

Did You Know?

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That after my November article in this newsletter I thought I had answered all the rumors circulating out there regarding VA benefits. To my surprise the calls and e-mails kept coming in from all over the state. I heard from Post 118 (Commonwealth Edison), 915 (Dorie Miller), 735 (Argo-Summit) and 687 (Stickney) to name a few. Just goes to show that our Department newsletter is well read by our comrades. I sorted through these recent rumors and have taken five more which I think will interest our members. As for the other Posts, keep them coming and I will publish them at a later date.

1. The military talked me into taking a lump-sum severance payment and that prevents me from getting VA compensation. Entirely false. Any veteran who elected a lump-sum severance payment can and should file for VA compensation. The VA will make its own determination on the percent of disability and in many cases it is more than what the military medical board decided. The only stipulation is that before the VA actually issues money they have to recoup the severance payment. For instance, a veteran gets \$10,000 from the Army as severance. The VA awards \$1,000 a month in compensation. The veteran would not get a check for the first ten months; $\$1,000 \times 10 \text{ months} = \$10,000$. After that they would get a payment for the rest of their life! But a claim has to be filed for this to take effect.

2. I can only get a pair of eyeglasses if my eyes were hurt in the service. Wrong again. Besides those veterans who actually received an eye injury, any veteran rated 10% or more for any condition can receive a pair of eyeglasses, hearing aids or any other prosthetic device the VA doctor deems necessary. So the veteran getting 10% or more for diabetes, loss of their big toe, shell fragment wound to the buttocks, PTSD or anything else can get a pair of glasses.

3. I am drawing service-related compensation at the 100% rate and heard that I can't draw any Social Security benefits. Wrong again. These are two entirely different government benefit programs; they are like apples and oranges and are completely separate. Veterans can and should draw both. The only exception is the VA's non-service connected pension program, which is income sensitive, and the SSI program.

4. I am receiving compensation at the 100% rate, if I return to work they will reduce my benefits. Partially true. There are two types of 100% ratings; straight ratings and those based on individual unemployability. If you receive a straight 100% rating e.g. severe lung cancer, COPD, diabetes, etc. and you still wish to try work, there would be no reduction. But if your 100% rating is based on the fact that your conditions keep you from working and you return to work, you could be reduced. (This can be somewhat technical so if you are in this situation contact our office for advice).

5. I was denied my claim and it has been over a year since then so my appeal rights have expired. I am out of luck and can't do anything further. Wrong again. Although that VA decision became final after the one year appeal period ended, the veteran or claimant can always reopen a claim with new and material evidence. Let's say Joe Veteran was denied his claim because his service records were burnt in the St. Louis fire of 1973. He fell off a deuce and a half, broke his leg and had a cast for six weeks. But there was no proof. Eight years later Joe Veteran finds out his old Army unit is having a reunion and he meets two soldiers that remember him and his broken leg. They give affidavits as witnesses to the incident. This is new and material evidence and the VA will reopen the claim. If won the effective date of benefits would be the date the veteran reopened his claim with the affidavits.

Hope you found these five rumors enlightening. I will continue to look out for more rumors from our Posts. Keep your calls and e-mails coming and I'll check them out. In the meantime, as always, your VA&R staff is ready to assist you. Just contact me at the above telephone number or e-mail address.