

July 25, 2022

The Honorable Mike Levin (D-CA)
Economic Opportunity Sub Committee, Chairman
U.S. House of Representatives
1030 Longworth HOB
Washington, DC 20515

The Honorable Barry Moore (R-AL)
Economic Opportunity Sub Committee, Ranking Member
U.S. House of Representatives
1504 Longworth HOB
Washington, D.C. 20515

Re: Services the Disabled American Veterans (DAV) Chapter 9 of Enterprise Alabama provides for military service members transitioning to civilian life in the Fort Rucker Alabama area.

Dear Chairman Levin and Ranking Member Moore:

We as the Disabled American Veteran's mission statement reflects that we are dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity. We accomplish this by ensuring that veterans and their families can access the full range of benefits available to them; fighting for the interests of America's injured heroes on Capitol Hill; and educating the public about the great sacrifices and needs of veterans transitioning back to civilian life.

This mission is carried forward by:

- Providing free, professional assistance to veterans and their families in obtaining benefits and services earned through military service and provided by the Department of Veterans Affairs (VA) and other agencies of government.
- Providing outreach concerning its program services to the American people generally, and to disabled veterans and their families specifically.
- Representing the interests of disabled veterans, their families, their widowed spouses and their orphans before Congress, the White House and the Judicial Branch, as well as state and local government.
- Extending DAV's mission of hope into the communities where these veterans and their families live through a network of state-level Departments and local Chapters.
- Providing a structure through which disabled veterans can express their compassion for their fellow veterans through a variety of volunteer programs.¹

¹ DAV. (n.d.). Mission Statement. <https://www.dav.org/learn-more/about-dav/mission-statement/>

The DAV provides a fiduciary service (IAW 38 CFR § 13.40 - Representation of beneficiaries in the fiduciary program) and all of our National, District, and Chapter Service Officers go through a certification training program every year. These services are free of charge and there is no requirement to be a member of the DAV to receive said services. However, the Veteran must fill out a VA Form 21-22 (Appointment of Veterans Service Organization as Claimant's Representative) per the federal regulatory provisions set forth in 38 CFR § 13.40 and 14.631 to receive said services. ²

We as a local chapter to Fort Rucker, Alabama recommend that a service member contact us anytime to get a disability worksheet to plan their exit from service, however they cannot apply for VA benefits until they are 6 months from either their official retirement date or Exit Time of Service (ETS) date. Fort Rucker normally gives the service members their records on a disc. Once this disc is received, the service member should review the entire record to determine all of their diagnosis they want to file for as a disability and notate that on the worksheet. Often service members are referred to a civilian doctor and they should also seek those records as well if these records are not in their military medical records.

In accordance with 38 CFR § 3.4(b)1 “basic entitlement for a veteran exists if the veteran is disabled as the result of a personal injury or disease (including aggravation of a condition existing prior to service) while in active service if the injury or the disease was incurred or aggravated in line of duty.” ³

It is recommended by our chapter that the service member identify every diagnosis and notate it on the DD Form 2807-1 *Report of Medical History* often referred to as the “exit physical exam.” This method shows that the condition was during a time of active duty and establishes an etiology of the condition and can be used later as evidence to the VA for service connection. All medical issues need to be continually treated and reflected in their civilian records to show a continuation of treatment. If the service member does not seek continual treatment of that condition, then the chances are much higher that the VA can establish a denial of “service connection” or a rapid reduction of disability compensation because the condition appears to be no longer disabling.

We also offer services for homeless veterans in tandem with other local homelessness organizations (Hand up Enterprise, Christian Mission, and Churches) and the VA homeless program. ⁴ Also, when a veteran is in an emergency financial need for life essentials such as food, shelter, and clothing, our chapter is limited to a maximum of \$300.00 annually per veteran for assistance such as getting their electricity or water services reestablished. Therefore we have to rely upon other organizations to help in these needs as well.

^{2,3} 38 C.F.R. (2022). <https://www.ecfr.gov/current/title-38>

⁴ VA. (n.d.). U.S. Department of Veterans Affairs. VA Homeless Programs. <https://www.va.gov/homeless/>

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Lastly, we recommend that when the veteran files for any type of VA claim, that they file a VA Form 21-0966 *Intent to File*. This gives the veteran a year to get all pertinent evidence so they can file their claim and their compensation start date will be the day of the filing of said form. It is understandable that most veterans do not know what forms to fill out and the timelines like we do, therefore, we recommend they seek the professional assistance of our service officers so we can help their claim with the VA be less complicated with the greater chances of success towards their intended goal.

Thank you Congressmen, for the opportunity to talk to you about these issues as stated. It is our honor as veterans to serve out veteran community while empowering them to lead high-quality lives with respect and dignity.

Very respectfully,

A handwritten signature in black ink, appearing to read "Tom S. Ferguson", written over a horizontal line.

CW4 Tom S Ferguson, USA Retired
Commander
DAV Chapter 9, Enterprise, Alabama