

# INTERCHANGE ONLINE



THE OFFICIAL ONLINE NEWSPAPER OF THE  
NEW YORK STATE COUNCIL

**Vol. 30 Issue 04**

**Veteran's News that needs to be Read**

**WINTER 2020**



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To Chapter Leadership & State Council Delegates:

The COVID-19 beat us again. We are just not comfortable to have our January 16th State Council meeting. We are trying to set one up for April hoping this virus or the shots have calmed down enough to go back to what our country once was.

We have not met since last January and most chapters have not. I do hope once we get back our enthusiasm is still there as we still have much work to do. Our National; Convention is still being scheduled for August but that will be determined by Mr. Pandemic. It will be in Greensboro NC which most of us can drive so that will be good. Again this will be very important convention as we are fading away faster than any of us want and we need everyone get on the same page for our future.

As our State Council we have not met but the BOD has had a couple of zoom meetings. The Interchange still active which new edition will be out shortly. Our Service Office is still operating in Buffalo VARO with Dee and Butch working as hard as ever. They are doing more and more video hearings and we hope we get our appeal numbers down.

I'm still around with the rest of BOD ready to try and help you guys where we can. Just call or email.

Hope to see you all again at some point. Take care and play safe.

## IN MEMORIAM

### MAY THEY REST IN PEACE

#### VVA Chapter #20

Richard U. Burkhart  
John V. Farley, Jr.  
John L. Webster

#### VVA Chapter #32

Fred Naschen

#### VVA Chapter #72

Charles Rosse

#### VVA Chapter #77

Ross Barbarino  
Thomas Camann  
Raymond Fisher  
Frank Gubala  
Donald Loretto  
James May  
David Miller  
Edward Miller II  
Thomas Peasland

Robert Rodabaugh  
Gerald Service  
Terry Treutel

VVA Chapter #333  
Bob Taylor

VVA Chapter # 459  
Robert A. Giannini



VVA Chapter #803  
Philip J. Grushetsky

### CONDOLENCES

VVA #333: wife of member  
**Pat Pizzimonte**, Susan has  
been called by the Lord,  
pray for the family

**VVA-NYSC Meeting Dates 2021**

January 16, 2021

Other dates To Be Announced  
(TBA)

**On-Line INTERCHANGE** is the Bi-monthly publication of the VVA-NYSC. Comments and contributions are encouraged and can be sent to:

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The opinions expressed in this publication are those of the authors and do not necessarily represent the views and opinions of this organization. Individuals with different viewpoints and opinions are invited to submit them to the Chapter by the **deadline** of the **Third Friday** of each month. Editor reserves the right to edit for length, grammar and reject any libelous or obscene material.

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Francisco Muñiz III

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**President's Report**

Ned D. Foote

As I sit here on Thanksgiving morning, I am trying to figure out what to write. I do not want to say negative things, but I see not a lot of positive stuff. This COVID 19 has brought havoc on 2020 and it looks to go right into 2021.

There are any things on a personal level as well with our organization. I will start with VVA and NYS Council. As you know we have not met since January of last year. We are hoping this January we would meet but it does not look like we will. Our BOD stays in touch as we still have business to discuss and we still have our Service program going in Buffalo.

Some of our Chapters have met, if only on a zoom, as I attended a few of those. I do know I try to send info out to all but I seldom hear anything back but that is not that unusual, and it gets lonely at times at the top.

I do stay busy though with my duties as Finance Chair for National. You are aware with our issues with this pandemic, it hit hard with National Staff and how we do our business. We had to let go 11 employees and others must pick up the slack. Many are working from home but are not providing the best communication with Chapters and States Councils. Our Officers are working way too hard and is not what they ever expected to do. Tom Burke is trying to run the office from Ohio and also has the Service Officer Program to contend with. Jack McManus is trying to handle all finance business from afar and filling in as our CFO that we no longer have.

I have reorganized my National Finance Committee and I have, At Large Delegate, Dottie Barickman handling oversight of our budget. We went to a bare bones budget back in August as our finances was almost nil and we had to cut most of our spending, meaning meetings, travel and such. A bit of good news is that our revenue is much better than we thought and now some funds have gone to Chapters in the HSGP albeit reduced.

We are starting the budget process for 2022 much sooner than what we always did in March. That way we will have a budget in place come January ready for end of fiscal year. We will try to accommodate all cost centers and plan on meetings and the convention. But of course, this will hinge on COVID 19.

So bottom line. We do not know what tomorrow will bring and can only go day by day.

So, if I have not bored you so far, I will talk about me and what this virus has done so you will know you are not alone dealing with the crisis.

It hit us coming home, last March from visiting our grandkids in Myrtle Beach. We try to see them in March and November, and they try to come here in July. This time on way home we found restaurants closed as the beginning started. Jane and I booked a cruise to Alaska where we would be going with John Rowan and Mariann, as well as, Grant and Kaye for May of this year.

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### New York Vietnam Veterans Foundation

We provide grants to Vietnam Veterans of America-New York State Council, (VVA-NYSC) a veteran's service organization that advocates for legislation at the State and Federal level of government to provide housing, education, health and mental care services to veterans and their families.

We provide funding for VVA-NYSC Veteran's Service Officer program that assist veterans with their military disability compensation and pension claims from the Veterans Administration.

We advocate for better Federal and State veteran's benefits and veteran preferences in government employment. VVA Chapters within New York State, assist widows, widowers, and orphans of our veterans. The organization organizes programs that enrich the lives of Vietnam veterans, as well as veterans from past, current wars, and their families.

We have an active Agent Orange committee that helps Vietnam veterans receive up to date information on prostate cancer, diabetes, and other chemically-related diseases.

We have an updated database of agencies that provide:

- Listings of Veteran Job Fairs offered by county or veteran service organizations;
- Counseling for veterans with Post-Traumatic Stress Disorder (PTSD);
- Outreach programs that support returning veterans' reentry into civilian life;

For disabled veterans, this can be even more difficult than a tour of duty.

We do this all year long, but without your gift and the gifts of other supporters, nothing can be done to help those that are so deserving of it. However, we have much more to accomplish.

We, the New York Vietnam Veterans Foundation, have a mission to keep advocating for and helping these veterans. We ask you to join us in our mission to provide assistance, guidance, training, and education to all veterans of past, present, and future military conflicts.

So let us continue to work together to ensure our national heroes receive everything that they are entitled to receive for their sacrifice and service to our nation.

President Francisco Muñiz III

Vice President Ned D. Foote

Treasurer Grant T. Coates

Secretary Nick Valenti

Directors Sam Hall

Stan May

You can send your tax deductible donation, to the extent allowed by law, directly to the Foundation at NY Vietnam Veterans Foundation, 48 March Lane, Westbury, NY 11590-6302.

**NOTE:** The Foundation has lost its fundraising contract and is in need of funds to support our Service Officer's Program. Please send donation to the above address.



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That had to be cancelled. Our 50th wedding Anniversary was in April and Jane and I ordered dinner to be delivered at home. My grandson graduated this year but no festivities and no real graduation ceremony. As we waited through the summer and staying safe as much as we can we missed out on our travel with VVA. Leadership conference canceled as well as meetings at National and state level. A bunch of other planned events with family and such did not happen. The same must of happen for all of you.

As I started this column, I said, I am writing on Thanksgiving morning. Jane's doing her usual cooking of a 22 lb. Turkey with all that goes with it as if we have 12 to 14 come for dinner. Oh wait. We only have a 14 pounder. We only have 7 coming, just my daughter, her husband and two grandsons with one girl-friend. My other grandson girlfriend is in boot camp for AF National Guard. Will be much different, but they say safe.

My first grandson (his girlfriend I said is in boot camp) is a full time Firefighter for the State. He is also in the Air Guard. He leaves this Saturday for training for 6-month deployment to Niger Africa. He leaves for Fort Bliss in Texas for training. Will be coming back home Christmas Eve but must quarantine. Leaves again January 2<sup>nd</sup> to San Antonio for whatever place to be deployed.

So, for Christmas week, where we have large group at my sister-in-law house at Christmas Eve and then they all come to our house on Christmas Day will not happen. My daughter will stay at home with grandsons because we cannot have them here because of this damn pandemic. So, it will be Jane and me once again. Oh well we will get over it and I do believe things will get better soon.

So, let us all hope for **A SAFE, HEALTHY & HAPPY NEW YEAR!**

**VVA NATIONAL NEWS: John Rowan, President/CEO**



Giving Tuesday is an annual day of giving back—an opportunity for each of us to express gratitude and to remain connected in these times of social distancing.

Membership [will you consider making a special donation to VVA—on this day that celebrates giving?](#)

This year, Giving Tuesday has a special meaning for organizations like ours.

Veterans and communities across the country are facing unique challenges, and VVA has not been immune: **Over 60% of our revenue was jeopardized when our Household Goods donation program was halted because of the quarantine.**

This loss forced us to make changes, but we remain steadfast in serving our 87,000+ members and building powerful support systems for all veterans.

To continue this critical work in 2021, VVA is looking to new sources of support—and today, we're asking for your help.

**VVA NATIONAL NEWS —THE FUTURE OF VVA**

**Your 100% tax-deductible contribution will be put to immediate use furthering our essential services to veterans**, many of whom especially need our support in the wake of the pandemic.

As Vietnam veterans and proud VVA members, we share a critical mission: to ensure veterans get the benefits and care they earned through their sacrifice and service to our nation.

I am continually amazed by the commitment members like you demonstrate for our fellow veterans, and I personally thank you for helping to make VVA's critically important work possible.



Dear VVA Member,

On Veterans Day we honor all veterans who have served our nation and defended our freedoms. It is an opportunity for reflection, remembrance, and camaraderie.

When serving our great nation, we stand stronger together. As advocates for veterans' rights and benefits, we remain resilient. Our goal has always been to bring our communities together to help our most vulnerable.

2020 has redefined many aspects of daily life. But one thing remains constant: our unwavering commitment to our veterans across generations, who served and sacrificed for America.

We are one nation. Indivisible.

John Rowan VVA National President



What Ifs

Jack McManus—VVA National Treasurer

What if? So what happens then?

For our generation, it's always been a fact that shit happens. Our history has never been filled with certainties; life to us has been packed with "what ifs" and "shit happens."

To Vietnam veterans and their families, the coronavirus pandemic is just another miserable event in a lifetime of crappy experiences that we've chosen to either challenge or beat back. It would be a foolish mistake to even consider that the COVID-19 hurdle is enough to seal VVA's fate. We are battle hardened by a lifetime of challenges during which we've been too obstinate to accept the many preordained outcomes. We fight and we win. Screw the rest of them.

So what happens if this virus continues its destructive path into the next year and beyond? Do we throw in the towel and quit? Are the many restrictions that COVID-19 created just too big for us to overcome?

If our past is an indicator; the opposite will be true. We will adapt, we will press on, and we will take the battle forward by whatever means we can. Even now, we're doing it at the chapter, state council, and national levels.

The VVA Board of Directors has taken the positive actions that will enable the organization to remain

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solvent and stable. We will continue into the next year and beyond, albeit with much-reduced resources. The BOD-directed fiscal actions are stabilizing VVA. Now we must face the challenge of deciding on VVA's focus.

The big question is: How can we best function in this new environment? Being leaner also requires that we become better focused, clarify our goals, and determine what we want to accomplish in the time that remains.

What if the current health and economic conditions continue or deteriorate to the extent that we are forced to postpone the 2021 National Convention? That's a distinct possibility. It's an issue that the BOD has discussed, and we are exploring options and alternatives. Actually, I'm not hearing many objections to having the Convention. Rather, people are asking, "How can we make it happen?"

What if VVA doesn't have the scheduled Convention because of COVID-19 restrictions or logistics issues?

The BOD can decide to change the date and location of the Convention.

The BOD and Officers can stay in place until a legitimate election occurs.

The resolutions, elections, and constitutional amendment processes can be adjusted to conform with revised timelines.

My own belief is that the National Convention is our highest body of governance. But if the Convention cannot occur, the duly elected Board of Directors is empowered by law to be the governing body of VVA.

We must trust that our Board will make the best decisions to get us to a Convention as soon as is practicable. There are massive details that the BOD and the Convention Planning Committee will be addressing before any firm decisions are made on the feasibility of holding the next Convention. Right now, it's still a go for a lively National Convention in Greensboro, N.C., in August 2021.

Let us close by noting our appreciation and respect for the Constitution Committee and its chair, Leslie DeLong. I can't imagine a more difficult job than providing an interpretation of events that were never addressed or even envisioned in VVA's Constitution. Then throw in a few hurricanes and tropical storms. This is real dedication. The magnitude of work coming out of this committee related to the next Convention will be mindboggling.

Please be safe.

## **REGION II Director:** Delaware, New Jersey, New York, Pennsylvania



Ted Wilkinson

The VVA Board of Directors met virtually on October 10 and probably will conduct the January meeting the same way. The system is working quite well during the pandemic. Planning for VVA's 20th National Convention in Greensboro, N.C., is moving forward.

As of October 14th, 179 chapters and 15 state councils are on the pre-suspension list. That includes 20 Region 2 chapters: New Jersey Chapters 510, 779, and 825; New York Chapters 20, 32, 49, 72, 82, 103, 126, 140, 421, 803, and 827; and Pennsylvania Chapters 131, 435, 466, 468, 542, and 565.

**Editor's Note:** Photo was taken 50 years ago!

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### Membership Affairs Committee

Ted Wilkinson, Chair

I appreciate and thank the membership committee for all the help and many hours of work. and especially Charlie for his unending dedication.

Vietnam Veterans of America continues onward even with a pandemic for most all 2020 VVA has managed to persevere and find a way to continue our mission by using experience and determination and the knowhow to survive. New York has increased membership during this covid 19 pandemic by over (10) ten new members a month. And our chapters find a way to continue onward. Astonishing dedication. Thank you much

### VVA CHAPTER/SC MISSING ER/FR as of 10/14/2020

NY

NY0020	NY	07/07/1982	02 2020	ER Report Due
NY0032	NY	10/22/1982	02 2020	ER Report Due
NY0049	NY	08/27/1982	02 2020	ER Report Due
NY0072	NY	07/10/1984	02 2020	ER Report Due
NY0082	NY	07/10/1984	02 2020	ER Report Due
NY0103	NY	01/27/1986	02 2020	ER Report Due
NY0126	NY	05/06/1985	02 2020	ER Report Due
NY0140	NY	04/12/1985	02 2020	ER Report Due
NY0421	NY	10/20/1989	02 2020	ER Report Due
NY0803	NY	03/19/1998	02 2020	ER Report Due
NY0827	NY	05/03/1999	02 2020	ER Report Due

### THE NOVEMBER/DECEMBER 2020 ISSUE OF THE VVA VETERAN IS AVAILABLE ONLINE

**The VVA Veteran** rounds out 2020 with its November/December issue, its third online only. In it, Bob Leggett provides a detailed history of the Coast Guard's participation in the Vietnam War; Richard Currey writes about how the recent expansion of the Caregivers Act will affect Vietnam veterans and those who care for them; Marc Leepson describes VVA's efforts to grapple with the consequences of being a last-man-standing organization.

**The VVA Veteran** is now available online only at [www.vvaveteran.org](http://www.vvaveteran.org)

.Have your friends and fellow veterans sign up to be notified when every new issue goes live by clicking on the red box on the right side of the home page.

**VAVS Rep Report**

Danny Friedman

Brooklyn VAMC has continued to hold quarterly VAVS Meetings via Zoom. VSO reps received report from director and provided input as appropriate. I also received quarterly reports from VVA rep at Northport VAMC (Joe Ingino). I have not received any other reports.

**Agent Orange Committee Report**

Bill Paton bllpaton36@gmail.com

Here in Western New York, Chapter 77 has been working with our Service Officers to be prepared when claims that have been submitted are accurate and hoping for a quick acknowledgement for our Blue Water Vietnam Veterans. Also the 3 new presumptive bladder cancer, hypothyroidism, and Parkinson's like symptoms.

The following is a Facebook post I've seen a couple of times and relevant to this column. I believe all should see, pass on to your State, and Federal Representatives. \

Vietnam veterans with illnesses caused by Agent Orange, continue to march into the Vietnam Wall to join their fallen brothers. These men and women will not be remembered as fatalities of the Vietnam War. Their names will not be engraved into the Vietnam Wall...yet they are still victims of the Vietnam War. These veterans have died slow painful deaths BECAUSE of their country and will not be remembered as dying FOR their country. This is truly a gripping photograph of the Vietnam Memorial in Rochester, New York.\

HOW MANY PEOPLE HAVE REALLY DIED BECAUSE OF THE VIETNAM WAR? THE ANSWER WOULD BE ASTOUNDING!

If you would...please email this to your local Congressman or Senator. It would send a strong message for the families of Vietnam veterans who lost loved ones due to Agent Orange!!!



This Vietnam Veterans Memorial is located in Highland Park, Rochester, New York. The bronze figure was carved by Wayne Williams, installed in 1996. The photograph is by Richard Margolis as part of the Rochester Public Art website. Prints are available from their web site.mptoms

**Covid19 Cadence**<https://youtu.be/7rqcVqj-NIM>

Click on link



## Central District Report

Nick Valenti

VVA Chapters #85, #103, #377, #480, #704, #708, #803, #827, #896, #944

On September 19, 2020 New York's State Vietnam Veterans Chapter #704 in Auburn, New York dedicated a Vietnam Memorial in the name of all the men and women who served and sacrificed in that war. The ceremony was a culmination of more than a decade of research and fundraising. The object was not only to identify the loss of life our county suffered but to also depict the war effort at that time.

We began the day with a motorcade that extended through two county villages, one city and three townships. Made up of Vietnam Veterans, Patriot Guard units, local privately owned military vehicles, car clubs, and motorcycle organizations from communities as far away as 150 miles, Central New York District of Vietnam Veterans of America was well represented.

The support of locally elected officials, law enforcement (sheriff, state police and village officers), churches, numerous city and county fire departments, provided a venue that waited for more than half a century to celebrate the service and sacrifice of so many from our county communities.

The Memorial had two panels dedicated to those who were killed in Vietnam, two panels depicting life in Vietnam and some of the military equipment used in the war effort and one panel dedicated to showing where in Vietnam each of the 29 were killed.

The back center panel provided a 40 year history of our involvement in Vietnam and the remaining panels will be used to honor those who returned from Vietnam but died because of their service in Vietnam. The "In Memory" Program is meant to serve as a healing wall where families may find solace and gather to commemorate their loved one's accomplishments and life stories.

#1 is of the front of the replicated Memorial depicting scenes of Vietnam with military equipment and the names of Cayuga County warriors who made the ultimate sacrifice.



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#2 is the New York VVA Chapter #377 from Dryden, NY acting as Color Guard for the motorcade



#3 is the motorcade arriving at Centerport Aqueduct Park, Town of Brutus, New York.



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#4 is the Patriot Guard members from several communities forming a Flag Line for ceremony.



#5 are from left to right: Chaplain for VVA Chapter #704 Jerry Fulmer; Central District Director, NYS Council Nicholas C. Valenti; former president of VVA Chapter #704 Louis Patti.



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#6 is Auburn American Legion Post 1324 serving as color guard, rifle volley and taps for the ceremony.



#7 is from left to right: current VVA Chapter #704 President James Bryant, current VVA Chapter #377 President Gary Napieracz & former VVA Chapter #704 president Louis Patti



#8 is an image of an in-country Nam Veteran with a rose placed by one of 29 flower presenters.







### Secretary's Report Francisco Muñiz III

I would like to thank all those members and Chapters who submit articles & photos to help me fill up the pages of the On-Line Interchange. As you can see I did not have enough space for my COLUMN! Wishing all a Feliz Navidad & Un Prospero Año Nuevo!



## CENTRAL DISTRICT REPORT

Nicholas C. Valenti

VVA Chapter #704 has dedicated it's Vietnam Memorial in the Town of Brutus just off Thruway exit 40 approximately two miles west of the exit on NY State Route 31.

The dedication was held on September 19, 2020. It was necessary to build a full-scale replica of the Memorial due to the unforeseen delays in shipping arising from COVID-19 and exporting time tables.

During the process of investigating the County's war dead, we came across instances where a family member of someone who lost their life during the Vietnam War questioned if their son or daughter would also be eligible to have their name on "The Wall." One such family produced a newspaper article dated Saturday, December 19, 1964 with the headline "Navy Says Auburnian Dead; Swept Overboard in Viet Nam." Not having an answer, we looked into the matter. Searching the Coffelt Database of Vietnam Casualties we could not find his name. Searching the names on "The Wall" yielded the same result. What we ended up doing is writing the Vietnam Veterans Memorial Fund (VVMF) for direction. Within a matter of days, we received an answer as well as the name of a contact person who further clarified how names are added to "The Wall."

We wish to share the process that was explained to us. Here is what we found out. The Vietnam Veterans Memorial Fund (VVMF) does not determine eligibility for "The Wall." Those decisions are made first by the service branch of that veteran and then by the Secretary of Defense. Ultimately the National Park Service then directs (VVMF) to add the name to "The Wall" once eligibility is determined.

There are hundreds of individuals who served in or near Vietnam who are not considered eligible for "The Wall." Each branch of service determines eligibility on a case by case basis. The family or advocate has to prove to the appropriate service branch that the serviceperson was within the war zone when the incident/accident occurred and have that argument supported by the Secretary of that branch of service and the Secretary of Defense. This should help anyone to more fully understand the process, at least he or she has a way of looking in their particular circumstance.

It should be noted that nothing about eligibility is black and white and the difference between war zones, dates, and even missions is the matter of miles, minutes, or wording.

We hope this is of use to anyone who wishes to best honor the service of a local veteran.

VVA Chapter #944 out of Utica, has kept very busy under the leadership of their President Tom Buono. In the month of April Tom sent out approximately a dozen emails to his members keeping them updated on a wide range of topics. The most informative of which included valuable information on COVID-19. He covered stories on the COVID infection on a worldwide, nationwide scale, and included DoD cases that involved the latest news from AMVETS. President Buono included links and instructions on what to look for and how to get help. Tom also included a section on how to help yourself. See his Thursday, April 30, 2020 email. If you want me to share it with you just send me an email and I will forward his email to you.

On Saturday, May 9<sup>th</sup> the Chapter reported that they had provided 200 masks for NYSCOPBA the Correction Officers. The email included information on the continuation of their scholarship donations and the placing of flags on Veterans graves prior to Memorial Day. All participants for the placing of flags need to wear masks and practice social distancing. His membership took the time to place a wreath and play taps at the Vietnam Memorial & Purple Heart Park on Monday, May 25, 2020.

Chapter #944 found a way to hold their meeting by using an outside venue. A practice Chapter #704 has been following. Again, face masks are required and social distancing guidelines are adhered to. At their July 2020 meeting the Chapter reviewed their community donations. These included Clear Path for Veterans; The Country Pantry; Masonic Care Community; lunches for nurse's group at Faxton Hospital, Utica Pediatrics, Rome Dialysis, ICU at Oneida Hospital, and ICU St. Elizabeth Hospital. Lunches and masks were

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**Eastern District Report****Sam Hall****VVA Chapters #8, #49, #79, #140, #333, #541, #869****VVA Capital District Chapter #8 Report**

John A. Reitano - Secretary

Happy Holidays to our NY State VVA brothers &amp; sisters.

Chapter 8 continues helping our less fortunate Veterans. Gift cards for local super markets were given out for 6 residents of SPEC 4 Peter M. Guenette Veterans Housing. Turkeys & Christmas baskets will be distributed during Christmas holidays.

A donation to Wreaths Across America for 19 December 2020 service at Gerald B.H. Solomon Saratoga National Cemetery. Members of chapter 8 will volunteer to lay wreaths.

With "virus" still with us, our monthly meetings have been scaled back to BOD members only.

All members are being updated of chapter info by email. With future in mind, chapter 8 is considering sending delegates to National Convention in NC.

Stay safe & enjoy holidays

**VVA Chapter #49**

Dan Griffin

Chapter 49 has been holding our meetings since July; we get about twenty guys at the meeting and about six on Zoom.

One of our members, Mike Bolnik served in Nam with the 1st Cav= Agent Orange. When he came home he served in the Fire Department in New York City=inhaled smoke

On 9/11 he went into and out of the Towers saving lives =inhaled all kinds of chemicals In February he wound up in Albany VA Hospital in an induced coma with Covid-19!

Mike walked out and is fine! Talk about tough! I asked Mike if he had nine lives!

**Dan Bullock: The youngest American killed in the Vietnam War**

<https://youtu.be/LQMbdVMgdmM>

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### VVA Chapter #333

Roy Tschudy

At this date and time, Chapter 333 membership would like to wish everyone a happy and safe holiday season, hopefully with the expectation of an anti-virus vaccination on the horizon we may soon return to a somewhat "normal" way of life.

Over the past few months our Chapter has endured the loss of two members Gene Sullivan along with just recently our Chapter Webmaster Bob Taylor. In addition, past President and current recording Secretary Bruce McClintock lost his lovely wife Jackie a few weeks backs after putting up a valiant struggle against brain cancer. Out of respect, I ask that they may be remembered in our thoughts and prayers.

As for Chapter 333 events over these past few months, it should be noted that on Sept. 25th led by past Chapter President Howard Goldin, a special "HONOR AND REMEMBRANCE DAY" was held at the Haverstraw Bay Park in honor for Rockland County GOLD STAR MOTHER'S, along with honoring the family of Cpl. Justin Garcia K.I.A. Iraq 11/14/2006. Howard presented the family with our Country's flag and another Chapter past President Al Dagistino provided a beautiful Chapter 333 Challenge coin to them.

The Honor Guard and firing squad was led by Chapter 333 1st. V.P. Ray Furlong who performed with the greatest amount of professionalism and respect, this event was attended by many County residents along with County officials and media alike.

November 8th Chapter 333 President Roy Tschudy presented a handsome plaque from our Chapter to the new ROCKLAND COUNTY VETERAN OF THE YEAR, Dale Robinson of the Marine Corps League at a ceremony held in New City. Dale is well deserving of this honor as a person who exemplifies the attributes for his fellow veterans and aid to our community.

Chapter 333 has reconvened to meet as we usually did prior to the pandemic on the first Thursday of every Month at 7:30 PM, strict guidelines are adhered to, wearing of face masks, social distancing and at the end of said meeting sanitizing each members area, Chapter member Roger DuPont ensures this last rule is definitely complied with!

A few Chapter members attended events all around the County this past week for Veterans Day, thankfully the rain did hold off until later on that day. In the Village of Suffern a ceremony was held outside Municipal Hall and led by Mayor Ed Markunas a Coast Guard veteran himself and retired N.Y.P.D. Police Officer who had a 20 year career in Harbor patrol. I as the President and last years Rockland County Veteran Of The Year was asked to speak on this solemn occasion.

*The following is the speech I delivered, I did so expressing my own personal thoughts only.*

Today, this Veterans day, all freedom loving Americans should take a moment to reflect upon the sacrifices made by countless men and women beginning with the Revolutionary War, our own Civil War, both World Wars 1 and 2, Korea, Vietnam, Gulf War, and both Iraq and Afghanistan.

Far too many souls made the ultimate sacrifice in those battles and Wars, far too many came home with both physical as well as emotional scars.

Yet they did so because they knew this Country is Blessed by the Hand of God, a Country where life, liberty and the pursuit of happiness must be protected at all costs.

(Continue on pg.. 18)

Today America is in crisis, there are some who would tear away the very framework our forefathers created, tear away the Respect and Honor of those who served and still serve our Nation Today.

Tear away the fabric which our Nation is woven, hate and vitriol directed at our Police Officers across the land by assaulting them with fists, bottles, rocks and the lowest form, by spitting on our heroes in Blue.

I stand here now before you and tell you with assurance those who do this will not prevail, they will not succeed, they will not destroy our great and wonderful land. The American spirit is far too great, far too powerful, the American people of all races and creeds will gather as one and push aside into the abyss all of those who hope to destroy what has been established from the days of our Constitution until this very moment in time.

May God Bless all of our Veterans, those who serve today, our Police Officers and first responders, and may GOD BLESS AMERICA!

Chapter 333 has seen a big uptick on sales of our Sweatshirts, Golf Shirts and T-Shirts, thank you to Chapter 1st.V.P. Ray Furlong who has been outstanding in ensuring these sales are addressed in many different forums.

This last issue of THE VVA VETERAN NOVEMBER/DECEMBER 2020 presented a much appreciated article on our Chapter 333 Hand Cycle Program, this special program began in 2013 which has been highly successful only due to the efforts of all Chapter 333 members who have faithfully attended fund raisers at so many different venues which contributed to help fund our program, Thank you all members!

As stated earlier, Chapter 333 recently suffered the loss of our member and Webmaster Bob Taylor, it is with deep gratitude and appreciation that Debbie Frank has agreed to step forward and now become our new Webmaster, I also thank on behalf of the membership her husband Ed Frank another past President who BOLDLY offered Debbie's service unbeknownst to her...talk about bravery!

In closing, I wish to thank all Chapter 333 members for their continued to support as the President of Chapter 333, I especially want to thank my Chapter Board along with all the past Presidents for their knowledge and assistance. Stay well, Stay Safe!

VA recruiting volunteers for COVID-19 clinical trials WASHINGTON — As part of the U.S. Department of Veterans Affairs (VA) fight against the COVID-19 pandemic, the department announced today its nationwide effort to recruit volunteers for COVID-19 clinical trials at select VA facilities across the country. More than 50 VA medical centers are participating in trials to test vaccines and treatments for COVID-19.

“VA is eager to play a role in this important endeavor,” said VA Secretary Robert Wilkie. “Volunteering for our trials is a way people can help our country more quickly find vaccines and treatments to end the pandemic and get life back to normal.”

VA's volunteer list is open to Veterans and non-Veterans, 18 years old or older. Participation in any research study is strictly voluntary. Volunteers go through an informed-consent process that ensures they understand the risks and benefits to joining a study before they make the decision to participate. Vaccines being studied by VA include candidates developed by Moderna, AstraZeneca, Pfizer and Janssen. VA's trials for COVID-19 treatments include remdesivir, monoclonal antibodies, Tocilizumab and others. Sign up for VA's volunteer list and get more information about VA's COVID-19 clinical trials and research studies.

Please take a moment and read the attached email from Susan Branam, Director of Veteran Service Agency, as to the need to help a veteran in crisis. After being alerted to this crisis by past president Howard Goldin and notifying our chapter Board members, we will step forward to offer financial assistance towards this end. I will have more detailed information on Monday as to the the amount and length of time we will provide assistance for this veteran and his family.

In addition, I was advised that the veteran does have a nine year old daughter, I cannot fathom during this holiday season a child not having anything under the tree to open. Therefore, I have advised our financial secretary John Palmero to be at the ready to present a separate check for an additional \$100.00 that will enable this veteran to purchase one or two gifts for her.

Our chapter is made up of most wonderful and generous men, we have all fund raised at times for an array of different items, we have at times donated from our own pockets, we have always been there for one another in both good and sad times. It is who we are, VIETNAM VETERANS!

We stand by our motto; **NEVER AGAIN SHALL ONE GENERATION OF VETERANS ABANDON ANOTHER.**" Thank you, Roy

#### **Some Light Moments with Paraprosdokians!**

Sent from Roy Tschudy:

PARAPROSDOKIANS (Winston Churchill loved them) are figures of speech in which the latter part of a sentence or phrase is surprising or unexpected; frequently humorous.

1. Where there's a will, I want to be in it.
2. The last thing I want to do is hurt you, but it's still on my list.
3. Since light travels faster than sound, some people appear bright until you hear them speak.
4. If I agreed with you, we'd both be wrong.
5. We never really grow up, we only learn how to act in public.
6. War does not determine who is right - only who is left.
7. Knowledge is knowing a tomato is a fruit. Wisdom is not putting it in a fruit salad.
8. They begin the evening news with "Good Evening," then proceed to tell you why it isn't.
9. To steal ideas from one person is plagiarism. To steal from many is research.
10. Buses stop in bus stations. Trains stop in train stations. On my desk is a work station.
11. I thought I wanted a career. Turns out I just wanted paychecks.
12. Filling out an application, where it says, 'In case of emergency, notify:' I put DOCTOR.
13. I didn't say it was your fault, I said I was blaming you.
14. Women will never be equal to men until they can walk down the street with a bald head and beer gut, and still think they are sexy.
15. Behind every successful man is his woman. Behind the fall of a successful man is usually another woman.
16. A clear conscience is the sign of a fuzzy memory.
17. You do not need a parachute to skydive. You only need a parachute to skydive twice.
18. Money can't buy happiness, but it sure makes misery easier to live with.
19. There's a fine line between cuddling and holding someone down so they can't get away.
20. I used to be indecisive. Now I'm not so sure.
21. You're never too old to learn something stupid.
22. To be sure of hitting the target, shoot first and call whatever you hit, the target.
23. Nostalgia isn't what it used to be. 24. Change is inevitable, except from a vending machine.
25. Going to church doesn't make you a Christian any more than standing in a garage makes you a car.
26. Where there's a will, there are relatives.



**Western District Report****Mike Walker****VVA Chapters #20, #77, #193, #268, #459, #865, #978****Please keep in your Prayers – Mike Walker: Western District Director**

He is fighting two medical battles at the same time.

We all hope for the best for him. He promised to fight this as hard as he fought in Vietnam as a Grunt!

*Prayer Requests***VVA Chapter 77 Report**

Paul Pietrowski

With the COVID-19 pandemic Chapter 77 was able to operate on a limited basis. We had to cancel some fund raisers, April Fools Dance, Canal Fest and our car show. In place of those fund raisers we were able to hold our Orange Blossom sales, Fill the Helmet, a 9 hole golf outing and a chicken barbeque.

In June we held our first meeting since April outside where everyone brought a chair, elections were held and Tom Thompson was elected President replacing Mike Walker.

Our food pantry had to close for a couple of months as our shelves were empty. We are now open and our shelves are restocked. Recently we received 50 turkeys from TOPS Markets for Thanksgiving. Our chapter assists 65 veterans and their families every month.

1<sup>st</sup> Vice President Bill Paton and Lori Paton, President of AVVA Chapter 77 attended the West Seneca Shriners awards dinner where they presented National, NYSC and Chapter 77 certificates of appreciation to Robert and Jane Graham. The Grahams made masks for Covid-19 protection and sold them. They donated the proceeds to the chapter 77 food pantry. Total donated was just over \$4500.00.

Since January of this year the following members have answered final roll call, Ross Barbarino, Thomas Camann, Raymond Fisher, Frank Gubala, Donald Loretto, James May, David Miller, Edward Miller II, Thomas Peasland, Robert Rodabaugh, Gerald Service, Terry Treutel. May they Rest in Peace.

**VVA Chapter #268 Report**

Gordie Bellinger

Last meeting was September 2020. Next meeting is to be April 2021, if all goes well. As of September 2020 all chapter #268 members are still alive and doing OK.

Can you say this about your chapter? Until next time, STAY HOME & STAY ALIVE your old and you can die.

**VETERANS  
DAY**

Roy

Today, this Veterans Day, all freedom loving Americans should take a moment to reflect upon the sacrifices made by countless men and women beginning with the revolutionary war, our own civil war, both world wars one and two, Korea, Vietnam,

Gulf war and both Iraq and Afghanistan.

Far too many souls made the ultimate sacrifice in those battles and wars, far too many came home with both physical as well as emotional scars.

Yet they did so because they knew this country is blessed by the hand of god, a country where life, liberty and the pursuit of happiness must be protected at all costs.

Today, America is in crisis, there are some who would tear away the very framework our forefathers created, tear away the respect and honor of those who served and still serve our nation today.

Tear away the American fabric which our nation is woven, hate and vitriol directed at our police officers across the land by assaulting them with fists, bottles, rocks and the lowest form by spitting on our heroes in blue.

I stand here now before you and tell you with assurance, those who do this will not prevail, they will not succeed, they will not destroy our great and wonderful land.

The American spirit is far too great, far too powerful, the American people of all races and creeds will gather as one and push aside into the abyss all of those who hope to destroy what has been established from the days of our constitution until this moment in time.

May god bless all of our veterans, those who serve today, our police officers along with first responders and may god bless America.

**Southern District Report****Joe Ingino****VVA Chapters #11, #32, #72, #82, #126, #421**

Since the last Southern District Report, we have had numerous Zoom meetings with the Long Island State Veterans Home. My Chapters has had Zoom meetings, Chapter 32, Chapter 126 there was a surprise birthday meeting and membership meeting, they did a roast for past President Joe Graham.

A Zoom meeting with Chapter 32. The VA Hospital in Northport has had VSO Zoom meeting, about what is open and closed concerning patients clinics. I was also invited to Chapter 72 zoom meeting but was unable to attend but was at VVA 126 meeting. On Oct. 1, 2020. I attended Suffolk County Zoom Meeting.

I like to wish all the Chapters in the Southern District, A Happy Thanksgiving and a Happy Hanukkah, Merry Christmas, and Happy New Year, to members and to their families. Also keep in your prayers all the Men and Women serving our country.

God Bless America

**VVA Chapter # 32**

Michael O’Kane

VVA Chapter 32 Past President Michael O’Kane Was Honored with a Proclamation By New York State Senator John Liu For his Service To Veterans On Veterans Day.



L-R Catherine O’Kane (Wife) Michael O’Kane and Senator John Liu

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## VVA Chapter #72 Report

Danny Friedman

If I type fast it will still be 11/27/2020 when I send this.

Thomas P. Coughlin Memorial Chapter 72 Vietnam Veterans of America, Brooklyn, New York has remained very active during this COVID crisis. We were providing meals to the medical staff of the Brooklyn VAMC during the height of the pandemic in NYC. Many of these folks were living at the VAMC and had little access to outside food. We kept up the traditions of Memorial Day and Veterans day by organizing motorcades through our community and ending at the Brooklyn VAMC. We had a wreath laying ceremony on both occasions followed by Taps. Once the rehab ward of the VAMC reopened we continued to provide pizza parties to the vets living there. We will also continue our 38-year tradition of providing them with a full out holiday party, including food, soft drinks and gifts. Alas Santa is in quarantine and can't appear in person. We will also be providing gifts of warm clothing to the 48 veterans residing at the Bushwick Homeless Veterans Shelter.

We have continued to have Chapter and Board meetings via Zoom, thus keeping in touch with one another and providing support when needed.

VVA Chapter 72 raised money to provide substantial relief to the Florida, Puerto Rico, and Louisiana VVA state councils in response to the horrific hurricane season.

We also sponsored a luncheon for the homeless veterans who are served by the Chapel Street VA homeless veterans outreach program.

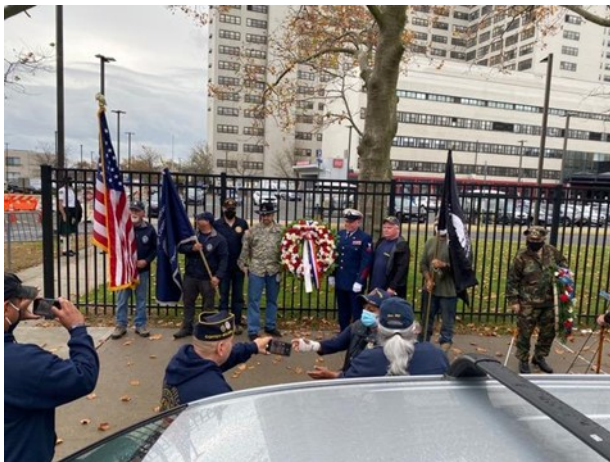
Attaching some photos from Veterans Day:



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on pg. 24)



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**VVA Chapter #126**

Mike Moreno  
Vice-President

**VVA 126 (Manhattan)** has been having our monthly meetings all year. We have a smaller group of members about 10 or 12 at our meeting site at the Soldiers', Sailors', Marines', Coast Guard, & Airmen's Club in Manhattan. We are all masked, temperature checked, seated socially distanced apart, with sanitizer stations at the room entrance. . The majority of our members join the meetings virtually via the Zoom application on their home computers. There are added benefits to holding virtual Zoom meetings. Members who cannot be with us in person can join us for meetings from home, or wherever they are located. We have also had guest speakers attend our meeting virtually. We feel that even when this pandemic is over we will continue to have virtual meetings.

Since September we have been collecting clothing which we donate to the Veteran shelters.

In October, we started our online website and chain email Vietnam Poppy Fundraiser that is doing well and will continue until the spring.

**Veterans Day** is the one day of the year we celebrate and honor our military service members who keep this country free. In years past, we here in New York City have celebrated our veterans with one of the largest parades in the country with 30,000 participants, hundreds of marching bands, floats, and military vehicles. The parade route is over a mile long with tens of thousands of cheering spectators lining both sides of street. A huge, colorful and joyous event.

However, this year, because of the COVID-19 pandemic New York City cancelled all parades and prohibited large gatherings. No parade. No way. After continuous negotiations with the City, the parade organizer, The United War Veterans Council, and with the support of our Chapter, the City agreed to have several small separate socially distanced veteran events.

We did have a parade, well sort of, more like a motorcade. We assembled about 100 flag flying and decorated vehicles at 5:30 in the morning. We started our little one-mile parade at 6 am driving slowly down the still dark and empty Fifth Avenue to Eternal Light Monument in Madison Square Park. In less than ten minutes, it was over. Nevertheless, it was better than nothing at all.



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We all stayed at the park for a wreath laying ceremony at 11 am. As is customary at the end of this ceremony, taps is played for all our service men and women who lost their lives to keep us free.

After a lite lunch, we all headed down to the Vietnam Veterans Memorial Plaza and participated in a ruck march to the World Trade Center Memorial Reflecting Pool to honor all those who perished on 9-11 and those that died in the battles in the aftermath in the Middle East.

Overall, it was a great day, much different from the past, very much smaller. But, celebrating this day with your veteran friends is all that matters.

At our November chapter meeting we payed tribute to Joe Graham who has stepped down as our VVA Chapter 1276 president after decades of service to our chapter members and the veteran community. Visit our website at <https://www.vva126.org> to view the zoom video tribute to Joe.

Our December Chapter Zoom meeting will be our holiday party. We plan to sing Christmas carols, holiday trivia contests, raffles, and of course, Santa will make an appearance.

*VVA Chapter 126 wish you all a Healthy, Happy, and Safe Holiday Season and a Great New Year!*

## Government Affairs Report

Joe Ingino – Chair

### Posttraumatic Stress Disorder Claims Processing Training and Guidance Need Improvement

In 2018, the VA Office of Inspector General (OIG) reported that nearly half of disability benefit claims that were denied service connection for posttraumatic stress disorder (PTSD) and were related to military sexual trauma were not processed properly. In contrast, this review focuses on PTSD claims that were unrelated to military sexual trauma. Most PTSD claims fall into this category. To decide that a veteran is eligible for disability benefits, claim processors for the Veterans Benefits Administration (VBA) must establish a connection between the disability and the veteran's military service. The review team found that claims processors inaccurately processed about 18,300 of 118,000 PTSD claims completed in fiscal year 2019 (16 percent).

Most errors occurred because claims processors did not verify or ask veterans to provide the disorder's cause, known as an in-service stressor. In other cases, claims processors did not request a medical examination, medical opinion, or clarification of inconsistencies in the examination as required. Claims processors made these errors because they did not fully understand PTSD stressor types and the stressor verification process. VBA's Compensation Service did not mandate any national training for claims processors on these subjects except during the first year in the position. In addition, VBA's procedures manual was not effectively organized to allow staff to locate this information and lacked specific guidance for some aspects of PTSD claim processing. The OIG recommended that the under secretary for benefits determine the actions needed to ensure staff understand the requirements for gathering evidence and verifying stressor requirements for PTSD claims and, once the actions are implemented, monitor the results to ensure effectiveness. VBA should also assess whether its adjudication procedures manual needs to be reorganized and amended to help staff process PTSD claims accurately.

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**Vietnam, US agree to further cooperation in handling common challenges**

**READ THE STORY** (Control + Click to follow story)

NDO/VNA - Prime Minister Nguyen Xuan Phuc and US National Security Advisor Robert O'Brien on November 21 agreed that Vietnam and the US will continue cooperating in order to cope with common challenges, thus significantly contributing to peace, stability, prosperity and cooperation in the region and the world.

**KEEP READING** (Control + Click to follow story)

**VA digs in, says more data is needed on toxic exposure before providing health care to more veterans**

**READ THE STORY**

**WASHINGTON** — A Department of Veterans Affairs official on Wednesday drew the ire of some House lawmakers during a hearing over the agency's continued resistance to providing health care to more service members and veterans for toxic exposure, stating more data is needed to conclude exposure leads to illnesses such as cancer.

**KEEP READING** (Control + Click to follow story)

**Parkinson's Foundation, VA Team Up to Help Vets Manage Disease**

**READ THE STORY** (Control + Click to follow story)

Of the roughly 1 million U.S. residents with Parkinson's disease, some 110,000 are veterans. To improve this population's health, well-being, and quality of life, the U.S. Department of Veterans Affairs (VA) has formed a partnership with the Parkinson's Foundation.

**KEEP READING** (Control + Click to follow story)

**NPRC Delays Due to COVID-19**

**Delays in Obtaining Military Documents for Eligibility Determinations**

**Notification:**

The federal government's primary repository for military personnel records, the National Personnel Records Center (NPRC), has been closed to the public since March due to the COVID-19 pandemic. Unfortunately, due to numerous and increasing COVID-19 exposures at the facility, NPRC recently informed Veterans Affairs (VA), they have shut down most of their remaining operations for the foreseeable future.

While NPRC continues to provide military records to determine eligibility for burial in national cemeteries, NCA has found NPRC's minimal staffing has resulted in delays in obtaining these records. At this time, NPRC is working with NCA to identify records related to casketed interment requests. Once NPRC can resume normal operations, NCA will then request records for cremated interments. (NCA can establish eligibility for burial without NPRC coordination in the great majority of cases - approximately 13.5% of burial requests required documents from NPRC in FY2020.)

VA has asked our stakeholders, including funeral home directors, to inform family members of this issue and ask them to search for any additional military documents which may be in their possession.

The House and Senate Armed Services committee meetings are underway to reconcile legislative differences in the House (H.R. 6395) and Senate (S.4049) version of the FY 2021 National Defense Authorization Act (NDAA) recently passed in both chambers.

Vietnam Veterans of America joins Congressman Josh Harder (D-10<sup>th</sup>-CA) **(Continue on pg. 28)**

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in his push to conferees--the Honorable Adam Smith, Chairman, Armed Services Committee; Mac Thornberry, Ranking member, House Armed Services Committee; Senator James Inhofe, Chairman, Senate Armed Services Committee; and Jack Reed, Ranking Member, Senate Armed Services Committee--to retain the bipartisan Harder/Tester amendment that would add three diseases, bladder cancer, hypothyroidism, and Parkinsonism as service-connected conditions.

Each of these diseases has met the scientific threshold of the National Academies of Sciences, Engineering, and Medicine, to be credibly linked to Agent Orange. What remains is the addition of these conditions to the list of Agent Orange-presumptive diseases.

Our Vietnam veterans should not have to wait any longer for the recognition they deserve and the benefits they are owed. Ensuring this bipartisan and bicameral amendment remains in the final NDAA bill will mean that thousands of veterans will finally get the support they need for putting on the uniform and honorably defending this great nation.

VVA thanks Congressman Harder for his work on this issue.

Please TAKE ACTION and use the prepared letter on the site and contact your member NOW and request their support for the bipartisan Harder/Tester amendment to end the wait for many of our nation's Vietnam veterans, so they can receive their disability benefits for their service and sacrifice to our great nation.

**IMPORTANT please follow-up with a call to your members office**

**VVA Applauds the Passage of NDAA and Tester/Harder Amendment; Urges President Trump to Sign This Legislation Immediately**

*Bladder Cancer, Hypothyroidism, and Parkinsonism to be Added to List of Conditions Recognized as Linked to Herbicide Exposure*

(Washington, D.C.) – “Vietnam Veterans of America applauds the passage of *FY2021 National Defense Authorization Act*, which, when signed into law by the President, will add three Agent Orange-related diseases--bladder cancer, hypothyroidism, and Parkinsonism--to the Department of Veterans Affairs list of conditions linked to herbicide exposure in Vietnam and elsewhere,” said VVA National President John Rowan. “This legislation will correct a long-lingering injustice, allowing our afflicted Vietnam veterans to receive the care and benefits they have earned by their service in our long-ago, unpopular war.”

“We are deeply indebted to Sen. Jon Tester (D-Mont.) and Rep. Josh Harder (D-Calif.) for their leadership on behalf of our wounded veterans and for their amendment to the NDAA. We applaud their determination and that of their colleagues on both sides of the aisle. We are grateful to our colleagues in the veteran service community for their support. This has been a long battle, and Sen. Tester has persevered in the face of this injustice, once again, proving himself to be a true champion of veterans,” noted Rowan.

We encourage all veterans to write or call the President. Let him know how important this legislation is to our Vietnam veterans. With President Trump's signature on this bill, he will have done the right thing for our veterans, and his legacy will prevail. Contact the White House office at: 202-456-1111. Or write to the President at The White House, 1600 Pennsylvania Ave., NW, Washington, D.C. 20500. Time is of the essence.

In 2016, the National Academies of Sciences, Engineering, and Medicine deemed these illnesses, to be

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associated with exposure to defoliants used during the war. The academies have repeatedly linked hypertension to Agent Orange, VA officials have refused to accept the findings of the National Academies of Sciences, Engineering, and Medicine and have not added these conditions to the list of presumptive conditions.

“We will continue to battle on behalf of all veterans and their families suffering the ill health effects of their exposure to toxic substances while serving in the U.S. military, no matter where or when they served. We will not stand by silent as future generations receive the same poor treatment we have faced in our decades-long fight for recognition of our toxic wounds,” said Rowan.

*Vietnam Veterans of America (VVA) is the nation's only congressionally chartered veterans service organization dedicated to the needs of Vietnam-era veterans and their families. VVA's commitment to all veterans is exemplified in its founding principle, "Never again will one generation of veterans abandon another."*

### **NVLSP Triumphs: Court Orders VA to Redecide Thousands of Claims for Blue Water Vietnam Veterans**

Released 11/6/20 | Tags: Agent Orange, Class Actions, Veteran's Benefits

**Court Orders VA To Redecide Thousands of Benefit Claims Denied for Agent Orange-Related Diseases Filed by Veterans Who Served in the Territorial Sea of Vietnam- -Decision Marks Fourth Time Court Has Found That VA Violated 29-Year Old Class Action Consent Decree-**

WASHINGTON – Yesterday, the U.S. District Court for the Northern District of California ruled in favor of thousands of so-called Blue Water Navy Vietnam Veterans and their survivors in response to the motion filed by attorneys from the National Veterans Legal Services Program (NVLSP) to enforce the 29-Year Old Class Action Consent Decree in *Nehmer v. U.S. Department of Veterans Administration (VA)*. The Court ordered the VA to automatically readjudicate thousands of benefits claims that the Court found had been wrongly denied under the Consent Decree. The Court also ordered the VA to pay retroactive compensation if it finds the veteran served in the territorial seas of Vietnam. The motion was filed with the pro bono assistance of Paul Hastings LLP.

“We applaud the Court’s recognition that Blue Water Navy Vietnam Veterans and their survivors have been wrongly denied retroactive disability and death benefits ever since 2002, when VA reversed its prior position and denied the presumption of Agent Orange exposure to veterans who served in the territorial seas of Vietnam,” said National Veterans Legal Services Program Executive Director Bart Stichman. “These veterans and their surviving family members have already been waiting years for benefits to which they are entitled under the Consent Decree simply because they did not set foot in the land mass of Vietnam.”

The 1991 Consent Decree applies to a class consisting of hundreds of thousands of Vietnam veterans and their survivors who applied to the VA for service-connected disability and death benefits due to exposure to Agent Orange, the toxic herbicide used by the U.S. government during the Vietnam War. That Decree required the VA, whenever it recognized an additional disease is associated with exposure to Agent Orange, to identify and readjudicate all prior VA denials of benefit claims filed for that disease and pay benefits retroactive to the date of the claim that led to the prior denial.

On July 10, 2020, NVLSP, which has served as counsel for the class since 1987, filed its fourth motion for enforcement to obtain compliance with the 1991 Consent Decree.

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The District Court had granted all three prior enforcement motions. As a result of the prior three successful enforcement actions, VA conceded that it paid billions of dollars in retroactive benefits to Vietnam veterans and their survivors.

The VA's 2002 change in policy challenged in the fourth enforcement motion was that these "Blue Water" Vietnam veterans were not covered by the language of the Agent Orange Act of 1991, which provided that veterans who "served in the Republic of Vietnam" during the Vietnam era "shall be presumed to have been exposed during such service" to Agent Orange. But in 2019, in *Procopio v. Wilkie*, the U.S. Court of Appeals for the Federal Circuit rejected VA's interpretation of that language and ruled that Congress intended that all Vietnam veterans who served on ships in the territorial sea of Vietnam—within 12 nautical miles of the coast—be entitled to the presumption of exposure. NVLSP filed its enforcement motion after VA refused to redetermine the post-2002 claims of "Blue Water" Vietnam veterans and their survivors that were denied under the VA policy rejected in the *Procopio* decision.

"The Nehmer consent decree has been instrumental for nearly 30 years to ensure full comprehensive relief for veterans who have suffered greatly from Agent Orange-related diseases. We are gratified that the intent Navy Veterans," said Stephen Kinnaird, Partner, Litigation Department, Paul Hastings LLP. Based on the Court's decision, the VA must:

1. Identify within 120 days of the date of this order, all of the Nehmer readjudication decisions made based on the consent decree in which the VA denied compensation on the ground that the veteran was not entitled to the presumption of herbicide exposure because the veteran did not set foot on the land-mass of Vietnam or serve in the inland waterways of Vietnam.
2. Within 240 days of the date of this order, issue a replacement decision that determines:
  - o (a) whether the veteran served in the territorial waters of the Republic of Vietnam during the war and, if so,
  - o (b) the amount of retroactive compensation, if any, the veteran or the veteran's survivor (or, if the veteran or survivor is deceased, the estate of the deceased veteran or survivor) is entitled under the terms of consent decree; and
3. Provide class counsel, pursuant to the Privacy Protection Order, with a copy of (a) all of the Nehmer readjudication decisions identified, (b) all of the replacement decisions issued, and
  - (c) each notice letter sent to the class members and coding sheet associated with such replacement decisions.

According to estimates, this ruling could impact 2,000 to 15,000 veterans and their survivors and potentially result in each receiving an average of \$28,000 tax-free in benefits. Ultimately, this decision could result in tens or hundreds of millions of dollars in relief to Blue Water Navy veterans and their survivors.

The Blue Water Navy Vietnam Veterans Act of 2019 (BWN Act) codified the presumption of herbicide exposure for Blue Water Vietnam veterans. However, the BWN Act does not automatically require the VA to assess if any Blue Water Vietnam veteran or survivor is eligible for retroactive compensation. The BWN Act requirement to pay retroactive compensation is triggered only if a Blue Water Vietnam veteran affirmatively files a claim after January 1, 2020 and the veteran specifically identifies the Agent-Orange related disease that was the subject of the earlier claim.

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The BWN Act does not completely correspond to the Nehmer Consent Decree. Some Blue Water Vietnam veterans and their survivors may be eligible for retroactive compensation under the Consent Decree but not eligible under the BWN Act and vice versa. As a result, the House Report on the BWN Act states that “Nothing in [the BWN Act] intends to limit the rights of Nehmer class members who seek relief for benefits under the Nehmer Consent Decree.”

#### Background on Nehmer Case

Nehmer v. U.S. Department of Veterans Affairs is a class action lawsuit brought by NVLSP attorneys in 1986 to challenge a VA regulation that stated, among other things, that chloracne is the only disease that scientific evidence shows is associated with exposure to herbicides like Agent Orange used by the United States in Vietnam. In 1987, the district court certified the case as a class action on behalf of all Vietnam veterans and their survivors who had been denied VA benefits for a condition allegedly associated with herbicide exposure or who would be eligible to file a claim for such benefits in the future. The court also certified NVLSP’s lawyers as the lawyers for the relief now available to the Blue Water class. In an order issued on May 3, 1989, the court invalidated the portion of the regulation providing that no condition other than chloracne is associated with herbicide exposure and voided all VA decisions denying benefit

claims under that portion of the regulation.

In 1991, NVLSP’s attorneys negotiated a favorable consent decree with the VA in Nehmer. The Nehmer consent decree requires the VA, whenever it recognizes that the emerging scientific evidence shows that a positive relationship exists between Agent Orange exposure and a new disease, to (a) identify all claims based on the newly recognized disease that were previously denied and then (b) pay disability and death benefits to these claimants, retroactive to the initial date of claim. Since 1991, the VA has recognized that scientific studies show that there is a positive association between Agent Orange exposure and diabetes, ischemic heart disease, Parkinson’s disease, and more than a dozen different types of cancer. As a result of the Nehmer consent decree, over the last two decades, the VA has paid an aggregate of more than \$4.6 billion in retroactive disability and death benefits to hundreds of thousands of Vietnam veterans and their surviving family members.

#### About NVLSP

The National Veterans Legal Services Program (NVLSP) is an independent, nonprofit veterans service organization that has served active duty military personnel and veterans since 1981. NVLSP strives to ensure that our nation honors its commitment to its 22 million veterans and active duty personnel by ensuring they have the benefits they have earned through their service to our country. NVLSP has represented veterans in lawsuits that compelled enforcement of the law where the VA or other military services denied benefits to veterans in violation of the law. NVLSP’s success in these lawsuits has resulted in more than \$5.2 billion dollars being awarded in disability, death and medical benefits to hundreds of thousands of veterans and their survivors. NVLSP offers training for attorneys and other advocates; connects veterans and active duty personnel with pro bono legal help when seeking disability benefits; publishes the nation’s definitive guide on veteran benefits; and represents and litigates for veterans and their families before the VA, military discharge review agencies and federal courts. For more information, go to [www.nvlsp.org](http://www.nvlsp.org).

#### REFLECTION:

Lord, show me ways I can make a difference in the lives of those around me this holiday season.

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provided for staff at the VA Rome Clinic, ICU group Strong Memorial, ICU groups 1 and 2 at St. Lukes Hospital. Finally, the Chapter report included awarding scholarships to the cadets at TR Proctor ROTC Cadets.

At the August 2020 Chapter meeting plans were being made for Gold Star Mother's Day, POW/MIA Day and Wreaths Across America. Topics included a donation to Vietnam Memorial at Griffiss Park in Rome and the collecting of manufacturers coupons for our military overseas. Members were encouraged to bring coupons to the monthly meeting.

In August I forwarded a request from National/State VVA to all Central District Chapters to write their respective local Congressperson asking for support for the Harder/Tester amendment. Chapter #944 sent a letter asking Congressman Anthony Brindisi for his backing. The response was very encouraging. In brief the Congressman supports expanding the list of conditions qualifying for presumptive service connection for Vietnam Veterans so they can access the care and benefits they have earned. Those conditions include bladder cancer, hypothyroidism, parkinsonism, and hypertension. Great follow thru Tom and members of the Utica VVA.

The Department of Veterans Affairs (VA) has resources for Veterans who may have been exposed to certain environmental hazards during their military service. There are steps you can take to access VA's specialized programs and services.

Visit a VA Environmental Health Clinic if you are concerned about your health as a result of potential exposure. Certain exposures have evaluations available at no cost. To learn more about the registry evaluation contact your local Environmental Health Coordinator. An online listing of Coordinators is available at

[www.publichealth.va.gov/exposures/coordinators.asp](http://www.publichealth.va.gov/exposures/coordinators.asp).

Veterans should enroll in VA health care to improve their health. To determine if you qualify, visit <http://hbexplorer.vacloud.us>.

Learn about filing a claim for compensation if your health has been affected. Visit [www.benefits.va.gov/compensation/types-disability.asp](http://www.benefits.va.gov/compensation/types-disability.asp).

VA's Environmental Health Registries gather information about the health of Veterans exposed to certain environmental hazards during military service. Some veterans may qualify for more than one registry. See the chart below for military exposures classification:

Ionizing Radiation	1940's – 1950's
Agent Orange	1960's – 1970's
Airborne Hazards and Open Burn Pit	1990's
	2000's – Present
Depleted Uranium Follow-up	1990's
	2000's – Present
Gulf War	1990's
	2000's – Present

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### Toxic Embedded Fragments

2000's – Present

A health registry evaluation is not a claim for VA benefits and may not confirm exposure to environmental hazards during military service. Veterans who want to be considered for disability compensation for exposure-related problems must file a claim.

A brief description of each of the above exposure categories is as follows:

Ionizing Radiation – Since 1941, some Veterans have been exposed to ionizing radiation from a variety of sources, including nuclear weapons testing or other activities during service.

Agent Orange – A mixture of herbicides used by the U.S. military from 1962 to 1975 to remove leaves from trees that provided cover for enemy forces during the Vietnam War. Agent Orange was also used, tested, or stored at some military bases in the United States and other foreign locations.

Airborne Hazards and Open Burn Pit – Veterans who were deployed to countries including Iraq, Afghanistan, Djibouti since 1990 may have been exposed to airborne hazards, including smoke from open burn pits (trash fires), oil-well fires, dust and pollution.

Depleted Uranium (DU) – DU is a byproduct of the uranium enrichment process used by the military in projectiles and tank armor during the Gulf War in 1990. It is most hazardous when internalized through shrapnel, contaminated wounds, or inhalation.

Gulf War – The related exposures from 1990 and on include a variety of potentially harmful substances: pesticides; pyridostigmine bromide (anti-nerve agent); infectious diseases; chemical and biological warfare agents; vaccinations (including anthrax and botulinum toxoid); oil-well fires, smoke, and petroleum; and depleted uranium.

Toxic Embedded Fragments – Some Iraq and Afghanistan Veterans were exposed to a blast or similar traumatic incident, which resulted in embedded fragments (also called “shrapnel”) that remained in their bodies. The word “toxic” refers to fragments made from potentially harmful materials used on improvised explosive devices (IEDs), bombs, mines, and shells.

Just a reminder to everyone – we are set to have our New York State Council meeting on Saturday, January 16, 2021 at the Tioga Downs Casino & Resort. We all know the drill. Make your reservations early, be sure to cancel if you cannot make it, and be sure to bring your tax exempt document with you.

**Keep safe and healthy.**





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*To All of our Members & Supporters*  
*Wishing you Peace, Joy & Health this Holiday Season. May You Be*  
*Guided By God's Wisdom Throughout Life's Challenges*  
*From*  
*The Officers and District Directors*  
*Of*  
*Vietnam Veterans of America—New York State Council*



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