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Texas Veterans Commission

Journal

Vol. 20, No. 6
November/December 1997



TEXAS VETERANS COMMISSION JOURNAL

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VETERANS OF FOREIGN WARS
N.F. "RED" LAYNE
Department Commander
GLEN M. GARDNER, JR.
Department Adjutant

Comments concerning veterans' programs or delivery of services may be addressed to:

TEXAS VETERANS COMMISSION

P.O. BOX 12277

AUSTIN, TEXAS 78711

512/463-5538; (Fax) 512/475-2395

e-mail: texas.veterans.commission@tvc.state.tx.us

VISIT OUR WEB PAGE: <http://www.main.org/tvc>



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The Texas Veterans Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

What's New on the Internet?

WE ARE!!!

The Texas Veterans Commission finally has a web site:

www.main.org/tvc

e-mail: texas.veterans.commission@tvc.state.tx.us

We have included a listing of all TVC offices, County Service Offices, VA facilities having jurisdiction in Texas, state benefits (including the Hazelwood Act) and other information. We also have links to other state agencies; e.g., the Higher Education Coordinating Board and the Veterans Land Board. In the future, we hope to add links and e-mail addresses for the County Service Offices, and listing and links to all State veterans affairs offices nationwide as they become available. Check it out and let us know what you think. See ya' in Cyberspace!★

Appeals Regulations: Remand for Further Development

The Department of Veterans Affairs (VA) has amended the appeals regulations of the Board of Veterans' Appeals (Board) to remand a case to the agency of original jurisdiction ("AOJ") (usually one of the VA's 58 regional offices) when additional evidence or clarification of the evidence or correction of a procedural defect is essential for a proper appellate decision, but would specify that the Board need not remand a case to clarify procedural matters before the Board, such as the choice of representative, the issues on appeal, or requests for hearings before the Board.

This amendment would not apply to requests for medical or legal opinions under 38 CFR 20.901, nor to matters in which the Board has original jurisdiction under 38 CFR 20.609 (relating to representatives' fees) and §20.610 (relating to representatives' expenses), since those cases, by their

terms, do not involve adjudications by AOJs.

Effective Date: October 8, 1997

PART 19-BOARD OF VETERANS' APPEALS: APPEALS REGULATIONS

1. The authority citation for part 19 is 38 U.S.C. 501(a), unless otherwise noted.
2. In subpart A, § 19.9 is revised to read as follows:

§ 19.9 Remand for further development.

- (a) General. If further evidence or clarification of the evidence or correction of a procedural defect is essential for a proper appellate decision, a Member or panel of Members of the Board shall remand the case to the agency of original jurisdiction, specifying the action to be undertaken. A

remand is not required to clarify procedural matters before the Board, including appellant's choice of representative before the Board, the issues on appeal, and requests for hearings before the Board.

- (b) Scope. This section does not apply to:
 - (1) The Board's requests for opinions under Rule 901 (§ 20.901);
 - (2) The Board's supplementation of the record with recognized medical treatises; and
 - (3) Matters over which the Board has original jurisdiction described in Rules 609 and 610 (sections 20.609 and 20.610). [Authority 38 U.S.C. 7102, 7103(c), 7104(a)]★

Vietnam Medal Hoax

Reports have recently surfaced regarding the issuance of a 25th Anniversary Commemorative Medal for service during the Vietnam War. This information is false. A memorandum from John Hanson, Deputy Assistant Secretary for Intergovernmental Affairs, states in part, "There is no official 25th anniversary medal issued by the government or sanctioned by the Congress." Hanson also stated the VA was unable to find any federal agency involvement in the matter.★

All Veterans' Benefits to be Paid Electronically by 1999

All benefits payments to veterans, their dependents, and survivors from the Department of Veterans Affairs (VA) will be electronically deposited into their bank accounts by 1999.

Under the Debt Collection Improvement Act of 1996, all federal agencies are required to use Electronic Funds Transfer (EFT) methods to transfer funds to their benefits recipients. The act requires that this be accomplished by January 2, 1999. Nearly 60 percent of VA's benefits recipients already participate in the Department's Direct Deposit program.

Individuals who do not have an account with a financial institution will need to participate in a Government program called the Electronic Benefit Transfer (EBT) program. Benefits recipients will be assigned an account in their name at a federally insured financial institution that allows them to access their funds at a reasonable cost and has the same consumer protections as other accounts at the same financial institution.

Details on the operation of the program, including how these accounts will be made available, are now being developed by the Department of the Treasury.

Waivers will be available for veterans with disabilities which make using EFT unfeasible or who confront geographic barriers preventing them from receiving their payments electronically.

The Debt Collection Improvement Act also pertains to all other types of checks issued by VA, including payroll, vendor and insurance checks. Waivers for electronic issuance of such checks are also available.

The Department of the Treasury published a proposed rule September 15 in the Federal Register on implementing the act governmentwide. The proposed rule is available for public comment until December 16, 1997. Copies of the proposed rule and background information on EFT are posted on the Internet at: www.fms.treas.gov/eft/ .★

ATTENTION: All TVC Counselors, Veterans' Organizations, CSOs, State Directors, and others listed in the TVC Veterans Service Officers' Directory

DIRECTORY REVISION TO BE DONE IN EARLY 1998

We will be revising our Veterans Service Officers Directory in early 1998. Please check your current listing and report any changes to the TVC Headquarters no later than January 15, 1998. Also, because of the recent area code changes in Texas, you will need to notify us of your area code change. If you would like to add your fax number, e-mail or web page address to your listing, please also advise. Submit changes to Attn: Nancy Gamroth at:

Texas Veterans Commission
P.O. Box 12277
Austin, Texas 78711-2277
Fax: 512/475-2395
e-mail: nancy.gamroth@tvc.state.tx.us

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Ancillary Benefits for Dependency & Indemnity Compensation

Loan Guaranty for Surviving Spouses; Certification

A certification of loan guaranty benefits may be extended to surviving spouses based on an application filed on or after January 1, 1959, if:

- ❖ The veteran served in the Armed Forces of the United States (Allied Nations are not included) at any time on or after September 16, 1940; and
- ❖ The veteran died in service; or
- ❖ The veteran died after separation from service and such separation was under conditions other than dishonorable provided the veteran's death was the result of injury or disease incurred in or aggravated by service in line of duty rendered on or after September 16, 1940, regardless of the date of entrance into such service (cases where compensation is payable because death resulting from hospitalization, treatment, examination, or training are not included); and
- ❖ The widow/widower meets requirements of the term "widow" ("widower") as outlined in 3.50; and
- ❖ The veteran's widow/widower is unmarried; and
- ❖ The applicant is not herself/himself an eligible veteran

Veterans Mortgage Life Insurance

The Veterans Mortgage Life Insurance (VMLI) is designed to provide financial protection to cover an eligible veteran's outstanding home mortgage in the event of his or her death.

The insurance is restricted to disabled veterans who have received grants for the purchase of specially adapted housing under the authority of Title 38, United States Code, chapter 21. Such grants are available to those veterans who are entitled to compensation for certain service-connected permanent and total disability (see VA Pamphlet 29-79-2, Revised January 1993)

VMLI coverage may not exceed \$90,000 or the amount of the current mortgage loan balance if the balance is less than \$90,000. The insurance will be payable at the death of the veteran only to the holder of the mortgage loan. No insurance will be payable if the mortgage is paid off prior to the veteran's death.

Disabled Veterans License Plates

The surviving spouse of a deceased disabled veteran may apply for plates as long as the surviving spouse remains unmarried. A sworn statement verifying that the surviving spouse remains unmarried is required.

- ❖ Only one set of plates may be obtained by an applicant for either a passenger car or a light commercial vehicle having a manufacturer's rated carrying capacity of one (1) ton or less.
- ❖ Registration of the vehicle must be in the name of the surviving spouse. If the vehicle is leased, a copy of the lease agreement must accompany the application.

- ❖ The registration year for Disabled Vet License Plates extends from April 1 through March 31 of the succeeding year.

Dependent's Educational Assistance Program-Chapter 35

VA provides educational benefits under Dependents' Educational Assistance Program. This program provides education and training opportunities to eligible dependents of certain veterans. The program provides financial aid for the sons, daughters, and spouses of veterans who died or are permanently and totally disabled as the result of a service-connected disability. The disability must arise out of active service in the Armed Forces. The dependents, may be entitled to receive up to 45 months of education benefits.

To receive benefits for attending school or job training under the program, children must be between the ages of 18 and 26. In certain instances, it is possible to begin before age 18 and to continue after age 26. Marriage of a child is not a bar to this benefits.

Benefits end 10 years from the date VA finds the spouse eligible or from the date of death of the veteran. In certain instances, VA can grant an extension of this period. This is possible if a physical or mental disability prevented the spouse from using some portion of the education benefits. The physical or mental disability must occur during the 10 year period of eligibility.

A son or daughter, eligible for DIC based on school attendance, must elect which benefit to receive. An election of educational assistance is a bar to further payment of DIC after the age of 18. If the program will last longer than 45 months, it may be an advantage to defer DEA benefits. The son or daughter could continue to receive DIC benefits which are payable as a result of school attendance.

Commissary and Exchange Privileges

Honorably discharged veterans with 100 percent service-connected disability, their dependents and unmarried surviving spouses are entitled to unlimited exchange and commissary store privileges. Certification of total disability will be given by the Department of Veterans Affairs. Assistance in completing DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) may be provided by nearest VA office. Veteran must have been permanent and total disabled.

Insurance

Dependents and surviving spouses are not eligible for insurance coverage under any of the VA Insurance programs. The only benefits that are available are those that will be paid to the beneficiary.★

Contributed by Paula Taylor, TVC Staff



1986, retiring in 1991. After a very short retirement, he resumed his File Clerk position part-time.

Charles served honorably in the United States Air Force from 1946 to 1967. He served in Vietnam from 1965 to 1966 and is a retired Staff Sergeant. Charles also retired from the railroad in 1985 after working for them for 13 years.

Charles was born and raised in Temple, Texas. In 1955, he married Irene from London, England and they have three children: Larry, Laurie and Lee. They also have 3 grandchildren.

Charles distinguished himself by consistent, outstanding performance in the Files Unit. He has responded to special requests by the service officers on a timely and courteous basis. He regularly goes above and beyond to help veterans' service officers and co-workers.

Charles is tactful, efficient and industrious and always has a smile for everyone who comes in contact with him. Charlie is most deserving of the special recognition, "Outstanding VA Employee of the Month" for November 1997.★

The Texas Veterans Commission has chosen **Charles Honeycutt, Waco VA Regional Office** as the "Outstanding VA Employee of the Month" for November 1997. Charles began work as a File Clerk for the Department of Veterans Affairs in

Appeals Do Not Survive Veterans' Death

Changes to 38 CFR 20.611 (Rule 611) & 20.1302 (Rule 1302)

On October 23, 1997, VA published a final rule notice in the Federal Register implementing the CVA decision in *Irma Smith v. Brown*, No., 95-898 (Vet. App. June 13, 1997). The Court held as invalid 38 CFR 20.1302, which provided that when an appeal is pending before the Board of Veterans Appeals at the time of the appellant's death, the Board could complete its action on the issues properly before it without application from the survivors. This decision was based on the earlier ruling in *Landicho v. Brown*, 7 Vet. App. 42, 47 (1994) which held that a pending claim for compensation benefits under 38 USC, Chapter 11, does not survive the claimant's death. VA has determined the ruling in *Landicho* applies to other benefit payments, including pension, DIC, and education. As noted by the Court, there is provision in the law (38 USC 5121) for a qualified survivor to carry on, to a limited extent, the deceased veteran's claim by submitting an application for accrued benefits within one year of the veteran's death.

Therefore, 38 CFR 20.1302 has been revised to provide that when an appellant dies before the promulgation of the Board's decision on a claim, the

Board no longer has jurisdiction and the appeal must be dismissed.

38 CFR 20.611 has also been held to be invalid under *Irma Smith*. This provided, in part, that an appellant's representative may continue to act with respect to any appeal pending upon the death of the claimant or appellant until such time as a final decision has been promulgated by the Board. This section has been revised to provide that the designated representative of the claimant or appellant will be recognized as the survivor's representative for a period of one year following the death of the claimant or appellant. This provision does apply to a survivor who has designated another representative or who has indicated in writing that he or she does not wish to be represented by the claimant's or appellant's representative.

Upon receipt of a notice of death or a claim for death benefits, the Service Officer should initiate contact with a claimant's or appellant's survivor to determine, if he or she wishes continued representation by the current appointed organization.★

Automobile Grant and Adaptive Equipment

The Department of Veterans Affairs (VA) is authorized under Title 38, United States Code, Chapter 39, to provide financial assistance for the purchase of an automobile or other conveyance to eligible disabled veterans. Application for the Automobile Grant is made on VA Form 21-4502 and should be submitted to the VA Regional Office which has custody of the veteran's records. If approved, the VA Regional Office will approve \$5,500 towards the purchase of an automobile or other conveyance. This same entitlement is afforded and extended to certain qualified active duty personnel based on a need basis. VA may also authorize for payment of certain adaptive equipment in addition to the automobile allowance. The equipment should allow for a severely disabled person to safely operate the vehicle and satisfy the applicable standards established for licensure in the State of residency. Adaptive Equipment is NOT authorized for more than two vehicles to anyone veteran at one time. Reimbursement may NOT be made to a veteran for adaptive equipment more than twice during any four year period.

An eligible veteran must qualify for assistance in purchasing a conveyance and be entitled to and in receipt of service-connection benefits for disabilities which were incurred in, or aggravated by, active duty and would have resulted:

- ❖ loss or permanent loss of use of one or both feet.
- ❖ loss or permanent loss of use of one or both hands.
- ❖ complete loss of sight in both eyes, resulting in total blindness.
- ❖ ankylosis, knee or hip.

The law provides for the VA to be stringent in administering the assistance in the purchase of vehicle as stated:

- ❖ The money will NOT be paid to the veteran. VA will make payment of up to \$5,500 to the seller from whom the veteran is purchasing the vehicle or other conveyance under a sales agreement between the seller and the veteran.
- ❖ No part of the purchase price may be used for the automobile or other conveyance as part of the maintenance, repairs, or replacement.
- ❖ The automobile allowance of \$5,500 may be used to pay State and local taxes, license fees, etc.
- ❖ Veterans shall NOT be authorized an allowance toward the purchase of an automobile or other conveyance until VA has been satisfied that stated veteran will be able to operate the vehicle or other conveyance in a manner consistent with the veteran's safety and the safety of others and will be licensed to operate the vehicle by the State of residency or the proper licensing authority. A veteran who cannot operate a vehicle shall nevertheless be entitled to the payment of up to \$5,500 on a one-time basis towards the purchase price of an automobile or other conveyance to be operated for him by another individual, as long as the eligibility requirements are met by the veteran.
- ❖ No veteran may receive more than one grant for the automobile or other conveyance under the stated law.

Eligible veterans may be reimbursed for the actual cost of adaptive equipment based on the initial purchase subject to a dollar amount for specific items established. Reimbursement for a repair to an item of adaptive equipment is limited to the current vehicle of record and only to the basic components authorized as automobile adaptive equipment. Reimbursable amounts are limited to the cost of parts and labor based on amounts published in acceptable commercial estimating guides for domestic vehicles.

VHA Directive 10-95-039, dated May 30, 1997, established recent changes of the reimbursable amounts on claims to be processed:

<i>ITEM</i>	<i>STANDARD EQUIPMENT REIMBURSABLE AMOUNTS</i>	<i>MAXIMUM STICKER REIMBURSABLE AMOUNTS</i>
Automatic Transmission	\$ 813	\$ 1,070
Power Brakes	\$ 180	\$ 223
Power Steering	\$ 242	\$ 300
Power Seat	\$ 278	\$ 320
Power Windows	\$ 233	\$ 290
Tilt Steering	\$ 156	\$ 195
Cruise Control	\$ 204	\$ 255
Rear Window Defroster	\$ 164	\$ 205
Air Conditioning	\$ 778	\$ 975
Power Door Locks	\$ 178	\$ 223
CB Radio, Antenna & Installation		\$ 150

Contributed by Graciela Gibson, TVC Staff

Where Are You?

Somewhere in the United States is a group of people little known and certainly little talked about thanks to the "secret" nature of their operations. These individuals were collectively known as Medical Volunteers or, as we called ourselves, the Mighty, Mighty, Med Vols (it went with the Basic Training Cadence Tune).

Medical Volunteers were primarily recruited during the 60's. By the end of 60's sending soldiers to Vietnam took precedence over research.. The programs I knew about were chemical at Edgewood Arsenal, MD; biological at Fort Detrich, MD and Cold Weather and High Altitude in the north and Colorado.

It appeared that recruitment targeted Junior Enlisted and Strategic Reaction Command (STRAC) unit members. All were young, healthy and confident that they were bulletproof. All were attracted by the promise of a guaranteed three-day pass every week, unlimited travel and the daring quality of risk.

Recruitment of the volunteers followed a similar pattern. At a military post word was put out that volunteers were needed for 60 days. This TDY was guaranteed if you were selected. All selected volunteers were guaranteed a weekly, three-day pass. If the volunteers did not get the pass one week they got a six-day pass for the next week. There were no mileage limits on the pass. As long as volunteers were there when their names showed up on the Duty Roster they could be anywhere in the United States.

The pass and the mileage guarantee were important to STRAC unit members since all such units were on constant alert during the late 50's and early 60's. For instance, I was not on authorized leave for a period of 14 months until I received unit orders to deploy to Southeast Asia.

Using myself as a typical example, the medical volunteer process went as follows:

- ❖ Take a Battery of Tests including the Minneapolis Multiphasic Personality Inventory (MMPI)
- ❖ Participate in personal interviews to determine motivation

- ❖ Receive TDY orders to Edgewood Arsenal, MD
- ❖ On arrival, sign in, receive your Three-Day Pass Card, sign your personal All Levels Access Badge
- ❖ Go through a comprehensive physical conducted on an assembly-line basis by a battery of specialist physicians
- ❖ Get assigned to groups, undergo briefing on the Duty Roster and briefing on emergency procedures at Edgewood Arsenal (the Chemical Center)

Testing at that time was being conducted on the Army's standard chemical agents: various types of tear or incapacitating agents and more lethal agents such as blood, blister and nerve agents (GB, Tabun, etc.). We tested protective masks and clothing to see how well they worked. We tested makeshift masks developed by the Viet Cong. We sniffed and tasted to see how easily the agents could be detected by human senses. We performed memory, computation and coordination tasks to see how well a soldier functioned after exposure.

There were some additional side tests for scientists involved in special projects. These included exposure to LSD, antihistamines and other medicines that were in experimental stages for either treatment of general medical conditions or as possible treatments for exposure to chemical agents.

Once the 60 days were completed we were sworn to secrecy, our passes and access cards were collected and we returned to our units. Some time in the late 70's I received a synopsis of my tests. Apparently there had been a lawsuit and the judge required the Army to notify participants of their exposures and the advice to contact a health care provider or the VA if the participants suffered any health problems as a result of this exposure.

Somewhere in the state of Texas there are "Medical Volunteers" who received copies of what they were exposed to during testing. Somewhere there are veterans with chemical-related health problems resulting from participation in these tests. *Where are you Medical Volunteers?* Please contact the nearest Texas Veterans Commission Office, Veterans County Service Officer or VA Regional Office by calling toll-free ☎1-800-827-1000.★

Contributed by Wolf Biedenfeld, TVC Staff

***The Texas
Veterans Commission
Wishes
All of You***



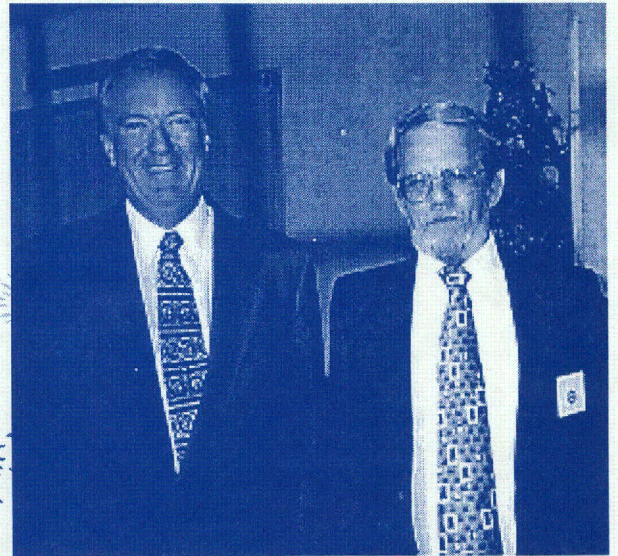
***Peace and Goodwill
Throughout the Season
and the New Year***



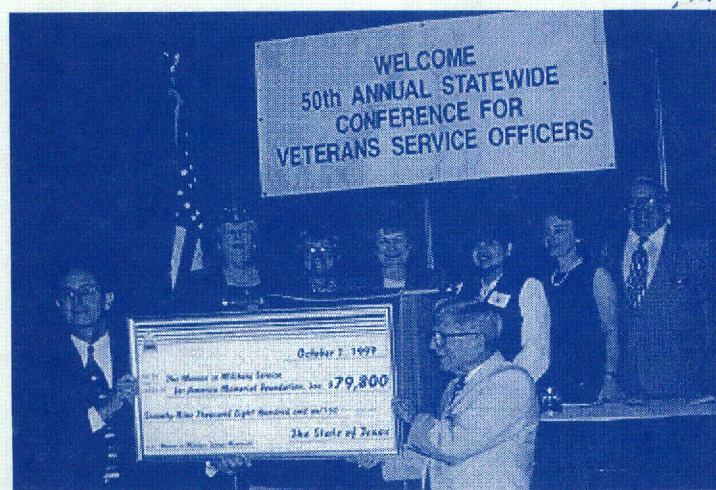
50th Annual Statewide Conference Quite A Celebration



Robert F. Comeau, Chief Clerk, COVA and Samuel Bier, TVC Chairman, share a moment at the historic 50th Anniversary.



Roger K. Bauer, Acting BVA Chairman and Harry Strawser, TVC Counselor - Waco VARO, renew old acquaintances.



Senator Jerry Patterson and Chairman Bier present a check to WIMSA, represented by Terry Sloan-Baker. Top row (l - r) is Patsy Palmquist, TVC Vice Chair; Sue Ellen Turner, TVC Member; Sloan-Baker; Bertha Cruz Hall, TVC Counselor and Womens Veterans Coordinator; Sarah Shigley, Womens Veterans Coordinator - Dallas VAMC; and Herb Odell, TVC Member.

CONFERENCE FOR VETERANS SERVICE OFFICERS



Patsy Palmquist, TVC Vice chair, presents a Special Certificate of Achievement to Sam Bier, TVC Chair, for all his contributions to veterans and veterans' programs during his tenure on the Commission. The award was from his fellow commissioners on the occasion of TVC's 50th Anniversary.

Veterans County Service Officers Association of Texas

1997-98 Officers

During its annual meeting, conducted in conjunction with the 50th Annual Statewide Conference for Veterans Service Officers held in the fall of 1997 in Dallas, the Veterans County Service Officers Association of Texas elected new officials for the following year. They are as follows:

President	Stonell B. Greene Dallas County	Judge Advocate	Abel Chapa Nueces County
Vice President	Roger Walker Orange County	Chaplain	Willie Dougherty Travis County Asst.
Secretary/Treasurer	Robert Van Riper Tarrant County	Sergeant-At-Arms	Emilio Jasso Refugio County
	Public Relations Officer Hattie Russom Harris County		

Also elected were the five Regional Directors for the upcoming year:

Dallas Region
Richard Ambrose
Johnson County

Houston Region
Verne DiPacsa
Matagorda County

Dallas Region
Peggy Owens
Wise County

Houston Region
Al Myers, Asst.
Harris County

Waco Region
Billy Murphey, Jr.
Brown County

Waco Region
Billy Murphey, Jr.
Brown County

Lubbock Region
Gary Rommelfanger
Coke/Irion/Tom Green Counties

San Antonio Region
Antonio Muniz
Brooks County

Lubbock Region
Jim W. Van Marter
Potter/Randall Counties

San Antonio Region
Antonio Muniz
Brooks County

The Outstanding Veterans County Service Officers chosen for 1996-97:

The VCSOA also awarded an achievement award, which was renamed the "Dan Garcia Achievement Award" in honor of Dan Garcia, Taylor County Service Officer who passed away earlier this year, to:

Emilio Jaso, Refugio County

"For Significant Contribution to the Association and the Veterans of the Great State of Texas"

1998 SPRING CONFERENCE SCHEDULE

LUBBOCK

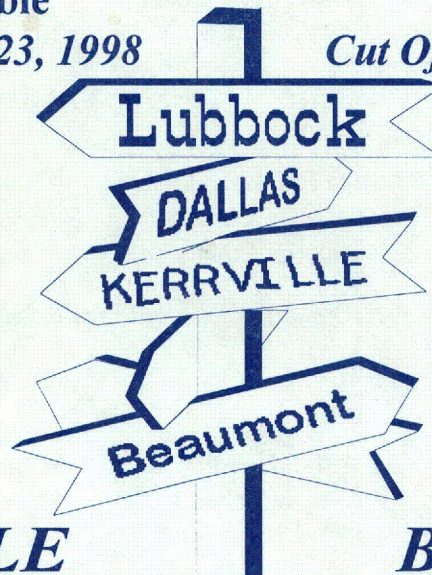
April 7 - 9, 1998
Barcelona Suites
5215 South Loop 289
Lubbock, Texas 79424
(806) 794-5353
Rate: \$55/Single
\$65/Double

Cut Off Date: March 23, 1998

DALLAS

April 21 - 23, 1998
Harvey Hotel - Addison
14315 Midway Road
Dallas, Texas 75244
(972) 980-8877
Rate: \$70/Single
\$90/Double

Cut Off Date: March 30, 1998



KERRVILLE

April 14 - 16, 1998
Inn of the Hills River Resort
1001 Junction Highway
Kerrville, Texas 78028
(830) 895-5000
Rate: \$60/Single
\$68/Double

Cut Off Date: March 28, 1998

BEAUMONT

April 28 - 30, 1998
Holiday Inn - Downtown
2095 North 11th Street
Beaumont, Texas 77703
(409) 842-5995
Rate: \$70/Single
\$90/Double

Cut Off Date: April 6, 1998

NOTE: The above dates are actual meeting dates and do NOT include any travel dates.

TVC Accreditation

During 1997, we conducted our third accreditation training program for County Service Officers and Assistants (CSOs) under the provisions of 40 TAC 451.1 and 451.3. We are pleased to announce that 4 CSOs successfully completed the program and earned the TVC Accreditation. They are as follows:

Robert Dambach	Galveston County	Gary Rommelfanger	Tom Green/Trion/Coke Counties
Kathy Matelski	Wichita County	Hattie Russom	Harris County

Also, the following CSOs, who were among the first and second training programs, successfully recertified for accreditation:

Richard Ambrose	Johnson County	Juan Mireles	Val Verde/Kinney Counties
Gordon Banks	Jefferson County	Al R. Myers	Harris County Asst.
Jesse Carrizales	Travis County Asst.	Olie Pope	Travis County Asst.
Glenn Clark	Polk County	Charles Prewit	Jones County
Patrick Conrad	Fort Bend County	George Ruiz	Bexar County
Gus Culwell	Comal County	Tomas Sanchez	Kleberg County
Willie Dougherty	Travis County Asst.	Hank Scheible	Denton County
Stonell Greene	Dallas County	George E. Simpson	Tarrant County
Harry Grim	San Patricio County	Thomas Tvrdik	Hays County
Harold Haynes	Dallas County Asst.	Robert Van Riper	Tarrant County
William McLemore	Travis County		

At this time, we are again opening the program to CSOs who would like to participate in the program. All those interested should advise the Commission in writing *no later than December 19, 1997*. Please direct all written responses to the Headquarters, ATTN: Richard M. Prete, Chief Information & Training. You may also contact him on the CSO WATS line for additional information.★

We have chosen **Mildred Erickson, Supervisor, Health Services Administration**, as the Texas Veterans Commission “Outstanding VA Employee of the Month” for December. Mildred is stationed at the Austin Integrated Clinical Facility of the Central Texas Veterans Health Care System, known to all as the **VA Outpatient Clinic, Austin, Texas**.

She is responsible for ensuring that eligibility, records, doctor appointments, and all other information is entered into the computer system for each patient seen at the Clinic. She supervises all the clerks throughout the clinic who input this data. In other words, she works all over the Clinic putting out large and small fires, day-in and day-out. Mildred also assigns the work study students for administrative support. She can be relied upon to make a decision and back her people in all situations. Yet, she is very sensitive to the needs of veterans and corrects any injustice on-the-spot. She is a friend of employees and veterans and supports both points of view.

Mildred started her career with the Department of Veterans Affairs at the Olin E. Teague Veterans’ Center in Temple, Texas in February 1984. She started as a Ward Clerk on the Orthopedic Ward. Over the years, she held several different administrative positions culminating in her present position.

Mildred is a native Texan born and raised in Waco, Texas. She married Omenius Erickson and from this blessed union they have three lovely children: Daughters: Keller and Kelli; and a son Omenius, Jr. She is as supportive of her own family as she is for her working family. She is very active in her church, the Greater Mount Zion Baptist Church.

It is with great pleasure that the Texas Veterans Commission selects Mildred Erikson at the “Outstanding VA Employee of the Month” for December 1997.★



Veterans' Preference for Federal Jobs

By law, veterans who are disabled or who served on active duty in the United States Armed Forces during certain specified time periods or in military campaigns are entitled to preference over non-veterans both in hiring into the Federal civil service and in retention during reductions in force. Preference does not apply when a job is filled from within the service by promotion, transfer, or other appropriate means.

Hiring Preference in Civil Service Examinations

Candidates who pass an examination are ranked by their scores. Veterans eligible for preference are entitled to have 5 or 10 extra points (explained below) included in their scores if they pass an examination. A passing score is 70 or higher.

Regardless of their scores, qualified veterans with a compensable service-connected disability of 10 percent or more are placed at the top of most civil service examination lists of eligibles, except for scientific and professional jobs at GS-9 or higher.

A Federal agency hiring candidates from an examination list must consider the top three available candidates for each vacancy. An agency may not pass over a candidate with preference and select an individual without preference who has the same or lower score, unless the Office of Personnel Management (OPM) approves the agency's reasons. Veterans may apply within 120 days before or after separation for any examination open during their military service.

5-Point Hiring Preference

Five points are added to the passing examination score of a veteran who served:

- ❖ During the period December 7, 1941 to July 1, 1955; or
- ❖ For more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976; or
- ❖ In a campaign or expedition for which a campaign medal has been authorized, including Lebanon, Grenada, Panama, and Southwest Asia (Desert Shield/Storm).

Medal holders who enlisted after September 7, 1980, or entered on active duty on or after October 14, 1982, must have served continuously for 24 months or the full period called or ordered to active duty. This service requirement does not apply to veterans with compensable service-connected disabilities, or to veterans separated for disability in the line of duty, or for hard-ship.

10-Point Hiring Preference

Ten points are added to the passing examination score of:

- ❖ A veteran who served at any time and who (1) has a present service-connected disability or (2) is receiving compensation, disability retirement benefits, or pension

from the military or the Department of Veterans Affairs. Individuals who received a Purple Heart qualify as disabled veterans.

- ❖ An unmarried spouse of certain deceased veterans, a spouse of a veteran unable to work because of a service-connected disability, and a mother of a veteran who died in service or who is permanently and totally disabled.

Ten-point preference eligibles may apply for any job for which (1) a list of examination eligibles is (or is about to be) established, or (2) a non-temporary appointment was made in the last 3 years.

General Requirements for Preference

- ❖ Preference applies in hiring from civil service examinations, for most excepted service jobs, and when agencies make temporary appointments, or use direct hire and delegated examining authorities from OPM;
- ❖ An honorable or general discharge is necessary;
- ❖ Military retirees at the rank of major, lieutenant commander, or higher are not eligible for preference unless they are disabled veterans;
- ❖ Guard or Reserve active duty for training purposes does not qualify for preference.

When applying for Federal jobs, eligible veterans should claim preference on their job applications. (Applicants claiming 10-point preference must complete form SF 15, Application for 10-Point Veteran Preference.)

Thirty Percent or More Disabled Veterans

Veterans with 30 percent or higher compensable service-connected disability ratings are eligible for direct appointments without examination, which may lead to conversions to career appointments. Veterans should contact the Federal agencies where they would like to work for job opportunity information.

If rejected for employment or retention because of disability or if passed over for hiring, these veterans are entitled to be notified by the agency, to respond to the agency's action, and to receive a copy of OPM's final determination. Once hired, disabled veterans can participate in the Disabled Veterans Affirmative Action Program and receive assistance in development and advancement opportunities.

Credit for Military Service

When a candidate's work experience is evaluated in an examination, full credit is given for military service. Such service is either considered as an extension of the work the veteran did before entering the Armed Forces, or it is rated on the basis of the actual duties performed in the Armed Forces, whichever is more beneficial to the

(See "Veterans Preference . . ." on Page 14)

Holle, Lloyd Receive Commissioners' Appreciation Award

Two Commissioners' Appreciation Awards were presented during the 50th Annual Statewide Conference held this September in Dallas to Texas Veterans Commission staff members who have made an exceptional contribution to the maintenance of veterans' advocacy. To date, the Commissioners have presented 10 staff members this prestigious award.



*Lori Holle, Secretary III, TVC
Regional Office, Waco, Texas.*



*Rex Lloyd, Office Supervisor, TVC
Houston VAMC, Houston, Texas.*

"For continued dedication and support to the Texas Veterans Commission and the Veterans of the Great State of Texas."

What is the Miller Trust?

A Miller Trust is a irrevocable trust designed to assist people qualify for Medicaid.

Because Texas is an "income cap" state for Medicaid qualification purposes, income cannot exceed approximately \$1,452 per month. For instance, if Social Security and other income, add up to \$1,600 per month, you would be too wealthy to qualify for Medicaid, but too poor to pay for a Nursing Home.

The solution is to create a Miller Trust. This trust will receive all

Social Security and other income, and it will provide that you can receive from it only a minimal dollar amount. The monies paid to the trust in excess of the income cap will not disqualify you for Medicaid benefits. However, the State of Texas likely will receive the balance of the trust upon your death.

You also need to be aware that for Medicaid to pay for Nursing Home Care, not only must you qualify under the income cap, but must

qualify under the "resource cap." This means your net worth cannot exceed \$2,000, excluding your homestead and certain other assets.

It is important to remember that if you make a transfer of property you own within 36 months of applying for Medicaid, you will be disqualified from receiving Medicaid benefits for a period of time equal to the number of months the transferred assets would have paid for Nursing Home Care, based on the average cost of Nursing Home Care in Texas.★

Contributed by Rex A. Lloyd, TVC-Staff

Samsung Donates to Korean War Memorial

With a \$180,000 contribution, South Korea-based Samsung and its U.S. suppliers will help make reality a nearly decade-old plan for a Korean War veterans memorial at the Texas Capitol.

The gift will almost single-handedly help the Lone Star Chapter of Korean War Veterans Association meet its fund-raising goal of \$230,000 and ends at least eight years of on-again-off-again plans for a monument.

Samsung Americas is the parent company of Samsung Austin Semiconductor, on whose behalf the checks were presented to Governor Bush.

The monument will be built at the southwest edge of the Reagan State Office Building, northwest of the Capitol, near the World War I and Pearl Harbor memorials.

The Texas Lone Star Chapter of the Korean War Veterans Association and a special committee mandated by the 74th Texas Legislature are committed to erecting a memorial honoring all Texas who served in the "Forgotten War."

Plans call for the monument to be built in the shape of a star, with an American eagle at the center obelisk. The names of the 1,719 Texans who were killed or reported missing in action during the Korean War are to be engraved on the arms of the star.

Anyone wishing to contribute to the Memorial, please write to: Texas Korean War Veterans Memorial Fund; P.O. Box 802541; Houston, Texas 77280-2541.★

'98 National Disabled Veterans Winter Sports Clinic Registration Open

The 1998 National Disabled Veterans Winter Sports Clinic (NDVWSC) is scheduled to be held in Crested Butte, Colorado, March 22-27, 1998.

Registration packets have been sent to all VA Medical Center Recreation Therapy Service offices nationwide. If you know of any seriously disabled veterans who can benefit from this rehabilitation clinic, please assist them by making certain they complete an application at their local VA medical center so they can attend.

Registration packets are available through the Recreation Therapy Service office at any VA medical center or by contacting Ms. Carla J. Carmichael, Coordinator, National Recreation Therapy Programs, Department of Veterans Affairs, Room 2C-110, 10 North Greene Street, Baltimore, Maryland 21201; telephone ☎(410) 605-7377.★

Veterans Preference . . . (Continued from Page 13)

veteran. Also, military time may count toward civil service retirement and vacations.

Retention Preference

Generally, employees who have preference in examinations and appointments also have preference over other employees in retaining their jobs in a reduction in force (RIF). However, certain employees who retired from military service are not eligible for preference for job retention purposes.

When layoffs are necessary, each non-temporary employee competes for retention with other employees who do similar work at the same pay grade and who serve under

similar conditions. Among competing employees, the order of separation is determined by type of appointment, veterans' preference, length of service, and performance ratings.

Veterans have preference in retention over non-veterans. Veterans with disability ratings of 30 percent or higher and whose performance has been rated acceptable have preference over non-veterans and other veterans.

For Further Information

Publication CE-100 covers Veterans Readjustment Appointments (VRA). Publication CE-62 covers the rights of Federal employees who perform military duty.

Using the VRA, Federal agencies may hire certain Vietnam-era and most post-Vietnam-era veterans for jobs up to GS 11 without competitive examination. Veterans should contact the personnel offices in agencies where they would like to work.

Veterans may call or visit the Federal Job Information Center (FJIC) at the local OPM office or check your local phone directory under U.S. Government. For additional information on positions for Veterans, please write:

U.S. Department of State
Office of Civil Service Personnel
Management
P.O. Box 18657
Washington, D.C. 20036-8657

Minnesota Gulf Bonus Eligibility

Minnesota veterans must have served between August 2, 1990 and July 31, 1991, and received the Southwest Asia Service Medal for service during that period to be eligible for the \$600 Persian Gulf Veterans Bonus, according to the state's Department of Veterans Affairs.

Those eligible include all veterans who served on active duty in the armed forces or were ordered to duty from a reserve component and deployed outside Minnesota.

Veterans must have been a resident of the state at the time of entry into service, as noted on the DD214, or, for persons still on active duty, the enlistment contract.

Veterans eligible for a Persian Gulf bonus from any other state are not eligible for the Minnesota bonus. Applications may be obtained now from the Minnesota Department of Veterans Affairs; Veterans Service Bldg., 2nd Floor; 20 West 12th Street; St. Paul, MN 55155-2079; 612/296-2562.★

VA Insurance Service

The Department of Veterans Affairs Philadelphia Regional Office and Insurance Center has informed us that the VA Insurance Service now has an email address for veterans and their representatives to use for questions about their Government Life Insurance. The address is:

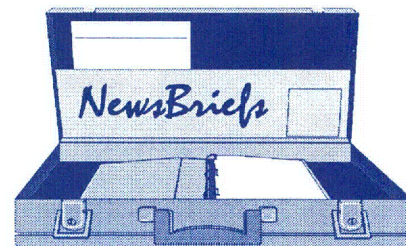
vainsurance@vba.va.gov

The Insurance Service can also be reached through the World Wide Web by accessing the insurance portion of VA's web site. The address is:

<http://www.va.gov>

Of course, you may still reach the Insurance Service by calling the toll-free number at ☎1-800-669-8477, or by writing: VA Regional Office and Insurance Center, P.O. Box 42954, Philadelphia, PA 19101.

The mailing address for veterans whose policies are still maintained by VA's St. Paul office is: VA Regional Office and Insurance Center, Bishop Henry Whipple Federal Building, Fort Snelling, St. Paul, MN 55111.★



COMMUNITY-BASE OUTPATIENT CLINICS

New community-based outpatient clinics are planned to open in Palestine and Pleasant Grove, Texas. These clinics will assist VA in transitioning from a hospital based system of care to a more efficient health care system in primary and ambulatory care. Dr. Kenneth W Kizer, Under Secretary for Health, said "Establishing these sites is critical to meeting the medical need of veterans who because of their geographic location or medical condition are unavailable to travel to a VA medical center or other existing VA clinic.★

Severance Pay

Public Law 104-201 was signed into law on September 23, 1996. Section 653 provides that for severance, separation or readjustment pay received after September 30, 1996, VA should not recoup any amounts withheld for Federal income tax purposes.

VA has announced that effective immediately, regional offices should recoup only the after-tax amount of severance, separation or readjustment pay provided the payment was received by the veteran after September 30, 1996. If the veteran received such payment after September 30, 1996, they must confirm that the amount reported was the after-tax amount before taking award action.★

STATE OF WYOMING NOW HAS VETERANS ASSISTANCE OFFICE

Nearly 22 years after the Wyoming Veterans' Affairs Council was created by the Wyoming Legislature, it now has a state office. R. Stanley Low is the Chairman of the Council, which will be staffed by volunteers for the next year or two to assist veterans. The address is: Wyoming Veterans' Affairs Office; Wyoming Army National Guard Armory, Room 101; 9505 CY Ave.; Casper, WY 82604; ☎307/265-7372.★

TRAINING FOR NEWLY APPOINTED SERVICE OFFICERS

As a matter of interest, the next training session for newly appointed Veterans County Service Officers is scheduled for January 6 - 9, 1998, at the Holiday Inn - Select, 2712 Southwest Freeway (Kirby Street Exit), Houston, Texas. Monday, January 5, 1998, will be the travel day, with training beginning at 9:00 a.m. on Tuesday, January 6, 1998, and ending by noon Friday, January 9, 1998. By law, the Texas Veterans Commission is authorized to reimburse travel expenses; i.e., lodging, per diem and travel, for CSO's and Assistants. Others involved in veterans benefits programs are welcome to attend. For further information, please contact Richard M. Prete, TVC Headquarters, Austin; or call ☎512/463-5538 or on the CSO Headquarters WATS line.★

FOR IMMEDIATE RELEASE



Phones for Hospitalized Veterans

According to _____, Veterans County Service Officer for _____ County, PT Phone Home (PTPH), a not-for profit charity, was formed in 1990 to provide bedside telephone service to hospitalized veterans in VA medical centers. A new network of 4,500 hospital volunteers was developed nationwide by working with existing national unions, corporations, and civic organizations. Since 1992, PTPH has partnered with the Veterans Health Administration (VHA) in completing the installation of over 42,800 bedside telephones and support equipment at 90 facilities. PTPH's contribution has resulted in bedside telephone service years ahead of previous projections with savings in excess of \$25 million in direct labor costs and \$2 million in equipment expenditures.

PTPH's partnership with VHA has now moved into a second phase, the Personal Computer (PC) Education Project. This program will establish PC Training Laboratories in VHA facilities. The purpose is to provide basic computer training and access to on-line and internet services to hospitalized and outpatient disabled veterans nationwide through the use of donated equipment, and volunteer installation and instruction.

Twenty-four VA medical centers now have Computer Labs and another 26 facilities are in progress. Full implementation on a Veterans Integrated Service Network (VISN)-by-VISN basis is proposed by no later than September 30, 1998.

The program has provided hospitalized veterans with opportunities such as taking college courses and teaching basic computer skills to disabled elementary school children. It has introduced veterans to the information superhighway of the internet. The program serves as a motivating tool for health care providers when working with patients while contributing to improvements in the quality of veterans' lives.

Completion of the project is viable only through the utilization of the existing PTPH consortium of corporations and national union organizations, and other partnerships. This initiative provides veterans' service organizations, through their posts, and VAVS volunteers a dynamic opportunity to help veterans by contributing computer equipment, volunteers with computer skills for training as well as donations for this program to their local VHA facility. Questions about this program can be referred to:

Mr. Frank Dosio or Mr. John Natoli
PT Phone Home
Castle Point VA Medical Center
P.O. Box 593
Castle Point, NY 12511

Phone: 914/ 831-2000, Ext. 5712; *Fax:* 914/ 831-2000, Ext. 5386

E-mail: castlept@mhv.net

To contribute to your local VHA facility, please contact the local Chief of Voluntary Service at the facility.



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texas.veterans.commission@tvc.state.tx.us

<http://www.main.org/tvc>

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