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DAV Department of Ohio Newsletter

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Mid-Winter Conference Cancelled; Our Mission Continues

All Chapter Commanders and Adjutants have already been notified that the 2021 Mid-Winter Conference, scheduled for February, has been cancelled. This action was taken “out of an abundance of caution for the health, safety and well being of DAV members...amid the ongoing COVID-19 pandemic.”

The hallmark of any good organization is the ability to “improvise, adapt and overcome” to situations and obstacles. The DAV National Legislative Headquarters had developed contingency plans for the possible cancellation of the Mid-Winter Conference when it launched the legislative “Visions for Veterans” Program in the Spring of 2020.

Briefly, the Department’s Benefits Protection Team Leader (BPTL) and the Department Commander were requested to brief each Representative and Senator (or their staff) prior to the November election on the DAV’s Critical Legislative Issues. The issues were similar to those briefed in the 2020 Mid-Winter Conference.

With the cancellation of the 2021 Mid-Winter Conference, Department has already laid the groundwork for a new “2021 Vision for Veterans Program”. All 16 incumbent Congressional Representatives in Ohio were re-elected, and neither of the two Ohio Senators were up for election this year.

The DAV is certainly aware that the Mid-Winter Conference was “the premier event focused of DAV’s numerous legislative priorities and advocacy efforts.” They are currently developing web-based advocacy meetings and resources to continue the momentum of the DAV’s Legislative Mission.

This is an excellent opportunity for our Department to “improvise, adapt and overcome” as we strive to have federal legislation enacted to assist our disabled veterans in the upcoming 117th Congressional Session.

Cleveland National Service Office Wins Prestigious Award

The Cleveland DAV National Service Office (NSO) won the 2020 Richard J. Gosgriff Pacesetting Award for Division VI. This annual award was presented in honor of “Dick” Gosgriff, who served for 25 years as the President of the DAV National Service Foundation.

A World War II Navy veteran, Cosgriff served on the aircraft carrier USS Belleau Wood, before being medically discharged in 1945. He held numerous offices within the DAV until he retired in 2001.

The Richard J. Cosgriff Pacesetting Award is presented to the DAV NSO in each Division with the largest combined total contributions made in the name of the NSO.

National DAV Commander Stephen “Butch” Whitehead would have presented the award at the 2020 DAV Annual Convention in Dallas, which was cancelled. Instead, Commander Whitehead hosted a special virtual gathering on the DAV website to recognize all various National Commander’s Award recipients.

“National Service Officers are well trained in providing accurate claim submittals for veterans and they should be extremely proud of the subsequent impact that they have made in the lives of our disabled veterans and their families,” said Ohio Department Commander John Plahovinsak. “The impact that the NSO’s make is certainly reflected through the many gifts made in their honor and in the detailed work that the NSO’s do for our disabled veterans.

The Cleveland Office is led by NSO Supervisor Jacob Drost and is staffed by Michael Brady, Richard Clay, Andrew Dilbeck, Alexander Hem, Michael Hicks (Assistant NSO Supervisor), Joshua Rondini and Michael Shaw. “These individuals form the backbone of the DAV claim assistance effort and the Department of Ohio is extremely proud of their award-winning accomplishment,” said Commander John Plahovinsak.

The overall DAV claims assistance effort is composed of the National Service Officers, Department Service Officers and Chapter Service Officers. In 2019, the DAV have assisted veterans, service members and their families with more than 223,000 claims for their earned benefits. More than 11.7 million claims have been submitted by the DAV since the organization was chartered by Congress in 1932.

Update on Judicial Ruling for Blue Water Navy Veterans

On November 5, 2020, U.S. District Judge William Alsup ruled that the U.S. Department of Veterans Affairs (VA) must compensate Vietnam War veterans who served in the waters around Vietnam, but did not set foot on the landmass, for diseases presumed to be caused by exposure to the defoliant Agent Orange under the auspices of a 30-year old consent decree.

The consent decree followed the passage of the Agent Orange Act of 1991 and required the VA to re-adjudicate all claims that have been denied under any older regulations. According to Judge Alsup, the 30-year old consent decree in *Nehmer et al v. Department of Veterans Affairs* clearly covered the so-called ‘Blue Water’ Navy veterans and required the VA to re-adjudicate their previously denied claims.” The VA indicated that it was reviewing the recent ruling.

The case was filed in July of 2020 against the VA in order to enforce the judgement for “Blue Water Navy” veterans. The Blue Water Navy Vietnam Veterans Act was signed into law in June of 2019. The VA had argued that the 30-year old consent decree did not cover Blue Water Navy veterans and said that the 2019 law had provided relief by mandating compensation for Navy veterans, in any case.

Judge Alsup rejected the VA’s argument noting that the 2019 law did not require the re-adjudication of previously denied claims for compensation. In summary, now the VA must re-evaluate all the denied claims prior to the July 2019 law being enacted.

As of September 30, 2020, the VA has received 69,570 claims for “Blue Water Navy” Agent Orange benefits and processed 34,415 (or 48%) of the claims. The VA has approved 24,328 (or 71%) of the claims processed, resulting in receiving more than \$664 million in retroactive benefits to eligible veterans and their families.

The 29% of the processed claims that were not granted could either be re-submitted with additional documentation or claimants could request for a review of the initial claim. The main reason for denial of claims is from lack of documentation on the sailor’s military service record or lack of medical records.

To assist in the processing of claims, the VA has collaborated with the National Archives and Records Administration to digitize all Navy and Coast Guard deck logs for ships with known Vietnam service to make the information available at the National Archives Catalog.

Department's Efforts to the "Second Call to Duty" Recognized

The Department's active participation in the "Second Call to Duty" has been recognized by the Ohio Secretary of State Frank LaRose. The Commanders of the DAV, American Legion and Veterans of Foreign Wars met with Secretary LaRose and joined together to support the Secretary's new initiative.

On October 8, 2020, the Department Commander notified the Secretary of State of the steps that were being implemented to make the "Second Call of Duty" a success. His Office responded that he was pleased with the effort that the DAV had made to support the Program.

On November 2, 2020, the Secretary of State's Office thanked the DAV "for your assistance throughout the election season in keeping Ohio veterans informed and ready to vote as well as recruiting poll workers. Your efforts do not go unnoticed."

The Department has developed a strong working relationship with the Secretary of State's Office. They know that veterans can be counted on again to serve.

Department Assists Breakthrough for Northern Marianas Veterans

The Department of Ohio has been briefing Congressman Gregorio Sablan's Office during the DAV Mid-Winter Conferences for the last four (4) years. He represents the Northern Marianas Islands, a territory of the United States. There are no Department of Veterans Affairs (VA) medical facilities or Vet Centers to serve disabled veterans. The DAV lacks a Department in this Congressional District.

In addition to briefing his staff of the DAV Critical Legislative Issues during the Conferences, the Department of Ohio has been working with his staff to resolve several of the obstacles his veterans are facing. For the last two (2) years, the Department has submitted resolutions to the DAV National Convention, specifically on behalf of veterans residing in the Northern Marianas Islands.

On October 20, 2020, H.R. 1812 was signed into law which requires the VA to report to Congress on how it plans to provide Vet Center services in the Marianas and other areas that have no Vet Centers. This law expands VA services such as readjustment counseling and other mental health care. Now the VA must explain how they will offer these services to Marianas veterans in order to treat them equally.

Department Supported Whole Veteran Act Enacted

Two years ago, Department was requested to support Ohio Congressman Tim Ryan's veterans-related proposed bills. The Department subsequently forwarded several Resolutions to the DAV's Reno National Convention urging support for Rep. Ryan's proposed veteran-related legislation.

On October 30, 2020, H.R. Bill 2359, "The Whole Veterans Act", co-sponsored by Representative Ryan, was signed into law. This new law requires the Department of Veterans Affairs (VA) to report to Congress on the implementation of its whole health approach to veterans' health care.

The VA report must include an analysis of the accessibility and the availability of a variety of services, including hypnosis and acupuncture. The whole health model is a holistic approach that looks at the many areas of life that make a health plan suited for each veteran based upon their health goals. In addition, the law required a VA Whole Health Program for the Northern Marianas Islands to include services such as massage, guided imagery, healing touch and other holistic treatments.

Million Veterans Program (MVP) Updated

Over 825,000 veterans have enrolled in the Million Veteran Program (MVP). Although the pandemic had slowed the drive to obtain the genetics of a million veterans, research has continued on veteran-related subjects. These research topics include: Preventing Heart Disease through Genetic Research (the Return of Actionable Results Project); and Exploring the Genetic Risk Factor of Metastatic Prostate Cancer Project.

Between 2018-2019, surveys were sent to 110,000 MVP participants who served during the Gulf War (1990-1991). The researchers are studying the environmental interactions, such as pesticides and other chemicals that may interplay with veterans' genetics to influence illness. In addition, in October of 2020, the MVP mailed surveys to participants concerning the impact of COVID-19 and updating how these health and lifestyle changes are adversely impacting veterans.

A review of the State of Ohio MVP Participants Map indicates a strong concentration of veteran participation in the southwestern and northeastern sections of the State. However, the northwestern, central and southeastern sections of the State are lacking in terms of veteran participants.

Additions to Agent Orange-Connected Diseases Pending

The DAV Department of Ohio was briefed, by DAV Legislative Staff, at the 2020 Mid-Winter Conference that the two studies being conducted by the Department of Veterans Affairs (VA) would **not** directly address the issue of whether the VA would include **bladder cancer, Parkinsonism, hypothyroidism** or **hypertension** to the list of Agent Orange presumptive conditions. Initially, the VA stated it would not make a decision until the two studies were completed and reviewed.

In March of 2019, the VA indicated that the studies would be completed and a decision rendered within ninety (90) days. Later, VA officials stated the studies would be completed in late 2020. On November 17, 2020, VA Secretary Robert Wilkie indicated the studies would be completed in mid-2021.

Previously, Secretary Wilkie refuted a 2016 Report (by the National Academies of Sciences, Engineering and Medicine) indicating suggestive evidence of association between Agent Orange and the four listed conditions, and refuted a 2018 Report that found sufficient evidence for linking high blood pressure to herbicide exposure.

Approximately 34,000 Vietnam-era veterans were exposed to herbicides during the war and later diagnosed with bladder cancer, Parkinsonism or hypothyroidism. More than 156,000 Vietnam-era veterans were diagnosed with hypertension or high blood pressure.

In February of 2020, seventy-seven (77) Congressional Representative asked that the four (4) diseases be added to the presumptive list. In September of 2020, forty-six (46) Senators requested that three (3) of the diseases (*minus hypertension*) be added to the presumptive list. Members of Congress have accused the VA of delaying a decision on these four (4) diseases that could cost the VA between \$11.2 and \$15.2 billion dollars.

Documents recently obtained by the **Military Times** newspaper and **Military.com** have indicated that the Office of Management and Budget (OMB) and White House Advisors were responsible for the delay, citing cost concerns and requiring additional scientific evidence.

Senate lawmakers (including Senator Sherrod Brown) have requested that these four (4) conditions will be added to the presumptive list of Agent Orange-connected diseases and included this as legislation in the **2021 National Defense Authorization Act** pending now in Congress.

Over 400 K2 Veterans Denied VA Assistance

The Department of Veterans Affairs (VA) has continued to deny needed health care assistance to veterans who served at Karshi-Khanabad Air Base, known as K2, in Uzbekistan from 2001 to 2005. During a November 2020 hearing of the House Oversight and Reform Committee's subpanel on National Security, the VA stated that more scientific data is needed to conclude that toxic exposure at K2 led to illnesses, such as cancer.

K2 is a former Soviet Air Base that shares a northern border with Afghanistan. The United States established Camp Stronghold Freedom there (as a combat support base) immediately after the 9/11 attack. In 2001, according to declassified Department of Defense documents, the Pentagon knew that the base had "elevated levels of volatile organic compounds and total petroleum hydrocarbons were detected at numerous locations throughout Camp Stronghold Freedom."

In addition to exposure to open air burn pits, which the VA has posted on its websites "may affect the skin, eyes, respiratory and cardiovascular systems, gastrointestinal tract and internal organs," K2 also contained discarded pieces of depleted uranium, which, when measured, detected elevated radiation levels.

Veterans testifying in Washington indicated that at least 400 K2 based-veterans were diagnosed with cancer and at least 30 have died. According to Congressman Stephen Lynch, "The VA's continued denial has left hundreds, if not thousands, of K2 veterans ineligible for certain preventive health programs and unable to receive VA disability benefits to connection with their service at K2."

"This is an injustice that must be rectified and Secretary Robert Wilkie has the authority to fix it by granting presumptive status to K2 veterans today," said Rep. Lynch. The VA has the authority to provide presumptive care status for veterans, without gaining approval from Congress or the President. However, Dr. Patricia Hastings, chief consultant for post-deployment health services at the VA, requests a "more scientific investigation." She said the study will take perhaps 12-18 months to complete because the investigation is being conducted with a "very small staff".

In a letter to Secretary Robert Wilkie, Congressman Glenn Grothman stated, "We believe these veterans deserve to hear directly from VA leadership why the department continues to deny that their illnesses are service connected despite the growing evidence to the contrary."

Remembering the Year 2020

Many people would like to totally forget about the year 2020. Starting in March, many of our DAV important activities, such as meetings, fund-raising, veteran visitation and conventions, have been either cancelled or postponed.

The COVID-19 pandemic has caused millions to be unemployed, schools and business to be closed and over 250,000 deaths (including several of our DAV members). We have hopes for a vaccine to combat the virus in the near future, but that is still months away in 2021. Although many things in our lives have changed because of the virus, one constant remains the same.

Today, someone is stepping off an airplane from their overseas deployment and they need assistance for the injuries they incurred during their military service. Their visible needs may be immediate and physical or their hidden needs could be mental and deep-seated. Whatever their needs may be, the DAV has been there since 1920 and **MUST** be there for them in the future.

Our DAV National and Department Service Officers are still providing their vital assistance to our disabled veterans in submitting and overseeing claims and appeals. Our DAV Chapter Service Officers are still working with our veterans answering their concerns. The DAV National Legislative Team (in Washington) together with our Chapters' Benefits Protection Team Leaders (BPTLs) are still battling for our critical legislative issues with our elected leaders.

Our DAV Chapters in Ohio are still providing assistance to our veterans, even with COVID-19 restrictions. For example, Capital City Chapter #3 is providing lift chairs, power chairs, and scooters; Allen County Chapter #19 is repurposing used VA ramps; Adams County Chapter #71 delivers food baskets to veterans; Summit County Chapter #35 purchased a van for the Ohio Veterans Sandusky Home; Dayton Chapter #9 provided 100 grocery bags to needy veterans; Clermont County Chapter #63 is supporting the activities at the Southern Ohio Veterans Home.

Yes, these and many other DAV Chapters are still involved in assisting our veterans. We look forward to a better and brighter 2021!

John Plahovinsak
State Commander

Michael R. Stith
State Adjutant