

October 29, 2021

Greetings,

We hope you enjoy this week's National Council Weekly Update on the pertinent happenings of your VFW departments.

### **General Counsel**

- Oral arguments will be heard on Dec. 9, 2021, in *Veterans of Foreign Wars of the United States v. Secretary of Veterans Affairs*. The VFW is requesting the court reinstate the rule that allowed veterans service organizations the chance to review decisions before they become final (known as the 48-Hour Rule) and is requesting that any future effort to deprive veterans of their rights under Manual M21 satisfy notice-and-comment requirements. In April of 2020, the VA unilaterally decided to remove the 48-Hour Rule from the Adjudication Procedure Manual M21. The rule is needed to help reduce errors that VA makes, which can deny or delay benefits.
- A federal district judge in Connecticut approved a preliminary settlement assuring the reevaluation of discharge statuses for United States Navy and Marine Corps veterans. The proposed settlement follows a lawsuit alleging that since the start of military operations in Iraq and Afghanistan, the Navy and Marine Corps discharged thousands of sailors and Marines with Other Than Honorable ("OTH") or General (Under Honorable Conditions) ("GEN") statuses due to misconduct attributable to post-traumatic stress disorder ("PTSD"), traumatic brain injury ("TBI"), military sexual trauma ("MST"), and other behavioral health conditions. Furthermore, the lawsuit alleges that veterans who experienced PTSD, TBI, MST, or other behavioral health conditions in service and received OTH and GEN discharges were systematically denied status upgrades by the Navy Discharge Review Board ("NDRB"). The Navy has agreed to settle the lawsuit while denying these allegations. Additional information about the settlement is available at <https://www.mankersettlement.com>.

Contact: VFW General Counsel John Muckelbauer, [JMuckelbauer@vfw.org](mailto:JMuckelbauer@vfw.org).

### **Development**

- Oct. 25 Appeal:
  - o October sock, card and tote package to lapsed nonmember donors.

- Oct. 26 Appeals:
  - Veterans Day matching gift email #2 to all Friends of Freedom.
  - October quarterly supporter newsletter #1 to member and nonmember donors.

Contact: VFW Development Manager Kelly Jones, [KellyJones@vfw.org](mailto:KellyJones@vfw.org).

### **Communications**

- Episode 020 of #StillServing: [The VFW Podcast](#), *Every Day Is Veterans Day in This Office* posted Oct. 27 and is now available for download. The podcast interviews include Arlington National Cemetery Director of Operations Dr. Gerald Lowe; Junior Vice Commander Jayson Zimmerman, VFW Department of Wyoming; and retired Brig. Gen. Michael Fleming and Dr. Caitlin Thompson, Cohen Veterans Group.
- The C&PA director continued to coordinate for guest interviews for future episodes of the podcast.
- The C&PA director continued coordination for fall conferences.

Contact: VFW Communications and Public Affairs Director Rob Couture, [RCouture@vfw.org](mailto:RCouture@vfw.org).

### **Administrative Operations**

- There are currently 43 Posts under suspension, three of which are new. We are currently working three charter surrenders pursuant to Section 210 of the National Bylaws; we have completed one charter revocation pursuant to Section 212 of the National Bylaws. The organization has 5,934 chartered Posts.
- Administrative Operations is engaged in nine Article IX Disciplinary Actions; three administrative actions; and three membership eligibility challenges.
- Administrative Operations has processed, approved, and distributed 11 Bylaws/Articles of Incorporation this week. We have received 15 new Bylaws/Articles of Incorporation submissions and currently have nine total pending review and approval. Current turnaround time on Bylaws/Articles of Incorporation submissions is approximately seven days.

Contact: VFW Administrative Operations Director Johnathan Duncan, [JDuncan@vfw.org](mailto:JDuncan@vfw.org).

### **Meetings and Events**

- Preparing for first local national convention committee meeting – Nov. 2, in Selman room at VFW Headquarters.

- Provided locations who responded to lead for May 2022 NVS OPT training to D.C. office for their review and input.
- Finalized details for Nov. 29 pre-planning site visit for 2023 Phoenix National Convention. Coordinating itinerary with VISIT Phoenix staff.
- Sent list of vehicles required for 2022 National Convention to Enterprise for reserving the vehicles. Names of drivers to be provided by June 1, 2022.
- Received, reviewed, coded billing for recent Junior Vice Commanders meeting. Sent to accounting for payment.

Contact: VFW Meetings and Events/Exhibits Manager Vanessa Kane, CMP, CMM, [VKane@vfw.org](mailto:VKane@vfw.org).

### **VFW Foundation**

- The annual VFW Sport Clips Help A Hero scholarship campaign to help veterans obtain educational scholarships continues until Nov. 11. The total amount raised from Oct. 11 through Oct. 27 is \$372,148, mostly in-stores. Please stop by your neighborhood Sport Clips and participate by getting a haircut, donating or just to thank them for their support. We invite you to sign up, create a team and participate in the virtual walk [www.vfw.org/VirtualWalk2021](http://www.vfw.org/VirtualWalk2021).

Questions on how to create a team and sign up, please contact Brooke Brown, VFW Foundation Corporate Relations at [BBrown@vfw.org](mailto:BBrown@vfw.org) or 816.868.3156.

Contact: VFW Foundation Administrator Richard Potter, [RPotter@vfw.org](mailto:RPotter@vfw.org).

### **National Legislative Service**

- The House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs held a hearing on pending legislation focused on survivor benefits, VA disability claims for military sexual trauma, and fiduciary program improvements. Included in the discussion was [H.R. 3402](#), the *Caring for Survivors Act of 2021*. This bill concerns a VFW priority issue and would increase the Dependency and Indemnity Compensation (DIC) to 55%, making it the same as what other federal survivor programs offer. [Read VFW testimony](#).
- Veterans' oral health is chronically under-served. Preventive dental care can significantly impact a veteran's overall health and quality of life, including job security. The VFW is collaborating with CareQuest Institute for Oral Health on a survey to gain an understanding of the barriers and challenges veterans face concerning their dental care. This survey can be completed by all veterans and service members. You do not need to be enrolled in VA or TRICARE Health Programs. [Take the survey](#).
- The 2022 VFW-SVA Legislative Fellowship application window will close at **midnight Nov. 1, 2021**. The program is for VFW-eligible members who attend an accredited

institute of higher learning. Select student veterans will be chosen for the semester-long program that focuses on real policy issues faced by veterans, service members, and their families. The highlight of the program is participation in the VFW Legislative Conference. Alumni of the program have become more active at all levels of the VFW and have been instrumental in changing laws to improve care and benefits for veterans. [Watch a video](#) on their experience. [Learn more and apply for the fellowship](#).

- The VFW currently [supports 113 bills; and opposes one bill](#) pending before the 117th Congress.

Contact: VFW National Legislative Service Director Patrick Murray, [PMurray@vfw.org](mailto:PMurray@vfw.org).

### **National Veterans Service**

- NVS joined two meetings this week alongside our VSO partners with Veterans Health Administration and the American Medical Association (AMA) to discuss VA's initiative to create national standards of practice for its health care providers. VA's goal in the initiative is to promote consistency in care across all VA facilities and allow clinicians and non-clinician providers to deliver care regardless of geographic location. The AMA has publicly voiced concerns about the project, most notably VA's reluctance to collaborate with the AMA and its partnered specialty associations on developing the practice standards.
- Attendees to the recent Basic and Advanced Skill Level Training conference for VFW-accredited service officers concluded their exams this week. NVS is compiling test results and will communicate these results to Department leadership next week.
- NVS Deputy Director Gregg Orto participated in his first meeting of the VA Secretary's Advisory Council on Readjustment of Veterans this week. This advisory council is a federally mandated advisory committee to provide policy analysis and guidance to VA on how it assists transitioning service members. The VFW has a presence on more than 20 military installations around the country, offering a unique perspective to this council.
- NVS VFW's Pre-Discharge Claims Representatives continued to provide benefits briefings to transitioning service members around the country, this week participating in briefings on Joint Base Myer-Henderson Hall, Camp Pendleton, Joint Base Andrews, Fort Hood, Nellis Air Force Base, Camp LeJeune, and Joint Base Anacostia-Bolling, as well as virtual briefing for flag and general officers around the country. NVS staff also supported the Comcast Military Influencer and Leader Development Symposium by hosting a virtual benefits information booth for veterans.

Contact: VFW National Veterans Service Director Ryan Gallucci, [RGallucci@vfw.org](mailto:RGallucci@vfw.org).

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