

# LAVAN & NEIDENBERG NEWSLETTER

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## 77,000 Vets May Get Disability Rating Increase *Physical Disability Review Board is speeding up*

In 2008, several wounded veterans brought their stories of sacrifice before Congress, not for sympathy but to fight for their rights to disability benefits. After numerous testimonials from veterans wounded in combat that were given unfair disability ratings, Congress formed the Physical Disability Review Board (PDRB) to begin reviewing the disability ratings of wounded veterans who potentially qualify for disability benefits.

**Under the PDRB, some 77,000 veterans are potentially eligible for an increase in their disability,** meaning they could pass the 30% threshold necessary to receive disability retirement benefits. However, since the program went into effect in June 2009, only about 2,700 claims have been reviewed.

Things should begin to change this month after Senator Mark Udall urged the VA to step up its efforts in getting the claims reviewed and awarding disabled veterans their rightful benefits.

Veterans who have submitted applications for review of their disability ratings have nothing to fear – **your prior rating cannot be downgraded, and it can only be confirmed or upgraded by this review.** Starting in February, veterans in the review pool will receive information packets about the PDRB.

The first batch of packets will be sent to more than 15,000 veterans who were medically discharged between post-9/11 2001 and 2003. The next 3 batches are set to release late April, July, and October to veterans discharged in every 2 year interval thereafter up through 2009.



### Your Options When You are Denied Veterans' Disability

While the PDRB system is attempting to clean up the erroneous ratings of thousands of veterans, you can take matters into your own hands by working with a qualified veterans' disability attorney.

If you are denied benefits due to a low disability rating or challenges to your documentation an attorney can review your evidence and help you determine your options to fight for your rightful benefits.

Having all of your paperwork and evidence prepared before filing your disability claim is important in avoiding unnecessary delays or denials. To improve the speed of your claim, talk to a veterans' disability attorney.

### Don't Jeopardize Your Claim – Get Professional Help!

Even though the VA is stepping up their efforts to review concerned veterans' disability ratings they still have many claims to attend to. A veterans' disability attorney may help you shorten the time you wait for a decision by helping you make sure your claim is filed properly from Day 1.

Whether you're applying for veterans' disability benefits for the first time or you've received a notice of denial and wish to appeal the decision, The Law Offices of LaVan & Neidenberg, P.A. are here to help. We can represent your claim from application to appeal while taking on the burden of preparing all the documentation. Before making a decision, request a copy of our [FREE guide to winning your veterans' disability claim](#). To schedule a no cost case evaluation, [contact us today](#) – 1-888-234-5758.

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## Disability Benefits Becoming “Plan B” for Jobless *Last hope for many when unemployment runs out*

The number of Social Security disability claims has been rising steadily since 2007, topping at more than 3 million claimants in recent years. **Now there’s concern that those whose unemployment benefits have been maxed out are turning to disability benefits as a last hope for financial support.**

Recent reviews from the White House show that nearly 3.4 million more Americans are now receiving SSDI payments since 2007. A total of 10.6 million collect their monthly benefits averaging \$1,000 and drawing Medicare or Medicaid assistance.

Unemployment benefits have become a common topic among many out-of-work Americans since the economic downturn in 2008. Even as the job market struggles to recover, many workers have maxed out their unemployment benefits.

**SSDI benefits are often the next resource many unemployed workers turn to in an attempt to make ends meet.** A professor at the University of Pennsylvania, Mark Duggan, believes that more applicants are appealing when their disability claim is denied because this is their last hope for assistance.

**To qualify for disability benefits applicants must go through several steps including:**

- **medical evaluations;**
- **gathering evidence;**
- **reviewing medical history;**
- **submitting financial statements;** and
- **obtaining a disability rating.**

While there are thousands of claims for SSDI benefits filed every year by legitimately disabled persons, there are still those who file when they lack the necessary requirements to obtain an approved disability rating. These unwarranted claims may be causing the backlog the SSA has been facing in reviewing and approving legitimate claims.

Submitting an incomplete, inaccurate, or unsubstantial claim not only ties up the system but may also lead to a wrongful denial of your application. **If you believe you are legitimately disabled beyond your ability to perform substantial gainful activity you should consult with a Social Security disability attorney for help in appealing your case.**

## 5 WAYS TO REDUCE YOUR RISK OF HEART DISEASE

### *February is American Heart Month*

The focus seems to be on your heart for February. Not only is this month when Valentines Day occurs and you may “give your heart” to another, but it’s also American Heart Month. Here are 5 ways to potentially reduce your risk of heart disease:

- **Quit Smoking** – the nicotine in tobacco products decreases oxygen to the heart, increases blood pressure and heart rate, and damages the cells in your coronary arteries.
- **Healthy Cholesterol** – a heart-healthy cholesterol total should be 200 mg/dl or lower with at least 40 mg/dl of HDL (good) cholesterol for men and 50 mg/dl for women.
- **Manage Stress** – stress can impact many of your body systems, especially your heart. You can reduce stress and improve your health at the same time with exercise and meditation.
- **Eat Right** – diets rich in leafy greens, fresh fruits, and lean meats with little salt and fat tend to improve heart health. Antioxidant-rich foods also help!
- **Manage Other Conditions** – many other medical conditions like high blood pressure, diabetes, and obesity can lead to heart damage.

## HEALTH NEWS

### *National Alzheimer’s Project Act Stepping Up*

On January 4, 2011 President Obama signed the National Alzheimer’s Project Act into law. This campaign is now one of the most significant actions taken to promote the study, prevention and eventual elimination of Alzheimer’s in the U.S.

In its second year in effect, efforts are continuing to increase treatment and prevention of the disease by 2025. Currently about 5 million people in the U.S. suffer from Alzheimer’s with that number expected to triple by 2050 if action is not taken.

The actual law requires annual submissions of a national plan of action, reports on federally funded efforts for research, and improvement to government outreach and support programs. Input is being sought from families of Alzheimer’s patients to find out how to improve the Act’s efforts.

## CALENDAR OF EVENTS

February has some interesting days – but one only comes around every 4 years and it's happening in 2012!

### GROUNDHOG DAY – THURSDAY, FEBRUARY 2, 2012

Punxsutawney Phil will be pulled from his burrow this morning to determine if spring is on its way. If he sees his shadow, it's 6 more weeks of winter, but if he doesn't that means spring is just around the corner!

### VALENTINE'S DAY – TUESDAY, FEBRUARY 14, 2012

The holiday for lovers, or those who want to find love. Flowers, chocolates, and jewelry fly off shelves around this time of year as couples celebrate their love. But you don't have to be in a relationship to show someone you care, valentines can be for anyone you like!

### PRESIDENT'S DAY – MONDAY, FEBRUARY 20, 2012

This holiday was created to celebrate all U.S. presidents and is set to occur between the birthdays of 2 of the most notable presidents – George Washington and Abraham Lincoln. It is celebrated on the 3<sup>rd</sup> Monday in February and is a national holiday where government offices may be closed.

### LEAP DAY – WEDNESDAY, FEBRUARY 29, 2012

Once every 4 years we have a leap year where there's an extra day at the end of February. This is due to the Earth actually traveling around the sun for 365.25 days, meaning there's a quarter of a day adding up every 4 years. When we hit this mark, we add an extra day to the February calendar. This can be a fun bit of confusion for babies born on a Leap Day!

### FEBRUARY IS ALSO...

- Black History Month
- National Cherry Month
- National Children's Dental Health Month
- Creative Romance Month
- National Weddings Month

### FOCUS ON HEART HEALTH: AMERICAN HEART MONTH

The Center for Disease control has designated February as American Heart Month. During this month many health programs focus on preventing heart disease and promoting cardiovascular improvement.

Women are especially often overlooked when it comes to the dangers of heart disease, which is why February 4 is "National Wear Red Day" to raise awareness of women's heart health.

Take this month to learn some healthy heart habits, get a cardiovascular screening, and learn how to minimize your risks. Tie it in with Valentines Day – romantic things like red wine and chocolate are heart-healthy in moderation!

## Fast 5 for Choosing Doctors

### *5 things to consider when finding a new doctor*

If health is a big focus of yours this year you're probably going to be seeking a few new doctors in the process. **Make sure you take the time to find a doctor you're comfortable with by considering these 5 things:**

- **Amenities.** Is your doctor located convenient to your work or home? Do their facilities have enough parking and space? If you don't like their office, you may run into hassles during visits.
- **Insurance.** Before signing up as a new patient, call the office and have them run your health insurance information to verify that they do participate in your plan.
- **Recommendations.** Talk to trusted family and friends about the doctors they see. Hearing about firsthand experience with a doctor is much more accurate than anonymous ratings found on many websites.
- **Research.** While many doctor review sites are vague about ratings, there's one resource you shouldn't miss out on. Research your doctor on a trusted medical professional rating site and make sure they do not have any reports of malpractice or medical board conduct reviews.
- **Instincts.** Don't settle for a mediocre exam. If you're not confident in your doctor's assessment or treatment, chances are that you're not going to receive optimal care. Remember you have the right to try new doctors if you're not getting results from your current one.

### **HEALTHY RECIPE: SAVORY HERB GRILLED SHRIMP**

Shrimp are a great, light protein that are perfect for tossing on salads or just eating as-is! This healthy grilled shrimp recipe can even be made indoors using an electric grill!

- 2-3 lbs. peeled and butterflied medium shrimp
- 1 c. light olive oil
- 1/2 c. fresh squeezed lemon juice
- 1/4 c. low-sodium soy sauce
- 4 Tbsp. dried tarragon
- 2 Tbsp. dried chervil
- 2 Tbsp. dried basil
- 2 Tbsp. fresh chopped parsley
- 1 Tsp. ground black pepper
- 2 cloves minced garlic

Mix all ingredients together and marinate in the refrigerator for 30 minutes to 1 hour. Drain excess marinade from shrimp and arrange on wooden skewers that have been soaked in water. Grill shrimp 3-4 minutes or until completely opaque and firm to the touch. Can be served warm or cold.