

# DISABLED AMERICAN VETERANS

DEPARTMENT of TEXAS, HEADQUARTERS

## BULLETIN

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FEBRUARY 2007

### COMMANDER'S COMMENTS

#### Hello Fellow Texans

A \$3.2 billion omnibus veterans' bill that includes a cultural change in benefits claims process was signed into law by President Bush, December 22, 2006. The bill includes spending on new VA hospitals in Denver, Las Vegas and Orlando, Florida, along with replacing the New Orleans hospital destroyed by Hurricane Katrina.

This bill also increases spending on post-traumatic stress disorder, Parkinson's disease, multiple sclerosis and rehabilitation for blinded veterans. A key part of the new law overturns a law enacted during the Civil War preventing veterans from having to share their entitled benefits with **attorneys**. **Yes, lawyers can now represent the veteran in the filing of their claim with the VA.** I recommend that we contact our **congressmen and senators** to support the repeal of this part of the legislation. There is no doubt that neither the VA claims' system or the veteran will benefit from having lawyers tie up the claims process with formal delays. Under current law, the lawyers will receive a percentage of back pay on adjudicated claims. This could add processing time to most all claims filed!

January 24<sup>th</sup> marked the ninth Annual Texas Veterans' Summit held in Austin, TX. Advocates from all facets were in attendance to discuss issues that effect Texas veterans and their families. One topic discussed was the proposed legislation for the 80<sup>th</sup> Texas State Legislative Session that deals with veteran's state benefits.

Once again I would like to express the opportunity we have in getting a **Legacy** amendment added to the Hazelwood Act. Should a legacy amendment be added as it has been in at least six other states that have similar veterans education benefits, children of veterans that have not utilized their free schooling provided by the state are eligible to for those benefits. In this case, it could give

your child up to 150 hours of college at any state supported college or university! Contact your state legislators and ask them to support a **Legacy** amendment.

I have already received communications from Districts with their plans for the upcoming Spring Conventions. I hope that everyone possible make plans on attending and participating in all the activities offered. Some Districts' are offering a chance to become certified to submit claims through the **DAV** on behave of the veteran. Please take this opportunity to help your fellow comrades and not let the **attorneys** take part of their benefits.

Yours in comradeship,  
*Rex Lloyd*

Department Commander

### MEMBERSHIP CHAIRMAN

**THE DISABLED AMERICAN VETERANS, DEPARTMENT OF TEXAS HAD THE FOLLOWING POPULATION SUMMARY AS OF, 2/14/2007:**

|                   |        |
|-------------------|--------|
| Life Members      | 59,351 |
| Part Life Members | 22,479 |
| Total Members     | 81,830 |

**This years GOAL for full paid life members is:**

|                      |        |
|----------------------|--------|
| Goal                 | 61,004 |
| Members to make goal | 1,653  |

Membership is open to any man or woman, who was wounded, gassed, injured or disabled in line of duty during time of war, while in the service of either the military or naval forces of the United States of America, and who has not been dishonorably discharged or separated from such service, or who may still be in active service in the armed forces of the United States of America is eligible for membership in the Disabled American Veterans. Others, who are disabled while serving with any of the armed forces of any actions associated with the United States of America as allies during any of its war periods, who are American citizens and who are honorably discharged are also eligible.

I have just finished reading the National Membership bulletin dated Nov. 30, 2006. "Tony"

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Baskerville was comparing our recruitment goals with the Thanksgiving post-turkey nap. Just as we all take a nap after our holiday dinner, we have done the same thing since reaching our 1 million fully paid life member goal. We have been remiss in our recruitment goals. Now that we have a NEW YEAR, lets wake up from our nap and work on reaching our goals.

We can do this by going through our membership reports and getting our partial paid members to pay off their membership. Also, make sure you have a blank application with you. By doing this you are also ready to recruit new members from our young returning veterans. Or you just might start up a conversation with someone and find out that they are interested in joining. "Until there are as many DAV members as there are disabled veterans, how can we rest?"

I would like to relate something that recently happened to me. While waiting to get some lab work done at BAMC a gentleman came in and sat across from me. He was wearing a DAV jacket and we started talking. We exchanged names and numbers and he just seemed to fill with pride that he had been noticed and acknowledged. What a great feeling! When I was called back to get my blood drawn I found that the tech doing the draw was a Marine (it's easy for me to spot one). As we were talking it came out that he is a Viet Nam veteran who needed some help. I gave him the number to the DAV office in San Antonio and along with getting him some much needed assistance, the DAV most likely gained a new member. So it just goes to show that recruiting is not difficult. Just talk to people, you'd be surprised at the response.

*Doug Herrle*

Membership Chairman

### ADJUTANT'S COMMENTS

Chapter Service Officer certification will be done at the District Conventions. Dennis Nixon, National Area Supervisor, has mailed each Chapter Commander a notification letter and a form that must be completed, signed, and returned **not later than 8 weeks prior** to the scheduled class and mailed to the NSO office conducting the certification for their District.

Resolutions to be heard at the Department Convention are to be submitted by Chapters and sent to Department. They will then be assigned to committees for action. Districts may choose to en-

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dorse a chapter resolution but that is not a requirement.

Conventions – Department and National. In the published Department Directory (page 37) the dates for the National Convention are incorrect. **The correct dates are August 11-14**, but, the District (Texas) meets on Friday the 10<sup>th</sup>. That is when the NEC and the committee members are elected. I would highly recommend checking in at the hotel so as to be available Friday morning. So, have your chapter elect you as a delegate, submit the required forms to National, register at the DAV registration desk when you arrive, and enjoy the experience. See you there.

The cost of publishing and mailing the Bulletin continues to grow. Each year I update the mailing list. Each year chapters should submit the names of members who attend meetings and wish to receive the Bulletin, and hopefully the chapter will also make a donation to help with postage cost. I will remove the people whose names were submitted before 2006 effective with next months mailing. If you wish your members to continue to receive the Bulletin, please submit an updated list within the next 30 days.

*Eldon Armstrong*

Department Adjutant / Treasurer

### ACTION NEEDED! MAKE A CALL

In 2006, President George W. Bush nominated Tom Harvey to be Deputy Assistant Secretary for Congressional Affairs. Following a confirmation hearing before the Senate Veterans' Affairs Committee, the nomination of Mr. Harvey to the above-named position was favorably reported out of Committee for a vote by the full Senate. **Mr. Harvey's confirmation has been held up by Senator John Cornyn of Texas. All members of the DAV Department of Texas are encouraged to contact Senator Cornyn's office and ask him to remove his hold on Mr. Harvey's confirmation.** 202-224-2934; 806-472-7533; 956-423-0162; 713-572-3337; 210-224-7485; 903-593-0902; 512-469-6034; 972-239-1310

### ITEMS OF INTEREST

In an effort to raise funds for the Department Convention, Chapter 84 has agreed to fund and produce a Department Convention Book. Hopefully this will become something that can be passed around the state as a project to assist Department.

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This can be a phenomenal fundraiser and a keepsake book for all who attend. It will require encouragement from the elected leadership in order to be most effective. If each District Commander would start the process of giving a "heads up" now, we can get the majority of chapters to purchase an ad. This will also be a great forum for people to purchase a page that want to run for an office, thank the members who supported them, and to brag about what their chapter/unit has accomplished in the past year.

All copy and money will be mailed to: Teresa Johniken, P O Box 1491, Lufkin, Texas 75902. Upon the completion and printing of the book, all remaining funds will be turned over to Department.

### Cost of Ads

|           |          |
|-----------|----------|
| Full Page | \$125.00 |
| ½ Page    | \$ 75.00 |
| ¼ Page    | \$ 40.00 |

We will also offer the following:

Platinum Sponsor: \$1000.00 will get 4 full pages free with their level of sponsorship designated on the bottom of each page

Gold Sponsor: \$750.00 will get 3 full pages free with their level of sponsorship designated on the bottom of 2 pages

Silver Sponsor: \$500.00 will get 2 full pages free with their level of sponsorship designated on 1 page

Bronze Sponsor: \$250.00 will get 1 full page free with their level of sponsorship designated on their page

Each one of these sponsors will also receive a plaque recognizing their support.

## DISTRICT II

### Hello Texas!!!

Can you believe that the year 2007 is already here? It seems that it was only yesterday that we were starting the year 2006. As our Department Commander, Rex Lloyd, said in his last article, "This year will be filled with challenges, accomplishments and a few disappointments." With a membership in excess of one million I hope that the Disabled American Veterans can meet these challenges head-on and overcome them with few disappointments. If we join together, the State of Texas can continue to be a CAN-DO State.

While making your New Years resolutions, did you find yourself wondering what you can do to improve certain aspects of your life in the year

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ahead? After you've made all of your personal resolutions, then I hope that you can resolve to dedicate more of your time to DAV, such as accepting an office in your Chapter or District.

I'm sure this past year was busy for you. The first half of my tenure as your District II Commander was full of excitement and one unexpected event. As many of you may already know, I had major surgery but it didn't seem to slow me down very much. We were able to attend most of the Americanism and Christmas programs of which we were invited.

During these past months we have been able to establish a location and plan the 2007 District II Convention. As indicated in previous bulletins, the 2007 District II Convention will be in Tyler, Texas, at the Quality Hotel and Conference Center on April 13, 14 and 15. Your chapter should be receiving the Call to Convention in the near future. I'm looking forward to seeing each of you in April.

This year brings us an entirely new Congress; but the veteran's needs are the same. So we must be focused on this new Congress and make sure they are keeping their priorities straight and that they are supporting our veteran's needs.

Let us not forget about the men and women that are serving our country. Remember them and say a prayer for their safety.

Yours in service,  
*Gerald Cowan*  
Commander, District II

## DISTRICT III

### Greetings to all of you in District III

Convention 2007 will be here before you know it. Please remember the delegate list, the list of your deceased members, and any resolutions your chapter would like to submit, should be sent to Adjutant Dopkant, 810 Mountain View Cove, Pflugerville, Texas 78660 by March 15, 2007. If your chapter or unit would like to place an ad in the District III Convention Bulletin, please mail your ad with the money to Floyd Wells, 3805 Oaklawn, Bryan, Texas, 77801. The prices will be: 1 page: \$100; ½ page \$60, ¼ page \$35, and 1/8 page \$20. The convention will be held at the Ramada Inn, 1502 Texas Avenue, Bryan, Texas, from March 23 – 25, 2007. The room rates are \$59.00 per night plus tax. To make your reservation, please call (979) 693-9891; be sure to mention that you are with The DAV or the DAVA.

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I would like to take this moment to tell you about something that two people of our district have done. Billy Wright and Marvin Roberson, Chapter #219, have set up a POW/MIA table at the Golden Corral in South Austin. The manager encouraged the table exhibition. Each time you enter and leave the restaurant, you will see this striking table. It has caused quite a stir of interest within the patrons. You can see them reading the poem and looking for each line's referenced item. Perhaps you, too, might be encouraged to do the same in your area Golden Corral. Thanks to Billy and Marvin for keeping the fires of the lost, burning in the minds of others.

We celebrate Valentine's Day in February, the month of love. We love our family members and remember them with something special. How about remembering the newest members of our family? These, of course, are the recently disabled veterans from the Iraqi and Afghanistani wars. The Veteran's Administration has set aside the month of February as, "Hospitalized Veterans Month." Perhaps, you could visit a local elementary school to ask if they could make some valentines to be distributed to those veterans in the VA and/or military hospitals. We have many wounded soldiers convalescing and undergoing rehabilitation throughout Texas. These cards, letters, and even a visit would brighten their day. After all, this is the purpose of our organization. Those people in this situation will remember your kindness when they are allowed to leave. Perhaps, they would be encouraged to become a member because of your efforts and well wishes. The organization could benefit from your thoughtfulness and openness.

I hope that each and everyone you of you have a wonderful month. Remember to give of yourself for the rewards you will reap will be beyond your wildest dreams. Be safe and remember to cherish those moments with your friends and family.

Yours in Service,  
*James Prochnow*  
Commander, District III

## DISTRICT IV

Happy New Year to all. Another year complete, another year to go. As most of you have probably noticed, there are no "slack" months in the Veterans business.

It is now time to pick Delegates for the District Conventions and to send in Registrations. I wish to encourage all Chapters to send at least 1

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Delegate to the District Convention. Since this is also the time for training Chapter Service Officers you will want to bring this individual with you.

This is also the time to select Delegates to the Mid-Winter Conference. This is your chance to learn about the DAV priorities that will be "pushed" at the National level. You are then encouraged to meet with your elected Federal Senators and Representatives. Many new individuals have been elected which changes the dynamics in Congress so, even if yours have been elected many times you need to remind them of the priorities of the DAV.

This is also the time of year to plan Elections. Think about which individuals will best implement the DAV priorities and assure the continued viability of your Chapter. This will include budgeting and recruiting. All of us age and we need to recruit our replacements from the new generation of veterans.

Once again - Happy New Year.

Yours in Comradeship,  
*Wolf Biedenfeld*  
Commander, District IV

## DISTRICT V

Belated Happy New Year to all! Unfortunately, with the beginning of this new year, we find ourselves faced with the loss of Col. Argyle Houghton, USA Retired who was a longtime patient at Audie Murphy's Extended Care Therapy Center. Some will recall the biographical information I shared on Col. Houghton in several 2006 issues of this publication. Farewell to a dedicated veteran, a great patriot, and one of Chapter 128's most admired adopted members.

Now, for an update on District V's annual Spring Convention-- as already announced, the convention will be held Friday, Saturday, and Sunday or March 30, 31 and April 1, 2007 at the San Antonio Airport Doubletree Hotel, NE Loop 410 (same location as 2006 convention). Room cost, for single or double, is \$94.00 plus tax, and reservations can be made by calling 1-800-535-1980 or 1-210-366-2424 and indicate you are with the Disabled American Veterans' Convention. This conference agenda will change slightly from previous agendas as we insure ample time to focus on Chapter Commander's training. Of course, convention objectives will also include imparting information, reviewing and dispatching various resolutions and we will elect District V Officers for 2007-2008. We will provide other detailed Convention information

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by letter soonest; however, if you plan attending the Convention, I strongly urge you to register ASAP.

Our keynote speaker at the Convention banquet will be Lloyd W. "Fig" Newton, General USAF Retired, and retired Executive Vice President, Pratt & Whitney Military Engines. To highlight his career, General Newton is a former member of the U.S. Air Force Thunderbirds Aerial Demonstration Team; former Assistant Vice Chief of Staff, HQs. U.S. Air Force the Pentagon; and Commander, Air Education and Training Command, Randolph AFB, Texas. The General, who is a highly sought after speaker, promises to be an equally informative and interesting Keynote speaker for District V's Convention.

Until next time,

*James Scott*

Commander, District V

### BPT / LEGISLATIVE REPORT

Section 5904(c)(1) of title 38, United States Code, currently provides that "a fee may not be charged, allowed, or paid for services of agents or attorneys with respect to services provided before the date on which the Board of Veterans' Appeals first makes a final decision in the case." The long-standing public policy reasons for this limitation have been clear and firmly fixed. "There would seem to be no need for the assistance of an attorney in order to initiate the claims process by completing and filing an application. Moreover, even if the initial decision is adverse, the Committee believes that it may be unnecessary for a claimant to incur the substantial expense for attorney representation that may not be involved in appealing the case for the first time to the BVA. The claimant may well prevail, as many claimants currently do, without legal representation when the case is first before BVA." S. Rep. No. 100-418, at 63-64 (1988). "The Government interest, which has been articulated in congressional debates since the fee limitation was first enacted in 1862 during the Civil War, has been this: that the system for administering benefits should be managed in a sufficiently informal way that there should be no need for the employment of an attorney to obtain benefits to which a claimant was entitled, so that the claimant would receive the entirety of the award without having to divide it with a lawyer." *Walters v. National Ass'n of Radiation Survivors*, 473 U.S. 305, 321 (1985). The DAV therefore opposes S. 2694, passed by the

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Senate on August 3, 2006, and similar House bills for the following reasons:

- no disabled veteran should have to pay an attorney to obtain the benefits that a grateful nation provides and the veteran is rightfully due
- the disabled veteran, or his dependent or survivor seeking VA assistance, should receive the full economic value of the benefit to aid in the purchase of the necessities of life or to ameliorate the effects of disability
- the claimant's application may very well result in an award of benefits on the initial VA decision, and it would be especially unwarranted to divert 20 percent or more of the claimant's retroactive award to an attorney for merely assisting the claimant in completing the application for benefits
- for fulfillment of the VA mission to award benefits to all entitled claimants, the VA claims process should remain open, helpful, informal, and pro-veteran to provide every reasonable assistance to claimants in filing and prosecuting claims for the benefits reserved for them as a special and highly deserving class of government beneficiaries
- allowing attorneys to prosecute VA claims for their own economic gain is likely to change the non-adversarial relationship between claimant and VA by requiring a more guarded reaction to claimants by VA decision makers and by requiring new and less informal procedures to counter the effect of attorneys attempting to wear VA adjudicators down as they would an opponent
- enactment of this legislation is likely to aggravate the claims backlog, require an infusion of substantially higher appropriations to deal with the consequent added burdens upon an already overburdened system, and require additional personnel to monitor and process fee awards
- enactment of this legislation would represent a disavowal of the government's obligation to ensure veterans receive the benefits due them and an abandonment of the social contract between the citizens of our Nation and the special few who willingly make extraordinary sacrifices on their behalf in our national defense
- in those cases in which attorneys represent claimants before the Board of Veterans' Appeals, as permitted by current law, attorneys have no higher success rate overall than veterans service organization representatives whose services are wholly without cost to the claimant

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- on the whole, enactment of this legislation will benefit neither claimants nor VA, but has a great potential for adverse effects and unintended consequences

For these same reasons, VA also opposes this change in law. The DAV therefore urges legislators to support the repeal of this legislation passed by the 109<sup>th</sup> Congress.

*Jim Roos*

BPT/Legislative Chairman

## VAVS REPORT

Happy New Year Comrades, as a new year begins let us take some time and plan how we can come to the aid of our fellow veterans. Now is the perfect time of year to pledge ourselves to a mission, as we must all take part. That mission is to dedicate ourselves to helping our fellow veterans. We all have given, some have given more. The opportunity is ours to seize. There are many ways to help a fellow veteran. We can volunteer at a local V.A. hospital or visit our comrades in local nursing homes. Some may be able to drive veterans to the local V.A. through the D.A.V. Transportation Network to get them to their doctor appointments. These are a few ways to get involved in volunteering. What a wonder gift to help improve the lives of fellow comrades. What will you do make 2007 a great year of service?

Always a **Special Thank You** to all volunteers who make it happen.

*Marcie Hill*

Department VAVS Chairman

## Women Veteran's Representative

I recently ran across an article written by Delilah Washburn who is the Texas Veterans Commission Women Veterans Program Manager as well as a member of DAV. I have read many of her articles and they are always informative and well written.

The latest one I read spoke of an organization called 'Business and Professional Women/USA(BPW/USA). This organization promotes equity for all women in the workplace through advocacy, education and information. I was totally unaware of BPW/USA but it seems there are 1300 local organization across the country and are considered a leading advocate for millions of working women.

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BPW/USA launched a program in October 2005 which is called "**Women joining Forces-losing Ranks, Opening Door**". This was done in support of military women leaving the Armed Forces and National Guard. In an effort to express support for this group of women they may join BPW/USA at no cost. Since women are more likely to experience unemployment this organization would like to offer women veterans the tools and resources to make their transition successful.

If you know a recently discharged female veteran that is struggling to make the transition to civilian life and obtain suitable employment please pass on the following web site so that she may obtain more information on this organization, [www.bpwusa.org](http://www.bpwusa.org).

Yours in service

*Teresa Johniken*

Women's Veteran Department Appointee

## DAV AUXILIARY COMMANDER



## Happy Valentines Day!

National recently sent out some very important information to all Units and I would like to draw your attention to some of the items that I think should be talked in your meeting this month.

For starters, be sure you read and talk about the *Happenings at Headquarters* notice concerning Membership dues. **Starting January 1, 2007, when a new annual member is signed up the annual dues will be \$15.00 and will pay the member to June 30, 2008.** If you recruit new members on an annual membership, this is a real bargain! Think of it as a sale and who doesn't like to get in on a good sale and save money? Life memberships are still the best deal because once a life member there are no annual membership dues. Down payments on a life membership remain a minimum of \$40. And the members have 3 years to complete paying the life membership fee.

Another notice they sent concerns how your unit quota is set each year. Everyone would like to know just how those quotas are set each year!

It is a new year in Congress and we have a lot of new people there. Right now is a very important time for you to contact all your Congresspersons

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and let them how you feel about any Veterans bills pending, or items that you feel is important to our Disabled Veterans and their families. There is so much at stake and some of it could affect you personally. There are issues that we need to voice our opinions on *now*, before they lock themselves into other commitments.

The new, and the returning folks in Congress need to hear about your concerns. If you don't tell them how will they know? Remember silence means consent. If they feel the need to cut our benefits and we say nothing, they are bound to think we are agreeing with them that it is okay to cut back, or raise our costs.

Your **Mission** this month: Contact your Senators and Representatives and tell them what your feelings are on Veterans needs and ask them to remember that is it the Veterans who fought for our democracy that allows our country to have them elected to office instead and that it is now their turn to fight for our countries veterans. At your meeting why not talk about what the members feel the needs are and what issues they are interested in; health benefits, burial benefits, education benefits, Vets nursing homes, medications, etc. Lots of info is available on the DAV web site [www.DAV.org](http://www.DAV.org) Why not do up a letter right there at the meeting?

For your Representatives, address your letter to the Honorable (use first and last name), House of Representatives, Washington, DC 20515. For the Senators address them to The Honorable Kay Bailey Hutchison, or The Honorable John Cornyn, United States Senate, Washington, DC 20510 Begin your letter with Dear Senator or Representative (use their last name), Now isn't that easy? Let's do it! Accomplish this **Mission** and you will have accomplished something *very important!*

*Alice Armstrong*

Commander, DAV Auxiliary

### The Disabled American Veterans Auxiliary had the following Population Summary as of 2/14/2007:

|               |       |
|---------------|-------|
| Life Members  | 5,981 |
| Total Members | 6,631 |

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### THIS YEARS GOAL is:

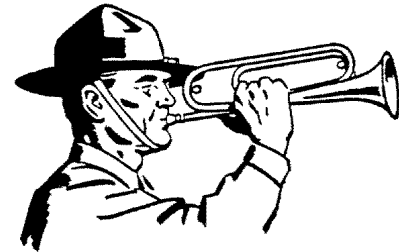
|                   |       |
|-------------------|-------|
| Goal              | 7,053 |
| Goal percentage   | 94.02 |
| <b>UNDER Goal</b> | 422   |

## PRAYER LIST

### *Prayers are needed for the following:*

**George Cox** commander of Chapter 86 has cancer in his esophagus.

**Jack Layne**, commander of Chapter 137 moved to Bonham Vets Home.



## TAPS

Department has been notified that the following comrades have been called into final formation above:

Bobby Wills, Ch 137 passed 1/07

Roy Butler, Ch 102 passed 1/07

Department and the membership extend deepest sympathies to the family members, friends, and comrades of these fallen heroes. May each one rest in honor.



Please feel free to call, write, or email the Adjutant's office if you have a loss in your family, Chapter, or Unit that should be included in this column.

**Disabled American Veterans  
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Grand Prairie, TX 75051-4896**

**NON PROFIT  
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**To:**



**JUNIOR MEMBERS DAVA UNIT 17  
RECOGNIZED FOR THEIR VOLUNTEER HOURS AT THE VA**