



# *The Straight Scoop*

Department Newsletter of the  
Marine Corps League  
Department of West Virginia  
P.O. Box 11828  
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**HAPPY BIRTHDAY USMC \*\*\* NOV 10, 1775 - 2019 \*\*\* 244 YEARS**

**HAPPY THANKSGIVING TO EVERYONE**



## **COMMANDANT'S MESSAGE**

Marines, FMF Corpsmen, FMF Chaplains and Associate Members.

I hope this finds you well.

Our 244th Birthday is upon us and, as usual, there are Marines all around the world preparing to celebrate. For 244 years we have answered our Nation's call. In times of struggle and strife, America has looked to her Marines to get the job done. Today is no different. We currently have brothers and sisters deployed to carry out

our legacy as the "First to Fight."

As we prepare to celebrate, I want us to remember our forward deployed Marines and Corpsmen, who at this time, continue to carry on our legacy of America's premier Force in Readiness. As I sit and reminisce about my time in the Corps, I am reminded that it is not necessarily the daily routine of being a Marine that I miss, it is the camaraderie with my brother and sister Marines that I miss the most. I would like for each of you to take some time to remember your time on active duty. Hopefully, it will rejuvenate you to continue our mission in the League. I am humbled and proud to be able to serve with every one of you as we continue to carry the fight to the streets of our communities.

Please keep our deployed Marines in your prayers as they are defending the freedoms of others. May God bring them home safely, but rest assured that no matter where they are this November 10<sup>th</sup>, they will be celebrating the birth of the most feared fighting force on earth.

Remember those that went before us who gave us the opportunity to earn the title Marine and to serve something that is greater than ourselves. Celebrate, Marines, you deserve it! Be safe and responsible and be ready to pick up the fight and carry on.

Happy 244<sup>th</sup> Birthday Marines!

Semper FI!

Scott Kirby

Commandant

Department of West Virginia

Marine Corps League

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### **Chaplain's Corner Lord,**

You invite all who are burdened to come to you. Allow Your healing hand to heal me.

Touch my soul with Your compassion for others.

Touch my heart with Your courage and infinite love for all.

Touch my mind with Your wisdom, so that my mouth may always proclaim Your praise.

Teach me to reach out to you in my need, and help me lead others to You by my example.

Touch the lives of those who have no one to pray for them. Most loving heart of Jesus.

Bring me health in body and spirit so that I may serve You with all my strength.

Touch gently this life which You have created.

Amen

Chaplain Frank Armentrout

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### **MAJOR GENERAL JOHN A. LEJEUNE'S BIRTHDAY MESSAGE**

On November 1st, 1921, John A. Lejeune, 13th Commandant of the Marine Corps, directed that a reminder of the honorable service of the Corps be published by every command, to all Marines throughout the globe, on the Birthday of the Corps. Since that day, Marines have continued to distinguish themselves on many battlefields and foreign shores, in war and peace. On this Birthday of the Corps, therefore, in compliance with the will of the 13th Commandant, Article 38, United States Marine Corps Manual, Edition of 1921, is published as follows:

"(1) On November 10, 1775, a Corps of Marines was created by a resolution of the Continental Congress. Since that date many thousands of men have borne that name Marine. In memory of them it is fitting that we who are Marines should commemorate the Birthday of our Corps by calling to mind the glories of its long and illustrious history.

(2) The record of our Corps is one which bear comparison with that of the most famous military organizations in the world's history. During 90 of the 146 years of its existence the Marine Corps has been in action against the Nation's foes. From the Battle of Trenton to the Argonne, Marines have won foremost honors in war and in the long eras of tranquility at home, generation after generation of Marines have grown gray in war in both

hemispheres, and in every corner of the seven seas so that our country and its citizens might enjoy peace and security.

(3) In every battle and skirmish since the Birth of the Corps, Marines have acquitted themselves with the greatest distinction, winning new honors on each occasion until the term "Marine" has come to signify all that is highest in military efficiency and soldierly virtue.

(4) This high name of distinction and soldierly repute we who are Marines today have received from those who preceded us in the Corps. With it we also received from them the eternal spirit which has animated our Corps from generation and has long been the distinguishing mark of Marines in every age. So long as that spirit continues to flourish Marines will be found equal to every emergency in the future as they have been in the past, and the men of our nation will regard us as worthy successors to the long line of illustrious men who have served as "Soldiers of the Sea" since the founding of the Corps."

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### **10 November 2019 A MESSAGE FROM THE COMMANDANT OF THE MARINE CORPS**

United States Marines define the world's image of elite warrior-citizens. We take great pride in the legacy built by those who came before us and in carrying that legacy into the future. Capabilities, battlefields, and adversaries change, and Marines continue to adapt to every challenge -prepared to fight and win wherever and whenever our Nation calls.

What does not change is the Marine spirit-a warrior spirit rooted in our core values. The strength of our Corps is our Marines. Our success depends on all Marines embodying the values in which our Corps was founded; it requires leveraging the talents and ingenuity of every Marine to strengthen our Corps. Since 1775, courageous Marines have answered the call to fight for freedom and shaped our reputation as the most feared fighting force the world has seen. Marines from each generation approached every battle with a lethal combination of versatility, perseverance, and adaptability that has allowed us to prevail in any clime and place. Throughout the 244-year history of the Marine Corps, our Nation has required Marines to adapt capabilities and fighting styles to defeat adversaries in all domains. The Marines who took to the seas with naval counterparts to combat the Barbary Pirates solidified our role as a naval expeditionary force in-readiness. World War I saw Marines fighting sustained land campaigns and returning from those battles to immediately begin redesigning how to go to war. Those innovations laid the foundation for the amphibious landings of World War II. Combat operations in Korea and Vietnam brought harsh climates and unforgiving terrains that again forced Marines to adapt and overcome. In Iraq and Afghanistan, urban battlefields and counterinsurgency tactics demanded innovations in war fighting strategies and capabilities. Today, we find ourselves once again facing new and evolving threats in different operational environments. Like our predecessors, we will move forward with the lessons learned from past conflicts while redesigning the force and innovating for future conflict with any adversary who dares to fight. Marines, congratulations on 244 years of excellence. Like the first birthday message published by 13th Commandant General John Lejeune in 1921, this message serves as a reminder of the legacy we are charged with upholding. Today is our day to celebrate our heritage and to honor the sacrifices of those who fought before us. It is also a day to recommit ourselves to our core values and resolutely pursue the strength of character that defines United States Marines. And it is a day to look toward future battlefields, to prepare to uphold the distinguished war fighting legacy of our predecessors wherever our Nation calls.

Happy Birthday, Marines!  
David H. B. Berger General, U.S. Marine Corps  
Commandant of the Marine Corps

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**From: Dennis Tobin, National Commandant/CEO/MCL**

**To: All Members of the Marine Corps League**

**Subj: 2019 Birthday Message from the MCL National Commandant**

The United States Marine Corps is celebrating its 244th Birthday. November 10, 1775 is celebrated in every

climate and place where Marines may be. Regardless of job duty or tenure in the Corps, Marines hold our history in the highest of regards. Our beloved Corps of Marines continues to instill this deference in the newest recruits. Founded in 1923 and chartered by the U. S. Congress in 1937, the Marine Corps League continues to preserve the traditions of our Corps. Our membership is spread across the Nation. We come from every city, county, and state just as the Marines currently serving in the Marine Corps. The Marine Corps League is dedicated to services like funeral honors, Toys for Tots, and assisting transitioning Marines and their families. Our efforts, through patriotic volunteerism, directly support the Commandant of the Marine Corps and our Marines.

Thank you for what you do every day. We have strengthened our partnership with the Marine Corps Association and Foundation to foster the spirit and preserve the traditions of the Marine Corps perpetuated by history on common ground dating back almost one hundred years to our common founder Lt. Gen. John A. Lejeune. This partnership will further support the Commandant of the Marine Corps, General Berger, and his successors. As Marines around the world continue to serve in harm's way to keep us safe, let us take time to once again celebrate the glorious history of our beloved Corps.

Happy Birthday Marines Semper Fidelis  
Dennis Tobin  
National Commandant/CEO Marine Corps League

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### CAKE CUTTING SCRIPT

(The following are three separate and slightly different cake cutting scripts. There does not appear to be a set in-stone script.)

#### EXAMPLE #1

It is customary at Marine Corps birthday celebrations worldwide to cut a traditional cake in celebration of the birth of our illustrious Corps.

#### **The first piece of cake is given to our guest of honor...**

The second to the oldest Marine present, as of the date he was born and enlisted in the Marine Corps on...

Upon receiving the second piece of cake, the oldest Marine will in turn pass it on to signifying the passing of experience and knowledge from the old to the young of our Corps.

The youngest Marine will then receive the third piece of cake further emphasizing the fact that we care for our young Marines before we look to our own needs.

(Pause) and so it must be.

#### EXAMPLE #2

The Marine Corp's birthday cake-cutting ceremony is important to all Marines, as it is an annual renewal of each Marine's commitment to the Corps . . . and the Corps' commitment to our nations quest for peace and freedom worldwide.

The birthday cake is traditionally cut with the Mameluke sword, as a reminder that we are a band of warriors, committed to carrying the sword, so that our nation may live in peace. The Mameluke sword gets its name from the cross hilt and ivory grip design, similar to swords used for centuries by Ottoman warriors. The Marine Corps tradition of carrying this sword dates from Lieutenant Presley O'Bannon's assault of Derna, Tripoli, in 1805, where he is said to have won the sword of the governor of the city.

(Pause)

As is our custom, the first piece of cake will be presented to our guest of honor. By tradition, the second piece of cake is presented to the oldest Marine present. Ladies and Gentlemen, the oldest Marine present is... who was born in...

The third piece of cake is presented to the youngest Marine present. Ladies and Gentlemen, the youngest Marine present is... who was born in

#### EXAMPLE #3

Traditionally – Regardless of location – Marines pause to observe our birthday by sharing a cake and usually, a

holiday meal. A sword is used to cut the cake as a reminder that we are a band of warriors, committed to carrying the sword, so that our nation may live in peace.

The first piece of cake is presented to the Guest of Honor.

The second piece is presented to the oldest Marine in the command, signifying the honor and respect accorded to experience and seniority. The oldest Marine this evening is... who was born on...

Symbolically, the eldest Marine present passes a piece of cake to the youngest Marine present, just as for years our experienced Marines have nurtured and led young Marines that will fill our ranks and renew our Corps. The youngest Marine present this evening is... who was born on...

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**2019 MCL National Bylaws and Administrative Procedures are on the national site under *library-member*. The uniform code is listed under the AP section.**

**National site:** <https://www.mclnational.org/>

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### **2020 Military Retiree, VA and Social Security Pay Increase**

Military retirees, those who receive disability or other benefits from the Department of Veterans Affairs, federal retirees and social security recipients will see a 1.6% increase in their monthly checks for 2020.

The annual Cost Of Living Allowance (COLA) is smaller than the 2.8% increase from last year but in line with the historical increases seen over the last ten years.

The 1.6% increase means that you will get an additional \$16 for every \$1,000 in government benefits you receive.

Disabled veterans will also get a bump. The average VA disability check will go up about \$2 per month for those with a 10 percent rating, and \$49 for those rated at 100 percent.

Military retirees and VA beneficiaries aren't the only ones who benefit from the COLA increase. Civil Service retirees, and Social Security recipients will also see the 1.6% jump in their monthly checks as well.

For Social Security recipients, the monthly increase will mean an extra \$12 per month for the average beneficiary.

### **VA Special Monthly Compensation SMC(k) Entitlement**

Extra VADisability is given for some especially serious disabilities. The basic idea is that the VA wants to give additional disability pay in cases where the disability is so severe that the regular ratings just don't cut it. For example, the loss of one hand and a foot is more serious than just the loss of one hand. All Special Monthly Compensation Rates are given instead of the standard VADisability Rates, except for Category K. Category K is given in addition to your standard disability pay. All Special Monthly Compensation is tax-free. There are different categories (K, L, M, N, O, r, S, & T) that determine the type and amount of Special Monthly Compensation. Each one has different requirements for the kind of conditions that qualify for Special Monthly Compensation under that category. For a condition to qualify under any category, it must be determined by the VA to be service-connected.

Any VASRD rating requirements for each SMC category can only be fulfilled by a VA Disability Rating, not DoD. So, if the DoD rates a condition at 100%, but the VA only rates it at 60%, then 60% is the only rating that can be used to qualify for a category. The majority of categories do not have VASRD rating requirements. If the VA did not give Special Monthly Compensation in a case that qualifies, the veteran can request for his case to be reviewed, and Special Monthly Compensation will then be given dating back to the original VA Rating Decision. Once you know what category of Special Monthly Compensation you qualify for, you can find the exact monetary amount you'll receive for that category at

[https://www.benefits.va.gov/COMPENSATION/resources\\_comp02.asp](https://www.benefits.va.gov/COMPENSATION/resources_comp02.asp).

When determining which SMC category, you may qualify for here are a few important definitions:

- o Loss of use – means that the body part cannot function any better than it would if it were amputated and a prosthetic device used. Basically, if the hand cannot grasp objects or if the foot cannot push off or balance, it would be considered loss of use. If a leg is shortened by 3 ½ inches or more, it is also considered to be loss of use of that foot.
  - o Aid and attendance – means that the condition is so severe that it requires regular (not necessarily constant) supervision by another person. This person could be a family member, home nurse, or nursing home facility. Hospitalization does NOT qualify as aid and attendance. If a condition qualifies for aid and attendance, it is not rated at all on the VASRD, but is rated entirely on the Aid and Attendance section below.
  - o Permanently bedridden – means that the condition is so severe that the individual cannot get out of bed. This does not include periods of bed rest prescribed by a physician since the individual could still actually get out of bed. If an individual is permanently bedridden, then they qualify for rating as Aid and Attendance, but unlike Aid and Attendance, the rating continues even if they are hospitalized.
  - o A condition can only be categorized under ONE of the categories between L and O. If a condition qualifies under Category S, then it is categorized just under S, and not under Categories L through O. Category K can be given in addition to any category except Category R unless the condition that qualifies for Category K is not used to qualify for Category R. You can't use the same condition to qualify for both Category K and Category R. Category R is unique. It completely replaces any other rating for any condition. If you qualify for Category R, then you will only receive compensation for that category, and won't receive any other disability pay from the VA, including the normal VASRD disability rating pay. The only thing you can receive in addition to Category R is Category K for entirely separate conditions.
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### **Professional Development Training Duties of the Commandant**

The Detachment Commandant is the most important office in the Marine Corps League. This leadership position accounts for the membership levels, programs and the manner in which the League is viewed by Marines, members and prospective members and the citizens of the community. With effective leadership in this office, the Detachment and the entire League will be successful based on the results of the Detachment. Success and achievement begets recognition and a growing membership

#### **A. Characteristics and Traits**

- Proven leadership and management skills.
- Effective communication skills with members, the community, other Marine Corps League organizations and the Marine Corps.
- Ability to establish mutually agreed upon objectives; plan, direct, articulate and promote strategies within sphere of influence.
- Ability to recognize and solve problems.
- Willingness to delegate tasks and responsibilities, while controlling and managing results.
- Clear understanding of financial and fiscal requirements.
- Effective speaking capability for ceremonies, meetings, presentations and for fund raising.

Experience and/or clear understanding of subordinate officer duties and responsibilities.

- Flexible thinking -- acceptance of dissent into discussion and plans.
- Ability to run concise, effective meetings.
- Commitment to training, education and support to improve Detachment job skill levels.
- Selfless approach to meeting Detachment objectives.
- Commitment to the purposes of the League and objectives of the Detachment.
- Ability to lead and work as a team.

#### **B. Leadership**

The first and most important job of the Commandant is to lead. In doing so, he/she sets an example for other officers, and the Detachment members. Leading also requires that tasks and accountabilities (along with authority) be delegated to subordinate officers and members. However, the ultimate responsibility for accountabilities still rests with the Commandant. In leading, it is important to continually assess results and

assist/support subordinates in removing obstacles to their completing their delegated tasks.

C. Preside at Meetings the Commandant should be reasonably well versed in Roberts Rules of Order and the Ritual of the Marine Corps League in conduct of meetings. Meetings should be concise, orderly and allow relevant information to be presented that represents different points of view. The Commandant controls the meetings with the assistance of the Sergeant-at-Arms. The manner in which a meeting is run will have a significant impact on attendance, participation and promoting the Detachment. The Commandant is also called on to chair officer and/or committee meetings, in addition to general membership meetings. The meeting results are directly proportional to the focus of topics, control, timeliness and decisions relative to views presented. An agenda is helpful for meetings, which should be developed and/or approved by the Commandant. During the business portion of the meeting, it is important to focus on business, though a little humor can keep matters in perspective. Socializing is best done before and after.

D. Chief Executive Officer of the Detachment. As an incorporated entity within the state, the Commandant is the CEO of the Board of Trustees and the Detachment. As such, he/she is responsible, as a corporate officer, for the activities, financial standing and image portrayed in the community and the League.

E. Positive Public Relations the Commandant is looked to by the League, the members, Board of Trustees and the community as the primary contact and promoter of Detachment events and community/Marine Corps activities. Public relations include direct meetings, media contact and appearance at appropriate civic and military events. The leader of an organization, by virtue of his/her position, will be the primary provider of information, the primary representative of the Detachment at functions and the primary salesman for the League and Detachment.

#### F. Narrative of Job Accountability and Responsibilities

Formulation and Development of Programs Just as a newly elected President has ideas and programs that he/she promotes to get elected, so too should the Commandant have ideas and programs that will improve Detachment operations and enhance the capabilities/results of achieving goals. Also, just as a President needs to sell the ideas to Congress and compromise where appropriate to achieve the best program for all constituents, so too the Commandant must articulate, sell and compromise, where appropriate, promote programs and objectives with Detachment members and the Board of Trustees. The most important element of achieving this task is developing a written plan/strategy for each program and idea, discussing the merits and weaknesses and agreeing on a direction. Other officers and members will also have ideas and programs, but it is the ultimate responsibility of the Commandant to lead the way in development and initiation.

#### **Appointment of Committees to Carry Out Detachment Business**

There are a few reasons to appoint a committee: To bring together varied skills and perspectives to study/solve a problem or evaluate an idea; to plan, initiate and accomplish a given task or program; to involve members in a legitimate activity who might otherwise not volunteer. Some items to consider in setting up a committee are: Determine if the purpose clearly needs a committee or can the situation be handled by making one individual accountable; make sure a committee is not formed to delay action on solving a problem; clearly define the results expected of the committee and establish a start and end date, at which time the committee will be dissolved; select a committee chairman who has strong leadership and meeting skills to reduce the time and effort to achieve results. There are adages about committees -- A committee is comprised of the unwilling, formed by the unfit to do the unnecessary; and, a camel is the result of a committee trying to design a horse so it behooves the Commandant to assure the necessity, bring together the qualified skills and describe time targeted expected results. Because committees are formed and authorized by the Commandant, he/she is ultimately responsible for the result.

1. Responsible for Fiscal Stability and Financial Procedures • The financial wellbeing of the Detachment is a significant target for the Commandant, the Board of Trustees and officers of the Detachment. The first concern is for the financial integrity and credibility of the Detachment -- the proper channeling and use of funds (i.e., if funds are generated for a charitable purpose, they are to be used for that purpose). The Commandant is ultimately responsible for the fiduciary nature of the finances for the Detachment. It takes money to operate a

Detachment and more money to support programs, events and activities of importance to Detachment operations is communications with members, prospective members and the community -- normally done by means of a newsletter (postage and printing costs). To support Detachment activities, Color Guards and charitable causes, the Detachment will have to look to outside donations and fundraisers. The solicitation of donations is an important job of the Commandant -- he/she is the Point man for contacting personal and corporate donors.

The integrity, image, membership level and ability to support events are often directly proportional to the size of the treasury and the way in which it is managed. Every Commandant needs to understand sources of revenues, expense control, cash flow, profit and loss, and balance sheet data -- and be assured that financial procedures provide an audit trail to support inquiries. The Commandant should be one of two signers on Detachment checking and monetary accounts (the other being the Paymaster).

The MCL bonds the Commandant and Paymaster and others that are assigned to handle money for the detachment.

2. Abides by the By-Laws and Policies of the Marine Corps League the Commandant must set the example for the other officers and members of the Detachment. Having sworn to uphold the principles and laws of the League, the Commandant, as should every officer, must be familiar with the By-Laws and Policies prescribed by MCL National, the Department and the Detachment. All policies and by-laws must be compatible and cannot be in violation of National by-laws and policies. The By-Laws and Policies of the League, Department and Detachment are the guiding principles under which the various organizations operate. Laws and rules are established as a framework for operations and entitlement under the law. The Commandant is ultimately held accountable for adherence to by-laws and policies and, therefore, must assure that the Detachment and its members are in compliance.

3. Awards the Detachment Commandant has the authority and opportunity to recognize members, non-member citizens of the community and companies for service and achievements in support of Detachment/League objectives. The Distinguished Service Medal, Distinguished Service Certificate, Distinguished Citizenship Medal, Certificate of Appreciation and others are ways to acknowledge support, performance, citizenship and patriotism. The Commandant may want to have assistance from the Board of Trustees, or an Awards Committee, but may act on his/her own to show appreciation for support and achievement. For instance, contributors to Toys for Tots or other Detachment programs can be thanked and encouraged to participate again. Service by members who have done more than expected can be rewarded. And, the press/media can be informed, also. The Commandant is the lead in promoting the League, whether it be for his/her own Detachment or other existing Detachments, or in suggesting and assisting in the development of a new Detachment. The name of the game is to bring new members to the organization and expand the League's support of all Marines.

4. Other Duties of the Commandant Include:

- Assuring that reports, including membership transmittals and officer installation reports, are prepared and dispatched on a timely basis.
- Acknowledging transfer requests and ascertaining that member meets the qualifications for transfer.
- Receiving, reviewing, discussing and taking action on reports of financial status, project status, problems/member issues, Detachment concerns.
- Initiating and supporting assistance to members or members families in distress, funeral details and coordination with Marine or veterans' units, and/or other causes requiring Detachment / member attention.
- Any situation or circumstances that require highest level attention within or on behalf of the Detachment.
- Directs Marine Corps League activities of his community, presides at all Detachment meetings, serves as advisor to all committees of his Detachment and is in direct charge of all functions of his Detachment.

He administers the Oath of Membership to all new members of his Detachment after he has been officially sworn into Office by the Department Officer or an Officer deputized for the purpose by a National or a Department Officer.

**Summary** the Detachment Commandant's position is critical to the success of the Detachment and to the Marine Corps League. The ability to lead will be decisive to the success of the Detachment. The ability to



delegate and monitor results will be crucial to time management - getting things done through others and achieving desired results. To effectively promote the Detachment and League so that it will develop positive image and attract members. Looking out for the best interests of Marines (of all era's, ranks, and units), in and out of the League, is a thread, which makes this organization unique among veterans and other Marine organizations. The Commandant should also be aware of the activities and programs of other Detachments within the Department. If a Detachment is having problems, or has questions, the Commandant leads the way for his/her Detachment to lend a hand and help out. By the same token, we should work in an environment where teamwork is a working concept and feel free to call on other Detachments for ideas, assistance and support, or general communication.

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## **VA Rating Decisions Initial, Deferred, & Confirmed and Continued**

An INITIAL rating decision is issued by the VA after they have considered the veteran's claim. Typically, a rating decision tells the veteran if their claim has been granted or denied. The rating decision will also tell the veteran how the VA came to the decision that they reached. Receiving a rating decision also means that your case is moving along in the very slow VA system, and even if the decision is not favorable, at least that means you are able to move forward with your case and determine the next steps that you will take. The rating decision should include a cover letter (we referred to as the Notice of Action, or NOA). The NOA is important because the date of the NOA is the date that will be used to determine whether a Notice of Disagreement is timely. The NOA also includes a breakdown of the decision made on each issue and boilerplate language from the VA about the appeal process.

However, sometimes a veteran might receive a rating decision that says "DEFERRED." A deferred rating decision is issued when the claim is underdeveloped (not enough evidence) or if the claim is incomplete. Other times, a veteran might receive a decision that says "CONFIRMED AND CONTINUED." Confirmed and continued rating decisions are issued when the veteran submits additional evidence and the VA believes this evidence is repetitive, not new and material, or unpersuasive.

A deferred rating decision is issued when the veteran has submitted multiple claims to the VA, but the VA only has sufficient evidence to decide some of these claims. For example, a Veteran files a claim for PTSD, hearing loss, and migraines. Then the VA grants the PTSD, denies the hearing loss, and defers the migraines. This means that the VA had enough evidence to make a decision on the PTSD and hearing loss claims, but they need more evidence on the migraine claim in order to reach a decision. A deferred rating decision basically means that claim needs more development. Reasons why the VA might need more evidence include: a doctor didn't provide certain language in his opinion, medical records or military records that were previously unavailable became available, or something new happens to the veteran that would have an effect on his claim (such as, having an operation or getting social security compensation). Simply put, this deferred rating decision is not really a decision at all. It can also be thought of as a decision to not decide something. Either way you put it; a deferred rating decision means the veteran will have to wait a little bit longer before their claim is actually decided.

Unlike a deferred rating decision, a rating decision that is confirmed and continued means that the issues making up a veteran's claim are ready for a decision. Confirmed and continued decisions are issued after a veteran has received an initial rating decision and has submitted additional evidence to the VA on the claim decided by that initial rating decision. The VA will confirm and continue its initial rating when it feels that the additional evidence submitted by the veteran does **not change what the outcome should be.**

Overall, think of a deferred rating decision as meaning a claim needs more evidence while a confirmed and continued rating decision means a claim needs different evidence.

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## **VA Disability Ratings Protected**

Certain VA disability benefits are considered Protected Ratings, according to the VA (though others say the term "protected" is a misnomer). This is where it helps to be able to find and read the appropriate regulations

or find an expert who can help you through the task. Protection is covered Under 38 CFR 3.951 and 38 CFR 3.952. The present rules are:

- 5-year rule: If the rating has been in effect for 5 years, it cannot be reduced unless your condition has improved on a sustained basis (The VA must have documentation supporting this is a permanent improvement).
- 10-year rule: A service-connected disability rating cannot be terminated if it has been in effect for 10 years. Compensation can be reduced if evidence exists that the condition has improved. The sole exception is if the VA can prove fraud, in which case the VA can terminate the benefits.
- 20-year rule: If the rating has been in effect for 20 years, it cannot be reduced below the lowest rating it has held for the previous 20 years. The only exception is if the VA can prove fraud. Measure the 20-year period of 38 CFR 3.951(b) from the earliest effective date of the combined or individual evaluations.
- 100% rule: The VA must prove your medical situation has materially improved and as a result, you are able to perform substantial work.

What do these protected ratings mean? Basically, if you have had a VA service- connected disability rating for 5 years or more, the VA must prove your condition has improved on a sustained basis before they can reduce or terminate your disability rating. After 10 years, the VA can only reduce your rating; they cannot terminate it (absent proof of fraud). And, after 20 years, your rating cannot be reduced below the lowest rating you have held for the last 20 years. These distinctions are important because some ratings can vary over the years, based on the medical condition.

For example, let's say you have a knee injury that warrants a 30% disability rating when you complete your initial VA evaluation. After 5 years, the VA cannot reduce this rating below 30% unless they can prove the injury has healed on a sustained basis. If it has improved to the point the injury warrants a lower rating, or the injury no longer exists, the benefit can be reduced or terminated. After 10 years, the benefit can no longer be terminated, but it can be reduced if the VA can document substantial sustained health improvements. After 20 years at that rating, your benefit can no longer be reduced below its lowest rating or terminated (unless there is proof of fraud).

The 100% rule is much more difficult to have decreased. The VA must prove your health has materially improved, and you are now able to perform substantial work. If all of your injuries still leave you unemployable, then it is likely your benefit will not be reduced.

Most veterans with a 100% rating have one or more major service-connected medical conditions, and possibly additional multiple less-severe injuries. The VA must prove the veteran is able to perform substantial work even with this assortment of medical conditions

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## **VA Reexamination Notice: How the VA Can Reduce Disability Benefits**

Did you know it's possible for the VA to reduce your VA disability rating? When you are awarded a VA Service-Connected Disability rating, the VA retains the right to reexamine you to determine if your disability is still present and warrants the original rating. In short, it is possible for the VA to increase, reduce, or terminate, disability benefits based on a reexamination. But don't let this scare you: not every veteran's disability rating is scheduled for a reexamination, and not every rating will change. For example, some service-connected disability ratings are considered protected, and will not be changed.

Veterans with a P&T Rating (Permanent and Total) will usually not be scheduled for a reexamination. The same thing goes for injuries that are considered permanent or static. These include injuries that will never change, such as a missing limb.

However, some medical conditions are not considered permanent and may be subject to reexamination. And if your VA disability rating is reviewed, keep in mind reviews work both ways: they can increase or decrease your rating, depending on supporting evidence and documentation. Reexaminations are usually scheduled within two to five years after the initial examinations, or they can take place any time there is material evidence

in your change of condition. The VA needs to establish substantial evidence of a change in condition before any change can occur to your service-connected disability rating. This puts the onus of the work on them.

You will receive a Reexamination Letter detailing what will take place, and when. It's essential that you attend this appointment, or work to reschedule it for a better time. If you don't attend the appointment or provide supporting evidence for your case, the VA can reduce or terminate your benefits. Reestablishing your rating could take some time, or may be impossible, barring a legitimate reason for missing the appointment. The Notice should include contact information where you can reschedule your appointment if necessary. The VA may send a Notice of Reexamination at pre-scheduled interval or when they have material evidence there has been a change in your medical condition. This could be evidence that your situation has improved or disappeared.

You have 30 days to request a hearing if you wish to contest the VA decision, and you have up to 60 days to submit evidence that a reduction in your rating is not warranted. The VA cannot reduce your service-connected disability rating without first sending you notice. Failure to do so on their end should result in a full reinstatement of your benefits. The VA will typically not request to reexamine your rating under the following conditions:

- The veteran is over age 55.
- The disability is static (such as a loss of limb).
- The disability is considered permanent and is not expected to improve (e.g. blindness, deafness)
- The disability is already at a minimum rating for that particular disability.
- Reducing an individual rating would not affect the total combined disability rating.

These conditions are significant. The VA will not schedule a reexamination for permanent and static disabilities, so you can safely assume those ratings will remain the same. Age 55 is significant because it represents an age at which the VA assumes the veteran is too old to reasonably reenter the workforce (keep in mind VA disability ratings represent your ability to perform work at the level you were able to before you had the injury while you were serving in the military). Finally, the VA will not look to reduce your VA disability rating when reducing one rating wouldn't have a material impact on your overall disability rating. This applies to veterans with multiple medical conditions and disability ratings.

If you have been contacted by the VA to have your case reexamined and you meet any of the above criteria, then contact them with the phone number listed on your Notice of Reexamination and explain why you do not believe you should be reexamined. You may be able to have the reexamination canceled. The VA will not usually be able to reduce your disability rating without a reexamination, so your rating should be safe if you meet any of the above criteria. You can also request a hearing if the VA wishes to reduce your rating. You may find it helpful to enlist the help of a lawyer or your own medical professionals (be sure to obtain copies of your medical records from the VA if you are currently using VA health care for your medical needs). You will want to ensure you have sufficient documentation to support your claims – whether you believe the rating should remain the same, or if it should be increased

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Elkins Det. 956 placed a wreath at the Beirut Bombing Memorial on the Randolph County Courthouse lawn in observance of the 36th anniversary of the terrorist bombing of the U.S. Marine Corps barracks in Beirut, Lebanon, which claimed the lives of 241 Americans, including USMC Lance Cpl. David L. Cosner of Elkins. Det. 956 Judge Advocate Greg Irwin, left, and Senior Vice Commandant Todd Hess, right, lay the wreath at the monument bearing the names of five West Virginians who died in the Oct. 23, 1983, bombing including Cosner, Cpl. Medot Camara of Hinton, Lance Cpl. Russell Cyzicle of Star City, Cpl. Timothy Runnigan of Princeton and U.S. Navy Hospital Corpsman 2nd Class Martin Kees of Martinsburg. Killed in the bombing were 220 Marines, 17 Navy medical personnel and four Army soldiers in the largest single-day loss of U.S. Marines since the battle of Iwo Jima in February 1945.

### **Pending Calendar**

2020 Department of WV Fall Quarterly Meeting will be January 4, 2020 hosted by MGM Detachment 1180 at American Legion Post 23, 100 Second Street Point Pleasant, WV 25550. Staff Officers Meeting is 0930 AM with general business meeting at 1000 AM. WV Pack Growl will immediately follow Dept. Meeting.

2020 MCL Midwinter Staff Conference will be Feb 27 – Feb 29, 2020 at the Sheraton Norfolk Waterside - 777 Waterside Dr, Norfolk [VA](#) 23510. group code: MCL Phone: (757-622-6664) Room rate includes up to 4 breakfast vouchers per occupancy. \$129.00 per night + prevailing tax (currently 14%) Resort Charge: \$3.00. Please make your room reservation direct to the hotel. Reservations made by calling the hotel or 1-800-325-3535 and mentioning the Marine Corps League Mid-Winter Conference Breakfast: Complimentary 2 per room daily Internet: Complimentary High Speed. Banquet Dinner: \$50 max inclusive Parking: Complimentary Self-Parking if staying at hotel.

2020 Department of Maryland Convention will be 7-9 May 2020 at Princess Royale Hotel, 9100 Coastal Hwy, Ocean City, MD 21842. 410-524-7777 Mention 'Marine Corps League' to get group room rate. Fri AM - Opening Ceremony. Fri PM -Pack Growl. Sat AM -MCL Meeting. Sat Night -Banquet More details to follow.

2020 Department of Delaware Convention will be May 9, 2020 Heritage Shores Golf Clubhouse, One Heritage Shores Circle, Bridgeville, Delaware 19933. Lunch will be served. POC- Frank Mathers, Commandant Department of Delaware, [mcldeptdecommandant@gmail.com](mailto:mcldeptdecommandant@gmail.com), 301-520-8051

2020 Department of West Virginia Department Convention will be May 15-17, 2020 at the Holiday Inn Express, 50 Martin Street, Elkins, WV 26241 hosted by Leland D. "Crow" Crawford Detachment #956. Room rate \$100.00 per night. Phone: 304-630-2266.

Hotel registration deadline is April 29, 2020. Free parking and continental breakfast 6-10 a.m. Banquet \$30 and will be buffet style. POC is Roger Ware 304-636-4365 or [rrware@yahoo.com](mailto:rrware@yahoo.com).

**Please do not call the hotel to make your reservations** as Detachment 956 will make reservations when you send them your payment. Once your payment is received your name will be given to the hotel under the Code MCL. This is to take advantage of the tax-exempt status. There is a flyer attached which can be used for advance registration, hotel and banquet.

2020 Department of North Carolina Department Convention 50<sup>th</sup> Anniversary will be June 12-13, 2020 at the Hilton Charlotte University Hotel, 8629 J M Keynes Dr. Charlotte, NC 28262. 833-238-5101 Hosted by Pfc Bruce Larson Detachment #1242 and Charlotte Detachment #750

2020 Mideast Division Conference will be June 19-21, 2020 hosted by Dept of Virginia at Holiday Inn, 5655 Greenwich Road, VA Beach, VA 23462. Room rate \$120 plus 14% tax – total \$138.80, 1-800-567-3856 or 757-499-4400 – (dial 0) use code: MED. You can start reservation after July 12, 2019.

2020 MCL National Convention will be August 10-15, 2020 at Hilton Daytona Beach Oceanfront Resort, 100 North Atlantic Avenue, Daytona Beach, FL, 32118 Phone: 888- 217- 5507. Room rate: \$145.00 includes tax, Wi-Fi, parking and breakfast. **Reservation open on Monday August 12, 2019 at 10 AM EST.**

2021 MCL Midwinter Staff Conference February 24– 28 2021 Sheraton Norfolk Waterside, 777 Waterside Drive Norfolk, VA <https://www.marriott.com/hotels/travel/orfsi-sheraton-norfolk-waterside-hotel/> Group Code: MCL Phone: (757-622-6664) Room rate includes up to 4 breakfast vouchers per occupancy. \$129.00 per night + prevailing tax (currently 14%) Please make your room reservation directly to the hotel.

2021 Mideast Division Conference hosted by the Department of Delaware 16, 17, 18 April 2021 Atlantic Sands Hotel & Conference Center (Oceanfront) 1 Baltimore Avenue, Rehoboth Beach, Delaware 19971 Phone: 800-422-0600 | 302-227-2511 <https://atlanticsandshotel.com/> Room rate \$105.00 plus fees. Discounted breakfast, parking included. **Reservations may be made now.** \*Reservation may be made now by calling 1-800-422-0600, refer to the **Mideast Division Marine Corps League Block #9579** arriving Friday, April 16, 2021. **Reservations are open.**

2021 MCL National Convention will be August 6-14, 2021 at Wyndham Springfield City Centre, 700 E Adams St, Springfield, Illinois 62701. Room rate is \$129.95 with tax included. Free breakfast, free parking and WiFi. Pet friendly. [wyndhamhotels.com](http://wyndhamhotels.com) Phone. 217-789-1530

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**2020 MCL Mid-Winter Conference**  
**February 27 – March 1, 2020 Sheraton Norfolk**  
**Waterside Hotel 777 Waterside Drive**  
**Norfolk, VA 23510**  
**(757) 622-6664**

**Fact Sheet**

**Room Rate: \$129 + tax Rate: \$14%**

**Resort Charge: \$3.00**

Parking: Complimentary Self-Parking if staying at hotel, otherwise its \$13/day. Valet Parking is \$26/day

Breakfast: Complimentary 2 per room daily Internet: Complimentary High-Speed

Banquet Dinner: \$50 max inclusive

Reservations: call the hotel or 1-800-325-3535 and mention the Marine Corps League Mid-Winter Conference  
All reservations will be charged one-night room and tax deposit at time of confirming reservation. This deposit will be applied toward your final bill. If you cancel within the cancellation period, the deposit will be refunded

Cancellation period is from time of making reservation until February 10, 2020.

Any cancellations after February 10, 2020 will forfeit the one-night deposit

Marriott Reward points can be earned with the group rate

This is a smoke free hotel, any smoking in non-smoking rooms will incur a \$200 cleaning fee.

Each room has a mini refrigerator

On site restaurant next door to the Waterside District featuring restaurants and bars.

3 blocks from downtown mall 6 to 11 miles, depending on route, from Norfolk International Airport shuttle service will be arranged at a later date, stay tuned



Hershel Woody Williams, at Dedication of Wheeling's Gold Star Family Memorial Monument 9/21/2019



## Around the State:



Marine Corps League members from West Virginia attended the Modern-Day Marine Expo at Quantico Marine Corps Base and passed out Welcome Bags to everyone who came to the Expo. From left to right: Chuck Cooper – MGM Det 1180, Pt. Pleasant WV; Roy Marcum – Huntington Det 340, Huntington WV; Rick Shank – Huntington Det 340, Huntington WV; John Roberts – Huntington Det 340, Huntington, WV



Chuck Cooper, MGM Det 1180, Point Pleasant, WV: standing beside a UH34 helicopter similar to the one he flew in as a machine gunner in Vietnam.





**DEPARTMENT  
OF  
WEST VIRGINIA  
MARINE CORPS LEAGUE**



**2020 DEPARTMENT OF WV MCL CONVENTION**  
**MAY 15-17, 2020 - Elkins - Hosted by Detachment 956**

Will be held at the Holiday Inn Express, 50 Martin Street, Elkins, WV 26241. Hosted by Leland D "Crow" Crawford Detachment 956. **Room rate: \$100.00** includes free continental breakfast, free parking and wireless Internet. POC Roger Ware: 304-636-4365 Email [rrware@yahoo.com](mailto:rrware@yahoo.com)  
To receive the block price, reservations must be booked by **04/28/20**. Make checks payable to Det. 956, MCL to avoid paying taxes. \$5 early registration fee for conference, \$7 at the door.  
**Banquet Cost: \$30.00 Mail** registration fee, hotel room rate, and banquet reservation to:  
Leland D "Crow" Crawford MCL Det. #956, PO Box 852, Elkins, WV 26241.

Member

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Detachment \_\_\_\_\_  
Address \_\_\_\_\_  
Email Address: \_\_\_\_\_

Guest

Name \_\_\_\_\_  
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**DEPARTMENT  
OF  
WEST VIRGINIA  
MARINE CORPS LEAGUE**



**2020 MCL Department Meeting Schedule  
Department of West Virginia  
Elkins, WV  
MAY 15-16, 2020**

Friday, May 15, 2020

0600-0945 Breakfast  
0900-1200 MCL Registration  
1000-1200 MODD Registration  
1200-1300 Lunch on your own  
1300-1600 MCL Registration  
1300-1600 MODD Registration  
1300-1600 Professional Development Training  
1300-1700 Department Audit Committee  
1600-1700 Commandant's Council - Detachment Commandants/Staff Officers meeting  
1700-1830 Dinner on your own  
1700-2230 Hospitality Room open  
1830-1900 MODD Pack Board Meeting\*  
1900-2100 MODD Growl of the Pack  
\* At call of Department Commandant, MCL; Pack Leader, MODD, PMOY Chairman

Saturday, May 16, 2020

0600-0930 Breakfast  
0800-1000 MCL registration  
0800-0815 Flag-Raising Ceremony  
0820-0930 Memorial Services, all hands attending  
0930-0945 Department Budget Committee Meeting\*  
0930-0945 Department Nominations Committee Meeting\*  
1000-1200 MCL Business Meeting  
1200-1315 Lunch on your own  
1315-1600 MCL Business Meeting  
1615-1640 New Officer Installation & Department Officers' Meeting  
1800-1900 Formal Reception  
1900 Grand Banquet  
\* At call of Chairman for Budget and Nominations Committee