



(516) 887-7100 Fax (516) 887-7175

**DISABLED AMERICAN VETERANS**

DEPARTMENT OF NEW YORK, INC.  
200 Atlantic Avenue, Lynbrook, New York 11563



**May 2008 Newsletter**

## **REMEMBERING THOSE WHO SERVED: MEMORIAL DAY**

*Theodore A. Barbuto, Department  
Commander*

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"Over the years, the United States has sent many of its fine young men and women into great peril to fight for freedom beyond our borders. The only amount of land we have ever asked for in return is enough to bury those that did not return." -- Colin Powell

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In 1966, the federal government, under the direction of President Lyndon Johnson, declared Waterloo, N.Y., the official birthplace of Memorial Day. They chose Waterloo—which had first celebrated the day on May 5, 1866—because the town had made Memorial Day an annual, community-wide event during which businesses closed and residents decorated the graves of soldiers with flowers and flags. ([www.history.com](http://www.history.com))

Our great state of New York is known for setting many precedents. It is fitting that we are the home of the official birthplace of Decoration Day renamed Memorial Day. We will never forget the

sacrifices of those who have paid the ultimate price for our freedom. We honor them through local, state and federal observances and we march with pride in parades as well as bow our heads for our fallen comrades.

From New York, to Arlington, to Flanders Fields we remember those who served. Many who were not returned to our homeland, many who are still not accounted for. We remember.

**In Flanders Fields By: Lieutenant  
Colonel John McCrae, MD  
(1872-1918)**

**IN FLANDERS FIELDS the poppies  
blow  
Between the crosses row on  
row,  
That mark our place; and in the  
sky  
The larks, still bravely singing, fly  
Scarce heard amid the guns below.**

**We are the Dead. Short days ago  
We  
lived, felt dawn, saw sunset glow,  
Loved and were loved, and now we  
lie  
In Flanders fields.**

**Take up our quarrel with the foe: To  
you from failing hands we throw  
The  
torch; be yours to hold it high. If ye  
break faith with us who die  
We shall  
not sleep, though poppies grow  
In  
Flanders fields.**

I had the recent honor of attending the Testimonial Dinner of our National



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Commander, Robert T. Reynolds of Arlington, Virginia. New York State had the largest delegation outside of Virginia, which we are very proud of. Commander Reynolds held his dinner with a "Harley Davidson" theme. We will not forget the generosity of the Harley Davidson Corporation to the Disabled American Veterans in their donation to the Harley's Heroes Fund. Commander Reynolds continues to work to assist all

On a personal note, I would like to thank you for all of the calls, prayers, condolences, cards and gifts in memory of my dad, Antonio Barbuto, on his recent passing. This great DAV family has helped to ease the pain of my family's loss. As always the Department of New York DAV, its chapters and members have come through to take care of its own. I will always remember.

#### **DECORATION DAY**

*Sidney Siller, Sr., PDC; Department Adjutant*  
Memorial Day, by any other day is still in my mind revered as Decoration Day.

My earliest memories of our National Day of Remembrance goes back to the early thirties. What I vividly recall is that our family lived on Washington Avenue in the Bronx, which was a centrally located Boulevard, and probably long enough to conduct a large parade. I clearly recall my mother providing my older brother Leo and myself with the white "Duck" long pants, and a white shirt with a red or blue tie.

veterans and is well known for his service as an instructor in Colorado at the Winter Sports clinic each year.

I look forward to seeing many of you at our 87<sup>th</sup> Anniversary Dinner at the El Caribe in Brooklyn, New York. Be sure to get your reservations in for our Annual Convention in June in Kerhonkson, New York.

Some years we had flannel pants (which the tennis stars of the day wore) instead of the white Duck pants. Then she would lead us downstairs to watch the parade of WWI and the Spanish American Veterans pass in formation. There were marching bands with many veterans wearing gleaming steel helmets and white painted Springfield Rifles.

Years later, I had the honor of marching at the head of the Bronx County Chapter #23 with the Chapter's wonderful marching band, all of which was either up or down the length of the Grand Concourse. The Grand Concourse, which was completed before WWII, had islands on the north and south sides of the street, which had trees with little bronze tablets at their base with the name of deceased troopers from WWI. Sadly, these markers were all gone by the end of WWII. The Bronx parades, for many decades, were recorded as the biggest of all New York City parades for Memorial Day. I am sure all of us have remembered having similar experiences



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about this special day.

The question is, How did this magnificent concept of remembering our fallen heroes start and who started it?

It was started by General John A. Logan, Commander and Chief of the Grand Army of the Republic (an early VSO) in remembrance of soldiers who died in the Civil War. General Logan set May 30<sup>th</sup> as Memorial Day because there was, understandably so, great bitterness between the North and the South, the Southern States refused to recognize this day. The Southern States variously set their own dates on April 20<sup>th</sup>, May 10<sup>th</sup> and June 3<sup>rd</sup>, but this has changed.

If I recall Decoration Day became Memorial Day sometime around the advent of WWII. The day is special because we decorate the graves of our

Senator Inhofe said, "I look forward to seeing those who have served saluting proudly at baseball games, parades, and formal events. I believe this is an appropriate way to honor and recognize the 25 million veterans in the United States who have served in the military and remain as role models to other citizens. Those who are currently serving or have served in the military have earned the right, and their recognition will be an inspiration to others."

### **MILITARY APPRECIATION DAYS "A Salute to Those who Serve"**

Darien Lake Theme Park Resort

fallen comrades; we pause and hold observances at our national and local cemeteries; and most of all, we ask our respective God's to Bless our Country.

As we approach Memorial Day, this year let us pause from our busy lifestyles and once again remember those special men and women who have paid the ultimate price for our liberty and freedom.

### **ALL VETERANS CAN NOW SALUTE**

U.S. Senator Jim Inhofe (R-Ok) recently announced passage by unanimous consent of his bill S.1877 clarifying U.S. law to allow veterans and servicemen not in uniform to salute the flag.

(I-90 to Exit 48A) in upstate New York honors the men and women that defend our country on Memorial Day Weekend, May 24 - 26, 2008. All active and veteran military personnel receive FREE admission and discounts for their family members. Activities include local dance groups, a tribute to music from the 50's, 60's and 70's and other live patriotic musical performances throughout the park all weekend long. Show you're proud to support American troops, wear Red, White and Blue!

Call (585) 599-4641 or visit their website at [GoDarienLake.com](http://GoDarienLake.com) to download the discounted admission ticket coupon for your family.



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### VA TO CONTACT ALL RECENT COMBAT VETERANS

*Source: NAUS, April 25, 2008*

The VA announced that starting May 1, it will begin calling 570,000 recent combat veterans to ensure they know what services are available to them.

The first calls will go to about 17,000 veterans who were sick or injured while serving in the wars. If they don't have a care manager, the VA says they will be given one.

The next round of calls will target 550,000 veterans from the wars who have been discharged from active duty, but have not reached out to the VA for services. For five years after their discharge from the military, Iraq and Afghanistan veterans have access to health care at the VA.

### AMERICANS AT WAR

*Source: Military.com 28 Apr 08*

Now instant access to powerful videos and stories from the award-winning PBS series "Americans at War" can be accessed online at [www.americans-at-war.com](http://www.americans-at-war.com). The new website, launched by the U.S. Naval Institute (USNI) and sponsored by Lockheed Martin, features videos and

VA's Voluntary Service is one of the largest volunteer programs in the federal government. Men and women from their teens to their nineties become

stories which illuminate the actual combat experience from the perspective of the men and women who fought in America's wars from WWI to Iraq.

### A BIG THANK YOU TO OUR VA VOLUNTEERS

The nation recently marked National Volunteer Week, April 27 to May 3 and officials at the Department of Veterans Affairs (VA) encourage more Americans to join the Department's corps of 85,000 volunteers.

"Volunteers make important contributions to the operation of VA hospitals, nursing homes and national cemeteries," said Dr. James B. Peake, the Secretary of Veterans Affairs. "I encourage everyone to consider becoming a VA volunteer. These dedicated private citizens prove that one person can make a difference in the lives of our veterans." The 11.6 million hours of service donated last year by VA volunteers was equivalent to 5,500 full-time employees, the Department estimated. VA officials say the donated time was worth nearly \$220 million. To become a volunteer, contact the nearest VA facility, or complete a form on the Internet at [www.va.gov/volunteer](http://www.va.gov/volunteer).

### VA Voluntary Service

volunteer partners on the Department of Veterans Affairs (VA) health care team. Some bring special skills and knowledge, while others have a desire



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to explore and learn. Many come with a gift for working directly with patients, while others bring dependability to assignments behind the scenes. Voluntary Service matches the volunteer to the assignment, provides orientation and training for volunteers and maintains an awards program to recognize volunteer service. Over the past 60 years, VA volunteers have donated more than 689 million hours of service worth an estimated \$12.9 billion. In fiscal year 2007, 85,428 active volunteers contributed a total of more than 11.6 million hours of service -- equal to 5,574 full-time employees worth \$218 million. Volunteers and their organizations generated another \$59 million last year in direct gifts and donations.

### **Volunteer Activities**

VA volunteers perform a variety of duties at VA medical centers, national cemeteries, regional offices and regional counsel offices. At medical centers, their roles range from traditional ones, such as escorting patients and administrative duties, to creative activities, such as teaching arts and crafts and developing newsletters. As VA has expanded its care of patients into the community, volunteers now assist VA staff in hospice programs, outpatient clinics, home-based primary care and outreach centers. At cemeteries, volunteers provide military honors at burial services, create memorials, plant trees and flowers, build historical trails and place flags on graves for Memorial Day and Veterans Day.

Volunteers have been particularly active

in supporting community programs aimed at reaching and serving the homeless in one- to three-day events offering a variety of services. Volunteers also have become an integral part of national and local "showcase events" aimed at introducing people with disabilities back to mainstream activities. These include the National Disabled Veterans Winter Sports Clinic, the National Veterans Wheelchair Games (the largest wheelchair athletic meet in the world), the National Veterans Golden Age Games and the National Veterans Creative Arts Festival. Corporate volunteers play a strong role in these events, setting the pace for the future of VA Voluntary Service, along with a strong and growing youth volunteer program that is introducing teenagers and college students to careers and community service. In VA medical centers, young volunteers work in such areas as audiology, speech pathology, dietetics and physical therapy. Scout groups assist in landscaping and decorating at VA national cemeteries.

### **History**

On April 8, 1946, General Omar Bradley, then head of the Veterans Administration, established a Voluntary Service National Advisory Committee to assist hospital administrators in organizing the spontaneous volunteer movements that developed in communities near military and VA hospitals. A national advisory committee was established, made up of representatives of the American Legion



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and its Auxiliary; American Red Cross; Disabled American Veterans and its Auxiliary; United Service Organizations Inc.; and Veterans of Foreign Wars of the United States and its Auxiliary. The committee recommended a plan for community volunteer participation in activities for hospitalized veterans, including the establishment of advisory committees at local hospitals. The committee has grown from six to 65 major veterans, civic and service organizations and more than 350 local organizations. The committee gives direction for the recruitment, training and placement of volunteers in medical centers.

#### DFAS REPORTS END IN SITE FOR BACK PAY

The Defense Finance and Accounting Service has reported that by May 31, it will complete its review of 133,000 files of disabled retirees who possibly were due back payments under two "concurrent receipt" programs which Congress approved in 2003 and 2004.

So far, DFAS and the Department of Veterans Affairs have paid a combined \$308 million in back payments to disabled military retirees. The VA Retro Pay program was set up two years ago to calculate amounts mistakenly withheld from retirees as they began receiving either Combat-Related Special

Compensation or Concurrent Retirement and Disability Pay.

DFAS says that 22,500 cases remain to be completed and retro payments calculated and paid. They also report the number of contractors hired and trained to work the files has climbed to 233 from 51 since December.

#### MILITARY STOLEN VALOR

*Source: www.va.gov 15 Apr 08*

To report suspected fraud involving veterans benefits, other crimes such as Stolen Valor, fraud, waste or mismanagement in the VA, contact the Office of Inspector General Hotline at 1(800) 488-8244 or email at [vaoig.hotline@forum.va.gov](mailto:vaoig.hotline@forum.va.gov) or write to VA OIG HOTLINE, PO Box 50410, Washington, DC 20091-0410.

#### IT IS THE VETERAN

It is the  
**VETERAN**,  
not the preacher,  
Who has given us  
Freedom of religion.

It is the  
**VETERAN**,  
not the reporter,  
Who has given us  
Freedom of the press.

It is the  
**VETERAN**,



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not the poet,  
Who has given us,  
Freedom of speech.

It is the  
**VETERAN**,  
not the campus organizer,  
Who has given us,  
Freedom to assemble.

It is the  
**VETERAN**,  
not the lawyer,  
It is the  
**VETERAN**,  
Who serves,  
Under the Flag...

We should, and can be VERY PROUD  
of our young men and women  
in the service—  
NO MATTER WHERE THEY SERVE.

**GOD BLESS THEM ALL!**

**SUPPORT THE TROOPS,**  
even if you don't  
believe in the war,  
Because without their Service,  
**YOU WOULD NOT BE FREE TO DO  
SO!**

— Quote from a Veteran

### DAV LICENSE PLATES

DAV License Plates, issued by the New York State Department of Motor Vehicles, are visual reminders to the public that the DAV is adynamic,

Who has given us,  
The right to a fair trial.

It is the  
**VETERAN**,  
not the politician,  
Who has given us,  
The right to vote.

It is the  
**VETERAN**,  
Who **always**,  
Salutes the Flag.  
congressionally chartered organization  
actively engaged in its mission  
throughout New York.

Official NYS License plates bearing the DAV Logo in full color should be displayed on every vehicle owned by DAV officers and members. It's a matter of pride, coupled with the added advantage of making our presence known to the citizens around us. On average, DAV gets 12,000 miles of free advertising for every vehicle bearing the DAV Logo.

If you feel as we do that the presence and prestige of our organization is tremendously enhanced by the simple act of obtaining and placing DAV license plates on our vehicles, then call Headquarters at (516) 887-7100 to request an application or you can go to our website at [davny.org](http://davny.org) and print one out.



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Please rest assured that only DAV life members are eligible to receive the DAV plates.

The DAV is the strong, insistent voice that represents America's 2.1 million disabled veterans and their families. Here's a chance to let the public know we're here now and here to stay. Get your New York State DAV license plates!

### TAKE ME OUT TO THE DAV BALL GAMES.....

#### BUFFALO'S FIRST "DAV DAY AT THE BALLPARK"

*Buffalo Bisons vs NY Yankees  
Triple A Team*

**Ticket \$\$:** I will need all of your ticket money as early as possible. This will allow me to distribute the appropriate tickets to everyone to include the VAMC patients/veterans. Please make checks payable to: "**DAV c/o Bryan Held**" and in the subject/memo line of the check please write "DAV Day at the Ballpark".

#### DAV NIGHT WITH THE YANKEES OF PNC FIELD

*Scranton/Wilkes-Barre Yankees vs  
Pawtucket Red Sox*

*Do not miss out* - if you have not ordered your tickets to attend the game please contact the Buffalo NY NSO Office at 716-857-3354.

**DATE:** June 29, 2008 - Dunn Tire Park, Buffalo, New York.

**FOOD TIME:** 11 AM will start the 2-hour buffet in the center field party tent.

**GAME TIME:** 1:05 PM

**OPPONENT:** NY Yankees triple A team, Scranton Wilkes-Barre

**PRICE:** \$20.00 per ticket. You'll get all you can eat and drink for 2 hours prior to the game. This includes hot dogs, hamburgers, all condiments, potato salad, chef salad, chips and soda. (BUFFET STYLE)

**PARKING:** Private vehicles will be the responsibility of the owner.

Enjoy a fun filled night of Scranton Yankees (Triple A team) baseball with your family and friends on **August 4, 2008 at PNC Field** (formerly Lackawanna County Stadium). **Game time is 7 pm.**

**Tickets are \$25.00 each** and includes a 2 hour buffet of all you can eat hot dogs, hamburger/cheeseburgers, chicken sandwiches, salads, soda and water.

Contact PDC Bill Novak for tickets at (845) 386-2211



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**DAV NIGHT AT THE  
BALL PARK - YANKEE STADIUM!!**  
*Last DAV game at this stadium  
before the Yankees move into their  
new home!*

The major league DAV Night at the Ball Park will be held on **Monday, July 28, 2008** at Yankee Stadium. The Yankee's will be hosting Baltimore at 7:05 pm.

This year, the price of the Reserved Seat tickets will be \$30.00 per ticket.

For tickets, contact the DAV Department of NY at (516) 887-7100.

**DAVNY CONVENTION - JOIN US!**

*There is still time left!* If you have not sent in your reservation form for the State Convention at the beautiful Hudson Valley Resort in Kerhonkson, New York, June 22<sup>nd</sup> through the 25<sup>th</sup>, call Department Headquarters at (516) 887-7100 to request a reservation form.

**GOLFING AT HUDSON VALLEY**

Bring your clubs to our State Convention in June. The Hudson Valley Resort has given the **DAV's registered**

**hotel guests** a special rate - \$18.00 per cart, green fees included for two (2) persons. The Hudson Valley Resort boasts an 18-hole, par 71, 6,350-yard championship course which is enjoyable for all levels of play. Rolling hills, flowing creeks, ponds, lush fairways and challenging greens put every part of your game to the test.

**SCAMMERS SENDING BOGUS  
E-MAILS**

The scammers are already attempting to bilk people out of their economic stimulus payments by sending bogus e-mails claiming to be from the Internal Revenue Service. These e-mails advise people to click on a specific link and fill out the necessary information in order to receive the stimulus payment. IRS officials clearly advise against responding or opening any links. According to the IRS Web site, the IRS does not initiate taxpayer communications or request personal information through e-mail. People who receive e-mails claiming to be from the IRS should report such activity by following the directions found on the Internal Revenue's website at [www.irs.gov](http://www.irs.gov).

**AGENT ORANGE LAWSUITS  
UPDATE**

*Source: TREA Washington Update &  
NVS Update 9 May 08]*



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On 8 MAY the U.S. Court of Appeals for the Federal Circuit unfortunately reversed the decision of the U.S. Court of Appeals for Veterans Claims in *Haas v. Peake*. The U.S. Court of Appeals for Veterans Claims had previously found that Vietnam War blue water veterans who had served on ships off the coast of Vietnam but had never set foot within the land borders of Vietnam were entitled to a presumption of service connection disability if they suffer from one of the listed diseases associated with Agent Orange exposure. Also, they had ruled that the VA's regulatory interpretation that the veteran needed to have "set foot within the land borders of Vietnam" was unduly restrictive. The higher Court of Appeals for the Federal Circuit reversed and ruled: "We hold that the agency's requirement that a claimant have been present within the land borders of Vietnam at some point in the course of his duty constitutes a permissible interpretation of the statute and its implementing regulation, and we therefore reverse the judgment of the Veterans Court." This was a 2-1 decision with a thoughtful dissent by Judge Fogel so the Claimant may attempt to appeal to the U.S. Supreme Court, which Commander Haas has said he will do. You can find the full 57 page decision in the list of decisions at <http://www.cafc.uscourts.gov/dailylog.htm>. Most likely VA will now move quickly to resolve (decide) claims that have been placed on hold awaiting this

decision. These claims will almost certainly be denied unless they can show that their ship operated within the inland waterways of Vietnam or entered port in Vietnam. While ships logs do not routinely show crewmembers leaving their ship, they will show whether the ship entered an inland waterway (e.g. the Saigon River) or put into port. VA will generally concede the issue if service records show a veteran was attached to a ship during the period that the ship put into port in Vietnam. The negative decision in the *Haas* case does not relieve VA from the responsibility of making a legally correct decision that discusses all pertinent evidence and the reasons and bases for the decision. The VA in their written decision should specifically address the evidence of service in or visitation to Vietnam. They must discuss ships' movements either shown by ships' history or logs. If the veteran has admitted never setting foot in Vietnam, VA must also discuss whether evidence shows that the ship operated in the inland waterways of Vietnam. The *Haas* decision does not apply if a claimant has alleged exposure to herbicides on a direct basis, such as loading drums of defoliant on board helicopters or decontaminating aircraft or helicopters, VA must discuss such allegations and resolve them. Claimants who are denied have several legal moves available to them. They can ask the Court of Appeals to review the case using all the judges on the Court. While



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the Court may decide to conduct an en banc review it does not have to. Failing that, they could appeal to the Supreme Court. During any given year the Supreme Court takes up only about 1 in 20 cases to decide. Success at the Supreme Court is a long shot.

#### **CHAPTER SERVICE OFFICER CERTIFICATION REMINDER**

Please complete and return the "Addendum to the Annual Chapter Officers Report for Additional Chapter Service Officers" to the Buffalo NSO Office as soon as possible. This is critical as all the needed materials for the Chapter Service Officer training in June will be ordered based off of the receipt of these forms.

To date only Chapters 4, 8, 82, 88, 92, 120, 126, 143 and 211 have returned these forms. **Please do not wait for the last minute as materials will not be available!**

#### **CHAPTER OFFICERS - PLEASE TAKE NOTICE**

Please take care when filling out the **Chapter Officer Report** and the **Chapter Recommendation For Committees Form**. Make sure the names and addresses are **legible**. Do not forget to include the correct zip codes

By now, all Chapters should have received information regarding the Chapter Service Certification being held at the State Convention in June at the Hudson Valley Resort. If you have not received this, please call the Buffalo NSO Office at (716) 857-3354.

#### **TAPS**

Department has been notified that the following comrades have been called into final formation above:

**Philip Cosimo Sr.**, Chapter #153, 4/14/08

**Giacomo J. Beni**, Chapter #117, 3/25/08

Department and the membership extend deepest sympathies to the family members, friends and comrades of these fallen heroes. May each one rest in honor.

Please feel free to call, write or e-mail [davny@optonline.net](mailto:davny@optonline.net) Headquarters if you have a loss in your Chapter that you would like to include in this column.



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**DATES FOR YOUR DIARY**

Dunn Tire Park  
Buffalo, New York

**Department of New York's 87th  
Anniversary Celebration**

Sunday May 18, 2008  
El Caribe Country Club  
Brooklyn, New York

**Rehab Cruise XVII**

July 8, 2008  
Nautical Empress  
Freeport, NY

**Department of New York  
Convention**

June 22, 2008 to June 25, 2008  
Hudson Valley Resort  
Kerhonkson, New York

**DAV Night at the Ball Game**

*NY Yankees vs Baltimore*  
July 28, 2008  
Yankee Stadium 7:05 pm

**Buffalo's DAV Day at the Ballpark**

*Buffalo Bisons vs NY Yankees Triple  
A Team*  
June 29, 2008  
PNC Field 7:00 pm

**Scranton Yankees DAV Night at  
the Ballpark**

*Scranton Yankees vs Pawtucket Red  
Sox*  
August 4, 2008

**2008 National DAV Convention**

August 9, 2008 to August 12, 2008  
Bally's Hotel Las Vegas  
South Las Vegas, NV