

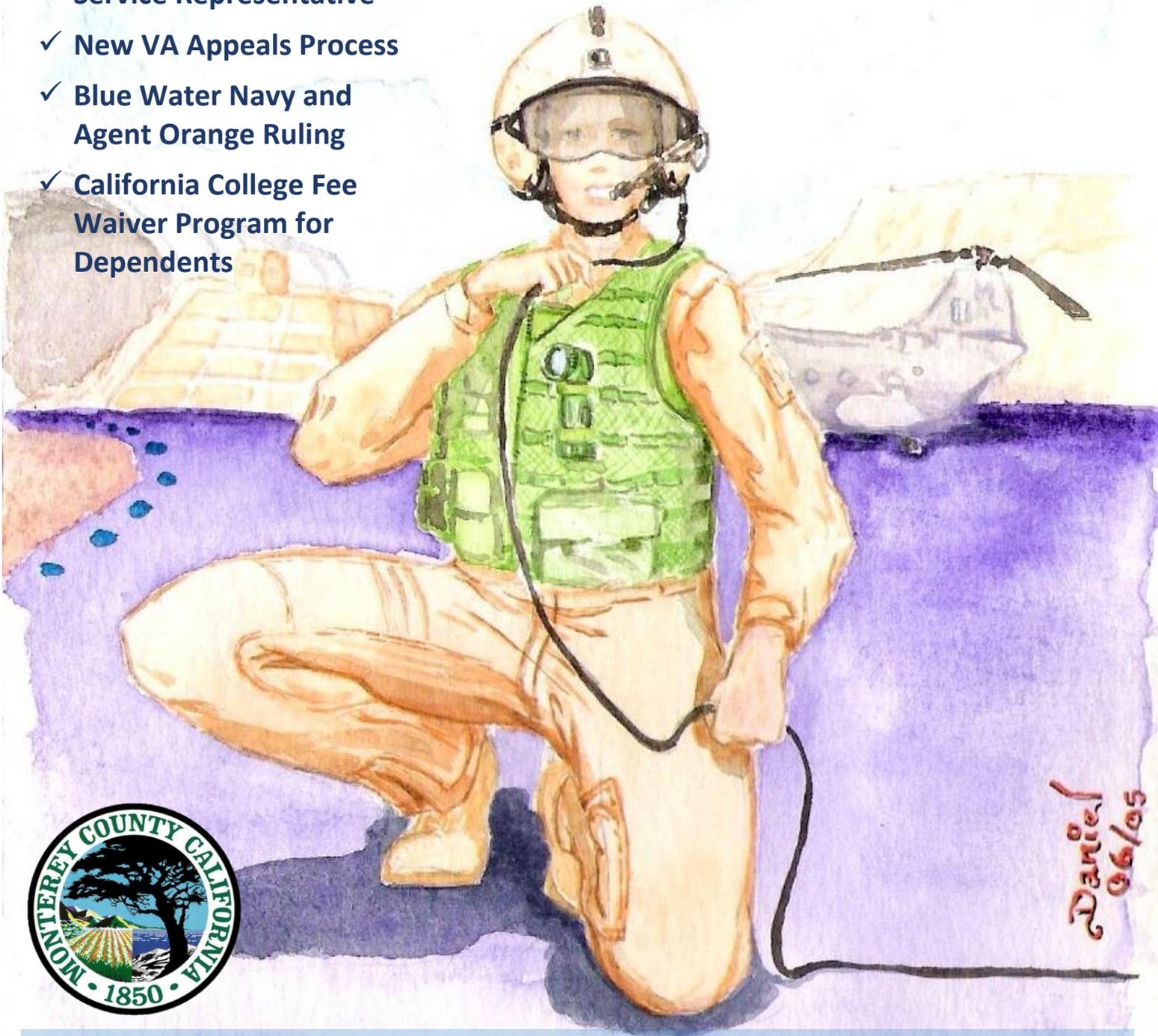
# THE LIGHTFIGHTER

Monterey County  
Military & Veterans Affairs Office



## On This Issue

- ✓ Meet Our New Veteran Service Representative
- ✓ New VA Appeals Process
- ✓ Blue Water Navy and Agent Orange Ruling
- ✓ California College Fee Waiver Program for Dependents





**Director’s Message: Welcome**



Welcome to our second issue of the Lightfighter. Great things have happened over the last 3 months here at the Military and Veterans Affairs Office. We have a new Veteran Representative, Anita Pascual. She brings a wealth of knowledge and we are pleased to have her on board. In addition, we have formally requested funding to support an additional veteran representative. If approved, this new position will primarily focus on: Hospice & Housebound Veterans, Homeless Veterans Outreach, as well as providing services to the Underserved Areas of the county. You may also have noticed some changes in our main office. We have cleared out the center storage room area and are in the process of creating a display room for Military Memorabilia pertaining to our County’s great military history—a makeshift museum if you will. We have also included Coffee and Water for your convenience during appointments or walk-in availability.

Our office acts as a conduit to the VA, National and State Benefits you have earned. Although we are not the deciding agency with regard to benefits, your experience through the process is very important to us. As the VA undergoes important changes, we are engaged and remain up to date on the most current information, policies and procedures required to submit claims. The most recent conference produced information on how the VA is restructuring the appeal process and how to navigate the new procedures. We see the new process as a positive step forward, which should result in faster appeal decisions. Your Military and Veterans Affairs Office is the key to unlock your VA Benefits

Thank you for your service to our country.

Very respectfully,  
  
Jason Cameron

Cover Art by Luis D. Salcedo (USMC, Retired),  
“HMH-764, Female Aircrew Member”

**Meet Our Staff**

**Monterey County**  
**VSR Appointment Line:**  
(831) 647-7613  
  
**Veteran VanRide Program**  
(831) 647-7614  
  
**Hours of Operation:**  
Monday - Thursday  
8:00 a.m. – 12:00 p.m.  
1:00 p.m. – 5:00 p.m.

**Monterey County Military & Veterans Affairs Office**

**Office: (831) 647-7613**

**Fax: (831) 647-7618**

**\*Call to Schedule an Appointment and for Walk-In Dates and Times**

**San Benito County**  
**VSR Appointment Line:**  
(831) 637-4846  
**Fax Number:**  
(831) 637-1609  
  
**Hours of Operation:**  
Mondays- Thursday  
8:00 a.m. – 4:00 p.m.



**Fernando Romo**  
Senior VSR  
Monterey County



**Douglas Chandler**  
VSR  
Monterey County



**Jorge Rojas**  
VSR  
Monterey County



**Anita Pascual**  
VSR  
Monterey County



**Shari Ann Stevenson**  
Senior VSR  
San Benito County

**Our Mission Statement:**

The Monterey County Military & Veterans Affairs Office (MVAO) provides advocacy, assistance and services designed to enhance the lives of the County’s veterans who served their country in the Armed Forces, their families, and their survivors.

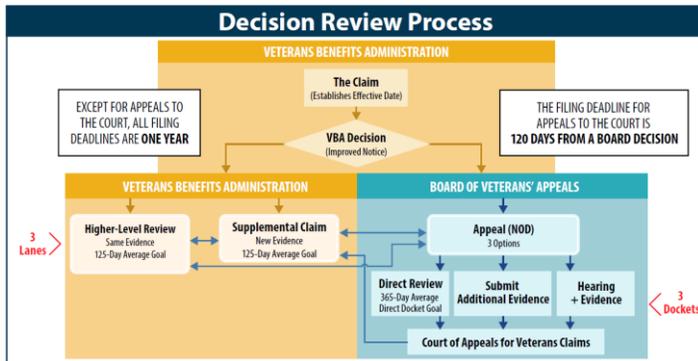


## New Veterans' Claims Appeals Process

### What is Appeals Modernization?

On August 23, 2017, the President signed the *Veterans Appeals Improvement and Modernization Act of 2017* (Appeals Modernization Act) into law, creating a new decision review process that allows the VA to improve the delivery of benefits and services to Veterans and their families.

The goal of the new Appeals Modernization process is a faster resolution of disagreements with a VA decision. If you receive an initial claim decision after February 2019 and you disagree, you can choose one of three new lanes to have your disagreement reviewed: as a supplemental claim, through a higher-level review, or by appealing directly to the Board of Veterans' Appeals.



<https://benefits.va.gov/BENEFITS/factsheets/appeals/Appeals-FactSheet.pdf>

### Which Review Lane is Right For You?

| Supplemental Claim Lane<br>(decisions within 125 days on average)                                                                                                                                                                                                                                                                                                 | Higher-Level Review Lane<br>(decisions within 125 days on average)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Appeal to the Board Lane                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Select this option if you have additional evidence that is new and relevant to support your benefit claim.</li> <li>VA will assist you in gathering new and relevant evidence to support your claim.</li> <li>VAs review will include any new and relevant evidence submitted since we last decided your claim.</li> </ul> | <ul style="list-style-type: none"> <li>A higher-level review consists of an entirely new review of your claim by a more experienced claims adjudicator.</li> <li>Select this option if you have no additional evidence to submit in support of your claim, but you believe that there was an error in the initial decision.</li> <li>VA cannot assist you in gathering new evidence, but if the higher-level reviewer discovers an error in VA's duty to assist in the prior decision your claim will return to decision makers to correct the error.</li> <li>You or your representative can request an optional, one-time, informal telephone conference with the higher-level reviewer to identify specific errors in the case, although this may cause a delay in the processing of your higher-level review.</li> </ul> | <ul style="list-style-type: none"> <li>If you choose the Board, select one of the three following options: <ul style="list-style-type: none"> <li><b>Direct Review</b><br/>You do not want to submit additional evidence or have a hearing.</li> <li><b>Evidence Submission</b><br/>You choose to submit additional evidence without a hearing. You will have 90 days from your Notice of Disagreement (NOD) to submit any additional evidence.</li> <li><b>Hearing</b><br/>You choose to submit additional evidence and have a hearing with a Veterans Law Judge. You will be scheduled for a Board hearing and may submit evidence at the hearing or within the 90 day window following the scheduled hearing.</li> </ul> </li> </ul> |

Please contact our office at **(831) 647-7613** if you have questions about the new process or to file an appeal.

## U.S. Court of Appeals Sides with Blue Water Navy Veterans

On January 29, 2019, The U.S. Court of Appeals for the Federal Circuit ruled in favor of the Blue Water Navy Veterans. The overwhelming majority vote broke away from a 10-year-old interpretation of statutory law, in which close to 70,000 Veterans have been denied presumptive status for illnesses related to Agent Orange exposure (Philpott, 31 Jan. 2019).

The decision affects mostly Navy Veterans, who served in the coastal waters (Blue Water) of Vietnam between January 1962 and May 1975, and who were widely exposed to the harmful herbicide used to kill crops and remove foliage use by enemy troops, and cited the *Agent Orange Act of 1991*, in which Vietnam Veterans were granted presumptive status for their illnesses (*Procopio v. Wilkie 2019*).

However, due to costs, the VA excluded 'Blue Water Navy' Veterans through a technicality in the interpretation of the law. While the law provided for all Veterans who served in "The Republic of Vietnam" during the war, the VA interpreted the law to mean only those Veterans who set foot on Vietnamese soil—leaving Veterans that served on coastal ships without coverage or access to benefits.

The new ruling re-interprets the law to include Blue Water Veterans and provides an additional window of opportunity for tens of thousands of Vietnam Veterans and survivors who have either been denied compensation in the past, or who can possibly stand to benefit by filing for VA compensation.

The VA encourages all Veterans and qualified dependents and survivors who believe they were exposed to harmful chemicals to file a claim. Some of the illnesses identified related to Agent Orange exposure include: Chronic B-Cell Leukemia, Hodgkin's Disease, Multiple Myeloma, Non-Hodgkin's Lymphoma, Prostate Cancer, Respiratory Cancers and Soft Tissue Sarcomas, among others (VA, 7 March 2019).

Additional information on Agent Orange exposure, and presumptive illnesses are found at <https://www.va.gov/disability/>

#### References:

- Philpott, T. (31 Jan. 2019). Appeals Court Gives 'Blue Water' Vets the Win Congress Denied. *Stars and Stripes*.
- Procopio v. Wilkie*. U.S. 17-1821 (Opinion). 2019.
- U.S. Department of Veterans Affairs. (7 March 2019). Disabilities: Agent Orange Exposure. [WWW.VA.GOV](http://WWW.VA.GOV)



## Monterey County Military & Veterans Affairs Office

### Available Services

- VA Compensation and Pension – Fully Developed Claims (FDC)
  - Service-Connected Disabilities
  - Wartime/Disabled Pension
  - Benefits Delivery at Discharge (SDD) for Active Duty separating in 90-180 days
  - Appeals
- VA Education Benefits
  - Montgomery & Post 9-11 GI Bill
  - CH 35 Education Benefits
  - Vocational Rehabilitation
- California State college Fee waiver for Dependents
- Survivor's Assistance
  - Dependency & indemnity Compensation (DIC)
  - Burial Benefits
  - California Central Coast Veterans Cemetery Applications
- CA Driver's License Veteran Designation
- Veteran's Van Ride Program
  - Free daily rides to Palo Alto

## MVAO Success (January- March 2019)

| Services               | #         |
|------------------------|-----------|
| Calls                  | 2,440     |
| Customers              | 1,194     |
| Claims                 | 1,156     |
| Compensation (retro)   | \$571,024 |
| Compensation (monthly) | \$98,202  |
| Van Riders             | 149       |
| Outreach Events        | 18        |
| New Contacts Made      | 272       |

## California College Fee Waiver Program for Dependents

The California College Fee Waiver for Veteran Dependents benefit waives mandatory system-wide **tuition** and **fees** at any State of California Community College, California State University, or University of California campus. This program does not cover the expense of books, parking or room and board. There are four plans under which dependents of Veterans may be eligible.

**CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS**  
**COLLEGE FEE WAIVER PROGRAM FOR VETERAN DEPENDENTS**  
PLEASE READ THE INSTRUCTIONS AND INFORMATION  
CONTAINED ON THE REVERSE SIDE



**I. STUDENT INFORMATION**

Last Name: \_\_\_\_\_ First: \_\_\_\_\_ MI: \_\_\_\_\_  
 Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Marital Status:  Married  Single  
 Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone Number: (\_\_\_\_) \_\_\_\_\_ Student E-mail: \_\_\_\_\_

STUDENT'S relationship to veteran in Section III below:  Adopted Child  Biological Child  Stepchild  Spouse  Surviving Spouse  
 HAVE YOU APPLIED FOR THIS BENEFIT BEFORE?  YES  NO  
 VA EDUCATIONAL BENEFITS UNDER CHAPTER 35: Are you **ELIGIBLE** to receive?  YES  NO | Currently receiving?  YES  NO  
 ADJUSTED GROSS INCOME (AGI) of student from last year (January 1st through December 31st): \$ \_\_\_\_\_  
\*NOTE: Refer to "Who May Apply Under Plan B" on the next page for required statements if you entered zero on AGI and Annual Value of Support.

ANNUAL VALUE OF ANY SUPPORT RECEIVED FROM A PARENT \$ \_\_\_\_\_  
\*NOTE: Examples of support include, but are not limited to: college housing, transportation, books, school supplies, medical care etc. Under plan B, the total amount of the child's income and value of support, as limited above, cannot exceed the "national poverty level" as determined by the U.S. Census Bureau and published by the California Department of Veterans Affairs. Refer to "Who May Apply Under Plan B" on the next page for required statements if you entered zero on AGI and Annual Value of Support.

**II. SCHOOL INFORMATION**

CALIFORNIA COLLEGE or UNIVERSITY you are attending or plan to attend: \_\_\_\_\_  
 ACADEMIC YEAR for which you are requesting waiver of tuition/fees: \_\_\_\_\_

**III. VETERAN INFORMATION**

Name served under: Last Name: \_\_\_\_\_ First: \_\_\_\_\_ MI: \_\_\_\_\_  
 Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of Death (if applicable): \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Branch of Service: \_\_\_\_\_ Dates of Active Duty service FROM: \_\_\_\_\_ UNTIL: \_\_\_\_\_  
 Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone Number: (\_\_\_\_) \_\_\_\_\_ VETERAN'S E-mail: \_\_\_\_\_

If the veteran is alive, current percentage of service-connected disability adjudicated by the military or USDVA: \_\_\_\_\_ %  
 YES  NO  
If the veteran is deceased, was the death "service-connected," or did the veteran have a service-connected disability at the time of death?

I hereby certify under penalties of perjury that the information contained in this application and supporting documents is given for the purpose of obtaining educational benefits and is true, correct, and complete. I authorize the California Department of Veterans Affairs (CalVet) employees, officers, and designees to verify these documents. I hereby authorize the U.S. Department of Veterans Affairs, Department of Defense, Internal Revenue Service, and the Franchise Tax Board, to release information regarding my service-connected disability rating and/or income to CalVet with the understanding that the department will keep such information confidential. I hereby authorize the release of my CalVet College Fee Waiver Program for Veteran Dependents award letter to the College or University for which I am applying. I understand that educational benefits may be denied or found to be my responsibility to repay if any information is found to be false, intentionally incomplete, or misleading.

Signature of VETERAN: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
(If veteran is unable to sign, parent/veteran spouse must complete and attach a VSD-021)  
 Signature of STUDENT: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

DVS-40 (Rev 7/18)

**Plan A** - The unmarried child and/or spouse of a Veteran who is totally disabled due to service-connected disabilities or whose death was officially rated as service-connected is eligible\*.

**Plan B** - The child of a Veteran who has a service-connected disability or had a service-connected disability at the time of death or died of service-related causes is eligible\*.

**Plan C** - Any dependent of any member of the California National Guard, who in the line of duty while on active service to the state, was killed, died of a disability resulting from an event that occurred while in active service to the state, or is permanently disabled as a result of an event that occurred while in the service to the state is eligible. Surviving spouses who have not remarried are also eligible\*.

**Plan D** - Medal of Honor recipients and children of Medal of Honor recipients under the age of 27 may qualify\*.

*\*Additional eligibility requirements apply*

Please contact our office to schedule an appointment for more information and to apply - **(831) 647-7613**.