



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 CVSO Ted Puntillo, President)

I am wishing everyone a very Merry Christmas and a Happy New Year.

We have had a great year in 2016, and the number of veterans we have helped has grown, along with the amount of money we produced right into their pockets.

We are blessed to have these jobs that help the most eligible and deserving of our citizens and we get paid to do it. I cannot think of a better more praiseworthy class of people to help, and cannot think of a better job to have. By the way, there are many jobs available in the CVSO community with Sacramento and El Dorado Counties looking for new CVSO's. Get your resumes in. These are both great paying jobs. I also hear that George Dixon has been hired in LA County and that will leave Monterey open soon. Sal Torres has also been hired to the CVSO position in Yolo County and will start January 9. Congrats to Sal. He is a vet rep in Solano County now.

December is usually a slow time for our offices. This is a great time to get your Vet Pro reports done. Please use the applications Vet Pro has given us to correct the data base prior to sending it to Cal Vet for audit. Hopefully we are already starting to work on our semiannual reports. They are due January 31. This year will be different as our executive director; Tom Splitgerber will send a letter to the Chair of the Board for any county that is 15 days late in submitting their reports. Any county that is 30 days late or more will risk losing funding for that period. Please be warned that this is very important. We only had 5 counties late last time and I am confident we can get them all in on time this period.

I look forward to an even better year in 2017— and as work together, it will continue to be great for us and for our veterans.

Ted





TIME & PLACE COMMITTEE

(Fresno County CVSO Charles Hunnicutt, Chair)

Dates & Locations of Upcoming Conferences



February 26—March 3, 2017
Holiday Inn, Sacramento CA



June 11—16, 2017
Town & Country Resort & Convention Ctr.
San Diego, CA



October 8—13, 2017
Marriott Convention Center
Riverside, CA

NewsLetter DEADLINE

Last Thursday of the Month Unless Notified Otherwise!

OUT OF THE NORM—ISSUE # 217

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

Today’s topic *du jour* is the application of 38 CFR 3.114(a), **Change of law or [VA] issue**, to what is required to qualify for retroactive payment in such cases. This regulation is predicated on a change in a law, regulation, or other VA issue, including an official re-interpretation of the proper application of a law or regulation, where a claim that would previously have been denied would now be granted *solely* because of the change in the law, regulation, etc.: “Where [a monetary benefit] is awarded or increased pursuant to a liberalizing law, or a liberalizing VA issue ..., the effective date ... shall not be earlier than the effective date of the act or administrative issue.... [I]n order for a claimant to be eligible for a retroactive payment ... the evidence must show that the claimant met all eligibility criteria for the liberalized benefit on the effective date of the liberalizing law or VA issue and that such eligibility existed continuously from that date to the date of claim or administrative determination of entitlement.”

The retroactivity provisions are straightforward— if the claimant meets *all* the requirements and the claim is received within one year from the effective date of the new law or VA issue, benefits may be authorized from the effective date of the new or changed law or VA issue, but not earlier than that date. If the claimant met all the requirements but the new claim is received more than one year after the effective date of the law or VA issue, then retroactive benefits may be authorized for a period of one year prior to the date of claim or the administrative determination of entitlement.

A few points:

This regulation applies equally to original and reopened claims and to claims for increase—there is no requirement that the claim have been previously considered and denied.

If the claim was previously considered (and denied), it is also *not* necessary that new and material evidence be submitted for reconsideration or reopening now. Reconsideration or reopening may be requested based *solely* on the change in the law or VA issue (of course, if you do have relevant new and material evidence, there is no reason *not* to submit it, as well).

Even if there is no specific claim for review under the changed law or VA issue, if VA reviews the case for *any* reason and it is shown that the requirements are met, VA is obliged to act on the issue—see 38 CFR 3.114(a)(2).

There is no statute of limitations on how long these provisions are applicable— in theory, at least, they can be applied to every liberalizing change in the law or VA issue where the veteran or other claimant met and still meets the requirements. In practice, however, some discretion is appropriate.

NOTICE — This is very difficult for me to say to you, but this is the final installment of the *Out of the Norm* columns. For medical/health reasons I am closing down my relationship with the Association and related activities, to include writing these columns and attending the CACVSO Training Conferences and presenting training on various topics, effective immediately. To the extent I am able to do so, I will continue to answer individual questions, however.

To all my good friends, so long—it’s been fun...

This Month’s Featured County

Inyo County is a county in the U.S. state of California. As of the 2010 census, the population was 18,546. The county seat is Independence. Inyo County is on the east side of the Sierra Nevada and southeast of Yosemite National Park in Central California. It contains the Owens River Valley; it is flanked to the west by the Sierra Mountains and to the east by the White Mountains and the Inyo Mountains.



LEGISLATIVE ADVOCATE REPORT

(By Pete Conaty and Dana Nichol, Legislative Advocates)

CALIFORNIA ASSOCIATION OF COUNTY VETERANS SERVICE OFFICERS

END OF YEAR REPORT

December 2016

In 2016, there were 57 veterans and military bills introduced by legislators, all of which we tracked. Some were sponsored and most were supported by veterans service organizations. In the Assembly, 32 were introduced but only 5 passed. Many of these will be reintroduced in January 2017. In the Senate, 25 were introduced and 13 passed. In all, 17 were signed into law by the Governor and those bills are listed below.

There were also 15 Resolutions introduced, two of them being mentioned in this report: SR 69-Glazer and AJR 33-Bonilla, both of which asked Congress to restore the honor to, and rectify the mistreatment by the military of, any sailors who were unjustly blamed for and convicted of mutiny after the Port Chicago disaster in 1944.

Key 2016 Legislation signed by Governor

We had a very successful year at the Capitol. The following lists veterans and military bills signed into law by the Governor at the end of this year's Legislative Session.

THESE LAWS TAKE EFFECT ON JANUARY 1, 2017.

For more information of all legislation, go to: <https://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

AB 2128 **AUTHOR:** Achadjian [R]

SUMMARY:

Amends existing law that allows a member of the Armed Forces of the United States who is stationed overseas and serving in a conflict or a war and is unable to appear for the license and solemnization of a marriage to enter into that marriage by the appearance of an attorney-in-fact. Provides that the completion of the power of attorney is the sole determinant as to whether the county clerk's office or State Registrar will accept the power of attorney.

AB 2254 **AUTHOR:** Achadjian [R]

SUMMARY:

Revises the list of National Guard armories to be made available for providing temporary shelter to homeless persons to include the Atascadero armory in San Luis Obispo County.

AB 2273 **AUTHOR:** Irwin [D]

SUMMARY:

Prohibits a member of the active militia, including the National Guard, from being prosecuted for a military crime based on an attempt to kill himself or herself. Requires the Adjutant General to ensure that any member of the active militia that attempts to kill himself or herself is referred to the Behavioral Health Liaison Program to receive assistance, counseling, or referral to other appropriate available services.

AB 2562	AUTHOR: SUMMARY:	Assembly Committee on Veterans Affairs A reservist who is called to active duty on and after January 1, 2014, is authorized to defer payments on mortgages, credit cards, retail installment accounts and contracts, real property taxes and assessments, vehicle leases, and obligations owed to utility companies, for the period of active duty plus 60 calendar days, or 180 days, whichever is less. AB 2562 removes the date a reservist is called to active duty from the requirements of the benefits, thereby making the benefits available to any reservist.
AB 2563	AUTHOR: SUMMARY:	Assembly Committee on Veterans Affairs Relates to veterans, service advocates and correctional facilities. Revises the definition of a veteran by deleting the reference to the American Red Cross and including a person who has been discharged from the National Guard of any state.
SB 294	AUTHOR: SUMMARY:	Pan [D] Requires the Board of Administration of the Public Employees' Retirement System to provide a form to be used by a member to receive credit for his or her military service with employer-paid employee and employer contributions. Requires employers to inform the member his or her rights to receive credit within certain number of days of the member's return to state service by utilizing that form. Requires employer to provide letters or electronic communications to all employees informing them of those rights.
SB 543	AUTHOR: SUMMARY:	Wolk [D] Amends existing law that establishes Veteran's Home of California in Barstow, Chula Vista, Lancaster, Ventura and Yountville. Provides for an administrator for each home or home site. Provides funding for designing and constructing veterans' homes. Requires each home to establish a Morale, Welfare, and Recreation Operating Fund to administer quality of life activities for the general welfare of residents. Provides for funding.
SB 866	AUTHOR: SUMMARY:	Roth [D] Authorizes a housing developer or service provider that provides housing or services pursuant to the Veterans Housing and Homeless Prevention Bond Act of 2014, to provide housing or services to veterans and their children in women-only facilities in limited instances.
SB 905	AUTHOR: SUMMARY:	Bates [R] Authorizes the Department of Alcoholic Beverage Control (ABC) to issue a club license to a nonprofit veterans umbrella organization. This bill directs ABC to allow the issuance of an alcoholic beverage license to a nonprofit umbrella organization that serves at least six veteran organizations and does not discriminate or restrict membership on account of the person's color, race, religion, ancestry, national origin, sex, or age. Members of the veteran organizations served by the nonprofit umbrella organization shall be deemed to be members of the nonprofit umbrella organization regardless of whether they are charged separate dues to hold that membership.
SB 1012	AUTHOR: SUMMARY:	Nguyen [R] Requires any Flag of the United States or the California State Flag purchased by the State or any local government agency be made in the United States.

SB 1059	AUTHOR:	Monning [D]
	SUMMARY:	SB 1059 clarifies the ability of veterans to use their Title 38 education benefits at law schools accredited by the California State Bar's Committee on Bar Examiners. This will allow military and veteran students to use Title 38 funds to receive a legal education at these schools.
SB 1180	AUTHOR:	Jackson [D]
	SUMMARY:	SB 1180 will give disabled veterans who are new school employees additional sick leave in their first year of employment so they can attend medical and VA appointments to treat their service-related disabilities.
SB 1227	AUTHOR:	Lara [D]
	SUMMARY:	Requires the California Conservation Corps to collaborate with the Department of Veterans Affairs and the Employment Development Department to assist any corps member who is a veteran of the United States Armed Forces, in obtaining employment after participating in the corps program. Provides that such collaboration efforts shall include providing access to veterans supportive services and workforce services.
SB 1314	AUTHOR:	Block [D]
	SUMMARY:	Allows community college students completing a four-year degree at a community college to receive Cal Grants. Will help veterans and service-members who have exhausted their GI Bill benefits before completing their degree. SB 1314 will ensure those veterans and service-members have other financial aid options available through the completion of their bachelor's degrees.
SB 1348	AUTHOR:	Cannella [R]
	SUMMARY:	Requires each board within the Department of Consumer Affairs with a governing law authorizing veterans to apply military experience and training towards licensure requirements to post information on the board's Internet Web site about the ability of veteran applicants to apply their military experience and training towards licensure requirements.
SB 1455	AUTHOR:	Block [D]
	SUMMARY:	Provides that a pupil complies with a school district's residency requirements for school attendance in a school district if he or she is a pupil whose parent is transferred or is pending transfer to a military installation within the boundaries of the district while on active military duty pursuant to an official documentation. Requires a school district to accept applications by electronic means for enrollment and course registration for those pupils.
SB 1458	AUTHOR:	Bates [R]
	SUMMARY:	Amends an existing property tax law which provides a disabled veteran's property tax exemption for the principal place of residence of a veteran or a veteran's spouse. Expands that definition of veteran to include a person who has been discharged in other than dishonorable conditions from service under certain conditions and who has been determined to be eligible for federal veterans' health and medical benefits. Provides time periods regarding the disabled veterans' exemption.

AJR 33

AUTHOR: Bonilla [D]

SUMMARY:

Urges the recognition that the trial and conviction of African American sailors of the U.S. Navy for mutiny in connection with their service at the Port Chicago Naval Magazine in Concord, California, during World War II were wrongfully pursued because of racial prejudice. Urges the Congress to publicly exonerate those African American sailors in order to further aid in healing the racial divide that continues to exist in the United States.

SR 69

AUTHOR: Glazer [D]

SUMMARY:

Urges the President and the Congress to take action all necessary action to restore honor to, and rectify the mistreatment by the U.S. Military of, any sailors who were unjustly blamed for and convicted of mutiny after the Port Chicago disaster, which occurred in the town of Port Chicago, California, in 1944.

For more information of all legislation:

<https://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

Contact:

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NO/Prop 61 Deceptive Rx Proposition

(By Pete Conaty, Legislative Advocate)

2016 was a pivotal year for veterans groups as the vast majority of Veterans Service Organizations (VSO's) joined forces to defeat Prop 61, the deceptive Rx Proposition which would have tied drug prices by some state agencies to the drug prices paid by the Federal Veterans Administration. This measure was quickly seen as harmful to California veterans by California's VSO's who came out in early opposition to the measure. VSO's lead the charge against this deceptive and poorly written measure and were joined by health, business, labor groups, and others in opposition.

There were numerous television commercials, billboards, and campaign mailers featuring veterans and VSO's in opposition to the measure. Other groups were opposed to this measure also, but it was Veterans Service Organizations who lead the charge. By the election, the opposition tried to claim that VSO's were paid to oppose this measure, while they were the ones paying for endorsements, such as \$50,000 was paid to VoteVet, a political action committee, that masqueraded as a veterans organization.

As a result of the VSO activity newspaper editorial boards took special vote of Prop 61. After examining it closely, all the major California newspapers came out in opposition to Prop 61.

After the federal V.A. issued an opinion that Prop 61 would cost them \$4.8 billion in additional cost annually, VSO's doubled down in the opposition and helped turn the tide against Prop 61. VSO's also were used in advertising to educate the voters that Prop 61 was also bad for all Californians.

As a result of the attention brought to Prop 61, the measure was defeated by 53.2% NO to 46.8% YES on November 8, 2016.

The early and unified opposition to Prop 61, which was successful, shows that when the organized veterans groups came together to work for a common goal, they can be successful. Prop 61 helped raise the profile of all veterans groups and associations in California among the general public. Let's all continue to work together for the common good of California's veterans and all its citizens in the future.

Thank you for all of your help and support.

VA



U.S. Department
of Veterans Affairs

News Release

Office of Public Affairs
Media Relations

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VA Study Finds EEG Can Help Tell Apart PTSD & Mild Traumatic Brain Injury

WASHINGTON – A recent VA study points to a possible breakthrough in differentiating between post-traumatic stress disorder (PTSD) and mild traumatic brain injury (mTBI), otherwise known as a concussion.

The two disorders often carry similar symptoms, such as irritability, restlessness, hypersensitivity to stimulation, memory loss, fatigue and dizziness. Scientists have tried to distinguish between mTBI and PTSD in hopes of improving treatment options for Veterans, but many symptom-based studies have been inconclusive because the chronic effects of the two conditions are so similar. If someone is rating high on an mTBI scale, for example, that person may also rate high for PTSD symptoms.

The researchers used electroencephalogram, or EEG, a test that measures electrical activity in the brain. The size and direction of the brain waves can signal abnormalities.

Analyzing a large set of EEGs given to military personnel from the wars in Iraq and Afghanistan, the researchers saw patterns of activity at different locations on the scalp for mTBI and PTSD. They saw brain waves moving slowly in opposite directions, likely coming from separate places in the brain.

The researchers emphasize that these effects don't pinpoint a region in the brain where the disorders differ. Rather, they show a pattern that distinguishes the disorders when the EEG results are averaged among a large group.

"When you're looking at an EEG, you can't easily tell where in the brain signals associated with TBI and PTSD are coming from," said Laura Manning Franke, Ph.D., the study's lead researcher and research psychologist at the Hunter Holmes McGuire VA Medical Center in Richmond, Virginia. "You get kind of a coarse measure – left, right, anterior, posterior. We had a different distribution, which suggests that different parts of the brain are involved. In order to determine what patterns are tracking their TBI and PTSD, you need an average to do that," Franke added.

The study linked mTBI with *increases* in low-frequency waves, especially in the prefrontal and right temporal regions of the brain, and PTSD with *decreases* in low-frequency waves, notably in the right temporoparietal region.

The differences in the levels of the waves may explain some of the symptoms of the two disorders, suggesting a decline in responsiveness for someone with mTBI, for example, and more anxiety for someone with PTSD.

Franke also noted that more low-frequency power has also been linked to cognitive disorders such as Alzheimer's disease and less low-frequency power to problems such as drug addiction. Additionally, spotting distinct patterns of mTBI and PTSD in separate parts of the brain is key for two reasons: the possibility these conditions can be confused with each other is reduced. That can help improve diagnosis and treatment and the patterns show that electrical activity appears to be affected long after combat-related mTBI, suggesting long-term changes in neural communication, the signaling between cells in the nervous system. "That could help, in part, explain the reason for persistent problems."

The study included 147 active-duty service members or Veterans who had been exposed to blasts in Iraq and Afghanistan. Of those, 115 had mTBI, which accounts for nearly 80 percent of all traumatic brain injuries. Forty of the participants had PTSD, and 35 had both conditions.

Despite the new findings, Franke and her team believe more work is needed to better explain the differences in the patterns of both conditions in the brain's electrical activity. Researchers need to analyze the differences in scans from larger numbers of patients.

Meanwhile, though, she said she hopes the research will play a role in helping medical professionals better diagnose someone's condition through an individual EEG—whether that person has PTSD, a brain injury, or a combination of the two.

"That's the holy grail," said Franke. "We want to use the EEG to differentiate the problems, but also to predict recovery and be able to measure how people are doing in a more biological way than just measuring symptoms, although those are still relevant. But symptoms are also problematic because they're influenced by so many things that aren't the disease that we're interested in."



The Department of Personnel Services, Employment Services Division announces the exam for:

Veterans' Claim Representative

Exam # 28549-16-0

Approximate Monthly Salary: \$3,473.04 - \$4,222.98

DESCRIPTION

Under direction, the Veterans' Claim Representative assists veterans and/or their dependents by advising them of the rights and benefits to which they are entitled by law; as an agent of the claimant, prepares, presents and prosecutes claims for benefits before the Veterans' Administration.

MINIMUM QUALIFICATIONS

One year of full-time (paid or volunteer) experience guiding, counseling, or interviewing clients for the purpose of assisting them in obtaining veterans benefits.

Note: Part-time experience is converted to full-time on the basis of 173.6 hours = 21.7 days = 1 work month.

Note: If the word "experience" is referenced in the minimum qualifications, it means full-time paid experience unless the minimum qualification states that volunteer experience is acceptable. Part-time paid experience may be accumulated and pro-rated to meet the total experience requirements.

Filing Deadline: 5:00 PM on January 9, 2017

Please see job announcement for important testing information, including tentative test dates. This communication is a courtesy announcement only and is not meant to replace the full job announcement. Please view the official job announcement for all requirements and testing information. The full job announcement and online application is available for viewing on our website at

DATES OF INTEREST

DECEMBER 2016

- 1 AIDS Awareness Day
- 7 National Pearl Harbor Remembrance Day
- 10 Human Rights Day
- 13 National Guard Birthday
- 17 Wright Brothers Day
Pan American Aviation Day
- 21 First Day of Winter
- 22 Forefather's Day
- 25 Christmas Day
- 31 New Year's Eve

JANUARY 2017

- 1 New Years Day
- 10 Save the Eagles Day
- 11 Amelia Earhart Day
- 16 Martin Luther King Jr.



Freedom isn't Free



Support Our Troops

