



# Communicator

## IN THIS ISSUE....

Time & Place Committee	2
Out of the Norm—Issue #158	2
Legislative Advocate Report	3
CVSO's Happenings	3
This Month's Featured County	3
CalVet Home Loans Interest Rates	4
CDVA's Happenings	4
Barstow Veterans Home	4
Scam Alert	5
VBOC Workshops	5

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## MEET THE NEW TEAM AT THE CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

Bios can be accessed at: <http://www.calvet.ca.gov/AboutUs/StaffBios.aspx>



[Peter James Gravett, Secretary](#)



[Lawrence Gonzales, Undersecretary, Operations](#)



[Robin Umberg, Undersecretary, Veterans Homes](#)



[Trevor Albertson, Deputy Secretary, Veterans Services](#)



[Mark Lennon, Deputy Secretary, Administration](#)



[Jim Lowrey, Deputy Secretary, Farm and Home Purchases](#)



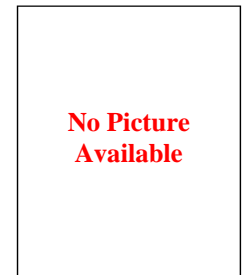
[John Peter "J. P." Tremblay, Deputy Secretary, Communications and](#)



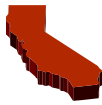
[Lee Gutierrez, Deputy Secretary, Minority Veterans](#)



[Lindsey Wathen, Deputy Secretary, Women Veterans Affairs](#)



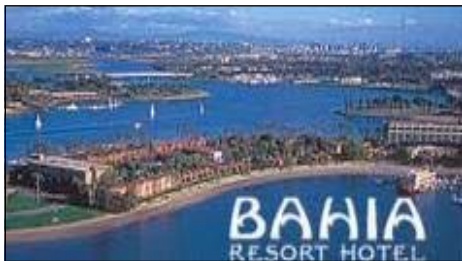
[Robert Wilson, Deputy Secretary and Chief Counsel, Legal Affairs](#)



# TIME & PLACE COMMITTEE

(Placer County CVSO Rick Buckman, Chair)

## Dates & Locations of Upcoming Conferences



**January 29-February 3**  
*Bahia, San Diego*



**Marine Corps Recruit Graduation**  
**February 3, 2012**  
**9 to 11:30 am.**

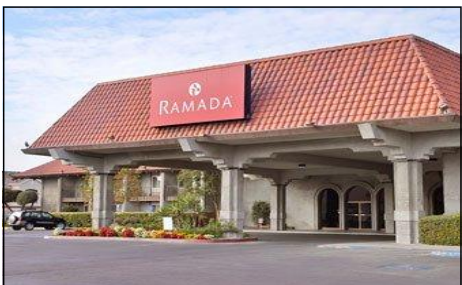
If anyone is interested please contact Amy Fowler at

[amy.fowler@sdcounty.ca.gov](mailto:amy.fowler@sdcounty.ca.gov).

We will provide transportation from the hotel and back. We need to know by January 27, 2012.



**May 6-11**  
*Holiday Inn Capitol Plaza,*  
*Sacramento*



**September 30-October 5**  
*Ramada Inn University,*  
*Fresno*

## OUT OF THE NORM—ISSUE # 161

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

Once again Christmas has come and gone, and the year has rolled to its conclusion—I hope it was a good year for all of you. Here’s some more 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 pertaining to this issue 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, specified birth defects; and to education assistance benefits under 38 USC, Chapter 35 if the veteran is SC permanently totally disabled or has died of SC causes.

2. Another issue that I get questions about lately has to do with VA denials of SC for an injury incurred during authorized sports or recreational activities, for the stated reason that “no line of duty (LOD) 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 direct and proximate 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 M21-1MR gives specific instructions to VSRs on how to proceed if the service department did not make an LOD investigation.

The relevant M21-1MR citation is Part 3, Subpart v, Chapter 1.D.19.c, **When Line-of-Duty Determinations Are 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...” The fact that the service department did not make a determination as to LOD should imply that the injury was likely 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 the 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.

# LEGISLATIVE ADVOCATE REPORT

(By Pete Conaty and Dana Nichol, Legislative Advocates)

## BUDGET SHORTFALL CONTROLS THE LEGISLATURE

On December 13, Governor Brown made \$981 million in “trigger cuts” to funding for higher education, K-12 schools and services for the elderly and mentally disabled. These trigger cuts were a result of last year’s budget compromise whereby if projected revenue did not materialize, then automatic cuts would be made to balance the 2011-2012 budget (the 2011-2012 budget is debated in early 2011 and approved in June 2011). Actual revenue came in \$2.2 billion short of the \$4 billion projected last year.

Furthermore, the governor has announced that the 2012-2013 budget is already looking to be \$13 billion short. The governor must submit this budget to the Legislature on January 10. The governor noted “

in three weeks, we’ll have a number of more cuts, for more than \$1 billion.” “They will be the same kind of state services, very important to help the poor, elderly, students. But we don’t have the money and we’re going to cut back.”

The State Legislature operates in two year sessions which start in the odd year. Therefore 2012 will be the second year of the 2011-12 Legislative Session. Some bills from last year which held by their authors for further work can be taken up in January (“2 year bills”). One of these 2 year bills was AB 1209-Cook; funding for County Veterans Service Officers (CVSO’s). However, because of the bleak state budget forecasted for 2012, it was decided after consultation with the bill’s sponsor (CACVSO) and the bill’s author, that now is not the time to ask for a \$7.3 million increase in the state’s local assistance to the CVSO’s. There is a rumor around the Capitol that the Governor will be asking all state departments to cut their budgets by 10%. 2012 will be a year to “fight for what you’ve got” rather than fight for an increase.

Another 2 year bill which was dropped due to the budget constraints was AB 1093-Davis; Veterans offices in colleges. AB 1093 would have asked the state’s colleges to accommodate CVSO’s and VSO’s on campus to assist student veterans. This would have imposed a cost on the college systems and as such it was decided to not pursue the bill, especially since the budget triggers more painful cuts this year even before the other shoe drops on the January 10<sup>th</sup> governor’s budget.

The California Department of Veterans Affairs has already made cuts to its operating budget. The opening of the new veterans homes in Redding and Fresno has been delayed and will be in caretaker status for three to six months after they are completed.

Into this mix will be the influx of newly separated veterans from the military’s draw-down. These new veterans will be entering the workforce in the middle of the ongoing recession and many will be trying to pursue a higher education in the midst of huge cuts to the state’s community college, state university, and university systems.

We will closely study the governor’s budget once it is released and report to you its impacts on veterans.

Still, there are opportunities to work on veterans issues, especially those issues that are important, but do not cost money. Senator Ted Lieu will reintroduce his bill, SB 888, that was vetoed in 2011, which sought to protect the sanctity of veterans funerals from protestors who seek to disrupt them. Senator Lieu has put the language into SB 661 to satisfy the concerns raised by the governor in his veto message.

See you in January in San Diego!

# CVSO Happenings



## NEW DEL NORTE VSO

The new CVSO for Del Norte County, Christopher Thorpe will join the staff on the 17<sup>th</sup> and will attend the conference in San Diego.

Christopher is a Veteran of the US ARMY and served from 1989-1992 in SWA during the first Gulf War.



## Helmets to Hardhats

A program to help military members reenter the construction labor market. You can find more information at: <http://helmetstohardhats.org/>

## This Month's Featured County



The Landmark tree, a huge sycamore located on Lacey Boulevard near Avenue 18-3/4, stood as a beacon to guide early settlers over the otherwise barren valley floor. Cattlemen and gold miners initially settled along the Kings river; and farmers, storekeepers and oilmen later followed.

In 1877, the tracks of the Southern Pacific Railroad brought additional growth and new arrivals from around the world. In 1893, local voters approved the formation of a new county when a portion of Northern Tulare county was divided to form Kings County.

Today, Kings County combines its relation with its colorful past history with a optimistic and enthusiastic vision for its future

**CAL VET**  
HOME LOANS  
**Interest Rates**  
Effective October 3, 2011

**IMPORTANT PROGRAM CHANGE INFORMATION\***

**5.25%**

Veterans, active military, active Reservist or National Guard who are purchasing a home and meet income and purchase price limits are considered first-time homebuyers even if they are presently in a loan. Program allows veterans to have owned their principle place of residence in the last 3 years and still be eligible for the benefits of the "First-Time Home Buyer program."

**5.5%**

Qualified Veterans who apply for a loan within 25 years of their date of release from active duty and have served in a war time period. \* As the result of HR 6081 signed June 17<sup>th</sup>, 2008 by the President, veterans of conflicts after 1976, including Panama, the Persian Gulf, Operation Desert Storm, Somalia, the Balkans, and now in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan are included in this program.

**5.95%**

All other veterans who have been Honorably Discharged or those who were discharged "Under Honorable Conditions" will be funded using Unrestricted funds.

**Maximum Loan Limit**

Maximum Current Limit updates

- \$521,250 loan limit on single-family dwellings, condominiums, manufactured homes on land, and co-operative housing
- \$175,000 for mobile homes in approved parks, plus an additional 1% to available rate
- \$521,250 low-cost construction loan
- \$150,000 home improvement loan



Call the Sacramento CalVet Home Loans office at 866.653.2510 for information, or visit our website: [www.cdva.ca.gov/calvet](http://www.cdva.ca.gov/calvet)

(Rate Chart 10/3/11)

# CDVA Happenings

## Accreditation examination during CVSO Conference in San Diego



Tracey Greenamyre will be conducting the accreditation examination during the CVSO Conference in San Diego.

Please coordinate with Tracy the days and times that you would like your staff to take the exam.

## Veteran Service Representative Academy

Since announcing the Veteran Service Representative Academy in the middle of December, CalVet has received an overwhelming number of responses in hopes of participating.

We are very grateful that so many of you and your staff want to participate in this training event to better your skills in advocating for veterans and assisting them in the claims filing process; however, we cannot admit everyone who requested this training during the first event.

The selection process was based off of first-come, first-served. CalVet will notify each member individually by e-mail and phone to confirm their attendance at the Veteran Service Representative Academy in February.

Following this first class, we will notify everyone of the next training event so we may continue to train our VSRs.



### The Barstow Veterans Home is Currently Accepting Applications for Residency in the Independent Living (Domiciliary), and Intermediate Nursing Levels of Care

The Veterans Home of California—Barstow is a 400-bed, long-term care facility located on 22 acres with a panoramic view of the Mojave River Valley. The high desert atmosphere offers a climate that is healthful, quiet and safe with very low air pollution. The Veterans Home provides California veterans with a living environment that protects their dignity and contributes to their feeling of self-reliance and self-worth. It offers three levels of care that provide continuity in the lives of residents in an atmosphere of dignity and respect.

1. Domiciliary Care (Independent living) for veterans who are self-sufficient and do not require assistance with activities of daily living. Non-nursing staff provides minimal supervision. Residents at this level of care have access to other levels of care and medical services.
2. Intermediate Nursing Care for veterans requiring some nursing assistance to perform activities of daily living. Licensed nursing staff assist veterans with medications and treatments.
3. Skilled Nursing Care for veterans who require a higher level of nursing care and require assistance with many activities of daily living.

Although this Veterans Home offers three levels of care, space is primarily available in the Independent Living (Domiciliary), and Intermediate Nursing levels of care.

Amenities include:

- Room and board – three meals plus snacks
- Medical care and medications
- Optical care, dental care and podiatry services
- Transportation services to all medical appointments

and off-campus activities

- Additional professional services include a beauty/barber shop, multi-purpose room and limited banking services
- Opportunities for worship for all denominations through the Chaplaincy Program
- A modern fitness center and exercise classes
- Library, cable television, and wireless Internet
- Housekeeping and laundry services
- Caring and compassionate staff, and
- Variety of community outings and an enhanced activity program

The Veterans Home of California—Barstow enjoys the strong support from the local community as well as camaraderie from the neighboring Marine Corps Logistics Base and the National Training Center at Fort Irwin.

Veterans Homes of California are also located in Chula Vista, Lancaster, Ventura, West Los Angeles, and Yountville. Veterans Homes are currently under construction in Fresno and Redding. Veterans considering assisted living are encouraged to apply to any of the Veterans Homes of California. Spouses are also eligible to apply with the veteran.

For admission information, contact:

Veterans Home of California—Barstow  
100 E. Veterans Parkway  
Barstow, CA 92311  
(800) 746-0606, ext. 1



The Centers for Medicare and Medicaid Services are warning the public that a new internet site has been created to look like a government internet site and claims to collect information for the Federally-sponsored Pre-Existing Condition Insurance Plan.

**THIS IS NOT A GOVERNMENT SITE.**

**DO NOT PROVIDE ANY INFORMATION TO THIS SITE!**

**SCAM: Misleading internet site collects your personal information for Pre-existing Condition Insurance Plan!**

As a result of the Federal Affordable Care Act of 2010, California has a contract with the Federal Department of Health and Human Services to establish a federally-funded high risk pool program to provide health coverage for eligible individuals. The program will last until December 31, 2013, when the national health reform is set to begin. After that date, there will no longer be a need for high risk pools because federal rules will not allow insurers to reject persons with pre-existing conditions or charge them higher rates than those without such conditions.

The federally-funded program is called the California Pre-Existing Condition Insurance Plan (PCIP). The PCIP offers health coverage to medically-uninsurable individuals who live in California. The program is available for individuals who have not had health coverage in the last 6 months. This Plan provides the following:

- Covers a broad range of health benefits.
- Does not charge a higher premium due to a medical condition.
- Does not base eligibility on income.

If you are interested in obtaining more information on this plan, please call 1-866-717-5826 or carefully go to the following site: [www.pcip.gov](http://www.pcip.gov).



## THE VETERANS BUSINESS OUTREACH CENTER



Contact Mona Azevedo at  
**916-393-1690**

### BUSINESS BASICS WORKSHOP

WEDNESDAY, JANUARY 4, 2012  
9 A.M.-12 P.M.

This training is designed for individuals interested in starting a business or currently in business for two or less years. Course includes: business evaluation, market research, licensing and permit requirements, start-up costs, financing sources, insurance, cash flow analysis, legal structure, self employment analysis, cash management, customer profile, protecting your business idea, and reality of operating a business.

### BUSINESS PLANNING WORKSHOP

FRIDAY, JANUARY 13, 2012  
9 A.M.-2 P.M.

This training is designed for individuals interested in writing a viable business plan. The workshop discusses key components of developing a business plan. Topic matter includes purpose of plan, organizational and market objectives, competitive comparison, financial management, business environment, customer profile, potential litigation, legal structure, suppliers, marketing strategy, operational infrastructure design, market analysis, recordkeeping, tools to forecast business needs, cash management, start-up costs, forecasting, traditional financing, personnel, and much more.

### MARKETING FOR SMALL BUSINESS

THURSDAY, JANUARY 26, 2012  
5:30-7:30 P.M.

This marketing class will help you develop the processes of planning and executing the conception, pricing, promotion, and distribution of ideas, goods and services to create exchanges that satisfy individual and organizational objectives.

# DATES OF INTEREST

## JANUARY 2012

- 1 New Years Day
- 16 Martin Luther King Jr
- 17 Ben Franklin's Birthday
- 23 Chinese New Year
- 26 Australia Day

## FEBRUARY 2012

- 1 National Freedom Day
- 2 Groundhog Dag
- 8 Boy Scout Day
- 14 Valentine's Day
- 20 Presidents' Day
- 22 Ash Wednesday
- 29 Leap Day

## MARCH 2012

- 11 Daylight Savings Time Begins



**Freedom isn't Free**



**Support Our Troops**

