

# LAVAN & NEIDENBERG NEWSLETTER

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## Presumptive Illness System Ending for Vets

*Gulf War veterans are in danger of ineligibility.*

For several years the Department of Veterans Affairs (VA) has used a disability classification system similar to the [Social Security Administration's compassionate allowances](#). Just like compassionate allowances, the VA's Presumptive Illness system has a list of conditions and illnesses that are automatically approved as disabilities without extensive medical proof needed for your claim.

### The History of Presumptive Illness

As our soldiers returned from the Persian Gulf War in February 1991 several laws were soon drafted in an effort to improve the benefits and pension plans available to them – mainly for those who suffered disabling injuries as a result of their service.

Many veterans were diagnosed with what is now known as "Gulf War Syndrome" – a collection of various symptoms not connected to any specific condition previously identified. With the rise in new service-connected disabilities, the presumptive illness system was established.

**A presumptive illness is one that the VA assumes is service-related if it manifested within a certain time period, either during active duty or at a degree of 10% or more before December 31, 2011.**

Legislation on veterans' disability has changed and expanded over time as new disabling conditions manifest in older veterans. Many conditions that qualify for service-related disability, such as cancers from exposure to known carcinogens, had not become apparent until well after their service had ended.

While many of the laws pertaining to disability compensation benefits for veterans of previous wars are indefinite, **the legislation for Persian Gulf War presumptive illnesses still has an expiration date.**



### What the December 31, 2011 Deadline Means

Many legislators, veterans, and veterans advocacy groups are working to persuade lawmakers to remove the December 31<sup>st</sup> cutoff date. **If left alone, this would mean that veterans could no longer claim a disability previously classified as a presumptive illness from service in any military branch during the Persian Gulf War.** This will increase the steps necessary for a veteran to apply and be approved for their disability benefits, as it will require more medical proof.

Research has shown that in the early Persian Gulf War known as Operation Desert Storm or Desert Shield, more than 697,000 American troops were actively serving. **About 1 of every 4 Persian Gulf War veterans now suffer from some sort of chronic illness associated with their service.**

The presumptive illness period was extended once for Persian Gulf War veterans, and now affected veterans of this war remain the only group to be facing a deadline to qualify for disability benefits.

### Our Veterans' Disability Team Can Help

At LaVan & Neidenberg, P.A., we strive to help disabled veterans of all military branches from all periods of service get the disability benefits they deserve. If you are a Persian Gulf War veteran and have questions about your potential disability benefits, talk to one of our experienced attorneys today.

Our legal team is here to answer your questions and protect your right to your veterans' disability benefits. To schedule a no cost case evaluation, [contact us today](#) – 1-888-234-5758.

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## Will there be a COLA in 2012?

### 5 Ways to Prepare for a Tighter Budget

Whether you are collecting Social Security benefits from retirement or disability, chances are you are living on a fixed income. It is also likely that you are well aware of the fact—and the effects—that there has been no COLA since 2009.

Many families dependant on their retirement and disability benefits have been struggling to make ends meet as prices for daily necessities like food and gas increase, but their benefits do not. While the Bureau of Labor Statistics may not see a reason for a COLA, we know many of you are feeling the strain.

*Are you worried about what 2012 may bring?*

#### Here are 5 easy ways to tighten up your belt NOW:

- **Become an extreme couponer and take advantage of discounts** – if you have access to a computer, you may want to register with a website like Coupons.com or visit your local grocery store's website for daily deals and savings;
- **Cut down on or avoid eating out** – we understand that having a meal at a restaurant can be a great diversion, but you can save money by going on days when they offer discounts or accept coupons;
- **Ask for generic medications from your doctor or pharmacist when available** – also, many pharmacies offer common antibiotics and medication for free – you just have to ask);
- **Visit urgent care clinics for non-critical medical problems and avoid the ER unless vital;** and
- **Employ energy-saving measures to reduce utility bills** – be sure to turn off lights during the day or when you're not in the room, unplug appliances when not in use, and turn up your thermostat to 78 degrees or open the windows as the temperature outside starts to cool down.

Even if you're comfortable with your current benefit amounts, it may be wise to take steps now to become more budget-conscious as prices continue to rise.

There are also many other benefits available to indigent persons through the Social Security Administration and other government programs. You may want to contact your local SSA office or Department of Children & Families to determine what other benefits may be available to you.

**Your income level or disabling condition could qualify you for food stamps, Medicaid, and other programs.**

## HEALTH NEWS

### *White-colored Foods Decrease Risk of Stroke*

A recent study on how the color of foods play into health benefits found that white fruits and vegetables had a significant impact on reducing the risk of stroke.

Foods such as apples and pears, which have white inner flesh, made up the bulk of the white food group.

**Participants in the study found that a mere 25 gram increase in white produce resulted in a 9% decrease in stroke probability.**

The 10-year study of more than 20,000 adults with no prior cardiovascular complications found that by adding white produce to their diet, it reduced their overall risk for stroke by 52%.

It's not clear yet why white was the color of choice for benefits, but produce in the study is known to have high dietary fiber and a flavonoid called quercetin. **Fiber is known to help reduce cholesterol and may prevent blood clots from forming.** Some other items in the white group included bananas, cauliflower, chicory and cucumber.

### FALL FOOD FAVORITES

#### Crunch-Baked Apples



- 6 large apples (Granny Smith work best)
- ½ cup granulated sugar
- 1 teaspoon ground cinnamon
- ¼ teaspoon ground nutmeg
- 1 cup quick cook plain oatmeal
- ¼ cup brown sugar
- 6 tsp. butter
- 1 cup apple juice

Core the apples, taking care not to cut all the way through the bottom and remove ½ an inch of the peel from the tops. Pour the apple juice in a shallow baking dish and place apples. Mix together sugar, cinnamon and nutmeg and sprinkle inside each apple.

Combine brown sugar and oatmeal and sprinkle on top of each apple. Place a 1 tsp. pat of cold butter on top of each apple. Cover the pan loosely with aluminum foil and bake for 45 minutes to an hour. Remove foil and place under broiler for 45 seconds to crisp top. Serve with a drizzle of honey or caramel for an extra sweet treat, or a scoop of vanilla ice cream for a la mode!

## CALENDAR OF EVENTS

October ushers in the full effects of fall with crispy leaves and cooling temperatures. It's time to enjoy nature this month before the real chilly weather sets in!

### COLUMBUS DAY – MONDAY, OCTOBER 10, 2011

Columbus Day is celebrated the 2<sup>nd</sup> Monday of October every year and marks the discovery of the “New World” for Europe. Columbus Day is a federal holiday, so most banks, the stock market, United States Postal Service, and government offices are closed, and many school districts and local government facilities also observe the holiday.

### NAVY DAY – THURSDAY, OCTOBER 27, 2011

This day to honor our naval reserves is typically celebrated on October 27, which was the birth date of President Theodore Roosevelt, an avid supporter of the U.S. Navy. However, a secondary date, October 13, is also considered by many as the true Navy Day as research found that this was the actual date in 1775 when the U.S. Continental Navy was founded.

### HALLOWEEN – MONDAY, OCTOBER 31, 2011

What was once a pagan holiday is now a nighttime celebration generally geared towards kids, costumes, and candy. If you plan on staying home this evening, make sure to have plenty of treats on hand or you may fall victim to some naughty tricks!

In recent years, due to safety and weather concerns, many neighborhoods have arranged trick-or-treat gatherings at malls or parks during daytime hours so costumed children can still participate in the tradition without worrying about nighttime dangers.

### OTHER OCTOBER OBSERVANCES

- American Pharmacist Month
- Breast Cancer Awareness Month
- Get Organized Week (First week of October)
- Lupus Awareness Month
- National Diabetes Month

### OCTOBER FUN DAYS

- October 4 – National Golf Day
- October 12 – Emergency Nurses Day
- October 22 – Make a Difference Day

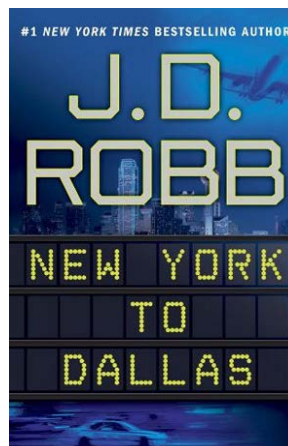
## SIGN OUR PETITION FOR FREE MEDICAL RECORDS!

We are sponsoring a petition to change medical records fees in the State of Florida. Currently, patients are required to pay up to \$1 per page to obtain a copy of their own medical records! The Firm's legislative initiative proposes to **make medical records FREE for all individuals applying for disability benefits**. Please join us in our fight and [sign our petition](#) today! Thank you for your support!

## Book of the Month

*New York to Dallas*

by J.D. Robb



The No. 1 New York Times bestselling author J. D. Robb presents an intense and terrifying new case for New York homicide cop Eve Dallas, one that will take her all the way to the city that gave her her name and plunge her into the nightmares of her childhood.

When a monster named Isaac McQueen – who was taken down by Eve back in her uniform days - escapes from Rikers, he has two things in mind. One is to pick up where he left off, abducting young victims and leaving them scarred in both mind and body. The other is to get revenge on the woman who stopped him all those years ago.

### Fall Weather Preparedness

As the leaves begin to change color and the temperatures drop across most of the nation, fall is upon us! Remember that with cooling temperatures and nature's changes often come a higher instance of allergies, colds, and the flu.

Take this time to check your cold weather medical needs. Make sure you have a good supply of cold medication, tissues, anti-bacterial wipes, and any “comfort foods” like chicken soup.

When going outdoors, dress warmly and in layers – it's easy to take off articles of clothing if you get too hot, but you can never find an extra jacket when it's too cold!

With winter just around the corner as well, make sure that if you're in a region prone to being 'snowed-in' that you have a supply of any prescription medications as well!