for Trauma, Written Exposure Therapy, COPE therapy for those with both PTSD and Substance Use Disorders, and Cognitive Behavioral Conjoint Therapy for PTSD (a couples trauma focused therapy).
 - Services are available via CVT at all six CBOCs, as well as via VVC into the home

Specialty Mental Health Programming

- Healthcare for Homeless Veterans (HCHV) – primary goal is to end homelessness among Veterans through outreach efforts and community partnerships.
 - HCHV provides five options for housing case management, and they also work closely with the Veterans Justice Outreach Program
 - HCHV also provides Veterans with a Community Employment Coordinator to assist Veterans in all five programs find employment.
 - HCHV operates the weekly Food Pantry distribution in partnership with the Greater Chicago Food Depository.
 - HCHV has seen an increase in the use of telehealth and VVC services to assist in outreaching more rural Veterans
 - HCHV works closely with various specific geographic jurisdictions to develop a well coordinated entry process into its programming



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Specialty Mental Health Programming

- Vocational Rehabilitation Service – Vocational support of Veterans through Transitional Work Experiences, Supported Employment, and therapeutic vocational interventions utilizing a collaborative multidisciplinary approach.
 - The Hines VA Voc Rehab Service is a national leader in their field. VRS continues to be a leader in clinical research as well, and are highly engaged in VACO, VISN, and Accreditation & Credentialing bodies for the profession of Vocational Rehabilitation.
 - Voc Rehab work closely with various community agencies to assist Veterans and provide community-based employment services.
 - Supported Employment is an evidence-based model for Veterans with Serious Mental Illness (SMI) who are having vocational difficulties.

Serious Mental Illness (SMI) Programming

- Psychosocial Rehabilitation & Recovery Center (PRRC) - provides Veterans with SMI a transitional educational center to assist with all aspects of MH recovery and help facilitate community integration
 - Offer Social Skills Training (SST), CBT for Psychosis, and other evidence-based practices
- Mental Health Intensive Case Management (MHICM) & Rural Access Network for Growth Enhancement (RANGE) – provides intensive care to Veterans with serious and persistent mental illness
 - Veterans receive frequent direct contact, primarily in the home or community. Services include coordination of PC and MH care, medication monitoring, crisis intervention, supportive therapy, and counseling regarding family issues, finances, housing alternatives, social skills, and activities of daily living
 - RANGE programming provide most MHICM services to Hines' rural areas, around the Lasalle and Kankakee CBOCs



Acute and Severe Mental Illness Programming

- Acute Psychiatric Unit (2S) - inpatient psychiatric unit offering evaluation and stabilization of acute symptoms guided by the recovery model
- Consultation-Liaison Service—Psychiatrists available for Veterans hospitalized on inpatient medical units.
- Acute Recovery Center (ARC) – nationally unique program offering intensive outpatient services focusing on teaching mental health coping skills to help Veterans feel stable in the recovery process and transition to other outpatient settings

Substance Use Disorder Programs

- Addiction Treatment Program (ATP)-provides comprehensive evidence-based outpatient treatment for substance use disorders using a harm reduction approach for Veterans and their families to help them reach their recovery goals
- Opioid Treatment Program (OTP)-designed to assist Veterans in discontinuing illicit drug use and improve overall health status and quality of life (treatments include methadone and buprenorphine)
- Substance Abuse Residential Rehabilitation Treatment Program (SAARTP) – provides residential services to Veterans with substance use disorders and co-occurring medical conditions, mental illness, and or psychosocial deficits



Choose **VA**

VA



U.S. Department
of Veterans Affairs

Interventional Psychiatry

- Neuromodulation Modalities: ECT (electroconvulsive therapy) and transcranial magnetic stimulation (TMS) including theta burst stimulation (TBS), a new type of TMS that can be done much more rapidly than traditional TMS.
- Ketamine: For Veterans who have Treatment Resistant Depression that has not responded to first-line treatments, ketamine infusions are now a potential option as an adjunct treatment in combination with therapy.



VA Video Connect

VA Telehealth

Real-Time Access to Your VA Care Team Through VA Video Connect

Conduct Visits With Your Provider Through Live Video

VA Video Connect makes VA health care more convenient for you and other Veterans and Caregivers. VA Video Connect enables you to quickly and easily meet with your VA care team through secure and private videoconferencing sessions. You can visit with your provider in a virtual medical room, from anywhere, using the camera on your phone, computer, or tablet.



A Step-by-Step Guide

1. **Visit the website.** Learn more about VA Video Connect at mobile.va.gov/appstore.
2. **Get set up.** Open VA Video Connect by selecting your appointment link. VA Video Connect opens in a web browser on Android, macOS, and Windows. (Apple iPhone and iPad users will need to download the mobile app from the Apple App Store.)
3. **Test your device.** On the VA Video Connect app page, select "Visit the VA Video Connect test site" to set up your microphone and speakers. You can also ask your VA care team for a practice session.
4. **Troubleshoot technical problems.** Need help? Call the VA National Telehealth Technology Help Desk at **866-651-3180** or **703-234-4483**, Monday through Saturday, **7 a.m. – 11 p.m.** Eastern Time.

Talk with your provider about using VA Video Connect if:

- You live far from your VA facility or have limited access to VA facilities.
- You have health conditions that make traveling to the VA specialist you need difficult.
- You lack time to regularly attend in-person appointments.
- You don't require a hands-on physical examination.

Get Started Today!
mobile.va.gov/appstore

Test Your Device:
Apple users will need to download the VVC app before testing



September 2019



Attention Veterans!



Edward Hines, Jr. VA Hospital welcomes Veterans to enroll in health care.



VA  U.S. Department of Veterans Affairs
Edward Hines, Jr. VA Hospital
5000 S. 5th Avenue, Hines Illinois 60141

Hines VA Hospital offers a variety of health services to meet the needs of our nation's veterans. Hines offers primary, extended, and specialty care, including women veteran's health care and serves as a tertiary care referral center for its district. Specialized clinical programs include, Blind Rehabilitation, Spinal Cord Injury, Neurosurgery, Radiation Therapy, and Cardiovascular Surgery.

Hines is located 12 miles west of downtown Chicago. Hines VAH currently operates 483 beds and six community-based outpatient clinics in Hoffman Estates, Kankakee, Oak Lawn, Aurora, LaSalle, and Joliet.

All Veterans are encouraged to enroll in the VA health care system. To begin the process, please complete an application online at

www.va.gov/healthbenefits or call:

1-877-222-VETS (8387).



U.S. Department of Veterans Affairs

Is my Information in My HealthVet secure?

My HealthVet provides you with opportunities and tools to make informed decisions and manage your health care. To learn more, go to: www.myhealth.va.gov.

It is important to protect your information. You are responsible for protecting the personal information you print or download. Protect this information the same way you would protect your banking or credit card information.

- Do not leave your printed information on a printer.
- Do not save your downloaded information to a public computer.

When using a public computer, save your information to a storage device, such as a CD, thumb drive or mobile device. Remember to take it with you when you finish.

My HealthVet Help Desk

Toll Free Telephone Number:

1-877-327-0022
1-800-877-8339 (TTY)

Monday – Friday
7:00 a.m. - 7:00 p.m.
Central Time

For more information visit
www.myhealth.va.gov



Your VA Personal Health Record

Take Control of Your Health & Wellness



Choose **VA**

VA



U.S. Department of Veterans Affairs

Outreach Events

- Naperville 11/01/2022 (1st Tues of every month)
- DuPage Township, Bolingbrook 11/10/2022
- Participated in a large Veteran event with DuPage VAC on August 30 in Wheaton.



Choose **VA**

VA



U.S. Department
of Veterans Affairs

Honor and Respect
We Got Your Six – Estate Planning for Heroes v.2022

Presented to the DuPage County Bar Association
November 11, 2022

Karen R. Mills, Aronberg Goldgehn




1

Honoring America's Heroes

"Take patriotism away, and the nation's soul has fled..."

Edward Mark Deems



2

"We Got Your Six"



Let's take a Deep Dive!



3

What is an Estate Plan and Why Do You Need One?



PROTECT



4

Most Common Mistake

Waiting for the right time to prepare your estate plan?

Failing to Plan is Planning to Fail



5

Veterans Face Unique Estate Planning Issues

- ✓ Aid & Attendance
- ✓ Pension Programs
- ✓ VA Life Insurance
- ✓ VA Burial Benefits



6

Estate Planning

Making Sense of What it Means for
You...and Your Family



7

Your Estate Consists of ALL of the Assets That You Own

- ✓ Bank Accounts
- ✓ Your Home
- ✓ Investments
- ✓ Business Interests
- ✓ Personal Property
- ✓ Jewelry and Collectibles



8

Your Estate Consists of All of the Assets That You Own (Cont'd)

- ✓ Life Insurance Policies
- ✓ Retirement Accounts
- ✓ Vacation Home
- ✓ Protection for Family Pets
- ✓ Digital Assets



9

What Does An Estate Plan Do?

An Estate Plan is simply a set of instructions that identifies what will happen if you become disabled, after you pass away, and what becomes of your financial assets, personal property, and any minor or disabled children.



10

Estate Planning Goals



- ✓ Provides for Incapacity
- ✓ Ensures that you control your assets during your lifetime
- ✓ Lays out a structure for your surviving spouse during their lifetime
- ✓ Protects any inheritance for your loved ones (whether they are minors or adults)
- ✓ Allows for asset protection from creditors
- ✓ Works to maximize estate and gift, income and generation skipping tax savings

11

But I Don't Have An Estate...



Whether you have \$100 or \$5,000,000.00, there are important reasons to create or update your estate plan.

12

Additional Reasons to Have an Estate Plan

- ✓ Restrict Access to Inheritance
- ✓ Avoiding Probate
- ✓ Keep things Confidential
- ✓ Select the Guardian for your Minor Children
- ✓ Provide and Protect for a Beneficiary with Special Needs
- ✓ Spousal Issues – Divorce
- ✓ Business Issues
- ✓ Allow for Simple Administration – Ease for Your Family

13

Estate Planning Documents to Consider

An Estate Plan may include the following:

- ✓ Power of Attorney for Health Care
- ✓ Power of Attorney for Property
- ✓ HIPAA Release
- ✓ Last Will and Testament
- ✓ Revocable Living Trust
- ✓ Transfer on Death Instrument



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Durable Powers of Attorney for Health Care and Property

The Power of Attorney for Health Care and Property allows an individual to name a decision-maker for a time in the future when the individual cannot make his or her own decisions.

The "Principal" is the one creating the document. The "Agent" is the decision maker.

15

Powers of Attorney



- ✓ Allows you to carefully select the person you want to help you without direction from a Court.
- ✓ Must be prepared before a person is deemed unable to manage his or her person and financial affairs.
- ✓ Authority remains in effect after incapacity ("durable").
- ✓ Important to be drawn up properly.

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Power of Attorney Health Care

Allows your Agent, your decision maker, to make health care and placement decisions for you in the event you are unable to make or communicate those decisions for yourself.



17

Power of Attorney for Property

Allows your Agent, your decision maker, to make property and financial decisions for you in the event you are unable to make or communicate those decisions for yourself.



18

Power of Attorney Tips



- ✓ You should continue to make your own decisions as long as you can safely do so
- ✓ Do not pick the oldest child because they are the oldest
- ✓ Do not pick the child who lives closest to you just because they live the closest
- ✓ Name one primary agent and at two back-up decision makers

19

Power of Attorney Tips (Cont'd)

- ✓ Each agent will act one at a time
- ✓ Your agent should be someone that you have confidence in and trust



20

Power of Attorney

- ✓ A Power of Attorney allows you to carefully select the person you want to act for you without input from the judge.
- ✓ Must be drawn up and signed before a person is deemed incompetent.
- ✓ Authority remains in effect after incapacity ("durable").
- ✓ Limitations on how it can be used.

21

Health Insurance Portability & Accountability Act (HIPAA)

HIPAA Release

Allows health care clinicians to share your protected medical information with your family and friends – people you choose to name on your Release.



22

Incapacity... Ernie Banks & Casey Kasem



Medical, legal and ethical issues



23

Lessons



- ✓ 1 in 3 Adults have Advanced Medical Directives
- ✓ Approximately 30% of patients who complete written advanced directives share them with their physicians.
- ✓ Family discussion around advanced medical directives is *important*. This helps prepare everyone for current and future decisions about medical treatment, place of care, treatment options and preferences. The benefit to ensure that the patient receive care that is consistent with their preferences. Further, it aims to provide guidance to the family and reduce their decisional burden about whether they are following these preferences.

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Advance Directives - Illinois

- ✓ My Power of Attorney for Health Care
- ✓ Living Will
- ✓ DNR - Do Not Resuscitate Order
- ✓ POLST - Physician Orders for Life-Sustaining Treatment
- ✓ Mental Health Treatment Preference Declaration
- ✓ Health Care Surrogate Act

25

Two Options When One Loses Ability to Make Decisions



1. Power of Attorney - Authority Designated by an Individual in Advance...*OR*
2. A Court Appoints a Decision Maker....



26

What is Guardianship?

Guardianship is a legal relationship in which one person is appointed by a Court to make personal and financial decisions for someone who no longer can make decisions for themselves.

Considered a Last Resort...

27



Bill and Ryan



28

Bill and Ryan (Cont'd)



29

Will



A Will is a set of instructions that will be carried out after your death and is used to:

- ✓ Identify your Executor;
- ✓ Distribute your Assets; and
- ✓ Name a Guardian for Minor or Disabled Children.

A Will does NOT avoid probate.

30

Outright Will



- ✓ Distributes Your Personal Property
 - ✓ Memorandum for Sentimental/Valuable Items
 - ✓ Default Language for Your Couch and Pots and Pans
- ✓ Distributes the Residue of Your Estate Outright to Your Loved Ones
- ✓ Names a Guardian for Your Minor or Disabled Children

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Naming a Guardian for Minor or Disabled Children

Guardian of the Person: Parent names one or more persons to take custody of a minor or disabled child if the parent is unable to raise the child

Guardian of the Estate: Parent names one or more persons to take care of minor or disabled child's money



32

The Probate Process



What Happens After a Loved One Dies?

The family must:

- ✓ *Collect Assets*
- ✓ *Pay Bills and File Final Income Tax Return*
- ✓ *Issue a Distribution*

Assets valued in excess of \$100,000.00, excluding real estate, must be probated in Illinois

33

The Probate Process (con'td)

Court Involvement

- ✓ Minimum of 6 months
- ✓ Open to the Public
- ✓ Supervised or Independent



The probate process usually does NOT affect life insurance, IRAs and joint tenancy property

34

Avoiding Probate



- ✓ In Illinois, a way to avoid Probate is to have assets that are valued at no more than \$100,000.00, excluding real estate, at the time of death.
- ✓ Joint tenancy and beneficiary designation assets do not count toward the \$100,000 threshold.
- ✓ If you should have more than \$100,000.00, then those assets should be transferred into your Trust.

35

Pour Over Will and Revocable Trust

- ✓ A Pour Over Will works directly with Revocable Trust to allocate assets to the Revocable Trust
- ✓ A Revocable Trust is the foundation of the estate plan
 - ✓ Marital Trust (spouse only)
 - ✓ Residuary or Family Trust (spouse and children)
 - ✓ Descendant Trust (children and descendants)



36

What is the Purpose of a Trust?

There are many kinds of trusts and they are created for different purposes:

- ✓ Revocable Trust
- ✓ Irrevocable Trust
- ✓ Asset Protection Trust
- ✓ Testamentary Trust
- ✓ Special Needs/Supplemental Needs Trust
- ✓ Charitable Trust

37

Reasons to Establish a Revocable Trust



1. To provide a means for continuity of ownership and management of your assets during lifetime, disability and death
2. Probate avoidance
3. Ensure privacy during life and after death
4. Incentive for beneficiaries
5. Asset protection for loved ones
6. Divorce/remarriage protection for the first spouse to pass away
7. Estate tax savings for both spouses

38

What is a Trust and Do I Need To Have One?

A trust is an agreement that you have with yourself that sets out the instructions for how your money will be managed both during your lifetime, in the event you lose capacity, and after you pass away.



39

Who is Involved in a Trust?

Grantor of the Trust
Trustee
Beneficiaries

40

Benefits of a Trust

- ✓ Continuity of Management During Disability
- ✓ Avoidance of Probate
- ✓ Tax savings
- ✓ Creditor protection
- ✓ Privacy
- ✓ Flexibility
- ✓ Durability



41

Disadvantages of Revocable Trusts

- ✓ Perceived complexity
- ✓ Cost to create the trust
- ✓ Funding of trust
- ✓ Lacks asset protection



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Will with Testamentary Trust

- ✓ Distributes personal effects
 - ✓ Memorandum
 - ✓ Default language
- ✓ Distributes Residue in Trust for benefit of loved ones
- ✓ Trust arises at death
- ✓ Names Guardian for minor/disabled children

43

Why Would I Need An Irrevocable Trust?



An Irrevocable Trust is often used when the Grantor wants to intentionally give up ownership of an asset, such as:

- ✓ Insurance Policies for Estate Tax Purposes
- ✓ Gifting of Assets while Retaining Income from Assets
- ✓ To Take Advantage of the Estate Tax Exemption and Remove Taxable Assets from the Estate
- ✓ Gifting for Medicaid Purposes
- ✓ Gifting in order to Qualify for Veteran's Benefits

44

General Rules for Irrevocable Trusts

An irrevocable trust is generally one that cannot be modified, amended or terminated by the Grantor without the consent of all of the beneficiaries or the Trust Protector.

45

Asset Protection Trust (APT)

An Asset Protection Trust is used to remove an asset from your estate in order to plan ahead in the event that you or your loved one needs long term care. It is intended to be put in place at least five (5) years in advance of such need, but can have some flexibility if the assets are needed sooner than expected.



46

Transfer on Death Instrument (TODI)

A tool to transfer residential real estate to a beneficiary



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Planning Issues to Consider



- ✓ Prior marriage of either spouse
- ✓ Citizenship of client and spouse if other than U.S.
- ✓ Future inheritance
- ✓ Potential professional or business changes
- ✓ Prior gifts and gift tax returns
- ✓ Residence in AZ, CA, ID, LA, NM, NV, TX, WA, WI
- ✓ Health status of client and spouse (mental and physical)
- ✓ Loved ones with special needs
- ✓ Creditor issues

48

Estate Planning Is for Everyone



- ✓ We cannot predict how long we will live and illness and accidents happen to people of all ages.
- ✓ Estate planning is not just for the wealthy. Good estate planning is often more impactful for families with modest assets because the loss of time and funds as a result of poor estate planning is more detrimental.
- ✓ People put off estate planning because they think they do not own enough, they are not old enough, it will be confusing or costly, they have plenty of time to do it later, or they do not want to think about becoming disability or their own immortality. Then when something happens to them, their families have to pick up the pieces.

49

Estate Planning Is for Everyone (Cont'd)



- ✓ The fundamentals of estate planning apply to and benefit adults in protecting their assets and income.
- ✓ Estate Planning is about making sure that someone you choose will handle your finances and make decisions about your personal and health care if the unexpected happens.

50

2023 DuPage County...

Wills for Heroes!

**COMING
SOON!**

51

Closing

*"As we express our gratitude, we must never forget
that the highest appreciation is not to utter
words, but to live by them."*

-John F. Kennedy



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Questions?



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The PACT Act

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Vetlawoffice.com

773-310-5358



Disability Compensation

- Provides monthly payments to Veterans to compensate them for disabilities incurred in or as a result of their active-duty service.
- VA assigns ratings from 0%-100% in increments of 10. The higher the rating, the more severe the condition and the higher the monthly payment
- <http://www.benefits.va.gov/COMPENSATION>

THREE REQUIREMENTS FOR SERVICE- CONNECTION

1. **Competent evidence of a current disability**
2. **Evidence of in-service occurrence or aggravation of a disease, injury, or event**
3. **Competent evidence of a link or nexus between the in-service occurrence or aggravation of a disease or injury and the current disability**



What is the PACT Act?

- Legislation that creates legal presumptions to make it easier for veterans exposed to toxic substances to win their VA disability claim
- Reduces the evidentiary burden necessary to show an in-service event. It creates a presumption that certain veterans were exposed to toxic substances
- Eliminates the need to show the nexus between the current disability and the exposure to the toxic substance. It is presumed the two are casually related .

Gulf War and Post-9/11 Veterans and Burn Pits



What are Burn Pits?

- Open - air, uncontrolled areas used by the U.S. military, primarily in Iraq and Afghanistan military sites.
- Used to dispose of metal, rubber, chemicals, paint, medical waste, munitions and unexploded ordnance, petroleum products, human waste, plastics, and various other forms of waste.
- When these different forms of waste are burned together, the burn pit emits toxic substances and carcinogens.

What does the PACT Act do for Gulf War/Post 9/11 Veterans?

- 1. Creates a presumption that the veteran was exposed to burn pits.
 - If served on or after 9/11/01, in the following locations:
 - Afghanistan - Djibouti - Egypt - Jordan
 - Lebanon - Syria - Uzbekistan - Yemen
 - If served on or after 8/2/1990, in the following locations:
 - Bahrain - Iraq - Kuwait - Oman - Qatar - Saudi Arabia
 - Somalia - UAE

What does the PACT Act do for Gulf War/Post 9/11 Veterans?

Cont.

- 2. Creates a presumption that certain conditions are related to burn pits:
 - 12 different cancers
 - Asthma that was diagnosed after service
 - Chronic bronchitis
 - Chronic obstructive pulmonary disease (COPD)
 - Chronic rhinitis
 - Chronic sinusitis
 - Constrictive bronchiolitis or obliterative bronchiolitis
 - Emphysema
 - Granulomatous disease
 - Interstitial lung disease (ILD)
 - Pleuritis
 - Pulmonary fibrosis
 - Sarcoidosis

PACT Act and Agent Orange



What does the PACT Act do for Vietnam-Era Veterans?

- 1. Adds 5 locations where vets were presumed exposed to Agent Orange:
 - Any U.S. or Royal Thai military base in Thailand from January 9, 1962, through June 30, 1976
 - Laos from December 1, 1965, through September 30, 1969
 - Cambodia at Mimot or Krek, Kampong Cham Province from April 16, 1969, through April 30, 1969
 - Guam or American Samoa or in the territorial waters off of Guam or American Samoa from January 9, 1962, through July 31, 1980
 - Johnston Atoll or on a ship that called at Johnston Atoll from January 1, 1972, through September 30, 1977

What does the PACT Act do for Vietnam-Era Veterans? Cont

- 2. Adds 2 Agent Orange presumptive conditions:
 - Hypertension
 - MGUS

Radiation

- Will presume exposed to radiation if part of the response efforts at the following locations:
 - Cleanup of Enewetak Atoll 01/01/77-12/31/1980
 - Cleanup of B-52 bomber carrying nuclear weapons off coast of Palomares, Spain from 1/17/66-3/31/67
 - Response to fire on board B-52 bomber carrying nuclear weapons near Thule AFB 1/21/68-09/25/68

No additional presumptive conditions added

Camp Lejeune

- Does not VA expand benefits for those effected by contaminated water at Camp Lejeune
- Allows certain individuals to sue the government and recover damages for harm from exposure to contaminated water at Camp Lejeune in North Carolina between August 1, 1953, and December 31, 1987. This action is available only to individuals who were exposed to contaminated water for at least 30 days.

VA ACCREDITATION

Accreditation Requirements

Complete VA Form 21A

<https://www.va.gov/ogc/accreditation.asp>

3 hours of CLE within 12 months *following* accreditation

Additional 3 hrs. no later than 3 years from the date of your accreditation

3 hrs. every 2 years thereafter

Charging Attorney Fees

- Reasonable fee is usually a contingency fee up to 33.33% of retroactive payment received
- If you charge 20% or less, VA will withhold from Veterans retroactive payment and send to attorney
- Pre-consultation fee
- CAVC-EAJA fees
 - <https://www.vetsprobono.org/>

QUESTIONS?

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Guitars for Vets/Midwest Shelter for Homeless Veterans - Chapter 226 Wheaton, IL

Who we are: Guitars for Vets is a 501(c)3 non-profit dedicated to providing relief to struggling veterans through the healing power of music and community. Over the past twelve years, our organization has refined a guitar instruction program aimed at providing Veterans struggling with physical injuries, PTSD, and other emotional distress a unique therapeutic alternative. G4V pursues its mission to share the healing power of music by providing free guitar instruction, a new acoustic guitar and a guitar accessory kit in a structured program run by volunteers.

How can you help: A donation of \$200 will pay for the cost of one, new Yamaha acoustic guitar with accessories. My chapter needs guitars for start up purposes as we don't require our vets to provide one for their lessons. Additionally, funds are needed to purchase guitars for the graduates of this program.

How to donate: Text **443-21** to **G4VMSHV**. You'll be messaged back with a link that will take you directly to my chapter's donation page.

LIKE US ON FACEBOOK - <https://www.facebook.com/Guitars-for-Vets-Wheaton-IL-MHSV-107779052148015>

G4V Merchandise can be found here: <https://shop.guitars4vets.org/>

Thank you for your time and attention