



DISABLED AMERICAN VETERANS

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Service Bulletin

JUNE 2008

DAV DISASTER RELIEF PROGRAM

Since January 2008, there have been 37 Major Disaster Declarations made by the U.S. Federal Emergency Management Agency (FEMA) resulting from natural disasters throughout the country. The DAV has continued its long standing commitment of assistance to those eligible veterans affected by these disasters by providing disaster relief grants.

As a reminder, Disaster relief grant amounts may vary based on applicant needs, available DAV resources and DAV membership status. Disaster relief grants may be issued for the purpose of providing: food, clothing, and temporary shelter or to obtain relief from injury, illness, or personal loss resulting from natural/national disasters that are not covered by insurance or other disaster relief agencies.

To be eligible for a DAV disaster relief grant, the following criteria must be met:

- The applicant must be a service-connected disabled veteran or the spouse thereof (same household).
- The applicant must be the victim of a natural/national disaster.
- The applicant's claimed loss must not be covered by insurance.
- The applicant's claimed loss must not be covered by other emergency relief agencies.

All applications must be complete and authorized by a National Service Officer. Questions regarding DAV's Disaster Relief Program should be directed to the Supervisor of the local DAV National Service Officer.

DEPARTMENT OF VETERANS AFFAIRS (VA)

PUBLIC LAW 109-461 ADDS A NEW GROUP OF PERSONS WHO MAY BE ELIGIBLE FOR DEA BENEFITS

Public Law 109-461 added a new group of persons who may be eligible for Dependents and Educational Assistance (DEA) benefits. Effective December 23, 2006, spouses and children of servicemembers hospitalized or receiving outpatient care for a VA determined service-connected permanent and total disability *may* be eligible for DEA benefits.

In that regard, section 301 of Public Law 109-461 added a new category to the definition of “eligible person” for DEA benefits. The new category includes the spouse or child of a person who:

- VA determines has a service-connected permanent and total disability; and
- at the time of VA’s determination is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment; and
- is likely to be discharged or released from service for this service-connected disability.

Persons eligible under this new provision may be eligible for DEA benefits effective December 23, 2006, the effective date of the law.

VA LAUNCHES EXPANSION IN VETERANS HEALTH FACILITIES

<http://www1.va.gov/opa/pressrel/pressrelease.cfm?id=1522>

Secretary of Veterans Affairs Dr. James B. Peake on June 26, 2008 announced plans to create 44 new community-based outpatient clinics to bring the world-class health care of the VA closer to home for veterans in 21 states. The new clinics, scheduled to be activated over the next 15 months, will increase VA's network of independent and community-based clinics to 782, an increase of more than 100 in five years.

VA REACHES OUT TO WOMEN VETERANS

The Fourth National Summit on Women Veterans’ Issues took place at the Westin Washington, D.C., City Center from June 20-22. Recognizing the valor, service and sacrifice of America’s 1.7 million women veterans, VA has created a comprehensive array of benefits and programs.

Women veterans are entitled to the same benefits and medical care as their male counterparts, including health care, disability compensation, education assistance, work-study allowance, vocational rehabilitation, employment and counseling services, insurance, home loan benefits, nursing home care, survivor benefits and various burial benefits.

In addition, VA also has a multitude of services and programs that respond to the unique needs of women veterans, including pap smears, mammography, and general reproductive health care, substance abuse counseling, counseling for sexual trauma, and evaluation and treatment for Post Traumatic Stress Disorder (PTSD).

There is a women veterans program manager at every VA medical center, a women’s liaison at every community based outpatient clinic and a women veterans coordinator at every VA regional office.

GULF WAR VETERANS GIVEN ADDED VOICE AT VA

Veterans of the 1990-91 Gulf War gained additional access to the leadership of the VA when the department’s Advisory Committee on Gulf War Veterans holds its first meeting on June 17, 2008. The 14-member, independent panel will advise the Secretary and the department on the full range of health care and benefits needs of those who served in the conflict.

Serving on the committee are Gulf War and other veterans, veterans service organizations' representatives, medical experts, and the surviving spouse of a Gulf War veteran. Members were selected to provide a variety of perspectives, experiences, and expertise.

Membership

VA Advisory Committee on Gulf War Veterans

- Charles Cragin, (Chair) of Raymond, Maine. Currently serves a senior counselor for Maine Street Solutions, LLC.
- Martha Douthit of Ashburn, Va. Surviving spouse of Gulf War Army veteran, member of the Gold Star Wives of America, currently an international trade analyst with the U.S. Department of Commerce.
- Dr. Henry Falk of Atlanta. Retired rear admiral and former Assistant U.S. Surgeon General. Currently director for the Coordinating Center for Environmental Health and Injury Prevention with the Centers for Disease Control and Prevention.
- Mark Garner of Lorton, Va. A retired Marine Corps chief warrant officer-three and Gulf War veteran who served as a Nuclear, Biological, and Chemical Defense Officer.
- Dr. Lynn Goldman of Chevy Chase, Md. Vice chair of the Institute of Medicine Gulf War and Health Study; currently professor of environmental health sciences at Johns Hopkins University.
- Dr. John Hart of Plano, Texas. Past president of the Society for Behavioral and Cognitive Neurology, currently professor of neurology and psychiatry at the University of Texas Southwestern Medical Center.
- William (Rusty) Jones of South Riding, Va. Retired Marine Corps colonel, and veteran of Gulf War and Vietnam War.
- Kirt Love of Crawford, Texas. An Army veteran of the Gulf War, currently serving as director of the Desert Storm Battle Registry.
- Daniel Ortiz of Whittier, Calif. An Army veteran of the Gulf War, currently serving as department service director with the Veterans of Foreign Wars.
- Daniel Pinedo of Oceanside, Calif. Marine Corps colonel currently serving as the comptroller for First Marine Expeditionary Force at Camp Pendleton, Calif.
- Thomas Plewes of Annandale, Va. A retired Army lieutenant general and former chief of the Army Reserve. Currently a senior program officer with National Academy of Sciences.
- Valerie Randall of Savage, Md. A retired Army sergeant first class; currently with the Department of Homeland Security.
- Edward (Randy) Reese of Washington, D.C. An Army veteran of the Gulf War; currently national service director for the Disabled American Veterans.
- Steve Robertson of Fredericksburg, Va. A Gulf War veteran who served both in the Air Force and Army National Guard. Currently director of the national legislative commission for The American Legion.

VA REACHING OUT TO VETS WITH MORTGAGE PROBLEMS

Many home owners have found it difficult recently to pay their mortgages, but quick intervention by loan counselors at the VA has actually reduced the number of veterans defaulting on their home loans. Depending on a veteran's circumstances, VA can intercede with the borrower on the veteran's behalf to pursue options -- such as repayment plans, forbearance, and loan modifications -- that would allow a veteran to keep a home.

To obtain help from a VA financial counselor, veterans can call VA toll-free at 1-877-827-3702. Information about VA's home loan guaranty program can be obtained at www.homeloans.va.gov.

VOCATIONAL REHABILITATION AND EMPLOYMENT (VR&E) ISSUES
GUIDELINES FOR REVISION OF REQUIREMENTS FOR
INTERVAL PAYMENT OF SUBSISTENCE ALLOWANCE

The VA issued a circular, 28-07-1, on January 29, 2007. The purpose of this circular is to provide guidance on revisions to the requirements for interval payments for Chapter 31 subsistence allowance.

Previously, under 38 U.S.C. § 3680(a), VA education benefits could be paid (with some exceptions) for breaks between school terms, semesters, or quarters, if the breaks did not exceed a full calendar month. Public Law 106-419 revises 38 U.S.C. § 3680(a) to allow payment of VA education benefits for a break between school terms under the following conditions: (1) The break does not exceed eight weeks (56 days); and, (2) The terms before and after the break are not shorter than the break.

This circular affects all VR&E Divisions within the Regional Offices. This provision is effective for breaks beginning on or after November 1, 2000.

VETERANS EMPLOYMENT COORDINATION SERVICES (VECS)

<http://www.va.gov/vecs>

Nearly 200,000 service members separate from the military each year. Veterans deserve every opportunity to successfully re-enter the workforce and pursue productive civilian careers after military service. **Veterans Employment Coordination Service (VECS)** was established to advance efforts to attract, recruit and hire veterans into the VA, particularly severely injured veterans returning from the Global War on Terror.

Under VECS [Severely Injured Veterans Employment Initiative](#), a network of Regional Veterans Employment Coordinators (RVEC) stand ready to provide personal hands-on assistance, helping to expand opportunities to VA employment. VECS seeks to ensure that severely injured veterans from Operations Enduring and Iraqi Freedom not only have the tools for success, but access to the resources and networks necessary for their transition to the VA workforce.

FAST LETTERS

VA utilizes Fast Letters to send information to all concerned about *fast* changing issues. These letters are sent via e-mail to all Regional Office Directors' mailboxes **and** are also available from the C&P Service website, ARMS & WARMS. Fast Letters can announce policy and procedural changes. The following are being disseminated to all National Service Officers (NSOs) in an effort to keep them informed of relevant VA actions. NSOs are encouraged to access the VA's Intranet for the complete document(s) listed below and to periodically review for updated Fast Letters.

FL 08-10 Update on Disability Examination Worksheets

Effective immediately, the revised Audio and Genitourinary disability examination worksheets are available for national use.

1. The Audio worksheet is changed as follows:

- The examiner must state whether tinnitus is constant rather than persistent or recurrent (intermittent). If it is recurrent, the examiner is required to inquire about the frequency and duration of tinnitus episodes.
- The request for an opinion about the etiology of tinnitus is reinstated and rephrased. If hearing loss is also present, the audiologist must provide an opinion about the association of tinnitus to hearing loss. When there is no hearing loss, the C&P Exam Coordinator at the VAMC or other responsible person (as with contractors) refers the veteran to the appropriate examiner for the likely etiology of tinnitus.
- The questions about effects on occupational functioning and activities of daily living are removed.

2. The Genitourinary worksheet is revised as follows:

- Comments about the presence or absence of symptoms of lethargy, weakness, anorexia, and weight loss or gain are only required when renal dysfunction is at issue.
- Under “urinary flow,” urinary frequency is clarified to mean voiding intervals during the day and number of voiding times during the night.
- Under “incontinence,” the subsequent question regarding use of absorbent material is rewritten to provide clarification and alignment with rating schedule criteria.
- The question about dialysis is moved to the history section. The question about location of dialysis is removed.
- “For Male Loss of Use of a Creative Organ” is changed to “For Males-Erectile Dysfunction” for ease of understanding by examiners.
- Under “tests,” if renal dysfunction is at issue, the minimum tests required are creatinine and BUN.

FL 08-12 Overview of Changes in Evaluation of Visual Impairment Made by Public Law 110-157, the Dr. James Allen Veteran Vision Equity Act of 2007

On December 26, 2007, the President signed Public Law 110-157, the Dr. James Allen Veteran Vision Equity Act of 2007 (the Act). In pertinent part, this Act amended 38 U.S.C. 1114(o) and 1160(a) regarding visual impairment. The provisions are effective the date of enactment.

Special Monthly Compensation (SMC)

The Act amended 38 U.S.C 1114(o) with respect to one of the eligibility criteria for entitlement to compensation at that level of SMC. That criterion is now bilateral deafness rated at 60 percent or more disabling together with bilateral visual acuity of 20/200 or less. This change is only for section 1114(o). The criterion for visual impairment in other paragraphs of section 1114 continues to be at a level of 5/200 or less.

VA will amend 38 CFR 3.350(e)(iii), Ratings under 38 U.S.C. 1114(o), by replacing visual acuity of 5/200 or less with visual acuity of 20/200 or less. Please note that the rating schedule

has not changed and visual acuity of 20/200 bilaterally continues to be evaluated at 70 percent disabling.

VA will also amend the training materials on SMC and the manual provisions at M21-1MR IV.ii.2.H and M21-1MR IV.ii.2.I.

Paired Organs

The Act amended 38 U.S.C. 1160(a), which addresses special consideration for certain cases of loss of paired organs or extremities, by replacing the requirement for blindness in one eye as a result of service-connected disability and blindness in the other eye as a result of nonservice-connected disability with the requirement of impairment of vision in both eyes. The amendment also requires that the impairment of vision in each eye is rated at a visual acuity of 20/200 or less, or the peripheral field of vision for each eye is 20 degrees or less.

VA will amend 38 CFR 3.383(a) to include these new entitlement criteria for compensation to be payable for certain combinations of service-connected and nonservice-connected disabilities as if both disabilities were service-connected, provided the nonservice-connected disability is not the result of the veteran's own willful misconduct.

VA will also amend the manual provision regarding paired organs at M21-1MR IV.ii.2.K.66.

FL 08-16 *Vazquez-Flores v. Peake* and New Veterans Claims Assistance Act (VCAA) Notification Requirements

This fast letter contains guidance on new notification requirements in claims for increased disability compensation. This letter supercedes any prior guidance regarding notification procedures resulting from a decision issued by the United States Court of Appeals for Veterans Claims (the Court) in *Vazquez-Flores v. Peake* on January 30, 2008.

Vazquez-Flores v. Peake created additional notice requirements for claims based on increased evaluation. The Court found that 38 U.S.C. § 5103(a) requires that VA notify the claimant of the following:

- 1) Medical or lay evidence that the claimant must provide, or ask VA to obtain, demonstrating a worsening or increase in severity of the disability and the effect that worsening has on employment and daily life;
- 2) At least general notice of the diagnostic code (DC) criteria, including any specific test or measurement with any applicable cross-referenced DC under which the veteran may be rated, if the requirements for an increase in evaluation would not be satisfied by a noticeable worsening or increase in severity of the disability and the effect that worsening has on employment and daily life;
- 3) A disability evaluation is determined by applying relevant DCs, which range typically between 0 percent to as much as 100 percent, and is based on the nature of the symptoms for which disability compensation is sought, their severity and duration, and their impact upon employment and daily life; and
- 4) Examples of the types of medical and lay evidence that are relevant to establishing entitlement to increased compensation (such as competent lay statements describing symptoms, medical and hospitalization records, medical statements, employer statements,

job application rejections, and any other evidence showing an increase in the disability or exceptional circumstances relating to it).

FEDERAL REGISTER

<http://www1.va.gov/ORPM/>

VA PUBLISHES FINAL RULE REGARDING GRAVES MARKED WITH A PRIVATE HEADSTONE OR MARKER

The VA published a final rule, effective May 13, 2008, to amend its regulations regarding the authority to provide a Government-furnished headstone or marker for placement on already marked graves of eligible veterans in private cemeteries. Pursuant to section 203 of the Dr. James Allen Veteran Vision Equity Act of 2007, Congress has authorized VA to make this provision permanent and retroactive to November 1, 1990. This final rule is necessary to incorporate a statutory amendment into VA regulations.

This amendment to 38 CFR 38.631 applies to eligible veteran deaths occurring on or after November 1, 1990.

VA PUBLISHES FINAL RULE REGARDING GRAVES MARKED WITH A PRIVATE HEADSTONE OR MARKER

The VA published a final rule, effective May 28, 2008, to amend its regulations governing the Survivors' and Dependents' Educational Assistance (DEA) program to implement statutory provisions in the Veterans Benefits and Health Care Improvement Act of 2000, the Veterans' Survivor Benefits Improvements Act of 2001, the Veterans Education and Benefits Expansion Act of 2001, the Veterans Benefits Act of 2002, and the Veterans Benefits Act of 2003. As a result of these statutory provisions, certain eligible children may choose the beginning date of their period of eligibility and eligible children who serve on active duty or in the National Guard may receive extensions to the ending date of their period of eligibility. These statutory provisions also allow VA to consider certain qualifying beneficiaries' original claims as having been filed retroactively to their eligibility dates. In addition, they allow certain eligible DEA beneficiaries to be paid for preparatory courses for tests required or used for admission to an institution of higher education or a graduate school. Further, these provisions permit eligible children to receive benefits for such preparatory courses even if the courses are taken before their 18th birthday. This document implements these provisions of law by amending pertinent regulations.

Applicability Date: Amendments in this final rule are applied retroactively to conform to the effective date of statutory provisions. For more information concerning the dates of applicability, see the supplementary information section of this notice.

OFFICE OF THE GENERAL COUNSEL
PRECEDENT OPINIONS

<http://www.va.gov/ogc/precedentopinions.asp>

The General Counsel (GC) of VA issues written legal opinions having a precedent effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The GC's interpretations on legal matters, contained in such opinions, are conclusive as to all VA

officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation, Court decision, or a superseding written legal opinion of the GC.

VA provides these opinions in order to give the public notice of those interpretations of the GC that must be followed in future benefit matters and to assist veterans and their representatives in the prosecution of the claims process. The opinions are online at the link listed above. NSOs are encouraged to periodically review the website for updated OGC precedent opinions.

VAOPGCPREC 1-2008

QUESTION: May VA reimburse a veteran who submitted an initial application for Specially Adapted Housing assistance but who, before filing a supplemental application, paid in full the costs of acquiring the adapted home?

HELD: The Secretary is authorized to provide Specially Adapted Housing assistance to a veteran if: (i) the veteran submitted a VA Form 26-4555 prior to paying in full the costs of the adapted home; (ii) the veteran was not seeking reimbursement for adaptations made prior to the date of application or for unspecified future adaptations; (iii) the veteran later submitted VA Form 26-4555c; and (iv) the Secretary determines that the veteran and the veteran's adapted home meet all other statutory and regulatory requirements.

VAOPGCPREC 2-2008

QUESTIONS: 1. Are the rehabilitation and vocational benefits described in section 1631(b)(1) of Public Law 110-181 to be provided by the Veterans Health Administration (VHA) under chapter 17 of title 38, United States Code, or by the Veterans Benefits Administration (VBA) under chapter 31 of that title?

2. Further, if section 1631(b)(1) relates to benefits under chapter 31, clarification is requested of the following issues:

(a) What is the mechanism for establishing eligibility and entitlement to rehabilitation and vocational services under section 1631(b)(1)? For example, would a qualifying individual be required to provide documentation of a Physical Evaluation Board to VA?

(b) What, if any, is VA's responsibility to develop potential eligibility/entitlement under Pub. L. No. 110-181 if a veteran or servicemember with no VA service-connected disability rating or memorandum rating applies for chapter 31 benefits?

(c) Are individuals qualifying under Pub. L. No. 110-181 required to complete a VA Form 28-1900 or some other form of application before chapter 31 benefits can be provided by VA?

(d) Are the current limitations on services to active-duty servicemembers applicable to individuals who are entitled to rehabilitation and vocational benefits under Pub. L. No. 110-181 while they remain on active duty? For example, under current law active-duty servicemembers may not receive a subsistence allowance, a revolving fund advance, or a rehabilitation program consisting solely of independent living services under chapter 31.

(e) We believe that certain actions and processes are essential to the provision of services under chapter 31. Is VA precluded from requiring those individuals qualifying under Pub. L. No. 110-181 to complete an initial evaluation to:

(1) Verify the information/documentation that qualifies the individual?

- (2) Determine whether an employment handicap or serious employment handicap exists?
- (3) Determine the feasibility of achieving a vocational goal?
- (4) Complete any assessment and/or testing needed to begin rehabilitation planning?

HELD: 1. The rehabilitation and vocational benefits described in section 1631(b)(1) of Public Law 110-181 (hereafter referred to as “section 1631(b)(1)”) must be provided, respectively, by both the Veterans Health Administration (VHA) under chapter 17 of title 38, United States Code, and the Veterans Benefits Administration (VBA), through the VR&E Service, under chapter 31 of that title.

2. With regard to the provision of benefits under chapter 31, addressed in questions 2 (a) through (e), please refer to paragraph 5 in the discussion section of this Fast Letter.

DEFENSE DEPARTMENT

PUBLIC LAW 110-181, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

<http://www.gpoaccess.gov>

On January 28, 2008, the President signed the National Defense Authorization Act (NDAA) for fiscal year 2008. The following is an overview of the changes affecting disability severance pay, combat-related special compensation (CRSC), concurrent retirement and disability pay (CRDP), and certain educational and health care benefits.

TITLE V--MILITARY PERSONNEL POLICY

Section 528. Enhancement of education benefits for certain members of reserve components.

This section allows an accelerated payment of educational assistance under the Montgomery GI Bill-Selected Reserves (MGIB-SR, 10 U.S.C. Chapter 1606) and the Reserve Educational Assistance Program (REAP, 10 U.S.C. Chapter 1607). REAP provides educational benefits for members of Reserve components called or ordered to active duty in response to a war or national emergency (contingency operation).

Eligible participants must be enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, and charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable.

This section also amends REAP by allowing a member with an aggregate of three years or more of active service to contribute towards his or her educational assistance to receive the maximum amount of assistance.

Section 529. Extension of period of entitlement to educational assistance for certain members of the selected reserve affected by force shaping initiatives.

This section provides that Selected Reserve members who are involuntarily separated during the time period beginning on October 1, 2007, and ending on September 30, 2014, retain their eligibility for educational assistance after they leave the Selected Reserves.

Section 530. Time limit for use of educational assistance benefit for certain members of reserve components and resumption of benefit.

This section applies only to reservists eligible for REAP. Members who were called up from the Selected Reserve, completed their REAP qualifying period of active duty service, and then returned to the Selected Reserve for the remainder of their service contract are now eligible for REAP benefits during the 10-year period following separation from the Selected Reserve.

TITLE VI--COMPENSATION AND OTHER PERSONNEL BENEFITS

Section 641. Expansion of combat-related special compensation eligibility.

This section expands eligibility for combat-related special compensation (CRSC) to military retirees retired for disability through the military disability evaluation system (10 U.S.C. Chapter 61) with less than 20 years of service for longevity purposes (other than by reason of 10 U.S.C 12731b).

Effective date: These amendments take effect on January 1, 2008, and apply to payments for months beginning on or after that date.

Section 642. Inclusion of veterans with service-connected disabilities rated as total by reason of unemployability under termination of phase-in of concurrent receipt of retired pay and veterans' disability compensation.

This section provides that veterans receiving disability compensation based on a VA determination of individual unemployability (IU) are no longer subject to a phase-in of concurrent receipt.

Effective date: Entitlement to full receipt of concurrent retirement and disability pay (CRDP) benefits for military retirees entitled to IU benefits is December 31, 2004; however payment may not be made for any amounts due before October 1, 2008.

TITLE XVI--WOUNDED WARRIOR MATTERS

Section 1601. Short title.

This title may be cited as the "Wounded Warrior Act".

Section 1631. Medical care and other benefits for members and former members of the armed forces with severe injuries or illnesses.

This section provides that:

- (a) If a former member of the Armed Forces cannot get VA medical and dental care, DoD may authorize such care. DoD may not provide medical or dental care to a former member of the Armed Forces under this subsection after December 31, 2012, if DoD has not provided medical or dental care to the former member under this subsection before that date.
- (b) Rehabilitation and Vocational Benefits. An active duty member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from VA to facilitate the recovery and rehabilitation of such member as VA provides to veterans of the Armed Forces receiving medical care in VA medical facilities to facilitate the recovery and rehabilitation of such members. VA may not

provide benefits to a member of the Armed Forces under this subsection after December 31, 2012, if VA has not provided benefits to the member under this subsection before that date.

Section 1643. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.

This section creates, in the Office of the Secretary of Defense, the Physical Disability Board of Review (Board). The Board has jurisdiction over current and former members of the military who were or will be separated from the military with a 20 percent disability evaluation or less beginning on September 11, 2001, and ending on December 31, 2009. Service members separated with disability evaluations of 0, 10, or 20 percent are eligible to be retired from the service. The amount of disability severance pay, if any, in the covered cases is calculated in part based on the disability evaluation assigned. The law allows the member to apply for a review and permits the Board to review a case on its own motion. The veteran, the legal representative of the veteran, the surviving spouse, or next of kin can make a petition for review. The Board has authority to do four things:

1. Recommend that there be no change in the previous Physical Evaluation Board (PEB) determination.
2. Recommend retirement of the individual for disability.
3. Recommend modification of the disability evaluation assigned but only if the modification would result in an increased percentage.
4. Recommend the issuance of a new disability rating for the veteran.

The recommendations are made to the Secretary of the Service Department. If the Secretary accepts the recommendation of the Board, the changes will be effective as of the date of the original PEB decision to which the review relates. If a veteran is awarded increased disability evaluation or retired, the amount of retroactive benefits due based on the revised decision will be reduced by the amount already paid the veteran.

Section 1644. Authorization of pilot programs to improve the disability evaluation system for members of the Armed Forces.

This section authorizes VA and DoD to pilot programs to improve the process of disability evaluation for service members and, if separated, the payment of VA disability compensation.

Section 1646. Enhancement of disability severance pay for members of the armed forces.

This section, among other things, provides that disability severance pay will not be recouped from VA disability compensation for those veterans awarded disability severance pay for disabilities incurred in a combat zone or during performance of duty in combat-related operations as designated by DoD.

Effective Date: The amendments made by this section are effective January 28, 2008, and apply to members of the Armed Forces separated under 10 U.S.C. chapter 61, on or after that date.

38 CFR 3.700(a)(3) will be amended to reflect this change.

Section 1672. Medical care for families of members of the armed forces recovering from serious injuries or illnesses.

This section provides, among other things, that when a recovering active duty service member is receiving hospital care and medical services at a VA medical facility, VA may provide medical

care for eligible family members when that care is readily available at that VA facility and on a space-available basis.

TITLE XVII--VETERANS MATTERS

Section 1707. Extension of period of eligibility for health care for veterans of combat service during certain periods of hostilities and war.

This provision generally extends the period of certain free VA health care for veterans of Operations Enduring Freedom and Iraqi Freedom from three years following separation from service to five years for those veterans separated on or after January 28, 2003.

Section 1708. Service-connection and assessments for mental health conditions in veterans.

This section extends/adds a presumption for eligibility for medical care under 38 U.S.C. 1702 for mental illness (other than psychosis) for Persian Gulf War veterans if the mental illness (other than psychosis) develops within two years after discharge or release from military service and before the end of the two-year period beginning on the last day of the Persian Gulf War. This provision does not alter current presumptions for mental illness found at 38 CFR §3.309(a).

Section 1709. Modification of requirements for furnishing outpatient dental services to veterans with service-connected dental conditions or disabilities.

This section amends 38 U.S.C. 1712(a)(1)(B)(iii) by extending the time limit to apply for dental service from 90 days to 180 days after discharge.

DEFENSE FINANCE AND ACCOUNTING SERVICE (DFAS)

<http://www.dfas.mil/>

DFAS begins military retiree account review for ‘paid-up survivor benefit plan’

The Defense Finance and Accounting Service (DFAS) is reviewing all military retiree accounts affected by section 1452(j) of title 10 United States Code, commonly referred to as “Paid-up SBP.”

Under the law, reductions in retired pay for the Survivor Benefit Plan (SBP) will be terminated effective October 1, 2008 for eligible retirees. The law applies to retired members who are 70 years old and have paid SBP or Retired Serviceman’s Family Protection Plan (RSFPP) premiums for at least 360 months (30 years).

Retirees who are at least 70 years old and have paid at least 360 months of premiums on October 1, 2008, will have their monthly premiums terminated. The change will be reflected in the November 2008 pay statement. If a retiree does not meet the eligibility criteria on October 1, 2008, the premiums will stop when the retiree has met both criteria: reached age 70 and paid SBP premiums for 360 months.

Eligible retirees will be notified by mail regarding the status of their account and premium payment count.

SOCIAL SECURITY ADMINISTRATION (SSA)

SSA EXPEDITING DISABILITY APPLICATIONS FOR WOUNDED WARRIORS

<http://www.socialsecurity.gov/woundedwarriors/>

Military service members can receive expedited processing of disability claims from Social Security. Benefits available through Social Security are different than those from the Department of Veterans Affairs and require a separate application. The expedited process is used for military service members who become disabled while on active military service on or after October 1, 2001, regardless of where the disability occurs.

Active duty status and receipt of military pay does not, in itself, necessarily prevent payment of disability benefits. Receipt of military payments should never stop military service members from applying for disability benefits from Social Security. If a military service member is receiving treatment at a military medical facility and working in a designated therapy program or on limited duty, SSA will evaluate their work activity to determine eligibility for benefits. The actual work activity is the controlling factor and not the amount of pay the military service member receives or military duty status.

Military service members may apply for disability benefits at any time while in military status or after discharge, whether still hospitalized, in a rehabilitation program or undergoing out-patient treatment in a military or civilian medical facility.

Military service members may [apply online](#) at www.socialsecurity.gov/woundedwarriors, in person at the [nearest Social Security office](#), by mail or by telephone. Or, call **1-800-772-1213** to schedule an appointment. If the military service member is deaf or hard of hearing, they may call SSA's TTY number, **1-800-325-0778**. Online SSA has a "[disability starter kit](#)" available to help complete the application.

EDWARD R. REESE, JR.
National Service Director