

MEETING NOTICE & AGENDA

Board of Health
Committee Meeting
(Regular) or (Special)

Date: Monday, November 6, 2023

Time: 8:30 am

Place: COUNTY BOARD ROOM

810 Lincoln Street, Kewaunee

1. Call to Order
2. Roll Call
3. Approve Agenda
4. Approval of October Minutes
5. Citizen input (maximum 3 minutes per appearance) (15 minutes total per meeting)
6. Communicable Disease Updates
7. Reports from Cindy
 - a. October Monthly Report
8. Department Updates
 - a. Agency Updates
 - b. Financial Report
9. Travel Request & Approval
10. Overtime Report
11. Next Meeting Date
12. Such other matter as authorized by law
13. Adjournment

MEETING NOTICE AND AGENDA

Veterans Services Committee Meeting

Date: Monday, November 6th, 2023

Time: 08:30 am

Place: Kewaunee County Board Room - Admin Center

1. Call to order
2. Roll call
3. Public Input
4. Approval of Current Agenda
5. Approval of October Meeting Minutes
6. Departmental Operations
 - a. Monthly Reports/Office Business
 - a. Signage to place of ROW entering Stangleville acknowledging Lt. Col. Matt Konop (discussion only/ opinion)
 - b. Nicolet National Bank- Luxemburg soup sale (proceeds will be donated to the veteran s office)
 - c. Spoke at the American Legion Commanders meeting in Algoma. Went over benefits.
 - d. Reached out to Algoma and Kewaunee Chamber of commerce to start pre-planning for outreach events next year.
 - e. Put ads in the Kewaunee Star for veteran outreach.
 - f. Re-evaluate transportation program. Re-allocate ARPA funds if needed.
 - g. CVSO would like to consider becoming WI Notary to better help veterans and dependents.
 - h. Spoke with Fox Valley Veteran counsel President Col. (retired) Timothy Cody. The program is to help assist needy veterans.
 - b. Open Claims Trend Report
 - a. 79 open claims
 - c. Latest VA News/ Programs update
 - a. Facebook page updated.
 - b. PACT ACT information update sheet.
7. Travel Notifications
 - a. None
8. Overtime Report
 - a. None
9. Such other matters as authorized by law
10. Set next Veterans Service Committee meeting date:
11. Adjournment

Please call (920) 388-7164 if you require reasonable accommodations due to a disability to participate in this meeting.

You should attend this meeting if a matter important to you on this agenda because it is possible members of the Kewaunee County Board of Supervisors or other standing committees will be present to listen, observe, and participate in the meeting. The committees of the Board include Finance & Public Property, Public Health and Veterans, UW-Extension, Land and

Water, Public Safety and Justice, Highway and Solid Waste, Parks, Promotion and Maintenance, and Executive. The Board or any other committee will take no action if majorities of the Board or any of its other committees happen to be present.

VETERANS SERVICE COMMITTEE MEETING
October 9, 2023
KEWAUNEE COUNTY HUMAN SERVICES CONFERENCE ROOM

Date: Monday, October 9th, 2023

Time: 08:30 am

Place: Kewaunee County Human Services
Large Conference Room

1. Call to order:

The meeting was called to order at 9:24am by Chairperson Kim Kroll.

2. Roll call:

Members present were Chairperson Kim Kroll, Linda Teske, Milt Swagel, Jeff Vollenweider, Dennis Langteau, County Administrator Edward Dorner, CVSO Nathan Thomas and Recorder Dallas Hubbard.

3. Public Input:

a. None

4. Approval of Current Agenda:

A motion was made by Dennis Langteau and Milt Swagel seconded to approve the October Agenda. The motion carried.

5. Approval of August Meeting Minutes:

A motion was made by Milt Swagel and Dennis Langteau seconded to approve August meeting minutes. The motion carried.

6. Departmental Operations:

a. Monthly Reports/Office Business

General discussion of office activities presented by Nathan Thomas. A brief spike was noticed from Walk-Ins wanting to meet the new CVSO.

b. Open Claims Trend Report

No changes. 58 Open Claims being processed.

c. Latest VA News/ Programs update

1. CVSO and Board Introductions

2. Gulf War Clinical Trial

i. Trial to see if better treatment for Sleep Apnea will alleviate the severity of Gulf War Illness. Initial enrollment is over but, applications are still being excepted.

3. Warrior Rising Program

i. Class' available to provide training to Veterans and their spouses on various topics to aid in starting a business.

4. AI and Hypertension Claims

- i. Errors have been identified in how the AI Pilot program assess' Hypertension claims. This may result in a change to the rating scale and cause some previous denials to be re-evaluated.
- 5. Operation Christmas Angel
 - i. Applications being accepted for needy Veterans and their families until November 22nd.
 - ii. Notice will be posted to our website to increase awareness of this program.
- 6. Golden Ticket
 - i. Sheet containing all of the core benefits available to Veteran's has been created.
- 7. Orange Ticket
 - i. Sheet containing information about the Pact Act in regards to Agent Orange exposure.
- 8. Transportation Program
 - i. The Transportation Program is going to be re-evaluated to determine the current need for our area.
- 9. Legion Meetings
 - i. The CVSO will attempt to attend at least one Veteran Organization meeting a month (Legion, VFW, Vietnam Vets, Etc.)
 - j. CVSO may attend by request
- 10. Deceased Veteran Notification
 - i. A new reporting format has been emailed to the local funeral homes to assist in reporting the passing of a Veteran and any pertinent information needed for benefits and Memorial Day Honor's.
- 11. Flag Pole Repair
 - i. The County will be taking over repairing the flag pole in front of the building.
- 12. ARPA Funds
 - i. As time has passed our needs and operational climate may have changed. We will be revisiting what remains of the ARPA grant and redistributing as needed to meet our Veterans needs as effectively as possible.
- 13. Vetraspec
 - i. It has been determined that Vetraspec more closely aligns with our needs then the new system Veteran Benefits 3.0. We will be transferring our operations back to Vetraspec.

a. None

8. Overtime Report

a. None

9. Such other matters as authorized by law

a. Kewaunee Veteran Services area of Operations

i. Redirecting out of County Veterans to their respective Counties. This will free up time for Kewaunee County to assist Kewaunee County Veterans. A follow up will be conducted with the Veteran to ensure they were able to contact their CVSO / VSO and are receiving the help they need.

10. Set next Veterans Service Committee meeting date:

a. The next meeting is scheduled for November 6th at 8:30am in the Human Services Large Conference Room.

b. The following meeting is scheduled for December 11th at 8:30am in the Human Services Large Conference Room.

11. Adjournment

a. A motion was made by Jeff Vollenweider and seconded by Dennis Langteau to adjourn. The motion carried and the meeting adjourned at 10:18am

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2023	January	February	March	April	May	June	July	August	September	October	November	December	Yearly Total
Scheduled Appointments/ Phone Appointments	21	17	28	14	14	21	18	27	17	28			205
Walk Ins	14	21	37	32	33	60	37	41	37	36			348
Incoming/Outgoing Phone Calls	411	304	428	487	248	358	265	322	266	156			3245
Outgoing Mail/E-mails/Fax	214	201	271	177	80	105	74	113	196	130			1561
File Reviews/ Other	0	0	0		0	0		0	49	61			110
Vet Relief Applications	1	0	0	2	1	0	1	0	1	0			6
Misc Office Activity (Training, Travel, Home Visits)	5	10	8	11	7	1	5	1	3	8			59
Veteran Travel Program	9	7	10	4	0	0	0	0	0	0			30
Green Bay /Local	6	5	9	3	0	0	0	0	0	0			23
Milwaukee	3	2	1	1	0	0	0	0	0	0			7
Applications Completed:	20	21	27	10	7	6	13	17	29	20			170
Compensations	4	12	13	6	4	3	2	7	11	15			77
Pensions	5	5	2	2	0	0	1	0	12	1			28
Intent to Files	7	2	8	1	1	2	4	5	0	1			31
Appeals	1	0	1	1	2	0	1	2	6	3			17
Healthcare Applications	3	2	3	0	0	1	5	3	0	0			17
Pending Issues	0	0	0	0	0	0	0	0	0	79			79
Retroactive Funds	2,946	0	0	0	0	870	0	1,900	3,845	13,700.00			23261

2022	January	February	March	April	May	June	July	August	September	October	November	December	Yearly Total
Scheduled Appointments	17	14	9	8	11	11	15	34	32	21	31	17	220
Walk Ins/ Phone Appointments	22	19	22	20	24	9	5	21	29	18	19	21	229
Incoming Phone Calls	188	205	217	177	214	130	165	209	214	125	198	187	2229
Outgoing Phone Calls		135	183	151	172	128	214	265	231	153	203	196	2031
Outgoing Mail/E-mails/Fax	210	251	231	215	259	213	153	198	147	201	187	164	2429
Vet Relief Applications	2	1	1	0	1	0	0	1	3	2	2	3	16
Misc Office Activity (Training, Travel, Home Visits)	2	7	4	5	3	7	6	8	7	4	11	19	83
Applications Completed:													
Compensations	0	1	3	1	0	4	3	6	8	3	3	4	36
Pensions	5	2	1	1	0	0	1	1	3	1	1	1	17
Intent to Files	2	1	2	3	0	1	3	4	5	6	4	5	36
Appeals	1	1	0	1	1	2	1	3	2	2	3	2	19
Healthcare Applications	1	3	1	1	2	0	2	3	4	3	4	6	0

Matt Konop

Lieutenant Colonel Matt Konop (February 6, 1906 – May 12, 1983) was a United States Army officer during World War II, noted for his fighting in the Battle of the Bulge^[1] and celebrated in the Czech Republic for his role in the liberation of the cities of Domažlice and Pilsen in Czechoslovakia near the end of the war.^[2]

In early May 1945, Konop was made the commander of the 2nd Infantry Division advance party by Second Infantry Division Commanding Officer General Walter M. Robertson, who had learned of Konop's Czech lineage and ability to speak the language.^[3] Konop's advance force coincidentally liberated the same Czech villages where his grandparents had lived before they emigrated to America. During the liberation, news spread throughout the region that "one of our own" had returned to free the people from six years of occupation by Nazi Germany.^[4]

Today, a bronze plaque of Konop is mounted on the Hruska building in the main square of Domažlice, in the Czech Republic, where he parked his jeep on May 4, 1945, and received a hero's welcome in the closing days of the war.^[5] In 2016, Konop was made an honorary citizen of the town of Domazlice.^[6]



Colonel Matt Konop after World War II

Early life

Konop was born in Stangelville, Wisconsin, twenty miles southeast of Green Bay in Kewaunee County. His grandparents were peasants who had emigrated to Wisconsin in the late 1860s from the Chodsko region in southern Bohemia, in what is now the Czech Republic. They joined an enclave of other Czech immigrants amidst the patchwork of German, Belgian, Irish, and other Western Europeans who were transforming the old growth white pine forest of northeastern Wisconsin into dairy farms.^[7] Konop was raised speaking Czech on the family farm, the oldest of 11 children, and graduated in 1924 from Kewaunee High School.



Document from the city of Domazlice granting honorary citizenship to Col. Matt Konop in May 2016.

World War II

In late 1940, Konop received a letter from the U.S. Army strongly encouraging him to enlist full-time as an officer. Konop enlisted and drove with his wife and three small children from Wisconsin to Fort Sam Houston in San Antonio, Texas, where he was stationed. He entered with the rank of captain in the 2nd Infantry Division and had been promoted to lieutenant colonel by the

time he joined combat forces for the landing on Omaha Beach on June 7, 1944, the day after D-Day. He was the division's Commander of Special Troops and the Commandant of the Divisional Command Post for the duration of the war.^[8]

Battle of the Bulge

On the morning of December 17, 1944, Konop led a hastily assembled group of cooks, jeep drivers, and MPs to defend the command post in Wirtzfeld, Belgium, against a German SS Panzer Tank platoon attack.^[9] It was the beginning of Germany's massive surprise offensive known as the Battle of the Bulge. The 2nd Infantry Division command post was virtually unguarded; Konop's notes from the day prior to the attack revealed that even into the evening of the 16th, when reports that German tanks had broken through the 106th Division were relayed to him, they were thought to be only a local enemy action, and not a main part of the attack.^[10] The goal of the German offensive was to break through the American line to the Meuse River and then to port city of Antwerp, Belgium, separating the Allied armies and reversing months of German losses.^[11] Of the battle for Wirtzfeld, General Walter E. Lauer, Commanding Officer of the 99th Infantry Division said, "The enemy had the keys to success in its hand but didn't realize it."^[12] At one point in the battle, German tanks were within 200 yards of the command post.^{[13][14]} For his gallantry in action during the battle, Konop was awarded the Bronze Star.^[15]

Czech liberation

On April 30, 1945, the 2nd Infantry Division was moved under the command of General George S. Patton's Third Army to take on the liberation of southern Czechoslovakia. When the division's commander, General Robertson, learned of Konop's ability to speak Czech (the division had no Czech translator), Konop was given the assignment to lead the division's advance party into the country.^{[16][17]} On May 2, Konop and his jeep driver entered Czechoslovakia, and arrived in the village of Klenci, which happened to be the former home of Konop's maternal grandmother. In the town, they found a secret meeting of the local resistance. Konop informed the Czechs, in their language, that his division was coming to free their country. The men burst into a celebration of the news, and the Czechs were amazed that the first US Army officer to tell them they were free spoke their language and had a surname common to the area.^{[18][19]}

By the time Konop made camp that night at the Benda family house in Klenci, word had spread among the Czechs in the area that they had been "liberated by one of our own." Two days later, on May 4, Konop entered the district capital city of Domazlice and found banners in the main square in Czech welcoming him as their liberator.^[20] As the citizens celebrated the end of the six-year Nazi reign of terror, a group of people in the square recognized Konop, hoisted him upon their shoulders, and paraded him around the main square as a hero who had returned to free his people.^{[21][22]}

Domazlice was officially liberated the next day, on May 5. Celebrations like the raucous one in Domazlice's main square occurred throughout the areas of Czechoslovakia liberated by the Americans over those early days in May, with Czech and American flags hoisted together, and citizens donning their native costumes to greet troops.^[23]

On May 6, the division established its command post at its final destination of the war, the Czech city of Pilsen. The city was secured and the 2nd Infantry Division was positioned in the center of town.^[24] On May 7, General Robertson hosted a party at the division's headquarters, inviting representatives of the city,

local artists, and other guests to celebrate with his staff.^[25] Since Konop could speak English and Czech, he acted as a Master of Ceremonies for the night, and at midnight announced at the event and over the town's loudspeakers that the war in Europe was over. A raucous celebration followed in the square.^[26]

Home life and return to Czechoslovakia

After the war, in the fall of 1945, Konop rejoined his wife, Eunice, and their three children in Two Rivers, Wisconsin. He sold insurance and left active duty, remaining in the Army Reserves. The couple would have four more children after the war. Konop made two trips back to Czechoslovakia, in 1975 and 1979, while the Czechs were under Soviet totalitarian rule and part of the Eastern Bloc. The last trip he made by himself, where he spent several days in the Domazlice region, speaking in Czech with people about the American liberation in 1945.^[27]

After the fall of the Berlin Wall

After the fall of the Berlin Wall and the Iron Curtain in 1989 and the arrival of post-Cold War Europe, the Museum of Domazlice published a pamphlet in 1990 to celebrate the country's newfound freedom, and the American Army's role in the liberation of the area in World War II.^[28] The cover of the pamphlet is one of the series of pictures of Col. Konop on the shoulders of the people of Domazlice that day in May 1945.

Revival and The Accidental Hero

Twenty years after his death, Konop's family discovered his typewritten pages about his time in the war, forgotten in a family member's basement with his personal effects. Konop's grandson, Patrick Dewane, turned his writings into a one-man play titled *The Accidental Hero*, and incorporated his grandfather's reels of World War II film footage, war souvenirs, and more into the show.^[29] In the play, Dewane plays more than a dozen characters, including Konop and himself, sharing the extraordinary string of coincidences in Konop's war time service, and the astonishment the people of Czechoslovakia felt, and still feel, about the Czech-speaking American hero who returned to his homeland to help free them from the Nazis.^[30]

Since 2010, *The Accidental Hero* has been performed in more than 100 theaters and locations across the United States, including the New York Czech Center, The National WWII Museum in New Orleans, the George H.W. Bush Museum & Library in College Station, TX, the Marcus Center for the Performing Arts in Milwaukee, the University of Notre Dame, and Minneapolis, MN. Since 2012, Dewane has made annual visits to the Czech Republic in the first week of May, performing the play with Czech subtitles throughout the country, including in Prague, Pilsen, Domazlice, Klatovy and Klenci. Performances in Pilsen, Domazlice, and Klatovy have



Col. Matt Konop hoisted by the people of Domazlice, May 1945. The Czech people were amazed the Americans who liberated the town were led by the descendant of immigrants from the area.



The cover of a Domazlice Museum pamphlet published in 1990 features Konop on the shoulders of the townspeople from the day the town was liberated in May 1945

coincided with those cities' annual traditions of celebrating the American Army's liberation of the area, events that include townspeople driving American World War II vehicles and dressing in period Army uniforms.^[31]

Bronze plaque dedication

On May 5, 2015, a bronze relief plaque reproducing the photo of Konop on the shoulders of the townspeople was installed on the outside of the Hruska building in the main square in Domazlice, and dedicated to Matt Konop's role in bringing freedom to the area.^[32] The plaque's text is in both Czech and English. In Konop's left hand is his Kodak movie camera.

References

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Patrick Dewane, grandson of Matt Konop, performs The Accidental Hero



Bronze plaque celebrating Col. Konop's role in the liberation of Czechoslovakia in WWII. Hruska Bldg, Domazlice.

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20. Royeka, Zdenek. ... *A Prinesli Nam Svoboda (... And Along Came Freedom)*, ZR&T Plzen, 2005, p. 45.
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PACT ACT EFFECTIVE DATES AND INFORMATION

Facebook Posts from The Veterans Law Office of Katrina J. Eagle

PACT ACT IMPLEMENTATION - HOW'S IT GOING SO FAR?

Although the PACT Act was signed into law on August 10, 2022, VA did not formally begin adjudicating claims until January 1, 2023. On the plus side, we've already seen quite a number of PACT Act decisions, so it doesn't appear that VA is dragging its feet. On the other hand, we're also seeing concerning patterns of adjudicative errors on these claims. Following are three PACT Act issues that we feel claimants should pay close attention to:

1. **Effective Dates.** We discussed the issue of erroneous PACT Act effective dates in BVA decisions. Not surprisingly, we're now seeing the same errors in RO decisions. As a quick review, Congress included earlier effective date provisions for DIC recipients in the PACT Act (similar to those of the Blue Water Navy Act) but did not do so for Veterans. As such, the earliest effective date a Veteran can generally expect for a claim granted pursuant to the PACT Act is August 10, 2022. However, if a Veteran has a claim or appeal that was pending (i.e., continuously pursued) prior to the signing of the PACT Act, he or she may be entitled to an earlier effective date based on direct service connection. While there is no guarantee that VA will grant a claim or appeal on a direct (rather than presumptive) basis, they **MUST** as a matter of law consider ALL theories of entitlement and assign the earliest possible effective date. We are seeing that VA is generally not doing this, especially as it pertains to Veterans who served in Thailand and Guam during the Vietnam and filed herbicide-exposure related claims.

If you are a PACT Act Veteran (or an advocate who represents one), and feel an improper effective date has been assigned, please feel free to reach out to us. We are currently appealing a number of these cases at the RO, BVA, and Court level, and will be happy to offer advice on the best way for you to proceed.

2. **TERA Memos.** The PACT Act calls for VA to identify potential toxic exposures such as location-based presumptive exposure or exposure via military occupation related activities. All such potential exposures must be documented in a Toxic Exposure Risk Activity Memorandum (TERA Memo). We have already found a number of errors in these memos in our clients' files. We suggest reading these memos carefully and pointing out any errors to VA as early as possible. By doing so you may be able to prevent erroneous denials and unnecessary C&P medical opinions.

3. **Noncompensable Ratings.** We've been hearing from many Veterans and advocates who seem to think that VA is automatically assigning 0% ratings for granted PACT Act-related hypertension claims in order to save money. Since noncompensable ratings for hypertension have always been quite common, we're not sure if these 0% grants are actually spiking with PACT Act grants or if there is a misunderstanding of what the parameters are for VA to grant a compensable (10% or more) hypertension rating.

Most Veterans' hypertension is controlled by medication. VA regulations only allow for a rating higher than 0% if the medicated readings are higher than 160 systolic or 100 diastolic OR if there is a history of predominantly 100 or more diastolic before medication was prescribed. CVSOs should carefully review medical records in the file to ascertain if there is evidence to support a higher rating than that which was granted.

In sum, we remain thrilled with the number of benefits provided to Veterans since the passage of the PACT Act. As always however, we all need to be diligent and carefully review VA's work in each case since there are a lot of moving parts and it is very easy for a VA adjudicator to overlook key facts or evidence.

In reading the January 1, 2023 VA PACT Act implementation internal guidance document, we noticed a disturbing statement: "The PACT Act was signed into law on August 10, 2022, so any grant based on one of the new herbicide locations or new herbicide presumptives cannot precede this date."

So it sounds like VA will not assign an earlier effective date for pending claims for Thailand, Guam or Gulf War veterans without a fight (i.e., the veteran will have to appeal the effective date). This is very disappointing because VA is supposed to consider earlier effective dates for pending claims as a matter of law.

We are prepared to fight these effective date battles so that veterans receive all the retroactive benefits that they are entitled to.

Here's a chart from VA's 1/1/2023 PACT Act guidance showing the bodies of water that will be covered for burn pit exposure. Although Congress didn't include these areas in the law, VA decided to add them anyway. This is great news for Gulf War Navy veterans!

PACT Burn Pit/Fine Particulate Matter 38 CFR 3.320(a)(5) and 38 U.S.C. § 1119 Locations	Persian Gulf Veteran Undiagnosed Illness/MUCMI 38 CFR 3.317(e)(2) and 38 U.S.C. § 1117 locations	Infectious Diseases Existing 38 CFR 3.317(c)
On or after August 2, 1990, in or airspace above:	On or after August 2, 1990, in or airspace above	On or after August 2, 1990, in or airspace above
Iraq	Iraq	Iraq
Oman	Oman	Oman
Kuwait	Kuwait	Kuwait
Gulf of Aden	Gulf of Aden	Gulf of Aden
Saudi Arabia	Saudi Arabia	Saudi Arabia
Gulf of Oman	Gulf of Oman	Gulf of Oman
the neutral zone between Iraq and Saudi Arabia	the neutral zone between Iraq and Saudi Arabia	the neutral zone between Iraq and Saudi Arabia
Red Sea	Red Sea	Red Sea
Bahrain	Bahrain	Bahrain
Arabian Sea	Arabian Sea	Arabian Sea
Qatar	Qatar	Qatar
Persian Gulf	Persian Gulf	Persian Gulf
United Arab Emirates	United Arab Emirates	United Arab Emirates
Somalia		
On or after September 11, 2001, in or airspace above:	On or after August 2, 1990, in	On or after September 19, 2001, in
Afghanistan	Afghanistan	Afghanistan
Djibouti	Turkey	
Egypt	Israel	
Jordan	Syria	
Lebanon	Egypt	
Syria	Jordan	
Yemen		
Uzbekistan		

Now that the purported PACT Act "deadline" will soon be passed (8/14/2023), we shudder to think how many angry and frustrated veterans we will be encountering in the coming months. Because of VA's confusing outreach about the "deadline", we suspect that most veterans who filed a claim or ITF by August 14th will be expecting retroactive benefits back to August 10, 2022. But a number of veterans will not qualify for the earlier effective date because they didn't have diagnosed conditions on August 10, 2022. The law is clear on this point: "in order for a claimant to be eligible for a retroactive payment under the provisions of this paragraph the evidence must show that the claimant met all eligibility criteria for the liberalized benefit on the effective date of the liberalizing law or VA issue and that such eligibility existed continuously from that date to the date of claim or administrative determination of entitlement." (38 CFR § 3.114(a)).

Although VA included "may qualify" in their incessant announcements about the "deadline", they failed to be transparent about the fact that many will not qualify because they lack the above qualifying criteria.

We've been seeing a lot of misinformation about the supposed PACT Act "deadline" of August 9, 2023. Veterans are being led to believe that if they don't file a claim or intent to file by August 9, 2023, they will not be entitled to an additional year of retroactive benefits. That is legally inaccurate. Here's how the law works:

The PACT Act is what's considered to be a "liberalizing law". That means that a veteran can be entitled to up to one year of additional retroactive benefits regardless of when he or she files. Here's an example of how it works:

Veteran files a PACT Act claim for diabetes in December of 2024 and it is granted in February 2025. Veteran was first diagnosed with diabetes in 2021. Because the veteran had diabetes on the date the PACT Act was signed into law, he or she is entitled to an extra year of retro benefits, so the effective date would be December 2023 (one year earlier than the date of filing the claim or ITF).

On the other hand, if the veteran wasn't diagnosed with diabetes until September of 2022 (AFTER the signing of the PACT Act), he or she would be assigned an effective date of December 2024 because a condition of getting the extra year of retro is that the veteran meets all of the criteria for benefits from the date of signing of the law up until the date the claim or ITF was received by VA. In this case the veteran didn't meet all the criteria because there was no diagnosis of diabetes at the date of signing of the PACT Act (August 10, 2022).

The law that covers this is 38 CFR § 3.114.

We know this is complicated but the bottom line is this: A veteran is NOT necessarily precluded from receiving up to a year of additional retroactive benefits if he or she files after August 9, 2023.

Please share this with as many veterans as you can.



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