



# Communicator

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The COMMUNICATOR is the official publication of the California Association of County Veterans Service Officers (CACVSO). Opinions expressed are those of contributing writers and do not necessarily reflect opinions or policies of CACVSO officers, members, or the editorial staff. The newsletter reserves the right to edit, amend, or reject any contribution submitted for publication.

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## President's Message

*(Solano County CVSO Ted Puntillo, President)*

This is my first column since I was sworn in as the new CACVSO President. It is indeed an honor to be the leader of such a dynamic and effective organization. I hope I can keep up the very high level of leadership that previous presidents have established. We now have permanent funding at the \$5.6 million dollar level. We all have more funding that our offices have ever experienced.

We have also increased our membership and we have more vet reps than ever before. The dues increase will make sure that we keep Pete Conaty and Jack Kirwan working hard for us with our legislative and code issues. It was nice going around the capitol and just thanking legislators for their support and not asking for more money. I feel we should focus on several things in the new year. First, we need to make sure that all offices get the PIV Cards and maintain access to VBMS.

We must also make sure that all offices are scanning their claims and supporting documents. The July 1 deadline is fast approaching and this transition does take some time to implement. Offices should draw a line in the sand and start as soon as possible scanning all new claims and college fee waivers. The paper files can be scanned in as time permits and as veterans come in that have paper files now. We also need to concentrate on reaching out to the new CVSO's. We seem to have a huge turnover in the last year and these newer CVSO's need us to reach out and mentor them through the process. I will be reaching out to all the newer people and would appreciate you letting me know if there are any new people in your region. Our team needs to invite the new people into our offices and show them our best practices.

I will try to visit them as time allows and invite them to come to my office if they can. Jack Kirwan, our consultant is currently working on a mentorship program where we will help the new people and underperforming offices fix the problems that they are having. I feel some of the offices with low numbers are not reporting all the claims and awards that they are working. Our mentorship program could help this with a simple visit. This program is not a gotcha type program, but a friendly improvement program.

We all live in the largest room in the world and that is the "room for improvement" and we can all benefit from each other's knowledge and perspective. We also need to come up with a desk manual for CVSO's combining all the great ideas that we all have in running our offices. We will try to get this done in the next year. It will be an on-line document that can be edited and improved as things change.

I have sent out an email request for your ideas on the qualifications and duties of new executive director. Please share your ideas with me and I will get Jack to come up with a presentation for your review in June at the conference. I also want to thank all of our offices for getting the subvention reports in on time. Every reporting period we are getting more efficient.

Keep up the good work and call me anytime I can help.

*Ted*

# TIME & PLACE COMMITTEE

(Kern County CVSO Richard Taylor, Chair)

## Dates & Locations of Upcoming Conferences



**June 5—10, 2016**

Doubletree Hotel  
Bakersfield, CA



**October 2—7, 2016**

Flamingo Conference Resort & Spa  
Santa Rosa, CA



**February 27—March 3, 2017**

Holiday Inn Capitol Plaza, Sacramento, CA

NewsLetter  
**DEADLINE**

**Last Thursday of the Month  
Unless Notified Otherwise!**

## OUT OF THE NORM — ISSUE #208

(A feature of the Education Committee by Mr. Norm Gillett, CACVSO Training Consultant)

It's been a long time since I discussed these topics; here's a few more oldies but goodies and assorted odds and ends...

1. Every now and again I get questions regarding the status of a veteran's child who has been adopted by another person. The regulation applicable to this question is 38 CFR 3.58, **Child adopted out of family**, which says: "A child of a veteran adopted out of the family of the veteran either prior or subsequent to the veteran's death is nevertheless a *child* within the meaning of that term as defined by § 3.57 and is eligible for benefits payable under all laws administered by the Department of Veterans Affairs."

The rule-of-thumb takeaway from this would be to ask "If the veteran's biological child was still part of the veteran's family, would he/she be eligible for (*whatever benefit is at issue*)?" If the answer is "yes," then the child is still eligible for that benefit, even though he/she is no longer a member of the veteran's family. The circumstances of the adoption and the type of benefit being considered are not relevant to the question.

This also applies to benefits payable to or for a biological child of a Vietnam veteran with spina bifida or, if the Vietnam veteran is the child's mother, to a child born with any of the specified birth defects; and to education assistance benefits under 38 USC, Chapter 35 for a child, if the veteran is SC, permanent and total disabled or has died of SC causes.

2. Another issue that I get questions about has to do with VA denials of service connection for an injury incurred during authorized sports or recreational activities, for the stated reason that "no LOD (line of duty) investigation was made." I have had this question both from Northern California and from Southern California counties, so it is not a problem specific to a particular Regional Office.

First, an injury incurred during or as a result of an authorized activity is *always* considered to have been in line of duty unless there is clear evidence to the contrary, such as the person was under the influence of drugs or alcohol, which was the proximate and direct cause of the injury. Second, the military services no longer routinely do LOD investigations in all cases, unless there is reason to suspect that an injury was *not* incurred in line of duty. Finally, Adjudication Procedures Manual M21-1 gives specific instructions to VSRs on how to proceed if the service department did not make an LOD investigation.

The relevant M21-1 citation is Part 3, Subpart v, Chapter 1.D.6.d, **When a Line-of-Duty Determination Is Required**. This instructs the VSR to "Prepare a formal favorable or unfavorable VA determination, as to line of duty if the service department did not make such a finding *and* the injury...was incurred under circumstances which raise a legitimate issue of willful misconduct..." (my emphasis). The fact that the service department did not make a determination as to LOD should strongly imply that the injury was most likely considered to have been in line of duty unless the facts and circumstances of the case clearly show otherwise, and may not be used as the *sole* reason for denying the claim.

Everyone knows or should know that a decision is clearly and unmistakably erroneous (CUE) if it fails to apply all of the relevant laws and/or regulations to the facts of the case, or if the decision improperly applies controlling laws and/or regulations. The Adjudication Procedures Manual is the official instruction as to how the controlling laws and/or regulations are to be interpreted and applied, and it is just as binding on VA personnel as are the laws and regulations themselves. Failure to follow the specific instructions of the Manual is a CUE and should be challenged as such.

Modoc County is a county located in the far northeast corner of the U.S. state of California. As of the 2010 census, the population was 9,686.[1] making it the third-least populous county in California. The county seat and only incorporated city is Alturas.[2] Previous county seats include Lake City and Centerville; the latter is now a ghost town. The county borders Nevada and Oregon.

A large portion of Modoc County is federal land. Several federal agencies, including the United States Forest Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and the United States Fish and Wildlife Service, have employees assigned to the area, and their operations are a significant part of the economy and services in this rural area.

The county's official slogans include, "The last best place," and "Where the West still lives."

## This Month's Featured County

**Calaveras County**, officially the **County of Calaveras**, is a county located in the U.S. state of California. As of the 2010 census, the population was 45,578. The county seat is San Andreas, and Angels Camp is the only incorporated city. *Calaveras* is the Spanish word for skulls; the county was reportedly named for the remains of Native Americans discovered by the Spanish explorer Captain Gabriel Moraga. Calaveras County is located in both the Gold Country and High Sierra regions of California.

# LEGISLATIVE ADVOCATE REPORT

## California Veterans Treatment Courts

<u>COUNTY</u>	<u>COURT?</u>	<u>VETERANS</u>	<u>OEF/OIF</u>	<u>POPULATION</u>
Los Angeles	Downtown	Yes (9/10)	345,886	9,958,091
Los Angeles	Lancaster	Yes (3/13)		
San Diego	Yes (2/11)	229,524	28,666	3,150,178
Orange	Yes (11/08)	137,011	6,227	3,081,804
Riverside	Yes (1/12)	136,635	8,235	2,255,059
San Bernardino	Yes (1/10)	115,646	7,280	2,076,274
Sacramento	Yes (7/14)	98,204	4,614	1,445,806
Santa Clara	Yes (11/08)	67,790	2,726	1,842,254
Alameda	Yes (11/13)	65,831	2,278	1,548,681
Contra Costa		59,376	1,890	1,074,702
Kern	Alternative2	48,052	2,815	857,882
Ventura	Yes (11/10)	46,442	2,884	835,436
Fresno		45,922	2,524	952,166
San Joaquin	Yes (4/11)	37,498	1,640	698,414
Solano	Yes (9/14)	34,524	3,099	418,387
Sonoma	Yes (11/15)	31,955	834	490,423
San Mateo	Yes (5/12)	31,505	1,084	735,678
Placer	Yes (9/12)	30,582	1,219	357,463
San Francisco	Yes (4/13)	28,444	1,076	825,111
Stanislaus		27,351	1,214	524,124
Sta Barbara-Sta Maria		Yes (11/11)	25,172	429,200
Sta Barbara-Sta Barb		Yes (11/11)		
San Luis Obispo		Yes (6/13)	21,966	272,177
Monterey	Yes (1/16)	21,022	1,149	421,494
Tulare	Yes (2/10)	19,793	1,097	455,599
Butte	Yes (9/15)	18,787	701	221,485
Shasta		17,158	575	178,601
El Dorado	Yes (2/12)	15,942	407	182,286
Marin		14,137	216	254,007
Santa Cruz	Yes (10/15)	13,189	306	266,662
Merced		11,937	596	262,478
Kings	Yes (4/13)	11,139	1,555	152,007
Humboldt		10,817	304	135,209
Napa		10,580	246	138,383
Yolo		9,979	573	205,999
Nevada	Alternative3	9,489	232	97,019
Madera		8,567	338	152,711
Imperial		7,644	726	180,061
Mendocino		7,337	141	88,291
Sutter		7,030	435	95,851
Lake	Yes (9/15)	6,958	132	64,531
Tuolumne		6,535	124	54,360
Yuba		6,030	643	73,439

## LEGISLATIVE ADVOCATE REPORT

COUNTY	COURT?	VETERANS <sup>a</sup>	OEF/OIF <sup>b</sup>	POPULATION <sup>c</sup>
Tehama		5,999	183	63,772
Calaveras	Yes (1/16)	5,766	104	44,932
Amador	Alternative 4	4,627	84	36,741
Siskiyou		4,492	103	44,796
Lassen		3,620	149	33,422
San Benito		2,817	122	56,669
Del Norte		2,603	72	28,380
Mariposa		2,218	30	18,026
Plumas		2,178	53	19,643
Glenn		1,962	65	28,349
Inyo		1,637	30	18,573
Trinity	Alternative 1	1,567	33	13,443
Colusa		1,235	48	21,674
Mono		1,091	26	14,493
Modoc		993	27	9,522
Sierra		436	*	3,166
Alpine		150	*	1,087

### Footnotes

a. Source: VA as of 2013

b. Source: DoD as of 2010 (based on last known home address at discharge)

c. Source: California Department of Finance, 2013

\* County with 10 or fewer OEF/OIF veterans

Notes: Alternative Structures

1. (Trinity) Informal team led by CVSO selects veterans for alternative sentencing or other help; any courtroom. VA or nonprofit designs treatment plan.

2. (Kern) VA assesses veterans and creates treatment plans for those qualified; any courtroom. No other entities involved. Judges might apply alternative sentencing.

3. (Nevada) PD identifies veterans needing assistance; various organizations respond.

Judges (any courtroom) might apply alternative sentencing.

4. (Amador) Drug court judge invokes alternative sentencing; veteran is accompanied by veterans' service nonprofit.

## PTSD DUE TO MST

Military sexual trauma, or MST, is the term used by the Department of Veterans Affairs (VA) to refer to experiences of sexual assault or repeated, threatening sexual harassment that a Veteran experienced during his or her military service.

The definition used by the VA comes from Federal law (Title 38 U.S. Code 1720D) and is "psychological trauma, which in the judgment of a VA mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the Veteran was serving on active duty, active duty for training, or inactive duty training."

Sexual harassment is further defined as "repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character."

More concretely, MST includes any sexual activity where a service member is involved against his or her will - he or she may have been pressured into sexual activities (for example, with threats of negative consequences for refusing to be sexually cooperative or with implied better treatment in exchange for sex), may have been unable to consent to sexual activities (for example, when intoxicated), or may have been physically forced into sexual activities. Other experiences that fall into the category of MST include:

- Unwanted sexual touching or grabbing
- Threatening, offensive remarks about a person's body or sexual activities
- Threatening and unwelcome sexual advances

The identity or characteristics of the perpetrator, whether the service member was on or off duty at the time, and whether he or she was on or off base at the time do not matter. If these experiences occurred while an individual was on active duty or active duty for training, they are considered by VA to be MST.

Many veterans believe they do not qualify for veterans' benefits for military sexual trauma if they did not report the assault when it happened, but that is absolutely not the case.

Sexual assaults happen to both military men and women: From 2011 to 2015, 39,000 service members reported sexual assault or sexual harassment, and 52 percent of them were men.

Sadly, the long-term effects of military sexual trauma can include depression, low-level anxiety and post-traumatic stress disorder.

VA is strongly committed to ensuring that Veterans have access to the help they need in order to recover from MST.

In addition to its treatment programming, VA also provides training to staff on issues related to MST, including a mandatory training on MST for all mental health and primary care providers. VA also engages in a range of outreach activities to Veterans and conducts monitoring of MST-related screening and treatment, in order to ensure that adequate services are available.

# CVSO Happenings

## SHASTA COUNTY-NEW VETERAN SERVICE OFFICER

Shasta County is pleased to announce the appointment of Mr. Tommy Key to the position of Shasta County Veterans Service Officer.

Mr. Key grew up in Greensboro, North Carolina, and attended University of Southern Illinois, graduating with a degree in Workforce Education and Organizational Development. He enlisted in the United States Army Reserves, where he served from 1981 to 1983. Mr. Key left the Army and enlisted in the United States Air Force, where he served from 1983 to 2008. Mr. Key held a variety of positions ranging from Security Police Officer, Financial Management, Defense Finance and Accounting Service, First Sergeant, Comptroller Superintendent and retired as Senior Master Sergeant. Not only was Mr. Key responsible for leadership, counseling, and management of enlisted personnel, he received numerous awards including; Wing Airman of the Year, Commandment Award winner, First Sergeant of the Year, and Profession Education Distinguished Graduate. After his retirement from the US Air Force, Mr. Key continued his career in the field of management and human resources.

Shasta County is fortunate to have Mr. Tommy Key as the Shasta County Veterans Service Officer.

## SONOMA COUNTY VSO OFFICE

Sonoma County Veteran Services serves clients by appointment, Monday through Thursday. We will still have a limited number of drop in slots Monday through Thursday before 9:45, but appointments are the preferred method for us to serve our clients. Please call 565-5960 to schedule an appointment.

Best regards,  
Chris Bingham  
Sonoma County Veterans Service Officer  
3725 Westwind Blvd  
Santa Rosa, CA 95403  
707.565.5960

## ASSEMBLYMAN GALLAGHER VISITS BUTTE COUNTY VETERAN SERVICE OFFICE

On Friday February 5th 2016, Assemblyman James Gallagher of California's 3rd Assembly District in Northern California stopped by the Butte County Veterans Services office to present a framed copy of Assembly Resolution 36. "Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature commends the California Association of County Veterans Service Officers for 70 years of service to California's veterans and their families through the advancement of professionalism within its ranks and the pursuit of advocacy across all levels of government so that veterans may receive the benefits to which they are entitled by virtue of their military service to our country.

*"I feel blessed to have an amazingly resilient team" says Hannah Williamson County Veteran Service Officer for the county of roughly 18k military veterans. "Through thick and thin this team shows up ready to give 110% of their best each and every day. In 2015 this team of 4 filed 1181 claims for veterans and their dependents bringing \$5,074,189.00 into the pockets of Butte County Veterans and thus our local economy. I'm very proud of them and incredibly grateful for the steadfast support and encouragement of our legislative leaders, Congressman LaMalfa, Senator Nielsen, and Assemblyman Gallagher".*



## **WOUNDED WARRIOR PROJECT'S TOP EXECS FIRED AMID LAVISH SPENDING SCANDAL**

The two top executives of the Wounded Warrior Project — among the largest veterans charities in the country — were fired Thursday after an investigation into accusations of lavish spending on parties, hotel and travel, according to a statement released on behalf of the embattled organization.

Wounded Warrior Project's CEO, Steven Nardizzi, and COO, Al Giordano, were fired by the charity's board amid criticisms about how it spent more than \$800 million in donations over the last four years. The development was confirmed by Abernathy MacGregor, a public relations firm hired to represent the veterans charity.

"To best effectuate these changes and help restore trust in the organization among all of the constituencies WWP serves, the Board determined the organization would benefit from new leadership, and WWP CEO Steve Nardizzi and COO Al Giordano are no longer with the organization," the statement said.

The statement also said a preliminary financial audit found that "some policies, procedures and controls at WWP have not kept pace with the organization's rapid growth in recent years and are in need of strengthening."

The charity came under fire after an earlier CBS News investigation in January revealed large amounts of spending on administration, meetings, and travel.

Nonprofit watchdog "Charity Navigator" says Wounded Warrior Project spends just 60 percent of its budget on veterans. The Marine Corps Law Enforcement Foundation provides more than 98 percent to veterans. Charity Navigator also assessed that Wounded Warrior's total revenue for 2014 was well over \$340 million. Army Staff Sergeant Erick Millette, who returned from Iraq in 2006 with a bronze star and a purple heart, told CBS News at the time he admired the charity's work and took a job with the group in 2014 but quit after two years.

"Their mission is to honor and empower wounded warriors, but what the public doesn't see is how they spend their money," he said.

Millette said he witnessed lavish spending on staff, with big "catered" parties.

"Going to a nice fancy restaurant is not team building. Staying at a lavish hotel at the beach here in Jacksonville, and requiring staff that lives in the area to stay at the hotel is not team building," he told CBS News.

According to the charity's tax forms obtained by CBS News, spending on conferences and meetings went from \$1.7 million in 2010, to \$26 million in 2014, which is the same amount the group spends on combat stress recovery.

Two former employees, who were so fearful of retaliation they asked that CBS News not show their faces on camera, said spending has skyrocketed since Steven Nardizzi took over as CEO in 2009, pointing to the 2014 annual meeting at a luxury resort in Colorado Springs.

"He rappelled down the side of a building at one of the all hands events. He's come in on a Segway, he's come in on a horse," one employee told CBS News.

About 500 staff members attended the four-day conference in Colorado, which CBS News reported cost about \$3 million.

In January, Charity Navigator, a group that oversees nonprofit organizations, placed Wounded Warrior Project on its watch list, Fox News reported, citing a separate CBS report.

## **A TYPICAL DAY FOR A RURAL CVSO** (Part-time single person station)

8:50am- After a 20 mile drive from another community, arrive at the county seat, pop. 2,341. Open office, start coffee, post colors outside, boot up computer, check phone messages if any, check Emails. Respond as required. Trash/delete as required.

9:15am- Three messages, 1<sup>st</sup> was inquiry about non-VA care. No name, or number left. 2<sup>nd</sup> was a robo-dialer, 3<sup>rd</sup> was a broken rant about politicians and the VA. No name, or number.

9:47am-Phone call from Mortuary. Heads up that a recent widow will be contacting this office. I ask the name, and cannot find any record of contact.

10:20- Walk-in. Widow, with daughter in law has questions about burial options, and death benefits. Veteran was never enrolled for health care, and no S/C Comp, or Pension. Widow decides to just order a headstone for local cemetery. She will get back to me about remarks, and type of marker. Doesn't want to file for widow pension. Doesn't have final funeral bill for burial reimbursement claim yet. She will 'think' about pension, and wants to file for reimbursement. Also inform widow of Honor Guard and local veteran posts who will perform ceremonies if requested. She says that would be nice, and gives the date. All coordinating calls are made to insure that honors are rendered.

11:15am- Walk-in. Veteran is experiencing problems with Choice program authorization, and billing for local medical clinic. After two phone calls, and voice messages to both, he says he will keep trying to get through. Veteran says he will attempt a face-to-face with billing at clinic. Left a little calmer.

11:35 Phone call- Caller requesting the number for the van driver. I explain that the coordinator is the one to call to schedule a ride. Transportation coordinator number is given.

11:40- Phone call. Veteran is complaining about not being able to get through to CBOC, or main VA hospital in Reno to make an appointment. Toll free numbers are passed and verified. Veteran is reassured that numbers are legit. I encourage him to keep trying.

12:00pm- Running errands locally during lunch. I am stopped in the parking lot of the bank by a veteran who has questions about the Veterans Choice program. I ask him to come by the office, but he is too busy, maybe next week.

1:00pm-Upon return from lunch a veteran is waiting in lobby. Has questions about status of claim. Check records, Three months since submission, and he "hasn't heard anything". After a few calls to his accredited rep in the regional office, his claim was submitted, and the VA will be responding soon.

1:20pm- CW-5 fax from DSS. No signature, barely legible. Call to case worker goes straight to voicemail. Short message left about problem CW-5. CW-5 faxed back with note about required signature, and required referral letter. Reminder that veteran must come in to this office. Must be another new worker. Make note to attempt to contact DSS Deputy Director about procedures.

1:30pm- Veteran walks in with DD214, asks "Are you the VA guy?" (This is where I say No, I am not the VA. Please don't insult me. But I can assist him with his VA questions) Says he wants to enroll for health care. 10-10EZ done. Instructions on health care system, and directions to main hospital for E&E check-in, for ID card once accepted for enrollment letter comes.

2:00PM- Veteran walks in, says he's here for the driver's license. Says DMV told him to see me. He is unresponsive to health care, or claims pitch. Says he has great health care through work, and nothing happened to him in the military. DL verification completed. Resource book given, along with business card if questions come up.

2:20- Phone call. Veteran complaining about Choice program. Says he won't bother using it anymore and hangs up. No name, no number.

2:25- Phone call. Veteran upset with his PCP. Asks what can be done. Patient Advocate phone number given to caller.

3:00pm- Local VFW post commander stops by to see if any new veterans have put in claims. Says he referred two to my office at the last meeting.

3:25pm- Veteran calls in with questions about a VA letter they received. Ask veteran to bring in letter. Sounds like the standard VCAA response to claim letter.

3:40pm- Veteran stops by. Says his buddy told him to come see me, and that I could help him. Initial interview, then ask veteran to return with appropriate documents, i.e. DD214, marriage certificate, etc., to support claim. He will call me when all documents are found. Also will be informing veteran about health care, and possible enrollment.

3:50pm- Walk-in. Veteran says he had some questions about health care and claims. A friend told him where to go. I ask veteran to return tomorrow at nine thirty.

4:00pm- Clean up, retire the colors out front, log out email, shut down computer, lock up. Head home for the day.

# DATES OF INTEREST

## MARCH 2016

- 13 Daylight Savings Begins
- 17 St. Patrick's Day
- 20 First Day of Spring
- 20 Palm Sunday
- 27 Easter Sunday
- 31 Cesar Chavez Day

## APRIL 2016

- 1 April's Fools
- 13 Thomas Jefferson's B-Day
- 15 Tax Day—Taxes Due Date
- 22 Earth Day
- 27 Admin. Professionals Day



**Freedom  
isn't Free**



**Support  
Our Troops**

