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AS WET AS YOU ARE GOING TO GET: RAINY SEASON IN VIETNAM

By John Stevens Berry Sr.

Recently, in Lincoln, Nebraska, there was a very hard rain, almost five inches in about an hour. Our little valley was flooding, grandkids loved it!

I got to thinking about the rainy season in Vietnam. Once I was sitting in a Jeep with SFC Maschmeier. It was pouring down. No relief in sight. I was muttering, mad at the world. Sarge turned to me and said, "May as well Relax, Dai Uy. You're as wet as you're going to get."

Well, exactly. That rain was like the obstacles between you and what you deserve for your service connected problems and disabilities.

At Berry Law we are working just as persistently on your behalf! So, if you can, try to relax. You're as wet as you're going to get! Hope you and yours are having a great summer!



John Stevens Berry Sr. with SFC "Bud" Maschmeier, formerly of Beatrice, in Vietnam.

OUT OF VIETNAM

By Harold "Bud" Hall



An excerpt from a full story. At this point, the narrator has been deployed in Vietnam near the city of Huế, Vietnam:

For us the fighting involved the Vietnamese City of Hue. We slowly pushed the VC out of this City. We eventually passed through the City and crossed the City at the Perfume River with our supplies and fire power. We passed on and moved near the DMZ and later on to the Ho Chi Minh Trail. We caused the VC difficulty moving down the trail for a few days and then left. It hardly seemed that we could call that part of the battle a victory.

This involved some of the heaviest fighting and we ran short of Medics. Our First Sgt. asked the group of 35 soldiers for anyone who had worked in a hospital. Not one soldier had any medical experience. The second day the Sgt. came to me and said that my records showed that I had worked in a Hospital. I said that I had worked in the Hospital kitchen when I was in High School. I did not think this would count, but he said I was the Unit Medic.

I was given half a day of training, which consisted of mostly tourniquet tying and injection instructions. It was: stop the bleeding first, and control the pain using morphine. The Medevacs coming in to pick up the injured gave me instructions, and more morphine. I was what they had on the ground, and luckily I had some help.

North of the City of Hue and DMZ, we were once again sent to near the Ho Chi Minh Trail. We were led first by Mine Sweepers, tanks and some Bradleys, and then supply trucks. We always had some air cover too. After about 10-15 miles, we entered a barren area with no ground cover or trees.

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ATTORNEY SPOTLIGHT:

**WILL HARRIS
SUSAN NAPOLITANO
DAVID TARRELL**



Berry Law Firm is proud to announce the addition of three attorneys in the last quarter: Will Harris, Susan Napolitano and David Tarrell.

Harris vigorously protects his clients from false criminal allegations as well as police overreach. He is a JAG in the United States Army National Guard, with over 18 years of service. He has served as Assistant Operational Law Attorney and Trial Counsel and has practiced in the areas of Operational Law, Administrative Law and Military Justice, and advised commanders and senior non-commissioned officers. Harris has appeared before The United States Court of Appeals Eighth Circuit and The Nebraska Supreme Court.

Napolitano fights for her clients through her main practice areas of Estate Planning, Real Estate, and Business Law to make sure they keep all they have earned and that they continue to build upon their assets. She provides high quality, personalized, and cost-effective services in all aspects of estate planning, probate, and trust administration. Prior to joining Berry Law Firm's Civil Law Team, Napolitano served as General Counsel for an international health care consulting company.

Tarrell represents defendants in the courtroom, protecting clients in federal and state courts in areas ranging from simple misdemeanors to complex federal drug conspiracies. Tarrell also has appellate experience, appearing numerous times before the Nebraska Court of Appeals and the Nebraska Supreme Court. He has pursued post-conviction remedies in both state and federal court and has argued in criminal appeals before the Eighth Circuit Court of Appeals.

Submit your service dog to be featured as the "Service Dog of the Quarter" by emailing your photos and why they should be featured to marketing@jsberrylaw.com.

CONTINUING TO FIGHT FOR BENEFITS AFTER BEING AWARDED 100% DISABILITY

By Joe R. Pilgrim, Veterans' Law Attorney

Veteran's benefits, those earned through service to our country, should never be given up, nor should you give up on those claims. The VA is a very large machine, which takes time to get benefits from, and the process can be very frustrating. However, you should not give up on the benefits that you have earned until they are awarded.

Benefits Granted Based on Disability

When the VA grants some benefits based upon disability, they can be re-evaluated later in time and your "disability picture" can change. One of those disabilities is PTSD. If you are receiving treatment, medication, and you are "improving," the VA can re-evaluate you and change your disability rating percentage to something lower. If you were 70% disabled for PTSD and you get re-evaluated after treatment, your "disability picture" may more accurately reflect the 50% rating, decreasing your overall disability rating percentage.

Keep Your Claims Prepared

In this scenario, if you were 100% disabled before re-evaluation, you would most likely be reduced to something lower than 100% based upon the combined rating table. If you had other disabilities that were also rated, they could keep you at that 100% disability rating. Knowing that this situation may exist can better prepare you for the possibility that your disability rating percentage may change in the future. It is better to have this "insurance" instead of having to fight later for those benefits. After all, if you lose your benefit, or just part of it, you will not get back pay: it is best to keep your claims prepared for the possibility of having another disability rating percentage reduced, if that ever happens in the future.



SERVICE DOG OF THE QUARTER

ANTON

Anton, service dog to Berry Law Firm Attorney Chris Ferdico, has shown accountability, relentlessness and faithfulness in his service.

Good boy!

THE PRICE OF KINDNESS

By Mike Smith



An excerpt from the full story, originally published in "Incoming" in 2016. At this point in the story, the narrator has come across a mortally wounded dog in agony:

I talked to the dog and stroked his head and ears some, telling him about chasing balls and chewing on bones. Sylvia walked back toward her car and away from it. I told the beautiful German Shepherd everything would be okay.

I pulled the trigger.

A neighbor driving past stopped and volunteered to take care of burying him. I was already staring at nothing, but I thanked Therrell, and I hoped he knew I was grateful.

The next day, I rested. I sat on my top patio step overlooking the creek, and I rested. I watched the deer come to the creek, saw the leaves on the trees, the green tree line. I watched the slow progression of clouds across the sky, saw a glint of sun from a high-flying jet; the flash of light from their canopies as they rolled into dives, steep and fast. It seemed impossible that they could pull out of it, but they did, and a quarter mile of jungle would go up in napalm flames beneath them. And I looked at the trees.

We could not tell if they were fishermen or soldiers, so for our survival, they were soldiers. All of them. It mattered only that the shot was accurate when you took it, because a board and search can go to Hell in an instant. And I watched the deer drink, and I watched the Blue Heron fish in the creek.

I spent almost a week ...resting. After days, the trees on the far side of the creek seemed to become less of a tree line. After days, thoughts of the flat trajectory and heat trail of a 30-06 round faded. Slowly, I began to let go of looking at the hidden spots in the woods and assessing them as ambush sites, all the while staring at nothing.

OUT OF VIETNAM CONTINUED...

Then the tanks and mine sweeps stopped the convoy and pulled away to head back the way we had come. Our FDC unit and guns were disturbed by their departure. We begin sand bagging as quickly as possible.

Then a few members of our unit spotted Marines on the ridges about 2 miles from us, left and right. We had protection from the best. They walked on the ridges about 20 yards apart as

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BLUE WATER DISABILITY CONNECTION

By Patricia Wenzl, Veterans' Law Attorney

The Blue Water Navy Vietnam Veterans Act of 2017 was unanimously passed by a vote in the House of Representatives in June 2018.

This bill includes territorial seas as part of the Republic of Vietnam for purposes of the presumption of service connection for diseases associated with exposure by veterans to certain herbicide agents while in Vietnam. Our Navy Veterans received products from Vietnam, took products to Vietnam, and the pesticide was not just on the land, it floated in the air and was drained into the water. The Navy often desalinated that very water for their use in drinking and showering.

Traditionally, to receive the presumptive connection to service, only a Veteran with "boots on the ground" or Navy Veterans within "brown waterways" inside Vietnam were eligible for presumptive service connection for these disabilities.

"Blue Water" Navy Veterans may be entitled to the same presumption of disability connection to their service as other servicepersons who bravely fought in Vietnam, with "boots on the ground."

The Bill is now headed to the Senate, and if passed it is expected to be signed into law by the President.

The VA has recognized certain cancers and other health problems as presumptive diseases associated with exposure to Agent Orange or other herbicides during military service. Some of the conditions include prostate cancer, Hodgkin's disease, Parkinson's disease and ischemic heart disease.

far as we could see. We fired our guns impacting well ahead of them but parallel with them. Eventually we were again firing on the Ho Chi Minh Trail. After 3 days we turn around and head for HWY 1 and the City of Hue. Then we prepare for another inland trip to the Ashau Valley near the Ho Chi Minh Trail and eventually home to the USA.

We love getting writing and art from our clients. If you would like to share some of your work, please send to your attorney or to marketing@jsberrylaw.com.

