

DISABLED AMERICAN VETERANS

DEPARTMENT of TEXAS, HEADQUARTERS

BULLETIN

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OCTOBER 2006

COMMANDER'S COMMENTS

From the Commander's Pen

Greetings Fellow Texans

The U.S. Court of Appeals for Veterans Claims has announced a landmark decision in the case of Haas vs. Nicholson. This ruling could directly affect thousands of disabled Vietnam-era Navy and Coast Guard veterans.

The court's ruling states that the Department of Veterans Affairs requirements for 'one foot on the ground' as the definition of 'service in the Republic of Vietnam' is unreasonable and does not align with Congress' intent. In addition, the law does not limit application of the presumption of service connection for herbicide exposure to those who set foot on the soil of the Republic of Vietnam.

The court cited that the law defines 'service in the Republic of Vietnam' as including service in the waters offshore, or service in other locations if the conditions of service involved duty or visitation in Vietnam.

According to court documents, the unclear nature of the policy was further demonstrated when Secretary Nicholson was asked to apply the regulatory interpretation in the case of a veteran who served in the waters off of Vietnam where his feet did not touch the seabed, versus a veteran who was in the waters where he was able to touch the seabed. He responded that neither veteran would be entitled to the presumption because the regulatory definition is limited to those veterans 'who set foot on land, one foot on the ground' not touching the ocean floor.'

The court's opinion further states that VA's regulation defining 'service in the Republic of Vietnam' is ambiguous and that the VA's interpretation of the regulatory term 'service in the Republic of Vietnam,' allowing the application of the presumption of exposure to herbicides only to Vietnam-era veterans who set foot on land, is inconsistent with

longstanding agency views and unreasonable, and must be set aside.

The court also found that the VA changed the Adjudication Procedure Manual to exclude receipt of the Vietnam Service Medal (VSM) as a definition of 'service in the Republic of Vietnam' in 2002.

The elimination of the requirement for 'one foot on the ground' will mean that Blue Water Navy Vietnam veterans can now file claims based on service in the Republic of Vietnam including 'service in waters offshore.'

The VA is fighting this ruling, therefore, I recommend that Navy Vietnam veterans to contact their local DAV Service Officer to determine eligibility to receive disability benefits based on this ruling.

Yours in comradeship,

Rex Lloyd

Department Commander

Congratulations to Sgt. Lazaro Camarillo, III, Commander of Corpus Christi DAV Chapter 150 who was inducted into the Third Coast Squadron Hall of Fame, Coastal Bend, TX on 2 September 2006. Another DAV member recognized for his service to our country.

MEMBERSHIP CHAIRMAN

**THE DISABLED AMERICAN VETERANS,
DEPARTMENT OF TEXAS HAD THE
FOLLOWING POPULATION SUMMARY AS OF,
10/14/2006:**

Life Members	58,415
Part Life Members	22,461
Total Members	80,876

Disabled American Veterans

This years GOAL for full paid life members is:

Goal	61,004
Goal percentage	95.76

Members to make goal 2,589

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.

In the Bulletin last month, I stated I could not remember the Department of TX getting in to the top three in Division I. Adjutant Armstrong was able to find the following awards for Department of TX District I. In 1990-1991 Greatest Over Goal Percentage Division I, and 1992-1993 Percentage Gain – Total Membership both awarded to Dept. of TX by National.

One of the things that came out at National regarding membership is that many of the Chapters and Departments will be losing all members who have been inactive over 3 years. Any of the members correspondence returned undeliverable to National will be transferred to inactive status. I recommend that all the membership step up with a git-er done attitude, make contact with the members who are inactive or partial paid members, and encourage them to send in address changes or make a payment on their membership. This will get them reactivated and not only prevent the Chapters from losing membership funds but will also prevent the Department from losing an estimated \$40,000.00+ annually.

Doug Herrle

Membership Chairman

ADJUTANT'S COMMENTS

Categories of DAV membership: Full; Part Life; Trial. These are coded on your chapter membership list with a letter; F, P, or T. This code is listed to the right of the membership number. The Part Life and the Trial members are those who are indebted to National, meaning that they need to make a payment towards their membership dues. If no payment is made for three years, the member is transferred to the Department At Large Chapter 2. **Chapter Membership Chairmen, please take action** on this issue to encourage these members to make a membership payment to Na-

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tional. This will benefit both the Chapter and Department.

The Annual Financial Report is due by September 30. As of September 15th, Department has received reports from 34 of the 90 chapters in the state. Has your chapter submitted their report?

Golden Corral Veterans appreciation day will be Monday, November 13. For all veterans it means a free dinner, for DAV members it means an opportunity to set up tables, pass out information about our organization, greet veterans, and hopefully recruit new members. We need the "younger" veterans in our organization if it is to continue to serve all veterans as it has these past oh so many years.

Eldon Armstrong

Department Adjutant / Treasurer

DISTRICT I

OK everyone, lets start our planning of "VETERANS APPRECIATION NIGHT" it is fast approaching. This is a good chance to get out into your community and make some money and get some new members and maybe get some old ones to come back and start making meetings. Contact your restaurants manager and make sure you have enough materials, if not order them from Nationals membership dept. Any questions get ahold of me and I will help you out.

Another good idea to help with membership have a veterans children's Halloween party. Advertise it in your local paper and while the kids are having fun you have their parents (VETS) as a captive audience. Sneaky but effective. Don't forget Thanksgiving and Christmas also. Tell me how you did.

Along the same line congratulations to Chapter 7 I am told that they are on pace to break last years record of slipper give away and visiting nursing homes. Keep up the good work. Also the same to Chapter 187 for making goal 4 years in a row. Both get big ATTA BOYS.

I wish Emery Wall well, know that you are in our thoughts as you face the further spread of your cancer. And for PDC Gerald Cowan, a wish for a speedy recovery from all of District 1. For those of you who don't know he is recovering from surgery. GET WELL SOON JERRY LOOK FORWARD TO SEEING YOU NEXT CONVENTION.

ANY CHAPTER THAT WANTS TO PUT OUT INFORMATION TO THE REST OF THE DISTRICT

Disabled American Veterans

OR DEPARTMENT LET ME KNOW BEFORE THE 1st OF THE MONTH PRIOR TO THE EVENT.

EVERYONE STAY WELL

W. "Ted" Monette

Commander, District I

DISTRICT II

Hello Texas!!!

I was having difficulty trying to get my article started. However, events have taken place making it very easy this time.

I want to thank each of you who have sent me Get Well cards, e-mails, and the many telephone calls to me with well wishes. My recent surgery was successful, however, I find that I am very weak. I am slowly getting back my strength and will be in full swing very soon.

Also, I must thank each of you who supported me at the National Convention in Chicago, and have given me the honor of representing Texas as the 20th District, National Executive Committee-man.

Now, let me introduce to you the District II 1st Junior Vice Commander, A.J. Jones, and allow her to finish this article.

Yours in service,
Gerald Cowan

Commander, District II

If you were not there – you missed it – the 85th Annual DAV Convention for 2006 that was held in the windy city of Chicago, IL, at the luxurious Chicago Hilton. This year's convention was one of the best I've ever attended. Here's a bit of what you missed: I was one of 1,906 total DAV members present. There were a total of 454 Chapters, 49 Department Commanders, 38 National Officers, and 10 Past National Commanders also present.

National Commander Paul W. "Action" Jackson visited troops in Iraq to express our many thanks and gratitude to the soldiers for all their hard work and dedication. This was just one of the numerous places and people he visited during his tenure. He announced the DAV has reached our 1 million mark of fully paid life members.

The Ford motor company donated 11 new vans totaling 1,795 vehicles donated to the DAV to date. They also donated \$50,000.00 to the Jesse Brown Memorial Youth Scholarship Program. This year the award was given to Vincent D. Senegar.

The Harley-Davidson Foundation presented a check to DAV for \$1 Million. This gift extends the

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long-standing relationship with the military, which goes as far back as World War I when the company produced more than 20,000 motorcycles for the war effort.

The 2005 Veteran's Day Golden Corral dinner served 270,000 individuals, totaling \$365,000.00. The 2006 Veteran's Day Golden Corral dinner will be held on November 13, 2006 beginning at 5:00 pm.

Outstanding Disabled Veteran of the Year went to Gordon Mansfield. And Congratulations to Gerald J. Cowan as the newly elected NEC.

Next year the DAV National Convention will be held in New Orleans.

Remember to vote in November for someone that supports veterans to protect our Health Care and Benefits.

Yours in Service

A.J. Jones

1st Jr. Vice Cmdr District II

DISTRICT III

On July 7th, I had the privilege of going to Fredericksburg to attend their Fun Day. There were bands and various activities to enjoy. To honor veterans, there was an open pavilion for the veterans to gather. The program celebrated and honored veterans from the different branches of the service and all of the wars, both past and present. The band played each service hymn, and the attendees stood when theirs was played. There were between 300 to 400 veterans in attendance; the veterans were asked to come forward to the podium to be recognized by the crowd and to be given a lapel pin with the American flag. After, I was able to visit with some of the honorees. I did speak with an active duty Air Force man, who was getting ready to be deployed to the war. I wished him luck and to have a safe tour of duty in the war zone.

In November, various chapters throughout the state will be participating in the "Salute to the Veterans' Day" at the Golden Corral on Monday, November 13, 2006. All veterans can eat for free on that day. The chapters from our district working that day are: Chapter's #3, #4, #29, #200, #215, and #219. Commanders of these chapters, please remember to inform me of the amount collected and brief me on how everything went. I have to give a report to the state adjutant. Fifty percent of the earnings go to your chapter the other 50% should be mailed to Department Headquarters in the form of a check. Be sure that each of you con-

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tacts your particular restaurant prior to that day to make them aware of your involvement.

I hope that each of you had a safe and restful Labor Day. Jim Ernst, my chapter member, is recovering from his heart attack. He should be in tiptop shape very soon.

Hope October will be good for you and yours. Hope we have cool weather to enjoy! As you know, I am only a telephone call away, (512) 255-2969 or call Adjutant Gholson-Dopkant, (512) 251-9747. Have a blessed month.

Yours in Comradeship,
James Prochnow
Commander, District III

DISTRICT IV

This is the time of year to consider the welfare of the Veteran community. Yup, election time is upon us. When you ask? Try November. Why is my mailbox not full of flyers by candidates blowing their own horn? Maybe they have nothing to brag about. Who should I vote for? A candidate that is Pro Veteran. By that I don't mean someone who "talks" but someone who "walks".

For instance: You should have heard that the Court of Veterans Claims decided to add the "Tonkin Gulf Yacht Club" members to the individuals covered by the Agent Orange legislation. Was this a Court acting to "thwart the Will of Congress"? No, this was a Court acting to "enforce the Will of Congress". Congress did not exclude the Blue Water Navy Veterans - the Administration did as a cost saving measure and the Court Decision notes that. The word is that the Administration is preparing Regulations to "correct" the Court's "mistake" and so once exclude the Sailors. Who is "talking" and who is "walking".

Do not get mad, get "e...". Remember your High School Civics class', the one that is not taught any more. Who represents You - your Representative does. Who represents your State - your Senator does. Who represents your Country - you do. The President is the Chief Executive and Commander in Chief - Notice no talk in the Constitution about the President representing anybody. Remember this when you Vote.

Many years ago I had to decide whether to provide Federal Funds to an Organization that mis-managed and did not represent it's community. It was a tough choice because the community needed the services and all new entities were "green" with no track record. The "bad" organization said to

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me: "better a Devil you know than one you don't". There was much truth in that statement, but I decided to risk a "Nuby". Guess what? The "Nuby" did better. The moral is - sometimes it's better to take a chance on a "Nuby" than it is to continue "sameo sameo".

Good voting - Veteran Comrade, your Disabled Veteran Comrade and your Citizen Comrade.

Wolf Biedenfeld
Commander, District IV

DISTRICT V

Do you remember what you were doing when _____? Depending upon our age, many of us can probably fill in the blanks by citing major occurrences such as the end of World War 11, the beginning or end of the Korean Conflict, or perhaps the assignments of President Kennedy, his brother Robert, and Dr. Martin Luther King, Jr. Still, you might reflect upon the more recent event involving the attack on our Nation, or what is commonly referred to as the "9-11" tragedy.

As for me, I recall exactly what I was doing when "9-11" occurred! Specifically, I was attempting to recuperate from my morning walk while watching the "Today Show" hosted by Katie Couric and Matt Lauer when they suddenly digressed from their normal programming. They began to show a smoking Trade Center Tower. And, as they quizzically reported on the cause of that fire, many of us witnessed another plane as it exploded into the second tower. This event, plus the attack on the Pentagon, and the attempted failed attack on The White House resulting in the high jacked plane crashing in Pennsylvania, will be forever seared in our minds.

In this regard, allow me to share some thoughts we enjoyed during a recent church services observing "9-11". "Today we remember the events of September 11, 2001. Our thoughts and prayers are with the families, friends, and all citizens of this great Nation who suffered such painful losses. This is a day to remind us why we serve our country---to defend our Nation, to protect our people, and to stand firm for what is right."

I am aware by the time you read these words, you too will likely have paused in remembrance of "9-11, five years later." Consequently, I mention this horrific event for two reasons: First, as we work through what we may consider difficult daily life challenges, including DAV issues, they pale in comparison to "9-11" issues-- past, present, and

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future. Secondly, "9-11" is the prime reason for the engagement of our troops in the war against terrorism. We may debate the politics of the war, but let us always remember to support our troops and their families, and be ready to support and welcome many of them as they transition into our DAV organization.

In closing, on an informational note and for your planning, District V's 2007 Spring Convention will be held March 30, 31, and April 1, 2007. Again this year, the event will be held at the DoubleTree Inn, San Antonio, TX. Of course we will provide more information as details develop.

Until next time,

James Scott

Commander, District V

BPT / LEGISLATIVE REPORT

DAV OPPOSES ATTORNEYS CHARGING VETERANS FOR CLAIMS PROCESSING

The Disabled American Veterans (DAV) Opposes Legislation to Permit Attorneys to Charge Claimants for Veterans Benefits a Fee for Benefits Counseling, Completing an Application for Benefits, or Representation in the Initial Administrative Claims Process of the Department of Veterans Affairs.

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 em-

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ployment 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 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

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success rate overall than veterans service organization representatives whose services are wholly without cost to the claimant

- 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 not support passage of this legislation.

See page 9 for the complete resolution.

Jim Roos

BPT/Legislative Chairman

VAVS REPORT

My name is Marce Hill and I would like to take this opportunity to introduce myself to you. I would also like thank State Commander, Rex Lloyd, for appointing me as Department VAVS representative. I'm a Viet Nam Era veteran, and proudly served my country until I was medically retired from the Air Force 1977. I've been a volunteer since 1998 till present. I have driven in excess of 50,000 miles as a van driver in the Transportation Network. I also acted as Dispatch and Supervisor for Chapter 230 Bay City transportation program. I have accumulated over 6000 + hours driving and working in the DAV Transportation Office at Houston VA.

Please help support your fellow veterans by giving freely of your time and money to your local VA Medical Center. Whether you choose to do this as an individual or as a group member of your local chapter... **YOU CAN MAKE A DIFFERENCE!** Contact your local VA hospital and talk to Volunteer Services about the many ways you help. You can always email me at ecram@davispc.com if I can be of any assistance!

Johnny Yeppez, front desk clerk at the VA Outpatient Clinic in College Station was named the "Outstanding Texas VA Employee of the Month" for July. Cong'rats to Johnny!

Editors Note: **TO ALL VOLUNTEERS "WAY TO GO"!!!!**

Marcie Hill

Department VAVS Chairman

ecram@davispc.com

Women Veteran's Representative

I had the pleasure of attending the DAV National Convention in Chicago which was very informative. Several women veterans were present and active in seminars, meetings and committees.

The Women veteran Seminar was very well attended and I was pleased to see that several men also attended this seminar. I spoke with one gentleman who told me he felt that as a chapter leader he needed to be informed of everyone's challenges and be educated in their problems as well as possible solutions. It was nice to learn that more people are interested in helping in our endeavors.

I have to admit that I was not aware of some of the challenges that women faced 220 years ago. For example, during the American Revolution women disguised themselves as men and joined the Continental Army. Many women before us served in many capacities through war times without any benefits. Women had to fight an uphill battle for acceptance in the military and to receive the benefits that we have today.

In honor of those who came before us we have to take a pro-active stance and protect not only our benefits but all veterans' benefits. There are many legislative issues that each of us must investigate and educate ourselves on. Once you have this information you must act on it by contacting your elected officials and letting him/her know how you feel. The other thing ALL veterans must do is obtain a voting record on how your representatives voted on veteran issues and use this information to make an educated choice when voting this November. At dav.org you can go to the tab marked legislation which should prove helpful in getting the latest information.

It is sad that many Americans do not take the time to vote, among those are many veterans. American Idol had more votes cast on their show than the last election (OK I voted on that show also - Taylor Hicks was so much fun to watch). We are a force to be reckoned with if we all take the time to speak up and vote!

Yours in service

Teresa Johniken

Women's Veteran Department Appointee

DAV AUXILIARY COMMANDER



Fall is just around the corner. But even with kids back school, all the fun of State Fairs, and life pretty much back to the normal routine, we also remember the event 5 years ago that will always be a part of Autumn in America. A day that dawned so right, jarred us out of that safe normal routine and left in it's wake the knowledge that life in America, and around the world had been forever changed.

Much has happened since 9-11. We know it is more important than ever that while we exercise our individual freedoms and rights, we must join together to be a strong country and stand against those who wish us harm. As auxiliary members we need to form that tight circle of friendship and comradeship that has bonded us together in the past. Your **mission** this month: set aside the trivial problems and join hands to spread the idea of love, patriotism and support for America.

This year our School of Instruction will be held Nov. 4th at the Hilton Garden Inn-DFW Airport South, in Irving, TX. Rooms are only \$69 a night. Each room will have a microwave, refrigerator, coffeemaker, and the beds are the new "Select your Comfort" ones.

If you need a handicap room or want a smoking room, you must tell them when you make your reservation. Phone number is 972-313-2800 or 1-877-782-9444. Your Unit Adjutant will be getting your letter soon with all the details, the numbers to call for reservations and directions. The cut off date for guaranteed "Disabled American Veterans Auxiliary" rate is Oct. 20th.

I would love to see a representative from each Unit attend this year so they can take the information back and share with their members. Don't forget to invite your duel members. It would be a great time for them to learn more about how the Auxiliary operates.

Last month I mentioned that we voted on amendments to the National Constitution and By-Laws at our convention in Chicago. Here are two of them.

Article XI, Duties of Unit Officers, Sec. 2. "The Junior Vice Commander shall, in the absence of the

Adjutant, sign all warrants/vouchers/check requests."

Article VII Membership Section 5. "A member, while holding membership simultaneously in the Auxiliary and the parent organization, shall not have the right to hold an office in the Auxiliary, make or speak on a motion, or vote while holding an office (elective or appointive) and/or chairmanship in the Disabled American Veterans".

Alice Armstrong

Commander, DAV Auxiliary

The Disabled American Veterans Auxiliary had the following Population Summary as of 10/14/2006:

Life Members	5,927
Total Members	6,481

THIS YEARS GOAL is:

Goal	7,053
Goal percentage	91.89
UNDER Goal	572

PRAYER LIST

Prayers are needed for the following:

Beverly Barron, Unit 29 continues to have medical problems requiring hospitalization.

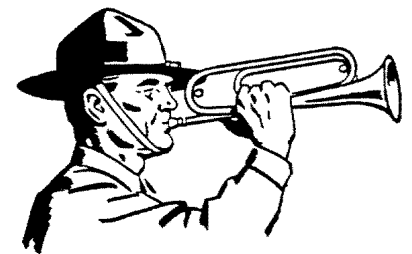
PDC Emery Wall, his cancer continues to spread.

PDC Gerald Cowan recovering from surgery.

Patti Rapisand, recovering from surgery.

Dovie Hawkins, DAVA PSC recovering from a broken hip.

Jack Layne, Ch 137. His illness continues.



TAPS

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

Dora Mc Loud, Unit 111 passed 8/18/06

Salvadore Ruiz, Ch 175 passed July 06

Marvin D. Hovey, Ch 42 passed August 06

Fred Evans, Ch 137 passed September 06

Department and the membership extend deepest sympathies to the family members, friends, and

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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.

ITEMS OF INTEREST

DAV at the Ballpark, Rangers vs Indians at Arlington TX. Rangers won! Could it be because our Jr. Vice Commander Teresa Johniken threw out the opening pitch? Or her trusty catcher? Or Both?



CHAPLAIN'S CORNER

A Big old Smile from Me to You!!!

A smile costs nothing, but gives much.
It enriches those who receive, without making poorer those who give.
It takes but a moment, but the memory of it sometimes lasts forever.
None is so rich or mighty that he can get along without it and none so poor that he can be made rich by it.
A smile creates happiness in the home. It fosters good will in business and it is the countersign of friendship.
It brings rest to the weary, cheer to the discouraged, sunshine to the sad, it is nature's best antidote for trouble.
Yet it cannot be bought, begged, borrowed, or stolen.
For it is something that is of no value to anyone, until it is given away.
Some people are too tired to give you a smile; give them one of yours, as none needs a smile as much as he who has no more to give

Dr. Charles E. Edwards, Jr.
Department Chaplain



Just one more of the important items that should have caused the phones to ring off the hooks. Did you call your Congressmen and Congresswomen about this? Did they listen? How did they vote? How will you vote in November?

RESOLUTION NO. 199—LEGISLATIVE

OPPOSE ANY LEGISLATION TO PERMIT ATTORNEYS TO CHARGE

A FEE FOR BENEFITS COUNSELING OR CLAIMS SERVICES BEFORE THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS

WHEREAS, our Nation established veterans' programs to repay or reward veterans for their extraordinary service and sacrifices on behalf of their fellow citizens; and

WHEREAS, in the spirit in which special benefits are provided to especially deserving beneficiaries, our citizens intended these benefits to be dispensed through an open, helpful, and informal system in which the Government is duty bound to receive every claimant as entitled and provide every reasonable assistance in developing and shepherding the claim through the entire administrative process while affording consideration of all legal avenues toward granting every benefit that can be supported in law; and

WHEREAS, the programs are also designed in a manner that ensures veterans and their families will receive the full measure of aid from disability compensation and other monetary payments without taxation and with protections that ensure they are not diverted into the pockets of others who have no entitlement to them; and

WHEREAS, Congress has set the rates of these modest benefits to be minimally adequate for their intended purposes, such as assisting disabled veterans and their families in purchasing the necessities of life or obtaining services necessary to ameliorate the effects of disability, and the amounts provided do not contemplate or allow for any reduction or diminishment in buying power such as would occur if a portion were diverted to attorneys; and

WHEREAS, acquiescence in any general situation in which obtaining veterans' benefits required hiring an attorney and surrendering a portion of disability compensation or other benefits obtained to the attorney would fundamentally contradict and undermine the spirit of the benefit programs created solely to aid and meet the special needs of disabled veterans and their dependents and survivors; and

WHEREAS, it would be inappropriate for Congress to disavow the government's obligation to ensure veterans receive the benefits due them by passing them off to the legal profession where their plight might well depend on or be determined by their potential for producing attorney fees; and

WHEREAS, adding to the administrative processes all the ancillary burdens involved in fee agreements, withholding, and disbursements will greatly aggravate the existing overburdening of the system and require the diversion of scarce resources away from activities where they are more urgently needed and could yield more meaningful returns; and

WHEREAS, no disabled veteran should have to pay an attorney to obtain the benefits that a grateful nation provides and the veteran is rightfully due, NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in Chicago, Illinois, August 12-15, 2006, opposes any change in law that would authorize attorneys to charge veterans a fee for benefits counseling or any claims services before the United States Department of Veterans Affairs.

**Disabled American Veterans
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To:



Our Women Veterans