



FULFILLING OUR PROMISES
TO THE MEN AND WOMEN WHO SERVED

Disabled American Veterans, Department of Ohio
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FROM THE DESK OF WILLIAM CAINE

Dear Officers and Fellow Members:

Las Vegas is a celebratory city and a fitting venue for a gathering of the DAV faithful to celebrate a very good year in the records book. Ohio did its part to contribute to the successes. Our own Ranger Joe Johnston reported to the National Convention on his banner year as National Commander and then passed the reins of power on to Ron Hope of North Carolina.

It was my honor on your behalf to join the Parade of Checks delivering \$5,000 to the National Service Foundation and \$5,000 to the Charitable Service Trust. SVC Phillip Alexander shared the honors by delivering \$500 to the DAV Blind Chapter 1, at their only fundraiser of the year. This year's Parade of Checks totaled \$425,000.

National Adjutant Marc Burgess from the podium to the assembled 1,200 plus delegates recognized Ohio by highlighting Youngstown Chapter 2, Commanded by Leo Connelly, as a good example of a Local Veterans Assistance Program for its distribution of grocery bags to needy veterans. The numerous committee meetings and seminars were attended by Department Officers as well as the PDC's who rounded out the Ohio delegation, including Joe Lenhart, Ray Hutchinson, Dave Uetterling, Frank Williams, David May, Bob Bertschy, Mike Stith, Harlan Plummer, Herman Morton and Dennis Hanneman.

Our National Service Officers aided by Chapter Service Officers filed 330,000 new claims for federal benefits during the past year. Now the focus will shift to aiding service members being discharged as the military downsizes and by assisting the VA clear up its appeals backlog.

The purchase of Ford hospital vans and those allocated to poorer counties totaled 74 vans nationally. They are decorated with the distinctive DAV logos and colors. Vans pick up veterans for hospital exams and clinic appointments. Six of the vans were purchased by Ohio Chapters and the Department with the proceeds of the Golden Corral collections and an assist from the Columbia Trust. In the coming days one Ford van in the pipeline will go to the Sandusky Ohio Veterans Home to make their lives easier.

Membership totals continue to hold above 1.2 million paid life memberships. Most years the goals are just barely met by the various Departments. For 2013-2014 the goals were exceeded by a whopping 14,000 members. The source of this stunning number was the internet, specifically DAV spots on social media sites through which candidates apply for membership. The greater amount of new members was made up of Vietnam Era veterans who decided to come into the DAV fold.

As summertime slips away and we enter the Fall look for the following.

- District Meetings – Your time to be heard and to message the leadership on the issues and the challenges we face together. Please plan to attend.
- The Columbus Fall Conference – October 10-12 at The Dublin Crowne Plaza during which we will focus on Chapter officer development and craft the Membership Program lead by Sr. Vice Commander Phillip Alexander.

- The Golden Corral collection at Military Appreciation Day – Put aside the evening of Monday, November 17. This year participating chapters will share in 15% of the proceeds, 85% will be used by the Department to benefit programs to assist veterans across the entire state.
- The Finance Committee, with the concurrence of the Executive Committee has set aside an additional \$10,000 to match donation by Chapters, members and the DAVA to the Cleveland Fisher House Fund. Checks should be made payable to the Department of Ohio. This should hasten the groundbreaking.

William Caine,
Department Commander

IMPORTANT NUMBERS

Nat'l. Hdqrs., DAV	(877) 426-2838
NSO Office, Cleveland	(216) 522-3507
NSO Office, Cincinnati	(513) 684-2676
Washington Office, DAV	(202) 554-3501
Cincinnati HSC, Tom Kirstein	(513) 475-6443
Dayton HSC, Leland Sink & Bill Millett	(937) 268-6511 Ext. 2962
Wade Park DSO,	(216) 791-3800
Walter Dryja	Ext. 3395
Chillicothe HSC,	(740) 773-1141
Darlene Maravilla	Ext. 7916
Columbus Clinic,	(614) 257-5487
Henry Snodgrass	
Parma Clinic DSO,	(216) 739-7000
Richard Healy	Ext. 2405

DATES TO REMEMBER

September 5, 2014	Forget-Me-Not, Trumbull County Chapter #11, Sparkle Market, Cortland, Ohio.
September 6, 2014	Forget-Me-Not, Trumbull County Chapter #11, Wal-Mart, Elm Rd., Cortland, Ohio.
September 5-6-7, 2014	Forget-Me-Not, Thorold Heinlen Chapter #100, Wal-Mart, Bucyrus, Ohio.
September 12, 2014	Forget-Me-Not, Willie Marcum Chapter #72, Buhler's River Styx, Medina, Ohio.
September 13, 2014	Forget-Me-Not, Thorold Heinlen Chapter #100, Bucyrus Downtown, Bucyrus, Ohio.
September 13, 2014	Forget-Me-Not, Trumbull County Chapter #11, Wal-Mart, Liberty, Ohio.
September 19-20, 2014	Forget-Me-Not, Trumbull County Chapter #11, Santisi's I.G.A., Girard, Ohio.
September 20, 2014	Forget-Me-Not, Trumbull County Chapter #11, Sparkle Market, Champion, Ohio.
September 20, 2014	1 st District Meeting, 12 noon, Hi Tech Center, 1575 N. High St., Hillsboro, Ohio.
September 20, 2014	5 th District Meeting, Norwalk, Ohio.
September 21, 2014	6 th District Meeting, Lake County Chapter #42, Lunch at 1:00 p.m., meeting at 2 p.m., 8720 Twinbrook Rd., Mentor, Ohio.
October 4, 2014	Forget-Me-Not, Thorold Heinlen Chapter #100, Galion, Ohio.
October 10, 2014	Forget-Me-Not, Thorold Heinlen Chapter #100, Crestline, Ohio.
October 10-12, 2014	Fall Conference, Crowne Plaza, Dublin, Ohio.
October 18, 2014	9 th District Meeting, Victory Chapter #134, Lunch at 12 noon, meeting to follow, Wheelersburg, Ohio.
October 19, 2014	7 th District Meeting, Alliance Chapter #50, 2 p.m. 2540 McCallum Ave., Alliance, Ohio.
November 8, 2014	2 nd District Meeting, Champaign County Chapter #31, 11 a.m. to 2 p.m., 200 N. Main St., Urbana, Ohio.
November 13, 2014	Forget-Me-Not, Adams County Chapter #71, Old Timers Day, Peebles, Ohio.
November 17, 2014	Golden Corral Military Appreciation Monday.
February 22-24, 2015	Mid-Winter Conference, Crystal Gateway Marriott, Arlington, VA
June 25-28, 2015	Department of Ohio Convention, Crowne Plaza, Dublin, Ohio.
August 8-11, 2015	National Convention, Sheraton Hotel, Denver, CO
Oct. 29 – Nov. 1, 2015	Fall Conference, Crowne Plaza, Dublin, Ohio.
June 23-26, 2016	Department of Ohio Convention, Crowne Plaza, Dublin, Ohio.
November 4-7, 2016	Fall Conference, Crowne Plaza, Dublin, Ohio.

NOTES FROM THE STATE ADJUTANT WILL DAVIS

Well thank goodness the old saying isn't true, "What happens in Vegas, stays in Vegas", I made it home! I want to thank each and every one of my DAV/DAV Auxiliary family members for your prayers, phone calls, cards and support during my recent stay in the hospital while in Vegas. Judy and I appreciate everything that was done for us. A special thanks to all the medics at the DAV first aid station. Thank you NSO Josh Rondini and Sherry for the transportation back to the hotel. Thanks again!

District Commanders

It is time to schedule your first district meeting. When you secure the time, place and date for your district meeting, please send it to the office. This information will be placed in the newsletter.

Chapter Commanders

"For leaders to succeed, it is critical that they understand their duties, responsibilities and authority." Marc Burgess, National Adjutant. The following information is an excerpt from *Chapter Officer Guide*. The Commander shall preside at all regular or special meetings of the Chapter. He/she shall maintain order and dispatch such business as may legally come before him/her. All checks or vouchers issued by the Chapter Treasurer may be countersigned by the Commander. He/she shall perform all other duties that may reasonably be assumed to be incidental to the office, including those set forth in the Chapter's Constitution and Bylaws and in the Official DAV Ritual and such other duties as may be lawfully designate to him/her by the Chapter. At each meeting the Commander should have available a copy of the Chapter, Department and National Constitution Bylaws and Regulations; a copy of *Robert's Rules of Order*, newly revised; a list or agenda of the complete order of business and a list of all committees. For more information on the duties and responsibilities of the Chapter Commander refer to the *Chapter Officer Guide*.

What About Attorneys and Their Fees?

Nonprofit Advisor is prepared by the Office of the DAV's General Counsel and is published quarterly for the informational use of DAV Departments and Chapters. This is not intended to replace legal advice that may be required to address individual situations.

Q. Weren't attorneys barred from representing veterans at VA for a long time?

A. Attorneys were never so barred. For more than 150 years, there has been some kind of limitation on the fee that an attorney can charge a veteran. The limitation has eased considerably in recent years, but is still there and is still meaningful.

Q. Can an attorney charge me for filing an initial claim?

A. No. The pertinent statute clearly states that no fee may be charged for representation on any claim until the filing of a Notice of Disagreement (NOD) following an initial adverse decision. There is, however, a VA General Counsel opinion stating that attorneys may charge a fee for pre-filing consultations that occur prior to an initial claim for benefits. Some lawyers may use this as a way of skirting the no-fee rule. **This is just one of many reasons to use DAV's outstanding service officers for representation in all matters before the VA, whether on initial claim, appeal or remand.**

Q. How much can the attorney charge me?

A. The fees "may be based on a fixed fee, hourly rate, a percentage of benefits recovered or (some combination thereof)." In addition, the fees must be reasonable. VA presumes that fees up to 20% of past-due benefits are reasonable and that fees in excess of 33 1/3% of past-due benefits are unreasonable. Fee agreements for representation at VA must be filed with the Office of the VA General Counsel.

Q. Will VA pay my lawyer directly out of past-due benefits?

A. The VA will do this only if a properly-filed fee agreement that you and your attorney have signed authorizes it and, even then, only if the fee is limited to 20% of past-due benefits and when the fee is a purely contingent ("no win, no pay") obligation. This direct-payment provision is favored by attorneys and is probably the single most influential factor in the limitation of attorney fees.

Q. What happens if the Court of Appeals for Veterans Claims (CAVC) sends my case back to the VA for correction or additional action?

A. This outcome, which is quite routine, is called a REMAND. When your case is returned to VA, your DAV power of attorney automatically takes effect again. Many attorneys will seek to continue representing you at VA after a court remand. BE CAREFUL! Just because an attorney represented you at CAVC does not mean that you must, or should, continue with that attorney at VA. Agency remands sometimes lead to large retroactive payments and, depending on the terms of your attorney representation agreement, you may be giving up a big chunk of that payment for the attorney to do something that your DAV National Service Officer will do for free!

Honor and Remembrance

On October 5, 2014, the American Veterans Disabled for Life memorial will be dedicated in Washington. This memorial honors the nation's permanently disabled veterans, both living and deceased. The United States has more than 4 million living disabled veterans. It is the first national memorial designed to pay tribute to all disabled veterans, past, present, and future, that have served or will serve in our nation's military forces.

Recently The Mental Health Exposure Military Official Record (MEMORY) Act was introduced to establish an online Significant Event Tracker (SET) . The SET will document the veterans' individual exposures to traumatic events, such as a significant injury in a combat operation, which are currently not documented in traditional ways. Currently, some veterans seeking to file claims for PTSD and TBI lack the documentation necessary in describing the service-connected incident that triggered their conditions. The lack of documentation may lead to the denial of claims and appeals of disability status, adding to the increased VA claims backlog. The MEMORY Act improves the reporting process and alleviates the burden of proof our veterans must undergo in order to secure the care and support they deserve.

The Veterans Access, Choice and Accountability Act of 2014

On August 7, President Obama signed the Veterans Access, Choice and Accountability Act of 2014 (Public Law 113-146), which is intended to address the VA health care access crisis. The law creates a new, and temporary, authority for VA to provide veterans with a "Veterans Choice Card" that can be used to access private care when VA is unable to provide veterans with care under defined time or distance access standards of 30 days or 40 miles. However, the law anticipates that this new authority will continue for no more than 3 years, or until the emergency funding (\$10 billion) is exhausted, whichever comes first.

Pending Cemetery Related Legislation

H.R. 4359 – introduced 4/1/2014 – a Honor Guardsmen and Reservists Act Directs the Secretary of VA to make available for purchase a memorial headstone or marker for the marked or unmarked grave of: (1) an individual who performed inactive duty training or active duty for training as a member of a reserve component, but did not serve on active duty and is not otherwise ineligible for a memorial headstone or marker on account of the nature of the individual's separation from the Armed Forces or other cause or (2) such an individual whose remains are unavailable.

H.R. 4446 – introduced 4/10/2014 – Dignified Interment of Our Veterans Act of 2014 requires the Secretary of VA to conduct a study on matters relating to the identification, claiming, and interring of unclaimed remains of veterans, including: (1) estimating the number of unclaimed remains; (2) assessing the effectiveness of VA procedures for claiming and interring unclaimed remains of veterans; (3) assessing state and local laws that affect the ability of the Secretary to identify, claim, and inter such remains; and (4) recommending appropriate legislative or administrative action.

H.R. 4712 - introduced 5/21/2014 – Veterans National Remembrance Act – To amend title 38, United States Code, to provide priority for the establishment of new national cemeteries by the Secretary of Veterans Affairs, and for other purposes.

Three Volleys

By Beryl Love

The practice of firing three rifle volleys over the grave originated in the old custom of halting the fighting to remove the dead from the battlefield. Once each army had cleared their dead, it would fire three volleys to indicate that the dead had been cared for and that they were ready to fight again. The fact that the firing party consists of seven riflemen, firing these volleys does not constitute a 21 gun salute. It is the three volleys that are significant, not the number of rifles. Three volleys fired over the casket have become a tradition to mean the dead have been cared for. It has evolved into a military salute for the deceased serving their country. Firing the three volleys over the casket is one of the highest honors to give a deceased military veteran. Our nation's highest honor is a flag draped over the casket, folded and presented. Tradition is to place three spent shell casings inside the folded flag to prove now and forevermore that the deceased and his flag have had proper military honors. Nothing else is to be placed inside the flag.

September 11, 2001

"No matter how hard we try, words simply cannot express the horror, the shock, and the revulsion we all feel over what took place in the nation on Tuesday morning. September 11 will go down in our history as a day to remember" Billy Graham, U.S. Evangelist.

Membership

This month Chapter 144 is having an end of summer cook-out. Each member has been encouraged to bring a family member, neighbor or a co-worker that could potentially be a new DAV member. What new and inventive way has your Chapter come up with to recruit new DAV members?

Military History

Did you know George H. W. Bush was the youngest combat pilot in the U.S. Navy in World War II?

May God Bless America, May God Bless our Troops, and May God Bless the DAV.

SEMINARS ATTENDED BY OHIO DAV AT NATIONAL CONVENTION 2014

Ken Marcum, 1st Jr. Vice Commander

POW/MIA SEMINAR

Our nation must never forget those taken prisoner, missing and who are unaccounted for and DAV will never forget the brothers and sisters we left behind and their survivors. Join us for a discussion on efforts to ensure all who serve receive a homecoming and are treated with honors and dignity.

SOCIAL NETWORKING SEMINAR

Social Media is a tool every department, chapter and unit needs to be using to continually keep your members informed and help reach potential members and stake holders. This will focus on mastering the best practices in leveraging social media, presented by the DAV's National Communications Department.

COMMUNICATIONS SEMINAR

DAV is taking bold new steps to communicate DAV with new public service announcements and media partnerships. This seminar will discuss DAV's upcoming efforts in the Communications Department and answer your questions on magazine contributions, media relations support and other items to help you spread the word about DAV in your community.

MEMBERSHIP SEMINAR

A candid discussion on the importance of new member orientation and mentoring. Imagine belonging to an organization and having only a vague idea of its goals, programs, history or traditions. Would you feel like you belonged? Appointed members to the Interim Membership Committee, would like to solicit input in the development of an official DAV "Membership Orientation Training Guide" for Chapters.

CHAPLAINS SEMINAR

Providing Standardized Ecumenical Chaplain Basic Skills and Awareness Training Level 1 & 2 Certification through the International Chaplain Certification Board and World Spiritual Health Organization (WSHO) programs. People who attend last year's Level 1 Training can attend this combined Training for the Level 2 Certification.

INSPECTOR GENERAL SEMINAR

This workshop provides current and practical information on matters related to the day-to-day activities and operations of Departments and Chapters. This is a great opportunity for new Department Chapter leaders to learn the basics of the National Constitution, bylaws and National Executive Committee Regulations of our Organization.

VOLUNTARY SERVICES SEMINAR

Get the latest information on VA Voluntary Services and Jesse Brown Youth Scholarship. Also, learn how to report to Local Veterans Assistance Programs (LVAP) participation to ensure DAV Departments and volunteers are recognized for their hard work.

BENEFITS PROTECTION TEAM SEMINAR

Learn about the status of the FY 2015 budget, important pending legislation and recently enacted legislation as well as information on improving the claims process and other key issues impacting veterans benefits and health care.

SERVICE AND LEGISLATIVE SEMINAR

Officials from the VA and staff members from the House and Senate Veterans' Affairs Committees will provide valuable information and answer questions regarding all aspects of benefits and services.

With the potential of a downsizing of the military and the access problems with VA health care, these are times of critical importance to veterans. Much needs to be done if we are to protect and maintain the benefits and services now available to veterans. The job will be an easy one and will require a concerted team effort.

This presentation will bring you up to date on the various issues and fill you in on what is happening in Washington D.C.

ANNUAL 11th DISTRICT MEETING – 2014

Herman W. Morton, 11th District NEC

It is essential to share information about the 11th District Meeting with our chapter members to encourage their future participation. Meeting one day prior to the National Convention, the planned purpose of the meeting is to assign delegates to the National Convention Committees with the intended focus on veterans and procedural issues. The significance of delegates serving on these committees is acting on behalf of the national organization and sharing at the chapter level, ideas and information gained from that experience.

The following is a list of Department of Ohio delegates that served on the 2014 DAV National Convention Committees. We can be proud of each of them because they exemplify the axiom "If you have the ability, you have the obligation."

<u>Committees</u>	<u>Primary Delegate</u>	<u>Alternate Delegate</u>
Credentials	Michael Stith (35)	Dennis Hanneman (77)
Resolutions	Eugene Smith (1)	David Bilinovich (72)
Legislation/Veterans Rights	Leo Connelly (2)	John Parker (35)
Constitution/By-Laws	Robert Bertschy (47)	Phillip Alexander (15)
Finance	Frank Williams (3)	James Bailey (117)
Employment	Kenneth Marcum (72)	Aaron Cunningham (15)
Hospital/VAVS	Raymond Hutchinson (63)	Samuel Kimmerly (71)
Nomination	Joseph Lenhart (73)	David May (38)

DEPARTMENT SERVICE OFFICER

The Department is moving ahead with transitioning our Hospital Service Coordinators (HSC) to the more aptly titled Department Service Officer (DSO). This name change is consistent with the evolution of the work performed today. While transportation assistance will remain as a collateral duty, the new focus is on assisting veterans with their VA claims.

This transition includes increasing our current coverage from six (6) DSO to as many as ten (10). The goal is to cover the VA medical facilities in the areas of the majority of the veterans' population are located. Newspaper ads and internet job sites have already been posted in Toledo, Warren and Marietta.

If you know of a candidate or if you are interested in part-time employment, please contact the Department Adjutant. Training and expenses are paid for. Send a resume to include references and any college transcripts to Department. Interviews are scheduled to begin soon.

Service is the hallmark of the DAV. DAV Ohio is transition from HSC billets to DSO Billets in order to better our service. Your help is crucial to our success.