



IOWA COUNTY VETERANS NEWSLETTER

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Office Hours: M-F 8:30 am-4:30 pm Phone: 608/930-9865 Fax: 608/935-0358 Email: vet@iowacounty.org
Jeffrey T. Lindeman, County Veterans Service Officer

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US COURT OF APPEALS FOR VETERANS CLAIMS: RULING ON EMERGENCY MEDICAL EXPENSES OUTSIDE THE VA

A three-judge panel on the U.S. Court of Appeals for Veterans Claims has ruled unanimously that the Department of Veterans Affairs ignored “plain language” of a 2010 statute meant to protect VA-enrolled veterans from out-of-pocket costs when forced to use non-VA emergency medical care. The panel ordered the Board of Veterans’ Appeals to vacate its decision to deny Air Force veteran Richard W. Staab roughly \$48,000 in health care costs he was forced to pay following open-heart surgery in December, 2010. The board “failed to properly apply the statute and relied on an invalid regulation” to deny Staab’s claim, the court ruled.

The decision benefits only Staab, for now. But hundreds of other VA-enrolled veterans who had alternative health insurance, and got stuck paying some of their outside emergency care costs since Feb. 1, 2010, when the ignored law took effect, have new legal ground on which to re-file claims for VA reimbursement. VA long has maintained it is obligated to pay emergency costs only for veterans who have no alternative health coverage.

The consequence of that logic is that VA-enrolled veterans are better off having no other insurance when a health emergency arises than in having some coverage. For those without insurance, VA agrees it must cover all costs. For those with insurance, VA will cover no costs, forcing veterans to pay whatever expenses Medicare or their health

insurance plans will not pay. Recognizing how unfair that is, Congress voted in 2009 to clarify the law, specifically to “allow the VA to reimburse veterans for treatment in a non-VA facility if they have a third-party insurance that would pay a portion of the emergency care.”

To be sure colleagues understood the purpose of the change, Sen. Daniel Akaka, then-chairman of the Senate Veterans Affairs Committee, made a floor speech that it would “modify current law so that a veteran who has outside insurance would be eligible for reimbursement in the event that the outside insurance does not cover the full amount of the emergency care.” The clarifying statute took effect in February 2010. Yet while rewriting regulations to implement the law, VA officials opted for language that would preserve their former interpretation. Reimbursements for emergency care would be allowed under the revised rule only if the “veteran has no coverage under a health-plan contract” for payment of such care.

In a notice of final rulemaking published April 20, 2012, VA reinforced the point, stating that any entitlement to care or services under an outside health plan, “even a partial one, bars eligibility” for VA reimbursement. That was wrong, the appeals court found. The “plain language” of the revised statute, it wrote, shows Congress “intended VA to reimburse a veteran for that portion of expenses not covered by a health plan contract.” Given the clear meaning, the appeals court deemed the 2012 regulation invalid and ordered it set aside.

This means, if you have had a claim for payment of no-VA Emergency Care denied since 1 Feb 2010

due to having other insurance coverage (38 CFR 17.1002(f)), there may be grounds for appeal of that denial based upon “clear and unmistakable error”. Denials of claims prior to the February date are not affected by this decision. Do not hesitate to contact the veteran’s service office if you feel this decision applies to a denial of medical expense payment you have received.

VA ANNOUNCES CALL CENTER TO HELP WITH CHOICE PROGRAM BILLING ISSUES

Veterans can now work directly with the VA to resolve debt collection issues resulting from inappropriate or delayed Choice Program billing. In keeping with MyVA’s efforts to modernize customer focused, Veteran-centered services capabilities, a Community Care Call Center has been set up for Veterans experiencing adverse credit reporting or debt collection resulting from inappropriately billed Choice Program claims. Veterans experiencing these problems can call **1 (877) 881-7618** for assistance.

The new call center will work to resolve instances of improper Veteran billing and assist community medical providers with delayed payments. VA staff are also trained and ready to work with the medical providers to expunge adverse credit reporting resulting from delayed payments to providers.

This number for the call center is only for billing issues. If you are trying to schedule an appointment through the Veterans Choice program, please continue to use the number printed on your choice card (866) 606-8198.

VA HEALTHCARE ID ACCEPTABLE FOR VOTER ID

For the first time, Wisconsin veterans can use a photo ID card issued by the Veterans Health Administration to receive their ballot at the polls.

“Since the voter ID legislation was passed in 2011, many veterans have complained that the photo ID cards they use at the VA clinics and hospitals wouldn’t work at the polling place,” said Kevin Kennedy, Wisconsin’s chief elections official.

Under the law, veterans’ photo identification cards that are issued by the Veterans Health

Administration (VHA) may be used as an acceptable form of identification for obtaining a ballot. The VHA card must be unexpired or have no expiration date. Under existing law, photo identification cards issued by the military, including cards issued to retired service members or their dependents can be used for satisfying voter ID requirements as long as the ID is unexpired, has no expiration date or has expired since the last general election in November, 2014.

A complete list of acceptable photo IDs is available at <http://bringit.wisconsin.gov> or voters can call (866) 868-3947 for information.

VETS JOURNEY HOME

Combat or peacetime, in-county or mainland, any time, any engagement, any veteran, male or female, still feeling emotional pain connected to military service, is welcomed to the Vets Journey Home. If you have served in the military, this program is for you.

Vets Journey Home offers a safe place where veterans and civilians want to hear you. They offer empathy for your painful journey and total support for your healing, in a blame and judgement free environment. Each Vets Journey Home class is limited to ten participants, the program starts at 6:00 p.m., Friday and runs through the weekend ending with a graduation ceremony from 4-5 p.m. on Sunday. There is no cost to participants aside from transportation to the class location.

For more information you are encouraged to contact the Wisconsin Coordinator, Penney Johns, at (414) 531-7575

MILWAUKEE COUNTY ZOO

July 3 at the Milwaukee County Zoo is the annual Military/Veterans Family Day. The zoo offers free admission for military/veterans and their families. Admission tickets will be available at the end of May from your local County Veterans Service Office (CVSO). Tickets are required for entry and available for immediate family only, with a limit of 10 tickets per family.

June 14, 2016 is the 241st anniversary of the founding of the United States Army.

THAT OLD, TATTERED FLAG

It is time again to retire the flags that have become too worn to remain in service. The Mineral Point American Legion provides the location for the county-wide flag retirement ceremony. This year's ceremony will be on June 21st at 7:00 p.m. If you have flags you would like to have retired you can drop them off at several locations around the county as well as at the Veterans Service Office.

MILITARY VETERANS SERVE AS MENTORS TO LIVESTOCK FARMERS IN SW WISCONSIN

Six military veterans in Southwest Wisconsin are interviewing prospective beginning farmers for mentorships focused on learning how to produce grass-fed beef, dairy, and poultry. According to Rod Ofte, veteran of the U.S. Army and General Manager of the Wisconsin Grass-Fed Beef Cooperative, "I would definitely recommend grass-fed beef production to military veterans who are considering farming. Grass-fed offers a 20 to 30 percent premium over conventional beef. The grass-fed beef market has grown more than 10 percent per year for the last five years."

The mentorship opportunities are part of a program called the Mentorship Program for Future Livestock Farmers. The program offers matchmaking between beginning and experienced livestock farmers for mentorships based on mutual interests. The beginning farmers spend a year checking-in with farmer mentors, improving their business plans, and attending workshops to learn how to grow their businesses, while enhancing the health of the land through managed grazing. For example, Nicholas Bryant of Hollandale is a disabled veteran of the U.S. Air Force who raises broiler chickens, heritage turkeys, and guinea hens on 5 acres of rented pasture. In addition to seeking a farmer mentor of his own, Nicholas offers internship opportunities on and off his farm to military veterans in exchange for room and board. The mentorship program encourages beginners to get started on rented land or start with contract U.S. Marine Corps veteran Gary Loew of Chippewa Falls raises Holstein heifer calves for a local dairy. "I don't have to worry about owning the animals and I get to enjoy the holidays with my wife and grandkids," says Loew.

"I would definitely recommend contract grazing dairy heifers on pasture to military veterans who are considering farming."

Participants in the mentorship program receive assistance to find pasture to rent for well managed grazing through the Grazing Broker at Southwest Badger RC&D. The broker connects grassland landowners with livestock producers, provides guidance on the fair market value of grassland, and assists farmers and landowners in negotiation of rental contracts. The broker also writes grazing plans to enhance and expand grassland acres for grazing.

Applications for mentors and beginners are accepted on a rolling basis. Application forms are available online at www.swbadger.org/beginning-farmers or by request at (608) 732-1202.

The Grazing Broker is supported by grants from the National Fish and Wildlife Foundation and United States Department of Agriculture's National Institute of Food and Agriculture.

Southwest Badger Resource Conservation & Development Council, Inc. is a 501(c)3 non-profit organization working in the Southwest Wisconsin region. The organization's mission is to implement natural resource conservation, managed growth, and sustainable rural economic development in the area through education and implementation of best practices relating to agriculture, grasslands, forests, and surface waters.

COMBAT VETERANS GET TELEPHONIC HEALTH CARE APPLICATION OPTION

The Department of Veterans Affairs announced that it has amended regulations to allow Veterans to complete applications for enrollment in VA health care by telephone without the need for a signed paper application. The change is effective immediately for Combat Veterans and will be effective 5 July 2016, for all Veterans. The toll free telephone number to call for enrollment is (855) 488-8440.

Iowa County Veterans Service Office
303 W. Chapel Street – Suite 1300
Dodgeville, WI 53533

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IMPORTANT DATES

May 21 st	Armed Forces Day
May 30 th	Memorial Day
June 14 th	Flag Day
June 16 th	Flag Retirement – Mineral Point American Legion
July 3 rd	Free Admission for Active Military and Veterans at Milwaukee Co. Zoo
July 4 th	Independence Day

VETERANS SERVICE OFFICE HOLIDAY CLOSINGS IN 2016

Memorial Day	Monday, May 30 th
Independence Day	Monday, July 4 th
Labor Day	Monday, September 5 th
Thanksgiving Holiday	Thursday/Friday, November 24 th & 25 th
Christmas Holiday	Friday/Monday, December 23 rd & 26 th