



February 1, 2019

**In This Issue:**

- 1. VA Releases Plan to Implement New Community Care Program**
- 2. VFW Blue Water Navy Vet Wins Federal Appeals Court Ruling**
- 3. Record-setting Government Shutdown Ends**
- 4. MIA Update**

**1. VA Releases Plan to Implement New Community Care Program:** The VFW-supported VA *MISSION Act of 2018*, became law this past summer and established six ways veterans can access private-sector care, known as community care. The law granted VA broad authority to determine two of the six eligibility standards for the new VA Community Care Program — access and quality standards. VA worked closely with Congress and veterans organizations to draft the law, but chose to ignore its strategic partners when drafting the regulations to implement it. In a statement released Wednesday, VA publicly announced its plans to implement the access standards. “While we are glad VA has finally informed us of how it plans to implement the VA MISSION Act access standards, we are disappointed VA chose not to incorporate the voice of our 1.6 million members in the decision making process,” said VFW Executive Director Bob Wallace. “As a result, VA is repeating previous mistakes,” he said. The proposal is expected to be published in the Federal Register next week. VA proposes to give veterans the ability to use private sector care if it takes them more than 30 minutes to drive to their VA primary or mental health care appointments or if their wait times for such care are more than 20 days. Veterans who require specialty care appointments would be eligible for private sector care if they drive more than 60 minutes or if their wait time is more than 28 days. “Twenty days is just as arbitrary as 30 days,” Wallace continued, “and once again adopting TRICARE Prime Service Area standards does not serve the best interest of veterans.” The new VA Community Care Program, which will replace the Veterans Choice Program, is expected to launch June 2019. VA also released its plan to expand access to private sector urgent care clinics around the country, a move the VFW supports. However, the VFW does not agree with VA’s plans to charge veterans who receive urgent care related to a service-connected disability. [Read VA’s statement](#). Read or comment on the [urgent care proposal](#).

**2. VFW Blue Water Navy Vet Wins Federal Appeals Court Ruling:** The U.S. Court of Appeals for the Federal Circuit reversed a decade-old ruling Wednesday that potentially paves the way for the return of earned disability benefits for some 90,000 so-called Blue Water Navy veterans from the Vietnam War. The VFW-supported case, *Procopio v. Wilkie*, had VA Secretary Robert Wilkie being sued by Navy veteran Alfred Procopio, who was denied service connection for prostate cancer and diabetes mellitus because he never stepped foot on dry land or served within Vietnam’s inland waterways. Procopio, a Life member of VFW Post 6587 in Spring Lake Park, Minn., was assigned aboard the aircraft carrier USS Intrepid, which was stationed inside Vietnam’s 12-mile territorial waters. Both of his illnesses are listed among the

VA's [14 presumptive diseases](#) associated with exposure to Agent Orange. The Appeals Court focused on the intent of the 1991 Agent Orange Act, which was to grant a presumption of service connection for certain diseases to veterans who "served in the Republic of Vietnam." At issue was whether service within territorial waters constituted service "in the Republic of Vietnam." By a 9-2 decision, the Appeals Court ruled it did. "Although very pleased with the ruling, the VFW isn't quite ready to celebrate," said VFW National Commander B.J. Lawrence. "That's because the VA can always appeal the ruling and Congress has yet to pass a Blue Water Navy bill. But, it is very encouraging to now have a court of law support Blue Water Navy veterans along with the court of public opinion. We need to get this done and reinforce to tens of thousands of veterans that our nation does have your back when you come home from war. The VFW now calls on VA to make Blue Water Navy veterans whole as soon as possible, and we stand ready to assist VA in doing so."

**3. Record-setting Government Shutdown Ends:** A three-week continuing resolution was signed into law last Friday to end the longest federal government shutdown in U.S. history. The shutdown forced some 800,000 federal employees to go without pay for more than a month, a third of whom are military veterans. VFW National, Departments and Posts stepped in to provide nearly \$100,000 in direct assistance relief to Coast Guard families facing financial hardships. A bipartisan group of lawmakers has been tasked with negotiating a long-term solution to the border security issues which caused the shutdown and threatens another if a lapse in appropriations occurs again on Feb. 15. The VFW thanks the advocates who took action to demand that their elected officials support paying America's Coast Guard. Stay tuned to the Action Corps Weekly for updates.

**4. MIA Update:** This week, the Defense POW/MIA Accounting Agency announced three new identifications. Returning home with full military honors are:

-- **U.S. Army Air Forces 1st Lt. Howard T. Lurcott** was a member of the 38th Bombardment Squadron, 30th Bombardment Group, stationed at Hawkins Field, Betio Island, Tarawa Atoll, Gilbert Islands. On Jan. 21, 1944, the B-24J bomber aircraft he was piloting crashed into Tarawa lagoon shortly after takeoff. Lurcott and the nine other servicemen aboard the aircraft were killed. Interment services are pending. [Read about Lurcott.](#)

-- **Navy Seaman 1st Class Frank A. Hryniewicz** was assigned to the USS Oklahoma, which was moored at Ford Island, Pearl Harbor, on Dec. 7, 1941, when the ship sustained multiple torpedo hits and quickly capsized, resulting in the deaths of 429 crewmen, including Hryniewicz. Interment services are pending. [Read about Hryniewicz.](#)

-- **Navy Machinist's Mate 1st Class Eugene K. Eberhardt** was assigned to the USS Oklahoma, which was moored at Ford Island, Pearl Harbor, on Dec. 7, 1941, when the ship sustained multiple torpedo hits and quickly capsized, resulting in the deaths of 429 crewmen, including Eberhardt. Interment services are pending. [Read about Eberhardt.](#)

To sign up new veterans' advocates, click here: <http://capwiz.com/vfw/mlm/signup.htm>.

As always, we want to hear your advocacy stories. To share your stories or photos with us, simply email them directly to [yfwac@vfw.org](mailto:yfwac@vfw.org).