

RT '09

Rollin' Times from the Michigan Paralyzed Veterans of America



2009 Future Cities Competition

March/April 2009





PARALYZED VETERANS OF AMERICA
MICHIGAN CHAPTER

www.michiganpva.org



On the Cover:

Power Middle School's talented team is pictured with Bonnie Welbaum at the 2009 Future Cities Competition. Please be sure to read Michael Harris' article for more information!

Pictures on Page 11

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Michigan Paralyzed Veterans of America (MPVA) is one of 34 member chapters of Washington, D.C.-based Paralyzed Veterans of America. A Congressionally chartered veterans service organization, MPVA has been assisting veterans with spinal cord injuries or diseases, including Multiple Sclerosis and ALS (Amyotrophic Lateral Sclerosis, better known as Lou Gehrig's Disease), in Michigan since 1961.

MPVA programs include:

- Veterans' Benefits
- Wheelchair Sports and Recreation
- Spinal Cord Injury Research
- Equipment Donation
- Advocacy to eliminate architectural barriers and protect civil rights for persons with disabilities
- Referral Services for assistive devices, housing, employment and transportation
- Literature on a variety of topics including self-care, independent living, and disability rights.
- The Pump Guide: an online directory of gas stations throughout Michigan that will pump gas at the self-serve price for persons with disabilities.
- MPVA is a nonprofit organization and receives no federal funding. MPVA relies on grants, sponsorships, and private and corporate donations to support its programs.

The MPVA headquarters is in Novi, Michigan. Our service officers are based out of the McNamara Federal Building in Downtown Detroit.

Disclaimer:

The Rollin' Times is a publication of the Michigan Chapter of Paralyzed Veterans of America. It is designed to inform the members of the PVA and other interested parties on veterans' issues, legislation, legal decisions, medical technology and other matters deemed to be relevant to the disability community.

The contents of this publication do not always reflect the views or policies of Michigan PVA, and no endorsement or approval is made or should be inferred with respect to products or services advertised herein. Consult an appropriate professional before making use of any product or service mentioned.



President's Report

By Kevin G. Elya

Springing Forward

As you read this article, spring weather will hopefully be right around the corner! Thank goodness! This winter was awful; filled with snow and chilly temperatures. While we worked hard to stay warm, we were also working hard at the MPVA to wrap up all of our business from 2008, including our financial statements, and plan our upcoming events for 2009.

In January, we got together at our Chapter Headquarters, despite the bitter cold temperatures, to have our Winter Board Meeting. This meeting turned out to be very productive and successful as we invited Jeff Hartzel, Certified Financial Accountant and Consultant from Morris, Kalsih + Walgren, P.C to come in and review our financial statements with the MPVA Board of

Directors. I, along with the Board, staff, and members, will be pleased to know that our 2008 financial status is considered "in good standing." I just wanted to take this opportunity and thank everyone for their continued support of the MPVA! We would not have a healthy financial position without all of you! Again, thank you so much!

As we move further into 2009, we have many events that we will be planning to attend and host. As Scot Severn mentioned in his article, we are looking forward to hosting a National Bowling Tournament right here in Michigan in the month of May! It has been some time since we have been able to bring a large bowling event to "The Wolverine State," and we are proud to do so.

Additionally, we are all looking forward to PVA Awareness week which is literally right around the corner. PVA Awareness week is scheduled to be held during the week of April 13th—April 16th, 2009. During this time, PVA's across the Nation will be celebrating their years of "Leadership, Service, and Empowerment!" MPVA is inviting all to come out and join us on Thursday, April 16th, 2009, from 10:30 AM to 3:30 PM, for our Annual Open House right here in Novi. This is an excellent chance to find out more about spinal cord injury and disease, MPVA services and programs, and to show support for our veterans and residents with disabilities. It will also provide businesses with an opportunity to promote their company and strengthen their relationship with clients or gain potential clients.

If you are interested in finding out more about our Annual Open House, be sure to contact Jaclyn at (248) 476-9000, or you can always email her at jkochis@michiganpva.org!

I am looking forward to seeing you all on April 16th!



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Executive Director's Report

By Mike Harris

The Americans with Disabilities Amendments Act of 2008

The Americans with Disabilities Act (ADA) of 1990 has profoundly changed how society views and accommodates people with disabilities. Eighteen years after its passage, the ADA has propelled into the spotlight the importance of accessibility, universal design and the idea of equal opportunity for those of us who live with disabilities. In the process, we have discovered that an accessible society benefits everyone.

However, since then, the full promise of the law has not been fulfilled. The Supreme Court and the lower courts have dramatically changed the meaning of "disability" under the ADA, leaving millions of citizens vulnerable to a narrow interpretation of the law. Through a series of decisions interpreting the definition of disability, the Supreme Court has shifted the focus away from an employer's alleged misconduct and onto whether an individual can first meet a "demanding standard for qualifying as disabled."

For example, it was legal for employers to find an individual "too disabled" to do a job, but not "disabled enough" to be protected by the law. Furthermore, in the recent past, courts decided against individuals who challenged disability discrimination under the ADA, 97% of the time! Cases were thrown out of court without the individual having the chance to do a particular job or to show that the employer treated them unfairly. As a result of these rulings, courts have denied ADA protection to millions of people that Congress intended for the law to cover. These are people with

conditions like epilepsy, diabetes, HIV, cancer, hearing loss and mental illness who are fortunate enough to find "mitigating measures" (medicine, a hearing aid, a prosthesis) that make them more able to work. They are also people who have been denied a job or fired because an employer mistakenly believed that they could not do the job or the employer didn't want "people like that" in the workplace.

On September 25, 2008, President Bush signed the Americans with Disabilities (ADA) Amendment Act of 2008 into law. The bill makes clear that Congress intends courts to focus on the discriminatory action rather than severity of disability. It guarantees that individuals with disabilities will be judged on personal performance rather than personal limitations.

Amendments to the ADA revise the definition of "disability," so that the term broadly encompasses impairments that substantially limit major life activities. The amended language also states that mitigating measures, including assistive devices, auxiliary aids, accommodations, medical therapies and supplies (other than eyeglasses and contact lenses) have no bearing in determining whether a disability qualifies under the law.

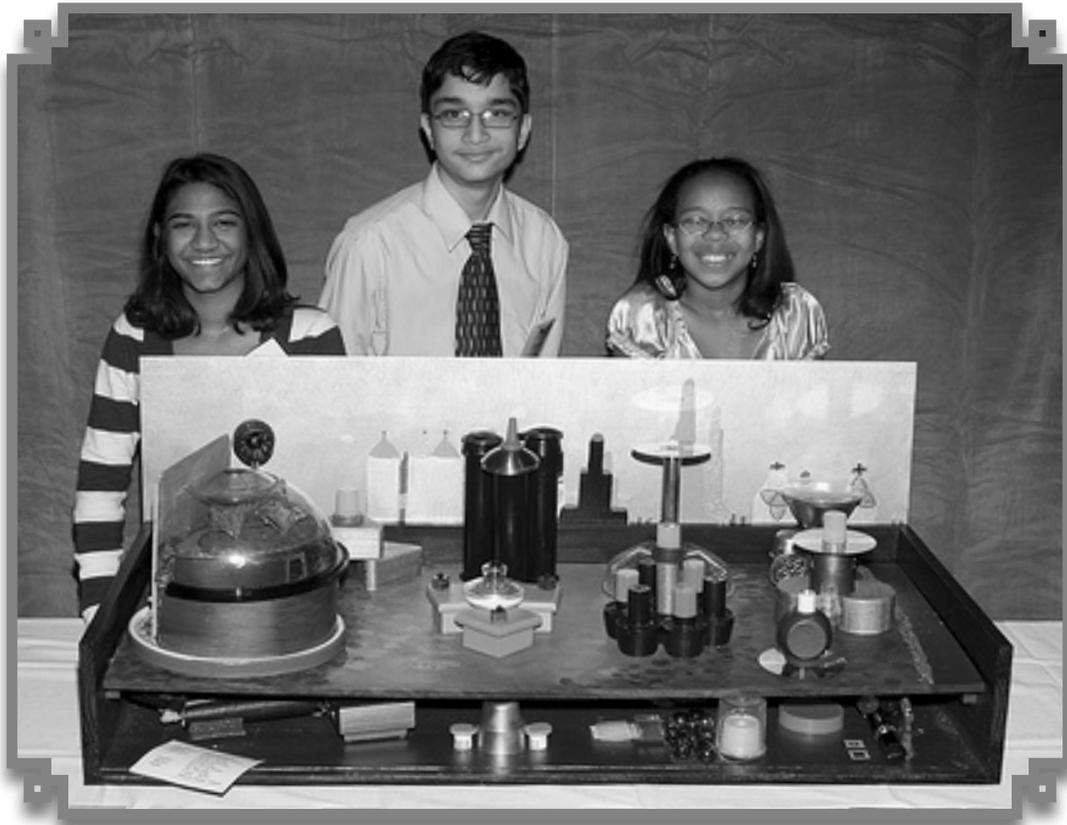
Changes also clarify coverage of impairments that are episodic (periodic), or in remission and substantially limit a major life activity when active, such as epilepsy or post traumatic stress disorder.

The amendments went into effect January 1, 2009.

Power Middle School Wins "Best City Disability Award" in Future City Competition

It was an intense competition with students from 40 Michigan elementary and middle schools coming together to compete in this year's Michigan Regional Future City Competition, sponsored by the

Engineering Society of Detroit. This year's competition was held on January 14, 2009, at the Rock Financial Showplace in Novi.



The talented team from Power Middle School during the 2009 Future Cities Competition.

The mission of the Future City Competition is to provide a fun and exciting educational engineering program for seventh and eighth grade students that combine a stimulating engineering challenge with hands-on application to present their vision of a city of the future.

It's a team-based program consisting of students, a teacher and an engineer mentor. Each team creates detailed, often fantastic, cities of tomorrow that give intriguing insights to how young minds envision their future. At the same time, their bold designs and innovative concepts provide a refreshing optimistic appreciation of how our nation can realistically deal with the many challenges facing its cities, including environmental disasters, crime, urban decay and urban sprawl. The students then have to present and defend their city to a panel of judges at the competition.

Once again, the Michigan Paralyzed Veterans of America presented a special award to the school that created a Future City that best addressed the challenges faced by people with disabilities. We would like to congratulate Power Middle School in Farmington Hills for winning the 2009 "Best City Disability Award."

The "Best City Disability Award" recognizes the school that not only addresses the everyday challenges facing the disability community — but more importantly, provides a blueprint for accessible solutions to these challenges. This special award prompts the students to include the disabled community in their thought processes when creating their future cities.

At this year's National Engineers Week Future City Competition, PVA will sponsor a special award that will be presented to the school that best demonstrates that their city is the most accommodating for people with disabilities. St John's Lutheran School in Rochester won this year's Michigan Regional Future City Competition, earning them the right to compete in the national contest in Washington, D.C. in February.

Once again, I want to congratulate the talented team from Power Middle School, and all the students who participated in this year's event for a job well done!



University of Michigan donate Nike Athletic Apparel to Michigan Veterans

In the spirit of holiday giving, the University of Michigan Athletic Department donated boxes of unused Nike athletic apparel to Michigan veterans and soldiers serving in Iraq. When the University terminated their contract with Nike and signed with Adidas, more than 5,200 pieces of Nike athletic apparel were left at the Athletic Department's disposal.

In November, I received a phone call from the University's Athletic Director, Bill Martin, offering to donate the unused Nike branded apparel to Michigan veterans. They wanted input from the veteran community on how to proceed. After our discussion, arrangements were made to start distributing the items. The donations truly could not have come at a better time as so many that have honorably served our country are sadly out in the cold without warm clothing, even in Michigan's harsh winter season, as homelessness is on the rise among our veterans community.

Eighty volunteers, many from VA hospitals, helped collect,

sort, repackage, and distribute three semi trucks full of athletic apparel such as football jerseys, T-shirts, pants, gloves and athletic shoes was sorted out for distribution. This apparel was donated to needy veterans at the five VA hospitals; state veterans homes in Grand Rapids and Marquette; a homeless veteran's shelter in Detroit; and to an organization called Southeastern Michigan Veterans Stand Down; which also provides clothing to homeless veterans.

I would like to personally acknowledge the University of Michigan support for Michigan veterans and I cannot begin to express how much their donation means to everyone at MPVA. Just to know that veterans are remembered is a wonderful gift in itself.

We are very grateful for their patriotism and are humbled by their support!

Go Blue! 

WELCOME ABOARD NEW MEMBERS

Paul Etenhoffer

James L Bonilla

We are proud you are part of the MPVA family!

Valuable Dates for 2009:

- **Board of Directors Meeting**
March 10, 2009
MPVA Chapter Headquarters, Novi
- **Membership Meetings**
(all meetings are on Thursdays at the Novi MPVA office unless otherwise notified)
March 26, 2009
- **PVA Awareness Week:**
April 13-17, 2009
- **MPVA Open House:**
April 16, 2009
from 10:30 AM to 3:30 PM
The MPVA is inviting all to come out and join us at our Chapter Headquarters in order to find out more about spinal cord injury or disease, MPVA services and programs, and to show support for our veterans and residents with disabilities. MPVA is celebrating 48 years of "Leadership, Service, and Empowerment" in Michigan.





Government Relations & Advocacy

By Bonnie L. Welbaum, Director of Government Relations & Advocacy

Reasonable Accommodations under the new ADA Amendment Act

As Michael had mentioned in his article, the ADA Amendment Act passed Sept 25, 2008 and is now written to restore the coverage of the Americans with Disabilities Act to original congressional intent by modifying the definition of disability. The Findings Section of the law states, "the holdings of the Supreme Court...have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect."

Senator Tom Harkin (D-IA) and Senator Orrin Hatch (R-UT), stated that the purpose of this law is "to carry out the ADA's objectives of providing 'a clear and comprehensive national mandate for the elimination of discrimination' and 'clear, strong, consistent, enforceable standards addressing discrimination' by reinstating a broad scope of protection to be available under the ADA." I wanted to take some time to kind of "piggyback" off of what Michael Harris wrote in his article and enlighten everyone a bit on these new changes and how they will affect employers hiring individuals with disabilities.

One change that is expected to take place is an unprecedented spike in reasonable accommodation requests due to the fact that the new ADA Amendment Act broadens the number of federal employees who qualify as individuals with disabilities. A "reasonable accommodation" (or modification) can be anything from changing the physical work place to restructuring a job, providing assistive equipment or personal assistants, transferring a worker to a different position or location, or providing flexible work schedules. Reasonable accommodations are ways for an employer to help workers with disabilities accomplish their task. For example, blind employees, or an individual with a visual impairment, may need a computer with an operated voice command, or a screen that enlarges print. In addition, an employer will need to keep in mind 3 major areas when considering reasonable

accommodations in order to properly serve individuals with disabilities:

1. Application and evaluation process
2. Ability to complete major duties for the job
3. Ability to participate and enjoy same work benefits and privileges as others in workplace

Furthermore, an employer will need to be aware of the legal term defined by the ADA as an action which presents significant difficulty or expense for the business/employer, called "Undue Hardship." This concept considers 3 factors:

1. Cost and nature of the accommodation
2. Financial recourses of the business overall, and how the accommodation will effect expenses and resources
3. Impact on business operations due to the accommodation

A disabled employee can request a workplace accommodation at any time during employment. Therefore, this amended law will be both beneficial and, yet, at the same time somewhat tricky for employers. More specifically, as companies are enabling their employers to perform in an efficient work environment, they will also be incurring the expenses of the accommodations requested by individuals with disabilities. In these difficult economic times, some employers may feel that this great opportunity is somewhat like a "catch 22;" as they will want to better serve their employees, but not have the financial resources to do so.

I would like to take this opportunity to let employers, who may feel anxiety over additional expenses due to workplace accommodations in association with amended ADA law, know that they can contact us here at the MPVA. We will be happy to help you find resources (grant funding, educational tools, etc.) to help make your workplace the best possible environment for

all individuals.

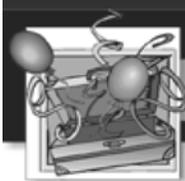
I would also like to encourage employers to take time to research accommodations that would be best suited for an individual and their particular disability. It would be in any company's best interest to consider the following:

1. Focus on "condition, manner, and duration" in relation to major life activities
2. Recognize a dynamic list of major life activities, including reading, bending, speaking, sitting, and socializing with others.
3. List major bodily functions, such as digestive, bowel, endocrine (glands producing one or more hormones) or reproductive processes. For example, a person with cancer has problems with bodily function of cell growth, and a person with HIV has a problem with their immune system function.
4. Stipulate that a person "substantially limited" in a major life activity should be compared to most people in the population.

5. Recognize an episodic (reoccurring) condition could be substantially limiting when active; meaning that an employer should be aware that an individual may have a day(s) where their condition could be less limiting than others.

Employers looking for more information should visit: <http://www.eeoc.gov/fact/ada17.html>.

The statements above have been taken from the EEOC (Equal Employment Opportunity Commission). The EEOC has yet to release a draft or guideline manual for reference at this time, although the effective date for implementation of the new ADA Amendment was January 1, 2009. The EEOC openly stated that the above points would be addressed when the regulations are written. Groups like the American Association of People with Disabilities, civil rights activist, and disability groups have expressed concern against a rush to approve the regulation without being viewed by those who worked so hard to get the law passed. Once it finally does get approved by the commission, the regulation will be sent to the Office of Management and Budget for review, prior to appearing in the Federal Register.



BIRTHDAYS



MARCH

Joseph C. Haller	March 01	Dennis W. Barton	March 19
Christos E. Raftis	March 01	Jane E. Brown	March 19
James D. Delaforce	March 02	William F. Durfee	March 19
Harold E. Edwards	March 03	David T. Highland	March 19
Brian S. Felice	March 03	Clark B. Shuler	March 19
William H. Ramsay	March 03	Joseph T. Franz	March 20
Kenneth C. Huber	March 04	Marshall C. Wittliff	March 22
Leonard Davenport	March 05	Brian K. Chalmers	March 23
Brian E. Sweet	March 05	Duaine F. DePotic	March 23
Linda S. Froberg	March 07	Derry L. Williams	March 23
Joseph B. McDonald	March 09	Michael J. Ziebell	March 24
James D. Rudolph	March 09	Lewis G. Biddinger	March 25
David A. Saukas	March 09	Gary L. Mallory	March 25
Howard P. Glover	March 10	David S. Williams	March 25
Kenneth G. Timpe	March 10	Gordon Beerbower	March 26
John R. Hammann	March 11	Edwin Z. Mays	March 28
William H. Parent	March 11	Robert J. Angiano	March 29
Christopher L. Clark	March 14	Stacey Boyd	March 30
Steven T. McKay	March 14	Bradley R. Gomoluch	March 30
Clark W. DeLoach	March 15	William J. Jones	March 30
Stephen J. Egged	March 16	Kenneth R. Landenberg	March 30
Cal Howarth	March 16	Roosevelt Steverson	March 30
Gary L. Wood	March 16	George G. Wood	March 30
Michael W. Ballard	March 17	Bruce E. Beresh	March 31
Gary L. Calhoun	March 17	Ronald E. Jervis	March 31
Peggy A. Campbell	March 18	Lewis D. Johnson	March 31
Richard J. Idolski	March 18	Carl A. Pardon	March 31
		Kevin J. Stone	March 31
		Eugene C. Wilber	March 31

APRIL

Larry J. Bennett	April 01	Joseph M. Connelly	April 16
William B. Bresette	April 01	Mary L. Dixon	April 16
Elmer L. Hardy	April 03	Timothy G. Agajecian	April 18
Harvey Nussbaum	April 03	Jonas Hicks	April 19
Lester Woodworth	April 03	Bobby R. Newsome	April 19
Jerry R. Carter	April 04	Pat Covington	April 20
Dale W. Verrill	April 05	George W. Kennon	April 20
Deborah K. Ward	April 05	Leroy D. Robbins	April 20
Giovanni Bonacci	April 06	John C. Gretziner	April 21
Gordon E. Lantz	April 07	Orville L. Hoath	April 21
James T. Rajda	April 07	Christian Key	April 21
David A. Feldman	April 08	Arvid Bowens	April 22
Thomas A. Huber	April 08	Theodore A. Fisher	April 23
Henry J. Verner	April 08	Robert E. Williams	April 23
Carl F. Hedley	April 09	Kevin W. Bennett	April 24
Willie J. Henry	April 09	Christopher Kemp	April 24
Alan J. Pomranka	April 10	Tommy J. Meadows	April 24
Paul R. Schoonover	April 12	Vince Pellerito	April 24
Ben L. Sincler	April 12	Paul J. Simasko	April 24
Ronald S. Sams	April 13	Willie Dexter	April 25
Jack E. Teachout	April 13	Barbara A. Schoen	April 26
Michael F. Harris	April 14	Paul E. Bazner	April 27
Santiago O. Gascon	April 15	Christian L. Mageli	April 27
Walter J. Miller	April 15	William J. Falzon	April 28
Catherine Morrison Graham	April 15	William D. Newland	April 28
		Mark L. Carnes	April 29



Veterans' News

By Charles Henning, Senior National Services Officer

Appeals of VA Claims Decisions

Veterans and other claimants for VA benefits have the right to appeal decisions made by a VA regional office or medical center. Typical issues appealed are disability compensation, pension, education benefits, recovery of overpayments, and reimbursement for unauthorized medical services.

A claimant has one year from the date of the notification of a VA decision to file an appeal. The first step in the appeal process is for a claimant to file a written notice of disagreement with the VA regional office or medical center that made the decision.

Following receipt of the written notice, VA will furnish the claimant a "Statement of the Case" describing what facts, laws and regulations were used in deciding the case. To complete the request for appeal, the claimant must file a "Substantive Appeal" within 60 days of the mailing of the Statement of the Case, or within one year from the date VA mailed its decision, whichever period ends later.

Board of Veterans' Appeals

The Board of Veterans' Appeals makes decisions on appeals on behalf of the Secretary of Veterans Affairs. Although it is not required, a veterans service organization, an agent or an attorney may represent a claimant. Appellants may present their cases in person to a member of the Board at a hearing in Washington, D.C., at a VA regional office or by videoconference.

Decisions made by a Board can be found on the website at <http://www.va.gov/vbs/bva/>. The pamphlet, "Understanding the Appeal Process," is available on the Web site or may be requested by writing: Hearings and Transcription Unit (014HRG), Board of Veterans' Appeals, 811 Vermont Avenue, NW, Washington, DC 20420.

Sincere Condolences to the families of: Gerald Leppek

U.S. Court of Appeals for Veterans Claims

A final Board of Veterans' Appeals decision that does not grant a claimant the benefits desired may be appealed to the U.S. Court of Appeals for Veterans Claims, an independent court, not part of the Department of Veterans Affairs.

Notice of an appeal must be received by the court with a postmark that is written 120 days after the Board of Veterans' Appeals mailed its decision. The court reviews the record considered by the Board of Veterans' Appeals. It does not hold trials or receive new evidence.

Appellants may represent themselves before the court or have lawyers or approved agents as representatives. Oral argument is held only at the direction of the court. Either party may appeal a decision of the court to the U.S. Court of Appeals for the Federal Circuit and may seek review in the Supreme Court of the United States.

Published decisions, case status information, rules and procedures, and other special announcements can be found on the court's Web site at <http://www.vetapp.gov/>. The court's decisions can also be found in West's Veterans Appeals Reporter, and on the Westlaw and LEXIS online services. For questions, write the Clerk of the Court, 625 Indiana Ave. NW, Suite 900, Washington, DC 20004, or call (202) 501-5970. 



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Sports & Recreation

By Scot Severn, Sports & Recreation Director

Spring/Summer Sports Events

Looking forward to 2009 spring and summer, our members and Rollin' Time recipients will be pleased to know there are various sporting opportunities available, and they are all expected to be a great time for participants and spectators! I wanted to be sure everyone had a chance to find out more about them:

March 20-22nd:

The Michigan Storm Wheelchair Rugby team will be hosting the Heartland Sectional tournament at Center Courts in Saginaw. Come out and see what all the hype surrounding "Murder ball" is about! The Michigan Storm has won 2 tournaments and a second place this season in the 5 tournaments they've attended. Come cheer on the Storm as they try to make it to the National Championships for the 4th year in a row. See the Storm at www.stormrugby.com or contact me for details at 989-225-7053.

April 11th:

Wheelin' Team 457 will be hosting their 3rd annual Wild Game Dinner at the Bear Lake lodge in Lapeer. Proceeds will benefit Wheelin Team events that happen all year long. Call Ray Brown for details at 989-225-9259



May 7-9th:

The Michigan Wheelchair Games will be held in Sterling Heights. Come out and challenge yourself to events that range from track and field, swimming,

bowling, billiards, air rifle, and table tennis. There is something for everyone. For more information visit their website at www.michiganwheelchairgames.org or call me at 989-225-7053.



May 28-31st:

MPVA will be hosting its first national level bowling tournament in over 15 years. Bowlers from around the nation will come to Skore Lanes in Taylor to compete for over \$10,000 in total prize money. Details, including entry forms, will be out shortly. Keep an eye on our website at www.michiganpva.org.

June 19-21st:

The 2nd Annual Thunder in the Valley Games will be held on the campus of Saginaw Valley State University. They are again working with Wheelchair Sports USA (WSUSA) and will be a sanctioned event. The Thunder in the Valley is adding events this year that will offer a premier Paralympic type experience. Saginaw Valley State University is also offering housing for athletes, families, and coaches for reasonable rates. Last years events were track and field, air rifle, and archery. This year, the games will see the addition of swimming as well as weight lifting. For more information visit their website at www.thunderinthevalleygames.com or call 888-988-2553. ♿

Paralyzed Veterans

KNOW

BOWLING



3rd Annual PVA/AWBA Bowling Tournament Series Schedule

Nevada PVA Tournament

December 4–7, 2008
Las Vegas, NV

Virginia Mid-Atlantic PVA Tournament

April 3–5, 2009
Virginia Beach, VA

Florida Gulf Coast PVA Tournament

April 24–26, 2009
Largo, FL

Michigan PVA Tournament

May 29–31, 2009
Taylor, MI

Mid-America PVA Tournament

July 23–26, 2009
Oklahoma City, OK

Mountain States PVA Tournament

August 27–30, 2009
Colorado Springs, CO

Southeastern PVA Tournament

September 11–13, 2009
Augusta, GA



For more information and to register
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www.pva.org/sports

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