



Division of Veterans' Services

ANDREW M. CUOMO
Governor

NYS DIVISION OF VETERANS' SERVICES VETERANS SERVICES COMMISSION MEETING CONFERENCE CALL

October 28, 2020

ATENDEES

Joel Evans, DVS
Benjamin Pomerance, DVS
Jason Chakot, DVS
Mary Quay, DVS
Kent Eiler
Eugene DiGiacomo
John Paddock, Jr.
Ken Rosenblum
Tanya Nelson-Waller

Joel Evans opened the meeting thanking everyone for their participation. He states the Division is continuing business as usual under these trying circumstances.

With the upcoming Veterans Day, the Division would have received approximately 1,000 invitations for Veterans events though out New York State. Currently we have received five or six invitations. Even the Veterans Day Parade in New York City will be virtual which means no marching.

Finances in the state are currently very constricted. If someone asks you a question regarding their Aid to Localities grant, you can refer them to our office.

Benjamin Pomerance gave an update on the Restoration of Honor Act. There have been 17 applications received by the Appellate Unit. These Veteran applicants have received an unjustly discharge paper and are currently unable to apply for New York State's Veterans benefits. But, if they meet the criteria under the Restoration of Honor Act, which goes into effect on November 12, they can have their access restored to more than 50 New York State benefits and services for Veterans and their families. The Veteran would then be able to take advantage of all but two Veteran's benefits. The two major benefits that are excluded are: 1) a lifetime liberty pass and 2) the pension buyback program for New York State Retirement System enrollees.

If you know of a Veteran with an Other Than Honorable or General Under Honorable Conditions discharge document, and if that character of discharge was due to their sexual orientation, gender identity, or service-related mental health condition(s), they may submit a request for Restoration of Honor Act consideration to the following:

1. Email to: inclusion@veterans.ny.gov
2. Or mail to: Appellate Unit, NYS Division of Veterans' Services, Agency Bldg #2, 17th Fl, Albany, NY 12223.

Ken Rosenblum stated Suffolk County is making progress regarding the implementation of their version of the Restoration of Honor Act.

Joel said If anyone hears a of Veteran that has been awarded the Restoration of Honor, have difficulties receiving any of the state benefits that they are entitled to, refer them to our office. The next topic is the Division's Appellate Unit. Benjamin stated his team focuses on bringing high quality appeals. They are bringing the necessary background material and verbiage to the Veterans Benefits Advisor (VBA). Since the year began, the Appellate Unit has prepared 150 appeals for oral argument with the Board of Veterans' Appeals. The Appellant Unit prepares the proper script which goes to the VBA representative along with evidence and exhibits. This process brings an appeal before the BVA that is both more thoroughly researched and more concise in presentation.

Kent Eiler asked about how the Division's new partnership with the National Veterans Legal Services Program (NVLSP) was progressing. Benjamin said that every month, Martin Caraway — the Board of Veterans' Appeals (BVA) liaison who covers New York State — sends a list to NVLSP's screening attorneys containing all of the BVA decisions decided during the past month for claimants holding DVS's Power of Attorney. The NVLSP team then scans the list for adverse decisions, and then reviews all of the adverse decisions to determine whether the BVA committed any errors of law. For decisions that contain one or more errors of law, NVLSP will reach out to the claimant and ask if they would like to be represented in an appeal — at no charge to them — before the Court of Appeals for Veterans Claims or even higher, like the Federal Circuit Court of Appeals, if needed. NVLSP does not take any money out of the claimant's retro payment if the claimant is successful in the appeal. The claimant gets to keep the full amount of the money won from the VA in the case.

Joel then asked Benjamin to provide an update on the health care for Veterans who live across the borders. Benjamin stated in August of this year a memo notified that the VA will no longer provide medical care of any kind, including telemedicine consultations and examinations, outside of the United States. Due to COVID-19, the international borders are closed, and no one can cross the border to receive medical care in person from a VA medical facility. Under Title 38, Section 1724, the VA says that medical care, including telemedicine, cannot be provided outside of the United States

DVS has gone to the National Association of State Directors of Veterans Affairs with this issue, seeking advocacy at the federal level to allow telehealth appointments with Veterans outside of the United States to occur. Notably, when Title 38, Section 1724 was enacted into law, telehealth did not exist. Accordingly, the drafters of this law did not intend for their ban on VA-provided medical care outside of the United States to include telemedicine services provided by the VA. There is no extra cost to the VA providing Telehealth. No undue burden to the United States. The Division is hoping to see a positive change. If there are any updates to this vital issue, the Division will notify the VAC members.

Jason Chakot gave an overview of the Division's finances concerning the Blind Annuity Program and the Gold State Parent Annuity. In April/May it was a hurdle to have the 3,300+ blind annuitants receive their payment, but, to date, their payments may be a little late, but this issue is mainly resolved. The 330 Gold Star Parent annuitants' payments have been sent twice a year, currently without being problematic.

Jason continued with an update on the personnel front. The state has been under a hiring freeze and it is impossible to get a waiver. But the Division is able to hire under the 55(c) program. Applicants are exempt from the hiring freeze and this gives the Division an advantage of being able to hire under this program. If you

know of someone that is qualified for the position and has a 55(c) letter, please let the Division know. The Division posts openings under face book and twitter.

Benjamin updated the members regarding accreditation and the many Veterans Service Agencies and Veterans organization that have been accredited. We are able to work closer together with VetOps, our electronic database. A Memorandum of Understanding with the American Legion Department of New York was signed. They will have access to the Division's training, tools and technology. We are all on the same mission connecting Veterans to the benefits they deserve.

Another program that has assisted New York's Veterans and their families is the Campaign Against Hunger. They have provided over 100,000 meals, thanks to the collaboration with the HelloFresh Corporation sponsored in part by Governor Cuomo's COVID-19 Philanthropic fund, to the ones in need. These meals are scheduled to end at the close of this year, but they are trying to extend this program into next year.

Ken brought up the Hanna Act, Suicide Prevention Act with grants and local aids. Ken also had a question regarding funds toward Veterans Treatment Court. Benjamin said by the close of business on Friday he will forward an email regarding this topic. Benjamin stated no funding for the State Division of Veterans' Services, but local not-for-profits can apply. Individual treatment courts could also apply for funding.

Ken would like to see a listing of all Veterans Treatment Courts around the state. A list would assist in having mentors available. Benjamin will try to assist with this request if the NYS Office of Court Administration is on board with doing so.

Ken continued stating he is not aware of a posting for the Director's position. Joel said considering the circumstances facing everyone, it appears to not be a top priority. But previously without any crisis, it took 18 months to find the appropriate fit for the Directorship.

John Paddock gave an update on the Honor Flight program. All Honor Flights for this year have been cancelled. We are hoping to start up in April 2021. The program has also considered local events, but everything is currently at a standstill at this time.

Joel closed the meeting thanking everyone for their participation.

NEXT VSC MEETING:

January 27, 2021

10:30 am

DIAL: 518-549-0500

CODE: 95440803