

# RAO BULLETIN

## 15 May 2012

### PDF Edition

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## Memorial Day May 28, 2012



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**Oklahoma Veteran Affairs:** The state Senate on 10 MAY announced an interim study into organization, structure, staff and policies of the Department of Veterans Affairs. The announcement was made following reports of abuse and neglect in a recent story in The Journal Record, an Oklahoma City-based daily business newspaper. Sen. Frank Simpson, vice chairman of the Senate Committee on Veterans and Military Affairs, requested the study. "We were shocked and saddened by recent stories about alleged abuse and neglect in our state's veterans centers," Simpson, R-Ardmore said. "As a veteran myself, I can't express how upset I am by the situation and I want to find a solution to these problems as quickly as possible. That's why I've requested this study so we can take a hard look at the Oklahoma Department of Veterans Affairs and make it more responsive to the needs of our state's veterans." Veterans gave their country their best, Simpson said. They deserve nothing less from the state when it comes to their care, Simpson said.

The study will focus on the structure and responsibilities of the War Veterans Commission, which has oversight over the seven veterans' centers and the agency. It will also focus on reports of abuse at the centers, staffing at the centers and the role of the secretary of veterans affairs within the Oklahoma Department of Veterans Affairs. Simpson said he will visit the seven centers operated by the Oklahoma Department of Veterans Affairs. Patients and their family members as well as staff are expected to be interviewed. Senate Pro Tem Brian Bingman, R-Sapulpa, is expected to appoint members of the interim study group within the next few weeks. House Speaker Kris Steele, R-Shawnee, said the House would be happy to join the Senate in the study. "We care about our veterans and want to

ensure they are receiving the best quality of care possible," he said. "Any instances of abuse or neglect in the state's veterans facilities are inexcusable as well as tragic," said Alex Weintz, a spokesman for Gov. Mary Fallin. "She applauds the Legislature for their dedication to the state's veterans and their willingness to shine a light on any problems that might exist in the state's facilities." [Source: World Capitol Bureau Barbara Hoberock article 10 May 2012 ++]

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**Don'T Ask, Don't Tell Update 06:** The U.S. Justice Department said Feb. 17, 2012, it will cease defending legislation that prohibits same-sex couples from receiving military and veterans benefits. When President Barack Obama announced his support for same-sex marriages on 10 MAY, he noted that his decision rested in part on the plight of gay troops who feel they're being treated unfairly. Now, gay rights groups hope that the president's statement could trigger more dramatic changes for gays in the military in coming months. It also puts the Defense Department in the middle of another heated social debate, less than a year after the repeal of the controversial "don't ask, don't tell" law, which barred gays from serving openly in the military. In an interview with ABC News, Obama said his position on gay marriage has changed in part because "I think about those soldiers or airmen or Marines or sailors who are out there fighting on my behalf and yet feel constrained, even now that 'don't ask, don't tell' is gone, because they are not able to commit themselves in a marriage."

Within hours of that announcement, Veterans Affairs Secretary Eric Shinseki announced that his department would not argue for the Defense of Marriage Act (DOMA) in a lawsuit seeking benefits for the same-sex partner of a Navy veteran in Connecticut, another win for rights groups. DOMA prohibits federal agencies from recognizing legal same-sex marriages for purposes of family benefits or programs, since state laws on the legality of those unions differ. Other Democratic lawmakers — including Senate Majority Leader Harry Reid (D-NV) — also voiced their support for same-sex unions following the president's lead. Proponents said they hope the groundswell of support can quickly move into legislative or administrative action. "Hopefully, this will be the catalyst for the Pentagon giving more benefits to same-sex couples," said Aubrey Sarvis, executive director of the Servicemembers Legal Defense Network (SLDN). "We hear from our military clients that they're looking at or are planning on getting married, so it's an important issue for them." For the last year, SLDN has pushed defense officials to broaden the benefits available to same-sex couples, even while the Defense of Marriage Act prohibits federal agencies from formally recognizing those unions. Sarvis said lawyers at the network believe military commanders could grant gay families things like base housing, military ID cards, joint-duty assignments and combat exemptions without running afoul of DOMA. So far, however, military officials have maintained that federal statutes prohibit such actions.

Officials from OutServe, whose members include hundreds of active-duty gay troops, said the president's statement helps bring the issues of inequality for gay troops back into the public debate. But Clarke Cooper, executive director of the Log Cabin Republicans and an Army Reserve captain, criticized the timing of Obama's announcement, which came a day after North Carolina voters rejected a proposal to allow same-sex marriages in that state. Conservative opponents of same-sex marriage also called it a move designed to rally Obama's core voters but not representing any real change. In fact, just a few hours after the news broke, Republicans on the House Armed Services Committee worked to step back last year's biggest gay rights victory — "don't ask, don't tell" repeal — in the annual defense budget debate. One amendment would bar any same-sex wedding ceremonies on military facilities, while the second would prohibit commanders from punishing chaplains who express views against homosexuality. Rep. Todd Akin (R-MO), who sponsored the latter amendment, said the move was necessary because the president "is now using the military as props to promote the gay agenda." The measures are unlikely to pass the Senate and become law, but do indicate the continued difficulty ahead for any substantial change from Congress on the issue of same-sex benefits.

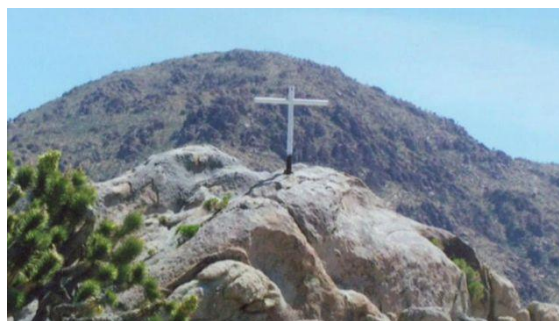
The Obama administration has said they will not defend the Defense of Marriage Act in court, but Republican House leaders have taken up the cause in their place. Efforts to overturn the law have stalled in the Republican-controlled House.

Tony Perkins, president of the conservative Family Research Council, in a statement dismissed the impact of Obama's new opinion, saying that "redefining marriage remains outside the mainstream of American politics." A Gallup Poll released 9 MAY said that Americans are divided on the issue, with 50 percent in favor of recognizing same-sex unions and 48 percent opposing that. But following the North Carolina vote Tuesday, 38 states now have prohibitions against gay marriages. Next week, gay rights groups are scheduled to host a convention in Washington, D.C., to discuss resources for same-sex military couples and to lobby Congress on extending benefits for those families. Organizers are already highlighting Obama's comments as a hopeful step forward in that effort. [Source: Stars & Stripes Leo Shane article 9 May 2012 ++]

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**Mojave Desert Veteran Memorial Update 09:** The Veterans of Foreign Wars in California can restore a memorial cross in the Mojave Desert under a court settlement that ends a decade-old legal battle, the National Park Service said 8 MAY. The cross had been installed in 1934 by WWI VFW vets as a memorial to all veterans who have died in the defense of freedom. A federal judge approved the lawsuit settlement, permitting the park service to turn over a remote hilltop area known as Sunrise Rock to a Veteran of Foreign Wars post in Barstow and the Veterans Home of California-Barstow. That particular VFW chapter has since disbanded, so the state organization will assume control of the site. The park will give up the acre of land in exchange for five acres of donated property elsewhere in the 1.6 million acre preserve in Southern California. The swap, which could be completed by the end of the year, will permit veterans to restore a cross to the site and end a controversy that became tangled in the thorny issues of patriotism and religion and made its way to the U.S. Supreme Court in 2003. The last cross was ordered removed by the park service in 2010 because of a court order.

The donated land is owned by Henry and Wanda Sandoz of Yucca Valley. Henry Sandoz, 72, cared for and replaced several crosses at the hilltop site over the years that were later defaced or stolen. He has a replacement 7-foot steel cross ready to go, said his wife, Wanda, 68. "We're very hopeful. We've been disappointed in the past," she said in a telephone interview. "We thought when the Supreme Court ruled that we'd be out there within days putting it back up. Things move kind of slow but we really think this is it this time." Once the swap is complete, the park service will fence the site, leaving entrances for visitors, and post signs noting that it is private land. A plaque will be placed on the rock noting that it is a memorial for U.S. war veterans. "We want to wrap this, we want to get it done," Mojave National Preserve spokeswoman Linda Slater said of the controversy. "No cross can go up until the exchange is complete."



**Original cross installed in 1934**

Wanda Sandoz said a wooden cross was first erected on Sunrise Rock in 1934 by a World War I veteran, Riley Bemby. He and other shell-shocked vets had gone out to the desert to recover and would hold barbeques and barn dances near the site, she said. Her husband knew Bemby and promised the dying vet that he would look after the cross, Wanda Sandoz said. He kept the promise for decades. "We love the cross," she said. "It's in a beautiful spot. ... My husband is not a veteran but he feels like this is something he can do for our country." The wooden cross was eventually replaced with one made of steel pipes. However, the site became part of the national preserve in 1994 and that meant the cross was then on public land. The settlement involves a lawsuit filed in 2001 by the American Civil Liberties Union on behalf of a retired park service employee who argued that the Christian religious symbol was unconstitutionally located on government land. Federal courts ordered the removal of the cross. In 2003, Congress stepped in and ordered the land swap. But the courts said the transfer was, in effect, an unacceptable end run around the constitutional problem.

The issue wound its way up to the U.S. Supreme Court, which in April 2010 refused to order removal of the cross and directed a federal judge to look again at the congressional transfer plan. Justice Anthony Kennedy, siding with the 5-4 majority, wrote that the cross evokes more than religion. "It evokes thousands of small crosses in foreign fields marking the graves of Americans who fell in battles, battles whose tragedies are compounded if the fallen are forgotten," he said. Justice John Paul Stevens, one of the dissenters, wrote that troops killed in battle deserve to be honored, but government "cannot lawfully do so by continued endorsement of a starkly sectarian message." Weeks after the court decision, the metal cross — which had been covered up to comply with court injunctions — was stolen. A replica mysteriously appeared on the site, but park service officials ordered it taken down because of a court order against displaying a cross on the site. A second lawsuit was filed last year against the federal government on behalf of the veterans. That suit pushed for the land swap and will be dropped once the exchange is complete, said Gregg Wooding of the Liberty Institute, a Texas-based nonprofit legal organization that filed the suit. [Source: AP article 29 Apr 2012 ++]

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**VA Telehealth Update 04:** Beginning 7 MAY, the Department of Veterans Affairs will no longer charge Veterans a copayment when they receive care in their homes from VA health professionals using video conferencing. "Eliminating the copayment for this service will remove an unnecessary financial burden for Veterans," said Secretary of Veterans Affairs Eric K. Shinseki. "We will continue to do everything we can to ensure that Veterans have access to the first-class care they have earned with their service to our Nation." This change will primarily benefit Veterans with limited mobility, such as spinal cord injury patients. Whenever medically appropriate, VA will make the home the preferred place of care for Veterans to ensure timely and convenient access to VA services. For more information about telehealth, refer to : <http://www.telehealth.va.gov>. Data have shown that expanded use of technology in the home enables patients with chronic health conditions, such as diabetes, chronic heart failure and hypertension, to live independently, actively engage in managing their health, and prevents avoidable hospitalization of patients who otherwise may need long-term institutional care. Home telehealth does not replace the need for nursing home care or for traditional noninstitutional care programs. However, it enhances the ability for many veterans to better understand and manage chronic diseases. This partnership with their care team helps delay the need for institutionalization and enables them to maintain independence for an extended period of time, thus improving their overall quality of life. [Source: VA News Release 8 May 2012 ++]

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**DoD Benefit Cuts Update 13:** On 7 MAY, MOAA President VADM Norb Ryan defended military people at a three-person debate on military pay and benefits at the Center for American Progress (CAP) in

Washington, DC. He sparred with Maj. Gen. Arnold L. Punaro (USMCR-Ret.), a member of the Defense Business Board, and Michael J. Bayer, former Chairman of the Defense Business Board, whose 2011 report recommended major cutbacks in military retirement. The panel was moderated by Lawrence Korb, Senior Fellow for CAP and former Assistant Secretary of Defense for Manpower, Reserve Affairs, Installations and Logistics. The debate was over a new CAP study (of which Korb was one of the authors) that recommends cutting back on military pay raises, converting military retirement to a contributory 401(k)-style system, and dramatically increasing TRICARE fees for military retirees, among other things.

- Bayer said, "Until personnel costs are wrestled down to manageable levels, there won't be enough to fund other defense needs." He advocated a radical overhaul of what he asserted is "an archaic system of [military] pay and benefits", noting that 83% of military people leave service without any benefit.
- Punaro said he agrees with MOAA that we don't want to return to the "erosion of benefits" era of the late 1970s, but still argued for significant benefit cuts for future entrants. He noted that military retirees' life expectancy likely will continue to rise another 6 to 8 years, "creating another huge financial burden for the country."
- VADM Ryan countered that Defense leaders are "missing the forest for the trees" on these issues, and that the real focus should be on sustaining needed incentives for the 17% to stay rather than whacking their benefits to help the 83% who choose to leave. "There's a reason only 17% stay for a career," Ryan said, citing the huge sacrifices inherent in a military career. "The 83% don't leave with nothing. Congress approved a GI Bill worth upwards of \$80,000 per person to help them with that transition." He noted a 20-year NCO earns retired pay of only \$23,000, and that proposing big pay, retirement, and healthcare cutbacks "dishonors their service."

A 3-minute video offering highlights of the lively panel discussion can be viewed at [http://www.moaa.org/Main\\_Menu/Multimedia\\_and\\_Press\\_Room/News\\_Releases/MOAA\\_President\\_Vice\\_Adm\\_Norb\\_Ryan,\\_Jr\\_defends\\_earned\\_benefits\\_of\\_military\\_families\\_on\\_panel.html](http://www.moaa.org/Main_Menu/Multimedia_and_Press_Room/News_Releases/MOAA_President_Vice_Adm_Norb_Ryan,_Jr_defends_earned_benefits_of_military_families_on_panel.html). [Source: MOAA Leg Up 11 May 2012 ++]

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**USFSPA & Divorce Update 21:** It's an argument that has raged in some veterans' circles for years: Do family courts have the right to consider income from veterans' benefits when calculating spousal or child support? A disabled Air Force reservist from Albany is seeking to bring the question before the U.S. Supreme Court -- again. Peter Barclay argues that he shouldn't have been ordered by the Linn County Circuit Court to pay his ex-wife, Claudia Barclay, \$1,000 a month in spousal support because the amount was calculated by combining his monthly Department of Veterans Affairs disability benefits and his Social Security Disability benefits. He and his lawyer argue that federal law prohibits states from including VA disability benefits in such calculations, on the grounds that Congress intended such benefits to be for the welfare of the veteran. But the Oregon Court of Appeals and the Oregon Supreme Court refused to overturn the Linn County Court.

A passionate group of veterans advocates is tracking Barclay's case and have devoted a Facebook page to the issue of keeping veterans benefits off limits in divorce. They have condemned people such as Las Vegas lawyer Marshal Willick, who argues that veterans' income from any source is fair game for family courts. The veterans' groups, known loosely as 5301ers for the section of the U.S. Code that covers the assignability of benefits, plan a protest next week in front of Willick's office. "As I've received about a half-dozen death threats from their members," he wrote in an email, "the police have been notified." The 5301 group is a fringe minority, said Jim

Strickland, a veteran who operates the VA Watchdog website. "The cold, hard fact is that many divorced veterans are so angry and bitter that they will stop at nothing to strike at their ex-wives," Strickland said in an email. "They hold themselves up as heroes who earned their VA benefits in glorious patriotic acts of selflessness."

The Supreme Court has taken up some form of the question in at least two earlier cases, *Rose vs. Rose* in 1987 and *Mansell vs. Mansell* in 1989. The cases differ somewhat, but both permit the payment of veterans benefits in divorce cases. But Barclay's lawyer, Michael Eisenberg of Washington, D.C., thinks this case could be different. "I think we've got two excellent arguments," he said this week. For one thing, he said, different states have different ways of treating veterans benefits and the Supreme Court could choose to take the case to unify a patchwork of laws. For another, Eisenberg said, "states are ignoring federal mandates" on the subject of whether certain benefits can be used in formulas calculating spousal support. Kristen Sager-Kottre, the Albany lawyer who represented Claudia Barclay in the 2010 divorce, agrees that states treat the issue differently. But she said veterans have clear obligations to their families. "Why should they not have to support their family? It doesn't make sense," she said. The military certainly expects service members to support their families, she said, noting that ex-spouses can apply for apportionment of a service member's pay or benefits if they aren't receiving court-ordered payments. The 2009 Oregon Appeals Court case *Morales vs. Morales* noted that when family courts are considering how to allocate income, "the touchstone concern is setting an amount that is just and equitable under the totality of the circumstances." In that case, the court raised spousal support awarded to the ex-wife of a disabled veteran.

Barclay is rated 100 percent disabled with post-traumatic stress disorder by the VA. He was stationed at Tinker Air Force Base near Oklahoma City and was among the early responders on April 19, 1995, the day that Timothy McVeigh's truck bomb tore through the Alfred P. Murrah federal building, killing 168 people. He said he spent the day helping to haul out bodies and suffered crushed vertebrae when a building support fell on his back. According to court documents, the VA is paying him \$2,623 a month in disability benefits, and the Social Security Administration is paying him another \$1,803. His ex-wife did not work outside the home during their 20-year marriage. They had two children older than 18, and child support was not awarded to either parent -- only spousal support. Peter Barclay, now 42, says veterans should pay child support. But in his case, there is no child support. And while he said he could have accepted an allocation based on his Social Security Disability income, veterans' disability benefits are intended only for the veterans' welfare. Barclay has testified in Salem on this subject and talked to Oregon Supreme Court justices about the broadness of the forms Oregon courts require petitioners to complete in divorce cases. "I'm not afraid of paperwork," he said. "I'm very passionate." The issue of whether veterans' disability benefits should be applied to spousal support is a national issue that the Supreme Court can settle, he said. "This is something they really need to take," he said. "A lot of veterans are affected." [Source: The Oregonian Mike Francis article 9 May 2012 ++]

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**NDAA 2013 Update 01:** Lawmakers tackled military pay raises, same-sex marriages, base closure plans and a host of other items in the \$642 billion defense authorization bill approved by the House Armed Services Committee 10 MAY after 16 hours of debate, but they sidestepped the biggest issue facing the Defense Department this year. That's the specter of \$500 billion in automatic defense spending cuts scheduled to trigger at the start of 2013, under legislation passed by Congress last year. Defense officials and lawmakers have railed against the looming cuts for months, and again 9 MAY members of the committee said an alternative must be found to ensure that national security plans aren't crippled by budget constraints. The House draft of the massive authorization bill, which sets spending priorities for fiscal 2013, does not address those potential losses. Instead, it increases the president's defense budget request by \$4 billion, including \$88.5 billion for operations in Afghanistan and other overseas contingency operations. The total is roughly \$20 billion less than the fiscal 2012 defense authorization bill,

a reflection of congressional pressure to rein in government spending during the nation's recent economic struggles. If it becomes law, the measure would be the first major decrease in defense spending since 2001.

The authorization bill calls for a 1.7 percent pay increase for troops starting in January, creates new protections for victims of sexual assault and bars the Defense Department from considering another round of base closures next year. Pentagon officials for months have pushed for closing bases, but lawmakers called the plan foolish, citing high short-term costs and questioning the long-term savings. Republican lawmakers also pushed back on White House plans to trim military end strength to save money, putting limits on how quickly the number of troops can be reduced in coming years. The Army is scheduled to shed about 70,000 soldiers over the next five years, and the Marine Corps is set to lose another 18,000 servicemembers. The bill mandates that no more than 8,000 of those soldiers and 5,000 Marines get cut next year. Conservatives on the committee also included measures prohibiting same-sex weddings on military bases and protecting chaplains who object to last year's repeal of the controversial "don't ask, don't tell" law. Those items both failed in last year's defense budget bills.

Rep. Todd Akin, R-Mo., who sponsored the chaplains' amendment, said it was necessary and that Obama had been using the military as a prop to promote the "gay agenda." The full House is expected to vote on the defense authorization proposal in coming weeks, and the Senate is scheduled to offer its own draft of the annual legislation at the end of May. Secretary of Defense Leon Panetta was quick to attack the Armed Services Committee's refusal to adopt the Pentagon-proposed broad array of TRICARE fee hikes for all retired beneficiaries. "If we're limited in our ability to put military health care costs on a sustainable track," said Panetta, "then [failure to approve the large fee hikes] would be making all of this more difficult to invest in new technologies that we believe are critical to the force we need for the future." The two chambers will have to reconcile differences in the measures before they can be signed into law, but staffers expect that won't happen until after the November elections. [Source: Stars & Stripes Leo Shane article 10 May 2012 ++]

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**VA Mental Health Care Update 14:** Members of Congress expressed doubts 8 MAY on plans by the Department of Veterans Affairs' to hire 1,900 additional workers to improve access to mental health care. Rep. Jeff Miller, chairman of the House committee with jurisdiction over veterans' issues, said the VA's plans to beef up staffing looked like a knee-jerk reaction to a critical inspector general's investigation that was in the works. That investigation released two weeks ago found that nearly half of the veterans seeking mental health care for the first time waited about 50 days before getting a full evaluation. The VA had been reporting that the vast majority of evaluations were being conducted within 14 days. Miller said the investigation also showed that the VA did not have reliable data to measure staffing needs. "If VA doesn't even have a complete picture of the problem, how confident can we be that access will be increased and care enhanced by the VA's knee-jerk reaction," Miller said during an oversight hearing. "This is not the first time we have been here."

VA officials insisted that the plans to hire more workers had been in the works for months. Veterans Affairs Secretary Eric Shinseki said that the department's hiring proposal was based mostly upon an increase in patients that has occurred in recent years, in part, because the department had made it easier for veterans to submit disability claims for post-traumatic stress disorder. VA officials said that while they agreed with the inspector general's recommendations, they did not necessarily agree that only half of the veterans seeking mental health care were seen within the recommended 14 days. Nevertheless, Shinseki said that improving access to mental health care would be his highest priority. "Our efforts will not cease with the announcement of the 1,900 additional personnel," Shinseki said. "Future adjustments may be likely."

Miller pointed out the VA already has 1,500 job openings. He said he did not think anybody on the House Committee on Veterans' Affairs actually believed the department would be able to fill those openings quickly. "How in the world are you going to accomplish that in a timely fashion in order to provide mental health care to the veterans who need it today?" Miller said. VA officials said it will get most of the additional hiring completed in the next six months, but added that some specialties are difficult to fill and that hiring may carry over to early 2013. Officials said they would particularly enhance the salary of psychiatrists in hopes of hiring about 60 more in the coming months. "We're beginning to hone in on this most difficult recruiting challenge," Shinseki said. Officials also told lawmakers that they were beginning an advertising campaign focused on recruiting mental health professionals. They also have nearly two dozen recruiters in place who will be reaching out to health care workers. [Source: AP Kevin Freking article 8 May 2012 ++]

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**COLA 2013:** The Veterans' Compensation Cost-of-Living Adjustment Act of 2012 (H.R.4114) introduced 29 FEB 12 would increase the amounts paid to veterans for disability compensation and to their survivors for dependency and indemnity compensation by the same cost-of-living adjustment (COLA) payable to Social Security recipients. The increase would take effect on December 1, 2012, and the resulting adjustment would be rounded to the next lower dollar. The COLA that would be authorized by this bill is assumed in CBO's baseline, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act, and savings from rounding it down were achieved by the Balanced Budget Act of 1997 (Public Law 105-33) as extended by the Veterans Benefits Act of 2003 (Public Law 108-183). Because the COLA is assumed in CBO's baseline, the COLA provision would have no budgetary effect relative to the baseline. Relative to current law, CBO estimates that enacting this bill would increase spending for those programs by \$686 million in fiscal year 2013. (The annualized cost would be about \$915 million in subsequent years.) This estimate assumes that the COLA effective on December 1, 2012, would be 1.3 percent. H.R.4114 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments. Enacting H.R.4114 would not affect direct spending or revenues relative to CBO's baseline projections; therefore, pay-as-you-go procedures do not apply. The bill currently has 13 cosponsors. [Source: CBO Report 9 May 2013 ++]

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**Military Family Lifestyle Survey:** Military families regard the possible change of military retirement benefits as their top concern, according to the results of a major survey released 9 MAY. The 2012 Military Family Lifestyle Survey also shows that pay and benefits, the impact of deployments on children, operational tempo, spouse employment and education and combat stress and brain injuries are most on the minds of military family members. Blue Star Families, a nonprofit military family support organization, released the findings of its third annual survey before a Capitol Hill audience of Congress members, military family members and support organizations, and media. "That data in this survey is the story of our lives," said Kathy Roth-Douquet, the chief executive officer of Blue Star Families. The survey, she said, is conducted by professional researchers who also are military family members. More than 4,000 family members responded to the survey, representing each of the services -- active, National Guard and reserve, and Coast Guard -- and all areas of the country. Nearly half of the survey respondents have a service member in the senior enlisted ranks, and 64 percent of respondents are between the ages of 25 and 44. Among the findings:

- Thirty-one percent of respondents listed possible changes to retirement benefits as their biggest concern, followed by 20 percent who cited pay and benefits as their top concern;
- Veterans said their biggest concerns related to separating from the military were employment opportunities, followed by access to health care;

- Seven percent of respondents listed operational tempo as their top concern, and support for staying in the military dropped from 52 percent for families who were separated 13 to 24 months, to 15 percent for those who spent more than 37 months apart;
- Sixty percent of spouse respondents are not currently employed, and of those, 53 percent wanted to be; 57 percent said being a military spouse has a negative impact on their ability to work; 27 percent had problems getting professional licenses to transfer to different states;
- Six percent of respondents listed post-traumatic stress, combat stress and traumatic brain injuries as their top issue; 26 percent said their service member had signs of post-traumatic stress and 3 percent said they had a diagnosis.

Robert L. Gordon III, deputy assistant secretary of defense for military community and family policy, said the department and the nation are challenged by economic problems today, but that both must take care of military families. Things changed after the Vietnam War, Gordon said. "We got out of Vietnam and into the all-volunteer force," he said. "Because of that, our force became a married force." Also, Gordon said, the military now is structured so that "the entire military goes to war." Indeed, the survey found that National Guard and Reserve members have spent as much time away from home in the past decade as active duty members. "We're challenged today, and I would say we are up to that challenge," Gordon said. "We have a supportive Congress and a supportive administration, where the first lady and Dr. [Jill] Biden are out pitching for the military" through their "Joining Forces" campaign. "That's why this survey is so important," he said. "We need to know how these families feel. We have to have a better integration of [combat veterans] when they come home -- and they are coming home." Other findings of the survey show:

- Ninety-two percent of respondents said they could help their children make positive school decisions during a spouse's deployment, but 64 percent said deployment hampered their children's abilities to participate in extracurricular activities;
- Ten percent of family members responded that they had considered suicide, compared to 9 percent for service members.
- Fifty-seven percent said prevention should be aimed at training frontline supervisors and commanders;
- Eighty-one percent volunteered in the past year;
- Eighty-nine percent are registered to vote;
- Eighty-two percent believe the all-volunteer force works well;
- Seventy percent were satisfied with the military lifestyle, and 60 percent would recommend the military for young people; and
- Seventy-two percent said changing the law to allow gays to serve openly has had no impact on their service members' ability to serve.

[Source: AFPS Lisa Daniel article 9 May 2012 ++]

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**VA Lawsuit ~ Lack of Care Update 15:** A federal appeals court has reversed a ruling that the U.S. Department of Veterans Affairs must overhaul how it cares for veterans with combat-related mental health care illnesses. By a 10-1 decision, a panel of the 9th U.S. Circuit Court of Appeals in San Francisco said it could not conclude that the VA's treatment of veterans, which sometimes causes claims to remain unaddressed for several years, was unconstitutional. The panel said only Congress or the President had authority to direct changes to speed up how veterans are treated. Nonprofit groups contended the VA contributed to the despair that led to roughly 6,500 suicides a year by U.S. veterans. "As much as we may wish for expeditious improvement in the way the VA handles mental healthcare and service-related disability compensation, we cannot exceed our jurisdiction to accomplish it," Judge Jay Bybee wrote for the majority. Citing President Abraham Lincoln's second inaugural address, he added:

"There can be no doubt that securing exemplary care for our nation's veterans is a moral imperative. But Congress and the President are in far better position 'to care for him who shall have borne the battle.'"

The 7 MAY decision overturned a 2-1 ruling last May by a panel of the same court. That panel said the VA's treatment delays in handling post-traumatic stress disorder and other mental health claims, often causing benefits to be delayed for up to four years, reflected "unchecked incompetence." It had demanded that the district court ensure the VA implement appropriate safeguards to ensure timely and, when necessary, immediate mental health care. Bybee, however, said that to uphold the May 2011 ruling would "embroil the district court in the day-to-day operation of the VA and, of necessity, require the district court to monitor individual benefits determinations." The case was brought by two nonprofit groups, Veterans for Common Sense and Veterans United for Truth. They claimed the VA's failure to provide timely treatment was a factor behind a high suicide rate among veterans. The VA has estimated that 18 veterans commit suicide per day. Suicide accounted for 34,598 U.S. deaths in 2007, making it the country's 10th-leading cause of death, according to the government's National Institute of Mental Health. About one quarter of the roughly 25 million U.S. veterans are enrolled in the VA health care system, which includes 153 hospitals and 800 outpatient clinics, according to the last May's ruling. A lawyer for the nonprofit groups did not immediately respond to a request for comment. The VA also did not immediately respond.

Judge Mary Schroeder dissented from Monday's decision. The majority "leaves millions of veterans - present, past, and future - without any available redress for claims that they face years of delay in having their rights to hard-earned benefits determined," she wrote. "No one could think this is just or what Congress intended." Bybee was appointed to the bench by President George W. Bush. Judge Stephen Reinhardt wrote the original 2-1 panel ruling, and was joined by Judge Procter Hug. Both were appointed to the bench by President Jimmy Carter. Neither sat on the 11-judge panel that ruled on Monday. Chief Judge Alex Kozinski, who dissented from the original ruling, did sit on the larger panel. The case is Veterans for Common Sense et al v. Shinseki et al, 9th U.S. Circuit Court of Appeals, No. 08-16728. [Source: Reuters Jonathan Stempel article 7 May 2012 ++]

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**TERA Update 03:** The U.S. Navy has announced guidance on applying for early retirement under Temporary Early Retirement Authority (TERA) for eligible Sailors separating due to the Enlisted Retention Board (ERB). Sailors must submit their applications to Navy Personnel Command (NPC) no later than June 15, 2012, and may check the status of their application through <http://www.bol.navy.mil>. Sailors considered but not selected for retention by the Fiscal Year 2012 ERB who will have completed at least 15 years of active service as of Sept. 1, and whose active duty service date (ADSD) is Sept. 2, 1997 or earlier, are eligible for early retirement benefits under TERA. For more information, visit NPC's transition assistance webpage <http://www.public.navy.mil/bupers-npc/boards/ERB/Pages/TransitionInfo.aspx>, or call the Navy Personnel Command at 1-866-U-ASK-NPC. [Source: Military.com article 7 May 2012 ++]

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**Tricare Pharmacy Copay Update 03:** Chairman Howard "Buck" McKeon (R-CA), Chairman of the House Armed Services Committee, issued a press release 7 MAY citing his proposal to curtail the Pentagon's authority to raise TRICARE pharmacy copay. Previously, the Military Personnel Subcommittee had declined to allow DoD-proposed increases in fees for TRICARE Prime, TRICARE Standard, and TRICARE For Life, all of which would require law changes to implement. But current law allows the Secretary of Defense almost unlimited discretion to raise pharmacy copays. While it opposed the DoD-recommended pharmacy increases as well, the Subcommittee was stymied by the requirement to come up with offsetting cuts necessary to keep them from happening. McKeon's plan sustains the Subcommittee's action to block the other increases, and offers a new

initiative to substantially cut back on the DoD-proposed pharmacy copay hikes for FY2013. The following chart shows how the Armed Services Committee plan compares with the DoD proposal for FY2013.

**Retail**

Generic/Brand/Non-formulary	Current	FY13
DoD-proposed copay	\$5/\$12/\$25	\$5/\$26/NA*
HASC-proposed copay		\$5/\$17/\$44

**Mail-Order**

Generic/Brand/Non-formulary	Current	FY13
DoD-proposed copay	\$0/\$9/\$25	\$0/\$26/\$51
HASC-proposed copay		\$0/\$13/\$43

\*DoD plan would bar purchase of non-formulary meds via retail

In addition to significantly reducing copays for FY2013, the Committee plan would strictly limit the Secretary of Defense's discretion to impose further increases in the outyears. In this regard, the Pentagon budget submission expressed intent to increase brand-name copays an additional \$2 per year, generic copays by \$1 a year, and non-formulary copays by \$3-4 a year through FY2017. Under the Armed Services Committee plan, future annual increases would be capped at the percentage increase in military retired pay. That is, if there's a 3% COLA for 2013, the retail brand-name copay increase for FY2014 couldn't exceed 51 cents (\$17 x .03). This cap is very important because, once established in law, Congress could choose to ignore any future, large Pentagon-proposed increases without being required to come up with any offsetting cuts. But current congressional budget rules for "mandatory spending" still require offsets to stop the DoD-proposed FY2013 pharmacy copays for retirees over 65. That's because their care is funded through a trust fund – which puts their health care expenditures in the "mandatory spending" category.

To cap current and future copay hikes, the Committee proposes to achieve the needed savings by establishing a 5-year pilot program under which beneficiaries age 65 and older would be required to use TRICARE's mail-order system for refills on maintenance medications, at least temporarily. Beneficiaries could opt out of the mail-order refill system after one year, if they choose. While the copays under the Committee plan are still larger than MOAA would like, and while they are reluctant to embrace mandatory mail-order refills, they applaud the Committee for trying to find a way to ease the significantly more onerous copays envisioned in the Pentagon plan. They understand all too well the Committee's dilemma that current budget rules put them in a box that left them no good answers. Given the two options, MOAA agrees that the Committee proposal is the "lesser of the evils" and would accomplish three key goals:

- It would eliminate the current DoD discretion in this area,
- It would put tight limits on future increases, and
- While it imposes temporary mandatory mail order use, the opt-out provision ultimately restores members' choice.

[Source: MOAA Leg Up 8 May 2012 ++]

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**Veterans' Jails:** The problem of US military veterans falling into a life of crime after returning from Iraq and Afghanistan has reached such levels that a law enforcer in Georgia opened 23 APR what is believed to be America's first county jail devoted to veteran inmates. John Darr, the sheriff of Muscogee County in Columbus,

Georgia, has created the new facility in an attempt to break the cycle of recidivism by providing them with specialist services to help them deal with the problems they carry with them when they decamp. “It’s really unique. What we’re bringing together is a lot of resources,” Darr told the local Columbus Ledger-Enquirer. Among the partnerships that are being set up is a link to Veterans Court, a community group that works with veterans in prison suffering from mental illness. The new dormitory, that will house 16 incarcerated veterans, will also provide those soon to be released with advice and support as they transition back into the community. The new veterans facility will be located in Muscogee County jail in Columbus, close to Fort Benning, a large military base. Inmates at the jail, that has been open for about a month, have told reporters they are pleased with the atmosphere inside. Wilbert Cox, a veteran of 10 years’ service in the army, told the Columbus Ledger-Enquirer: “This is the first time I’ve been in jail and it’s the place I thought I’d be. We’re not just thrown into the wolves’ den. There is something available to us for our service to our country.”



**Veterans Dormitory at the Muscogee County Jail in Columbus, Ga.**

Last year in honor of Veterans Day, the Florida Department of Corrections opened special dorms for veterans in five Florida prisons. The veteran dorms have several features that are different from the regular dorms, including daily flag raising and retiring ceremonies, staff with military backgrounds and the requirement of military standards for clothing, bunks and dorm areas. The use of profanity is prohibited in these areas and the inmates are encouraged to attend evening group meetings. They are also required to maintain good behavior and be disciplinary report-free. To be eligible, the inmates must be verified veterans, within three years of their prison release dates, and must volunteer to live in the special quarters. “We are always looking for creative ways to encourage the inmate population to make positive changes in their lives,” Florida Department of Corrections Secretary Ken Tucker said in a statement. The inmate population is around 101,000 people in Florida. About 6,700 of those inmates have identified themselves as military veterans. “The military emphasizes pride, character and integrity,” Tucker said. “By housing veteran inmates in the same dorm before their release from prison, they can work together to recapture some of those qualities, while also learning about programs and benefits available specifically for veterans.”

In addition to the special dorms, the correctional institutes offer specialized pre-release services for the inmate veterans to ease their re-entry into society and the workforce. These services include Post Traumatic Stress Disorder counseling and academic and vocational programs to prepare the men for re-entry into the workforce. The Florida Department of Corrections said that their mission is “to protect the public by operating safe and secure prisons and to assist inmates and offenders with their re-entry into society. Inmates living in Veteran’s Dormitories will have an incentive to maintain their good behavior while in prison and will be more likely to live as law-abiding people upon

release.” The participating prisons are the Santa Rosa Correctional Institution in Milton, Gulf Correctional Institution in Wewahitchka, Martin Correctional Institution in Indianatown, Sumter Correctional Institution in Bushnell and Lowell Correctional Institution and Ocala. About 300 inmates are currently participating in the program, which has room for 400 inmates and future expansion is possible.



**Veterans' dorm at the Santa Rosa Correctional Institution in Milton, Fla.**

Up-to-date figures on the number of imprisoned veterans are hard to come by, but the problem is known to be extensive. A report from 2004 calculated there were about 140,000 veterans in US federal and state prisons but that might be a small fraction of the total as many more are held at county jail level. As Muscogee County sheriff Darr told Fox News: “If [veterans] are not dealing with issues they may have, where are they going to go? They’re going to go to local county jails.” A report from the Drug Policy Alliance exposed high levels of substance abuse among veterans, accompanied by mental problems with as many as one in three suffering from PTSD and depression. In addition to the mental health consequences of prolonged exposure to war zones, deactivated military personnel often struggle from other social problems that can lead them towards incarceration. Homelessness is a common state of the military veteran with the Veteran Affairs department estimating that 67,000 veterans are homeless every night. [Source: The Guardian Ed Pilkington & ABC News Christina Ng articles 11 Nov 2011 & 7 May 2012 ++]

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**TriWest Contractor Update 01:** Late last month TriWest protested the Department of Defense's (DoD) decision to award the TRICARE West Region Contract to UnitedHealthcare. This protest is currently being reviewed by the Government Accountability Office (GAO). During this time, a new website -- SaveMyMilitaryHealthcare.com -- has been created by TriWest to give beneficiaries a voice and allow them to express their thoughts on the DoD's decision. Included in this website are easy links to write and submit electronic letters to members of Congress, ways for to share information and a form to subscribe to email updates. For more information go to: <http://savemymilitaryhealthcare.com>. [Source: AUSA Family Programs 7 May 2012 ++]

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**Tax Assistance Update 01:** The American Society of Tax Problem Solvers (ASTPS) launched a program to assist returning combat veterans (RCV's) with IRS problems. Currently, over 120 ASTPS members have volunteered to provide returning combat veterans free representation before the IRS. ASTPS will accept applications for pro bono representation before the IRS. Applications will be matched geographically with practitioners nearest

the RCV's place of residence. ASTPS members who have volunteered for this program wish to express their appreciation for the sacrifices our RCV's have made on behalf of all Americans. To apply for the program any RCV may fill out the form on the ASTPS website at <http://www.astps.org/form.php> Once the application is submitted ASTPS will be in contact to arrange representation with one of our member volunteers. [Source: ASTPS website May 2012 ++]

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**Veterans Retraining Assistance Program:** The Department of Veterans Affairs (VA) and the Department of Labor (DoL) are working together to roll out the new Veterans Retraining Assistance Program (VRAP) program on July 1, 2012. The VRAP offers 12 months of training assistance to Veterans who:

- Are at least 35 but no more than 60 years old
- Are unemployed
- Received an other than dishonorable discharge
- Are not be eligible for any other VA education benefit program (e.g.: the Post-9/11 GI Bill, Montgomery GI Bill, Vocational Rehabilitation and Employment Assistance).
- Are not in receipt of VA compensation due to unemployability.
- Are not enrolled in a federal or state job training program.

The program is limited to 45,000 participants during fiscal year 2012, and to 54,000 participants from October 1, 2012, through March 31, 2014. Participants will receive a monthly payment equal to the full-time payment rate under the Montgomery GI Bill–Active Duty program (currently \$1,473 per month). The benefit will be paid directly to you and you are responsible for paying your expenses including tuition, fees, and books. The Department of Labor will offer employment assistance to every Veteran who participates or applies to the VRAP program.

Participants must be enrolled in a VA approved program of education offered by a community college or technical school. The program must lead to an Associate Degree, Non-College Degree, or a Certificate, and train the Veteran for a high demand occupation. VRAP will provide training for programs of education that lead to a high demand occupation, as determined by the Department of Labor. At

[http://www.gibill.va.gov/documents/VRAP\\_High\\_Demand.pdf](http://www.gibill.va.gov/documents/VRAP_High_Demand.pdf) can be found a breakdown of positions covered in the following:

- Management Occupations
- Business and Financial Operations
- Computer and Mathematical Occupations
- Architecture and Engineering Occupations
- Life, Physical, and Social Science Occupations
- Community and Social Services Occupations
- Legal Occupations
- Education, Training, and Library Occupations
- Arts, Design, Entertainment, Sports, and Media Occupations
- Healthcare Practitioner and Technical Occupations
- Healthcare Support Occupations
- Protective Service Occupations
- Food Preparation and Serving Related Occupations
- Building and Grounds Cleaning and Maintenance Occupations
- Personal Care and Service Occupations
- Sales and Related Occupations
- Office and Administrative Support Occupations

- Construction and Extraction Occupations
- Installation, Maintenance, and Repair Occupations
- Production Occupations
- Transportation and Material Moving Occupations

**How to Apply** - The Department of Labor and the Department of Veterans Affairs will begin accepting applications on May 15, 2012. To complete the application, you will need to know your direct deposit information (bank routing number and account number), the name and location of your school, the program you wish to pursue, and the applicable high demand occupation. Go to <http://benefits.va.gov/vow/education.htm> to find out more. For veterans seeking a employment now there are extensive employment resources available for Veterans provided by the Federal Government. Visit <http://www.fedshirevets.gov> and the Department of Labor's <http://www.dol.gov/vets> to learn more. [ Source: <http://benefits.va.gov/vow/education.htm> May 2012 ++]

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**Air Travel:** The British travel website Skyscanner polled more than 1,000 airline passengers about their seat preferences. The results are shown at <http://www.skyscanner.net/news/articles/2012/04/012444-skyscanner-reveals-the-perfect-seat.html>: "The most sought after seat on a standard aircraft is seat 6A. This survey supports previous studies which have found that the front six rows of the plane are the most popular, taking 45 percent of the votes." "The survey found that the seat no one wanted 31E, a middle seat towards the back of the aircraft." The author of this article prefers to sit on the right-hand aisle, five rows from the back for a variety of reasons which you might want to consider when choosing your seat:

- As he gets older, he makes more frequent trips to the bathroom. He doesn't like stumbling over his neighbor's knees twice a flight.
- On longer flights, especially when turbulence keeps passengers from getting up for long stretches, there's a long line for the bathroom. He's in the perfect position to see that coming and jump up before the rush. Also he is not so close to the bathroom that he has people waiting right in front of him, grabbing the back of his seat to balance themselves.
- The right-side aisle means more room for him. Why? Because according to [Scientific American](#), only 15 percent of people are left-handed. So his neighbor will usually eat, drink, and write with his right hand. He'll even lean to his right during the flight. That means he can snag the armrest to his right.
- On larger planes with three seats across, he often has the middle seat all to himself. Like Skyscanner says, most passengers prefer the front of the plane. So if they have to book middle seats, they do it up front first.
- Filling up of the overhead bins is not really a problem. If necessary, the stewardess will assist in locating place for your carryons. You can fetch it as you deplane.
- In a rear-engine jetliner, the noise makes conversation too difficult in the back of the plane, and even in a larger plane with engines under the wings, there's still a lot of engine noise. While some folks despise engine noise, he considers it an amenity. Not only does it discourage his neighbor from talking to him, it drowns out crying babies and inane conversation from all around him – which lets him sleep in peace, with the white noise of the jet engines helping him nod off.
- The only drawback to plan is you "de-plane" last. While it seems to take forever to get off an airplane, the difference between the first row "de-planing" and his row averages only 7 to 9 minutes.

This logic doesn't sway Sam Baldwin, the Skyscanner's travel editor who says, "Anecdotally, some passengers seem to opt for the middle section near the wings where they are less likely to feel turbulence, while others want to be near the front for ease of getting off the plane, less engine noise, or even to get a better choice of food available. The window seems a popular choice for those looking to sleep, especially for long haul flights, while those who take more trips to the toilet prefer the aisle so as not to disturb fellow passengers. The aisle is also popular for tall

passengers looking to stretch their legs. Frequent fliers have also reported that the left-hand side of the plane is best as the windows are off center, allowing for wall space to lean on."

Not to be outdone, U.S. travel site Tripadvisor at <http://www.TripAdvisor.com> released its own passenger polling data one day after the Skyscanner survey. While much more comprehensive revealing little-known facts like, "Of the 20 percent of fliers who order an alcoholic drink on-board, 42 percent favor wine" – there were some intriguing seat-related questions such as: 76 percent of travelers prefer to keep to themselves while in flight. "Not even a presidential candidate could get some fliers to come out of their shell," Tripadvisor reported. "33 percent would not choose to sit next to Barack Obama, Mitt Romney, Ron Paul, or Newt Gingrich, if given the opportunity." Their site <http://www.seatguru.com> shoes seating details and illustrations on whatever flight you enter to help you identify superior and substandard seats. [Source: MoneyTalksNews Michael Koretzky article 30 Apr 2012 ++]



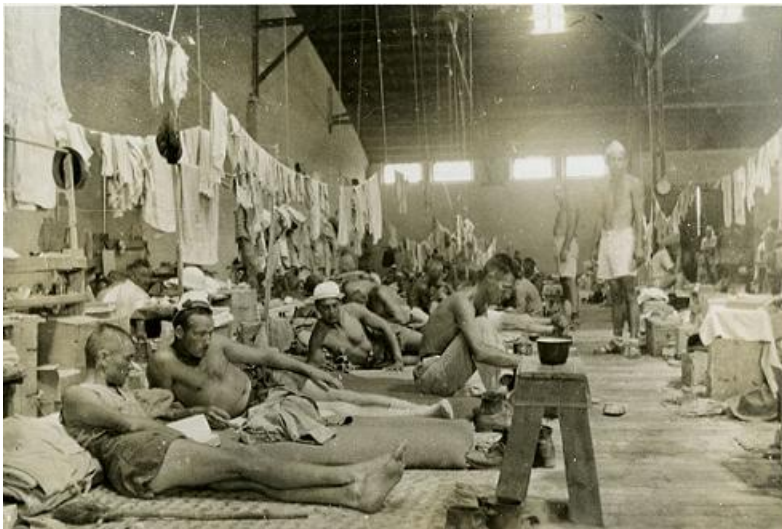
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**Bataan Death March Update 04:** Bataan and Corregidor survivors commemorated the 70th anniversary of the infamous Bataan Death March in Washington DC on 24-25 APR. The veterans included past national commanders of the now-disbanded American Defenders of Bataan and Corregidor, who traveled to Japan in 2010 and 2011 to receive an official apology from the Japanese government for their maltreatment, and to visit their former POW camps. The five veterans, who represent only about 200 remaining Bataan and Corregidor survivors, are:

- Dr. Lester Tenney, 92, from San Diego, formerly assigned to Company B, 192nd Tank Battalion, Illinois Army National Guard;
- Mr. Joseph Alexander, 85, San Antonio, 440th Ordnance Aviation Bombardment Squadron, Army Air Corps;
- Mr. Donald Versaw, 91, Lakewood, Calif., E Company, 2nd Battalion 4th Marines (China Marines);
- Mr. Ben Steele, 94, Billings, Mont., 7th Material Squadron, 19th Bomb Group, Army Air Corps;
- Mr. Roland Towery, 89, Austin, Texas, Battery C, 60th Army Coast Artillery.

In the Philippines some of the 23,069 surviving Filipino World War II veterans, now in their late '80s and '90s, attended the 70th anniversary of the infamous "Bataan Death March" held at the Capas National Shrine in Capas, Tarlac. The Philippine Veterans Affairs Office (PVAO), under retired Lt. Gen. Ernesto Carolina, led the annual event. The Capas event is part of the weeklong nationwide celebration of the "Araw ng Kagitingan," which was

ushered in during a “Sunrise Ceremony” at the “Libingan ng mga Bayani” (Heroes’ Cemetery) held in Fort Bonifacio in Taguig City. A frank assessment of this horrific chapter in the Pacific history of World War II, was summed up in the famed slogan, "The Battling Bastards of Bataan: No Mama, No Papa, No Uncle Sam". [Source: VFW Washington Weekly 4 May 2012 ++]



**Inside the large barracks where men slept on brick deck, two blankets, and straw mat and a thin pad.**

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**VA Desert Shield/Storm:** The VA's War Related Injury and Study Center in East Orange, N.J., is asking all Desert Shield/Storm veterans to complete an anonymous online survey to help the VA better understand the problems and needs of first Gulf War veterans. The survey asks for demographic information, deployment experience, physical and mental health problems, and treatments or wellness practices that veterans may or may not be currently using. To complete the survey, go to [https://www.surveymonkey.com/s/WRIISC\\_PGW](https://www.surveymonkey.com/s/WRIISC_PGW). To learn more about the VA's War Related Injury and Study Centers, go to <http://www.warrelatedillness.va.gov>. [Source: VFW Washington Weekly 4 May 2012 ++]

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**SSA Disability Claims Update 03:** The Social Security Administration and the Department of Defense (DoD) are working together to improve access to disability benefits for the nation’s Wounded Warriors, service members, veterans and their dependents. A new nationwide project enables Social Security disability case processing sites to receive military medical records from multiple DoD facilities with a single request to a centralized DoD site. As of today, this initiative is in its first phase of nationwide expansion. Originally a pilot, the program included five States (Colorado, North Carolina, Oregon, Virginia and Washington) and more than 60 military treatment facilities. These States are now receiving electronic medical records within 72 hours, an improvement over the previous average response time of five weeks for paper records from individual military treatment facilities. The new DoD-Social Security collaboration consolidates requests for medical records from Social Security to a single location that has access to DoD records in a central electronic repository. This central location receives and responds to requests for medical records based on Social Security’s Electronic Records Express, another successful initiative that offers electronic options for submitting health records related to disability claims. The benefits of the new process include:

- Faster delivery of DoD medical records to Social Security;

- A more efficient system to obtain records;
- A reduction in the time it takes to make a medical decision on a disability claim;
- A reduction in the number of consultative examinations (medical exams requested by Social Security when additional tests or medical records are needed.)

[Source: NAUS Weekly Update 4 May 2012 ++]

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**VA Facility Safety:** The VA has put out the following reminder message requesting all VSO's to pass it along to their members:

In the continuing effort of ensuring a safe and secure environment, while still providing open and accessible service, the Department of Veterans Affairs would like to remind you that possession of firearms is illegal, under Federal law, at all VA facilities and properties. This applies even to those individuals who have a State-issued permit to carry a concealed firearm. Persons found in possession of a firearm on Federal property are subject to arrest, citation, and confiscation of their firearms. So, please ensure that you leave your firearm at home, and properly stored, when you visit any of our VA facilities or properties. We thank all of you for your service to our Nation. We hope you will join us in keeping our VA safe and secure. [Source: TREA News for the Enlisted 4 May 2012 ++]

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**VA Health Care Enrollment Update 04:** The VA Medical Center in Grand Junction CO has experienced its first decrease in enrollment in years, and it has some VA officials concerned. Officials with the VA say they usually see an increase of around 5 percent each year and now that number has dropped to 2 percent for this quarter. "We know there are between 6,000 and 12,000, probably right around 10,000 veterans that are eligible for care but haven't enrolled with us," said Paul Sweeney of the VA. They say a lack of trust and information may be to blame. "For our Vietnam era veterans, I think it's a general distrust of the government and also a lack of information about their eligibility," said Sweeney. "I was subject to a lot of those rumors and I thought the same thing," said retired Air Force member David Adams. Adams served in Operation Iraqi Freedom and Operation Enduring Freedom, and was reluctant to enroll for VA health care. "I think you have some veterans that don't want to apply for health care because they may be too proud or they want to rely on themselves not the VA ... that's kind of how I felt until I got into the system and found out how relatively easy it actually is," said Adams.

Officials say it's worth dealing with the logistics because returning veterans face big risks depending on which era they served in. "The Vietnam veterans ... a very high percentage of them have prostate cancer, have diabetes and these are things that can be treated with preventative medicine," said Sweeney. Although different veterans can be eligible for health care in different ways, Vietnam veterans only need proof of service and can get medical help in 30 days. Younger veterans returning from combat zones have five years to enroll for free health care with no eligibility required. "I think it's a fantastic program. I think the OEF/OIF veterans need to really seek that out and look into getting that type of health care if you don't have health care or if you're paying out of pocket," said Adams. [Source: KREX Danielle Kreutter article 1 May 2012 ++]

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**Veteran Charities Update 23:** Authorities finally may get to solve the mystery behind the fugitive known as Bobby Thompson, who allegedly ran a fraudulent charity for military veterans that bilked millions of dollars from donors in Virginia and 40 other states. An apparently ailing Thompson was arrested by federal

authorities 30 APR in Portland, Ore., after two years on the run. Investigators acting on a tip located Thompson at a bar, followed him home and arrested him, authorities said in an announcement from the Ohio attorney general's office. Thompson, once the subject of an "America's Most Wanted" television profile, was walking with a cane and was carrying multiple fake identification cards when he was arrested. He is in the custody of the U.S. Marshals Service awaiting an identity hearing..

Thompson faces a 22-count indictment in Ohio that includes charges of theft, money laundering, corruption and tampering with records. He also has been under investigation in Virginia, where his now-defunct charity, U.S. Navy Veterans Association, collected at least \$2 million from state residents. "This was one of our most challenging fugitive investigations to date," U.S. Marshal Peter Elliott said in a news release. "Our investigators followed up leads all over the nation. Their diligence and dedication directly led to the arrest in Portland. I am proud of everyone that worked on this investigation. Their efforts have brought this scam artist to justice." Authorities said Thompson stole the identity of a Washington man to execute a fundraising scam that generated tens of millions of dollars since 2001. Ohio Attorney General Mike DeWine said 2 MAY that Thompson's real identity has not been determined. An alleged co-defendant, Blanca Contreras of Tampa, Fla., was sentenced to five years in prison in Ohio after pleading guilty to theft, money laundering and other charges related to her role in the fundraising scam.



**Bobby Thompson**      **Thompson and lawyer in court in Cleveland**

The Florida-based USNVA collected at least \$2 million from Virginia residents over a five-year period that ended in 2010, according to findings by the state's consumer affairs agency that were made public last year. The agency began investigating the charity in 2010 after news reports raised questions about its fundraising and spending practices and the existence of many of its members. The address for the group's Virginia chapter was a drop box at a UPS store just outside of Richmond. The initial findings were turned over to Attorney General Ken Cuccinelli's office, which has civil enforcement authority under the state's charitable solicitation law. Cuccinelli has distanced himself from the case because he accepted \$55,500 in political contributions in 2009 from Thompson, who was the second-largest individual contributor to the Republican's campaign. After Thompson went missing in 2010, Cuccinelli donated \$55,700 - the sequestered campaign funds plus interest - to veterans support groups in the state. His chief deputy, Chuck James, is overseeing the investigation of USNVA. Earlier this year, the state reached a settlement with a telemarketing company that solicited funds from Virginia residents for the suspect charity. The settlement requires Michigan-based Associated Community Services Inc. to pay more than \$65,000 in refunded contributions, civil penalties and other costs for alleged violations of Virginia law. It remains unclear whether Thompson will face criminal charges in Virginia. Cuccinelli spokesman Brian Gottstein wrote in an email that the attorney general's office has referred information about Thompson and the charity to "appropriate authorities." Gottstein said he could not identify those authorities because the investigation is ongoing.

In 2010, the USNVA lobbied the General Assembly for an exemption from filing annual registration statements under the state's charitable solicitation law. The General Assembly approved the exemption and Gov. Bob McDonnell signed it into law before becoming aware that the organization was under scrutiny in other states.

Lawmakers repealed the exemption in 2011. McDonnell and three legislators who received smaller campaign contributions from Thompson announced plans to donate those funds to charity in May 2010, shortly after The Roanoke Times published a story detailing the U.S. Navy Vets' efforts to gain the exemption. McDonnell received a \$5,000 contribution from Thompson in 2009, and later donated that amount to a Virginia Beach-based Navy charity when questions were raised about the USNVA's legitimacy. The three state legislators who received campaign donations from Thompson in 2009 gave the funds to charity the following year.

In Ohio, authorities froze some of the bank accounts used by Thompson and USNVA, and directed the funds to legitimate organizations that provide services to veterans. Authorities believe Thompson collected nearly \$2 million from Ohio residents between 2005 and 2010. The Ohio investigation was launched by DeWine's predecessor, Richard Cordray, now director of the U.S. Consumer Financial Protection Bureau. "We still don't know the true identity of the man known as Bobby Thompson, who has used the identity of several other people throughout the years," DeWine said. "But we commend the teamwork with our federal partners in this case. This case sends a strong message that we will not tolerate scam artists in Ohio."

Thompson was silent during a hearing 8 MAY at Cuyahoga County Court of Common Pleas in Cleveland speaking only to acknowledge he understood the charges, which carry a maximum sentence of 25 years. Though the U.S. marshals who apprehended him in Oregon on April 30 found nearly \$1 million in cash in a rented storage unit, Thompson told authorities he is indigent and needs a public defender. His court-assigned attorney Thompson wants to be his own lead counsel. Thompson is also charged with stealing the identity he used during the years he ran Navy Veterans. The real Bobby Thompson is a former Bureau of Indian Affairs employee who lives in Washington state. Officials are seeking the public's help in uncovering Thompson's true identity. Tipsters can call the U.S. Marshals Service toll-free at 1-866-492-6833. [Source: Roanoke Times & Tampa Bay Times Michael Sluss & Kris Hundley articles 3 & 9 May 2012 ++]

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**VA Caregiver Program Update 17:** The Veterans Affairs Department plans to provide 1,000 family caregivers with Apple iPad tablets equipped with health care applications and tools to help them care for veterans at home as part of a pilot project to field mobile applications to all veterans through a VA app store that will open in early 2013. Spokeswoman Jo Schuda said the pilot Clinic-in-Hand project for family caregivers will host apps integrated with VA data systems that will allow the exchange of health-related data between the department, veterans and caregivers. District Communications Group LLC, a Washington-based disabled-veteran-owned small business, won a sole-source contract for the mobile health pilot project on 13 APR to develop Clinic-in-Hand. Schuda said primary caregivers enrolled in VA's Comprehensive Assistance for Family Caregivers program will be invited to participate in the Clinic-in-Hand project. Eligible participants then will be randomly selected in the summer of 2012, she said.

To participate, caregivers must be designated as "primary providers of personal care services" for eligible veterans who have been approved for the Comprehensive Assistance for Family Caregivers program covered by the 2010 Caregivers and Veterans Omnibus Health Services Act. The justification and approval notice for the District Communications contract said apps developed under the Clinic-in-Hand pilot will be available to all veterans in the VA apps store when it launches in 2013. Schuda said the contract with District Communications also covers work on the development of an electronic health record system application called VAi2-iHealth Mobile. The department has started to test the application at its Washington medical center. VA Chief Information Officer Roger Baker told reporters last week that the EHR app is a "significant time-saver" because it brings together on a single portable device all the information health care providers need to care for patients. [Source: NextGov Bob Brewin article 2 May 2012 ++]



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**Vet Cremains Update 12:** The Missing in America Project (MIAP) has identified the recently found unclaimed cremated remains of a Korean War Veteran. The unclaimed remains were discovered by the Allied Veterans Center in Arlington. The Allied Veterans Center which helps and assists homeless veterans in getting off the street and re-established in life, recently found the cremated remains that had been unclaimed and left behind during a remodeling of their building. They contacted MIAP and after a joint records search it was found that the remains were those of a Korean War Veteran who had been left behind after the passing of his wife. On 17 MAY 2012 at 2:30 PM the remains of Clarence Harrison Hill Jr. (1931-2007) A1C U. S. Air Force and a Korean War Veteran, will be laid to rest with full military honors at the Jacksonville National Cemetery, 4083 Lannie Rd. Jacksonville Fl. Those who wish to join with the MIAP volunteers and the American Legion as they carry Mr. Hill on his final journey are welcome. He has not been forgotten. [Source: MIAP Press Release 1 May 2012 ++]

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**VAMC Tampa Bay:** Veterans seeking care at both VA hospitals in the Tampa Bay region are waiting longer for care, but with no consequences to the hospitals. That's because both hospitals expanded its allowable wait times, a major measurable for VA centers, which is not against policy the Tampa Bay Times reports. Tampa Bay's two veterans hospitals have changed a much-watched measure of their performance by increasing from 30 to 120 days the time a patient must go without an appointment before being placed on a waiting list, interviews and documents obtained by the Tampa Bay Times show. Critics of the U.S. Department of Veterans Affairs say the change is part of a wider VA trend of fudging statistics showing how well facilities serve veterans. The VA denies the charge. But at James A. Haley VA Medical Center in Tampa, a switch from 30 to 120 days this month left the hospital's waiting list for outpatient appointments much improved. It dropped from March's 4,981 patients to 1,800 this month, Haley figures show. The VA Medical Center at Bay Pines in Seminole increased its waiting list threshold from one to four months in late 2010, earlier than Haley, Bay Pines said. Earlier this month, an inspector general's report found that the VA skewed its waiting times to make it appear that Veterans were receiving mental health services in a timely manner according to an NPR report. Now, any vet asking for help is supposed to be evaluated within 24 hours and start treatment within two weeks. The VA has claimed that happens in the vast majority of cases, but a new investigation by the agency's inspector general says the VA statistics are skewed to make wait times appear shorter. ... The inspector general's report says, rather than starting the clock from the moment a vet asks for mental health care, the VA has been counting from whenever the first appointment became available. That could add weeks or months to the wait time. [Source: Off The Base Bobbie O'Brien article 30 Apr 2012 ++]

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**Reserves Dental Benefit Update 02:** Beginning in MAY 2012, some National Guard and reserve members will need to pay dental premiums directly rather than through payroll deduction, a senior official of the TRICARE military health plan said 1 MAY. A change to the TRICARE Dental Program means that payroll deduction for premiums is not currently available to about 8,000 reserve-component troops who are on orders to active duty for more than 30 days, Army Brig. Gen. W. Bryan Gamble, deputy director of TRICARE Management Activity, told American Forces Press Service. Gamble said affected beneficiaries have been identified and will not lose coverage. They will receive direct paper bills, and should make their premium payments by check, electronic funds transfer or credit card until the payroll deduction option becomes available, he said. "Our priority is to ensure a smooth and effective transition on behalf of the ... enrollees," the general said. Gamble said Metropolitan Life Insurance Company, known as MetLife, today became the new contractor for the TRICARE Dental Program. The program provides dental benefits for more than 2 million TRICARE beneficiaries worldwide.

Defense finance officials, TRICARE Management Activity representatives and MetLife staffers are working out a long-term solution to the payroll deduction issue, he added, and MetLife will keep affected beneficiaries informed. Service members who think they may be affected should check their leave and earnings statements, and contact MetLife at 855-638-8371 if they do not see a premium payment, he said. MetLife offers slightly lower premiums and more extensive benefits than were previously available in the program, Gamble said, including:

- An increase in the annual maximum to \$1,300;
- An increase in the lifetime orthodontic maximum to \$1,750;
- Additional \$1,200 maximum per year for services related to accidents or injuries,
- No cost shares for scaling and root planning for diabetics; and
- Coverage of an additional cleaning during pregnancy.

The program covers military family members and reserve-component service members, Gamble said. He noted that active-duty service members and activated National Guard and reserve members are not eligible for the program -- though their family members are -- because they receive military dental services at no charge. "TRICARE began its partnership with MetLife today and, at 8:03 a.m., the first dental claim was paid under the new TRICARE Dental Program contract," the general said. "The beneficiary went to an in-network dentist, [and] the claim was reviewed and processed correctly," he added. "This is just the first claim, but we expect many more as TRICARE beneficiaries take advantage of their enhanced dental benefits." [Source: AFPS Karen Parrish article 1 May 2012 ++]

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**TSP Update 29:** More than half of Thrift Savings Plan funds finished April in the red after posting mostly positive returns in 2012.

- The I Fund, invested in international stocks, lost the most in April, dropping 1.87 percent. The fund, often troubled in 2011, experienced a small uptick in March and posted positive returns in both February and January of this year. The I Fund has posted losses of more than 12 percent in the past 12 months.
- TSP's S Fund, which is invested in small and midsize companies and tracks the Dow Jones Wilshire 4500 Index, posted a loss of 0.71 percent in April. The fund was down 1.24 percent in the past 12 months but up 13.64 percent so far in 2012.
- The C Fund, invested in stocks on Standard & Poor's 500 Index, lost 0.62 percent in April after climbing 3.3 percent in March and 4.34 percent in February.
- Both the F Fund, which is invested in fixed-income bonds, and the G fund, comprised of government-backed securities, ended April in the black, up 1.12 percent and 0.15 percent, respectively.

All the TSP's life-cycle funds ended April in the red, except for the L Income Fund, which is for federal employees who have reached their target retirement date and already have started withdrawing money. Even that fund was nearly flat in April, with 0.01 percent growth, after rising 0.54 percent in March and 2.73 percent this year. The L2020 lost 0.38 in April; it has increased 6.52 percent since the start of 2012. The L 2030 lost 0.52 in March but has gained more than 8 percent so far this year. The L2040 lost 0.63 percent in April but has gained more than 9 percent in 2012 overall. The L2050 has posted a 0.78 loss for the month; it has gained more than 10 percent so far but has posted a loss of 0.73 in the last 12 months. The life-cycle funds are designed to move TSP enrollees into less risky portfolios as they near retirement. [Source: GovExec.com Amanda Palleschi article 1 May 2012 ++]

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**VA Hospital Wi-Fi Update 01:** The Veterans Affairs Department has 111 medical facilities lacking advanced Wi-Fi systems to support a number of uses, including real-time tracking of equipment and personnel. In late March, VA issued a contract to install wireless access in four of those sites by October. The department originally contracted with Catapult Technology Ltd. in OCT 08 to install Wi-Fi in 236 hospitals and clinics, but this ambitious plan foundered when the project literally ran into a wall. The thick concrete found in many older hospitals impeded transmission of the wireless signals and required installation of more access points than originally estimated, VA Chief Information Officer Roger Baker told lawmakers on the House Veterans Affairs Committee in May 2011. Catapult completed Wi-Fi installation at 65 medical facilities before VA put its contract on partial hold in FEB 2011. In MAR 2012, the department awarded a new contract to support deployment of the Real-Time Location System, Baker told reporters last week. RTLS is a tracking system officials believe will help hospitals improve efficiency and ensure medical equipment is properly sterilized. It requires Wi-Fi signals to operate.

On 22 MAR, VA awarded Harris Corp. a \$19.4 million task order off its \$12 billion umbrella Transformation Twenty-One Total Technology (T4) contract to cover Wi-Fi installation at 26 sites where early RTLS installation is planned, according to a white paper provided to Nextgov by VA spokeswoman Jo Schuda. This contract covers design services, equipment and post-installation services for an initial four sites to be completed by October. The four sites are not named, but RTLS solicitation documents say VA plans initial rollout of the tracking system at hospitals in Iowa, Minnesota, Nebraska, and North and South Dakota. The Wi-Fi white paper said strategy for equipping the remaining 85 medical facilities will be determined at a later date. Lessons learned on the current T4 task order will help determine an appropriate strategy and contract structure. VA also wants to install separate Wi-Fi systems in its hospitals to provide Internet access for patients and visitors. Hospitals in Augusta, Ga., and Denver have issued contracts for these systems. Baker said at the press briefing that he still had not decided whether to issue a national patient Wi-Fi contract. [Source: GovExec Today Bob Brewin article 1 May 2012 ++]



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**GA Vet Home Update 01:** A bill now on Georgia Gov. Nathan Deal's desk could charge disabled veterans up to \$682 a month to stay at the Georgia War Veterans Home. The Senate and House voted almost

unanimously in favor of H.B.535 on 2 APR. This bill could require residents living in the veterans homes to pay a fee, but there would be a full or partial waiver based on economic need. "Everyone would be looked at individually so it would not be a set fee imposed on everyone," says Director of Health and Memorials Ernie Simons. Currently, 241 veterans live in the home, according to Simons, although the facility can house up to 350 people. Everyone living in the home who served in Vietnam has medical needs says Simons. Last year, the Georgia War Veterans Home's operating budget was \$14 million. The State of Georgia provided half the funding and the U.S. Department of Veterans Affairs provided the other half. The Home has been providing free meals, medication, and room and board for residents for more than 60 years. That might all change. If the law passes, Simons believes the veterans will have to pay an aid-and-attendance fee of \$682 per month. It's the same amount of money already given to them by the Department of Veterans Affairs as an allowance. That money will be given back to the Georgia War Veterans Home to pay for the resident's care.

State Representative Culver "Rusty" Kidd of Milledgeville says he doesn't think the state is likely to charge veterans for their board. "Just because it was proposed, it don't mean the particular way it was written will become law of the land," Kidd says. He says because the bill hasn't been signed into law yet, Governor Deal hasn't appointed a Veterans Service Board. Kidd says that board would make recommendations, so there's no way to tell how the law will affect veterans. "If there was more money budgeted into the War Veteran's Home, by that meaning the state assign to it via tax revenue or the residents were taxed, more beds can open up for more vets," says Kidd. "Let's hope it's doesn't come off the backs of our war vets." Simons says the extra money will allow the home to service veterans at maximum capacity. Kidd says the goal was to tap into federal funds to support the home, not make veterans themselves pay. A call to the governor's office to ask if he plans to sign the bill was not returned.



**Georgia War Veterans Home**

The Georgia War Veterans Home is located at 2249 Vinson Hwy in Milledgeville Tel: 478-445-6826. It is situated on approximately 17 acres in the central Georgia city of Milledgeville, is a 550-bed facility licensed and certified to provide skilled nursing care to aged and infirm Georgia war veterans. United Veteran Services of Georgia, Inc., a subsidiary of UHS-Pruitt Corporation of Norcross, Georgia, operates the home for the Department of Veterans Service under a contractual agreement. The home operated three skilled nursing care facilities in 2010, which included the Richard B. Russell Building with 126 budgeted beds; the Joe T. Wood Building with 150 budgeted beds; and the Alzheimer's Wing of the Pete Wheeler Building with 20 budgeted beds. Due to fiscal constraints, the 105-bed Carl Vinson Building has temporarily suspended operations. The plan is to reopen it as soon as the economy improves and the home returns to normal operations. The veteran patients at the home received 93,581 days of skilled nursing care. The nursing home admitted 40 patients and had 17 discharges in 2010. The average length of stay for current skilled veteran patients is 958 days. To determine eligibility for admission see your local SDVS office The Georgia Department of Veterans Service field office serving Baldwin, Hancock, Putnam, Washington, and Wilkinson counties is housed on the first floor of the Vinson Building.



**Georgia War Veterans Nursing Home**

The Georgia War Veterans Nursing Home (GWVNH) is located at 1101 15th Street, Augusta, Georgia 30901 Tel: 706-721-2531. It is a 192-bed skilled nursing care facility adjacent to the campus of the Georgia Health Sciences University, formally known as the Medical College of Georgia. The facility is also adjacent to the Charlie Norwood Veterans Affairs Medical Center. It is operated under an interagency agreement between the Georgia Department of Veterans Service and the Georgia Health Sciences University. In FY 2010 the veteran patients at this facility received 93,581 days of skilled nursing care. They admitted 40 patients and had 17 discharges in 2010. The average length of stay for current skilled veteran patients is 239 days.. For admission information, contact Julia Eveker at 706-721-2405 or jeveker@georgiahealth.edu. [Source: 13WMAZ Judy Le article 30 Apr 2012 ++]

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**VA Cemeteries Update 07:** We've all been taught the consequences of the U.S. Civil War since childhood. How it led to the emancipation of slaves, solidified state and federal rights, and further made the case for women's suffrage. But the unprecedented carnage of the war also transformed the attitude of how the nation honors its military dead; a tradition now indelible to the American spirit. That was the premise behind a talk given by Harvard University President Dr. Drew Faust at VA central office in Washington today. Through her research, Dr. Faust found that the Civil War fundamentally changed the way our country handled death on the battlefield. Both the Union and Confederacy were ill equipped to bury fallen troops in a dignified manner, and death notifications sent to families were informal and happenstance, if they happened at all. Unmarked and hasty graves littered fields and farms near battlefields where hundreds of thousands of men struggled and died. Humanitarian ideas and the dignity of the human spirit were transformed in the crucible of war, and an emerging sense of responsibility for our war dead led to drastic shift in government obligations.



Edmund Whitman, an Army officer and a quartermaster during the Civil war, led the effort. Whitman inspected cemeteries and battlefields across the south from 1865-1869, examined informal records, and conducted interviews to find out locations of fallen troops. He oversaw the reinterment of over 100,000 Union soldiers. About 300,000 were reburied in 74 national cemeteries, which now fall under the purview of the National Park Service. As Dr. Faust noted, it was Whitman's mission to put human faces and human cost to the war, and to recognize the sacrifices of so many of our own. His work helped to establish the notion that those who fell in battle are to be honored, and it's our duty as citizens to remember and cherish that. It's difficult to fathom the damage of the war. An estimated 600,000 soldiers from both sides were killed; if the war were fought today with the same casualty rate, six million would lay dead. But it's also hard to imagine a time when the care of our slain troops was an afterthought—an annoyance to both troops in the field and folks in the halls of government. It's now one of VA's most sacred obligations, but it took a war of staggering magnitude for our nation to realize it had a duty to honor the dead as much as they honored us. For a video on VA's Sacred Trust which covers many details of the National Cemetery Administration and its service to our nations Veterans plus how burials are conducted refer to [http://www.youtube.com/watch?v=81ESNHb9\\_YQ](http://www.youtube.com/watch?v=81ESNHb9_YQ). To determine eligibility for burial refer to the attachment to this Bulletin title, "**National Cemetery Burial Eligibility**" or [http://www.cem.va.gov/CEM/pdf/IS1\\_Jan\\_2011.pdf](http://www.cem.va.gov/CEM/pdf/IS1_Jan_2011.pdf). [Source: Vantage Point Alex Horton article 16 Apr 2012 ++]

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**Veterans for Peace Tour:** Michael Marceau didn't leave Vietnam under the best of circumstances in May 1970. Stationed about 30 miles from the Cambodia border in an infantry unit, he "zigged instead of zagged" during an early morning rocket attack and was hit by shrapnel. The metal entered his back, hit a lung, bounced off a rib and lodged in an artery and cluster of nerves in his left shoulder. A buddy hoisted him into an idling jeep and saved him from bleeding to death. He was hospitalized two weeks, then spent months in rehab. In APR, Marceau, 63, came back to the country where he once served. "I want to try to make a better exit this time," Marceau joked as he strolled through the grounds around the Ho Chi Minh Mausoleum. Marceau is one of nine vets who are taking part in the first Veterans for Peace Tour. The 14-day tour was arranged by the only international chapter of Veterans for Peace [[www.veteransforpeace.org](http://www.veteransforpeace.org)], which was established several years ago by a handful of vets who've made Vietnam their home over the past 20 years. The tour — which includes five vets returning to Vietnam for the first time since the war — begun 17 APR in Hanoi and ending in Ho Chi Minh City 30 APR — 37 years from the day North Vietnamese forces swept into the capital of South Vietnam, then called Saigon, ending a nearly 30-year civil war.

For the past decade, America's attention has been on the wars in Afghanistan and Iraq, but for some who fought in the Vietnam War in the 1960s and early 1970s, the urge to return here and "make things right" has only grown. Veterans of that era are reaching retirement age or are at the peak of careers that give them the means to return — and contribute. Most are concerned about the lingering effects of contamination by the herbicide Agent Orange and casualties from unexploded ordnance in the developing country. "We decided that starting a chapter of Veterans for Peace here was a good opportunity for two things," said Suel Jones, a Marine veteran who lives in Danang and conceived the tour. "One is to use Veterans for Peace to educate people in the USA about the legacy of war. When we leave, a war's not over; it's just started for some people. "Secondly, it's doing something humanitarian ... giving people the opportunity to give something back."



**Veteran Suel Jones**

For tour members, that's a required \$1,000 contribution that they were each required to bring. As they visit Agent Orange treatment centers, orphanages and families in small villages affected by illnesses and birth defects, they can offer direct aid, Jones said. That could be anything from a live pig to a new bed. After the tour, the chapter members will decide how to spend whatever money is left. "It may take several months to design a good way to handle it," Jones said. "You come over here with \$1,000 to donate and you don't know anybody, that \$1,000 could be totally wasted. We've been here long enough to build relationships. You keep [the money] as far down among the people as possible." Although primarily a humanitarian tour, it also mixes in sightseeing. Their last day in Hanoi before traveling south was particularly ambitious: the Ho Chi Minh Mausoleum; the Confucian Temple of Literature; a visit to the Vietnam Veterans Association, headed by a former North Vietnamese general; lunch at Koto, a nonprofit restaurant that houses and trains down-and-out youths for jobs; a sit-down with the leadership of the Vietnam Association for Victims of Agent Orange/Dioxin; and a trip to the outskirts of Hanoi to Friendship Village, a center that aids children and veterans affected by Agent Orange, established in 1988 by U.S. veteran George Mizo.

This was Paul Cox's third trip back since the war, when he was a Marine in 1969-70. He's been a primary mover behind the Veterans for Peace's Vietnam Agent Orange Relief and Responsibility Campaign. He said he thought the tour would be a chance to gain first-hand knowledge about the problems — and cleanup efforts — of unexploded ordnance. The tour would include visits with UXO victims in Quang Tri Province, the most heavily bombed in Vietnam during the war and also an area he was in as a Marine. "I carried a lot of baggage from my war time here," Cox said while explaining his growing involvement with post-war Vietnam. "I was very upset about the way we'd treated Vietnam. By the time I left the war zone, I'd become very much against the war. "All these years I've kind of wondered what could be done to make reparations or to make things better," he said. "It became clear that Agent Orange is not something that's gone away — it's still a bomb that continues to explode in Vietnam every day — I became motivated to help in that."

The U.S. sprayed about 77 million liters of Agent Orange over Vietnam during the war, according to Steven D. Stellman, an epidemiologist and Agent Orange expert at Columbia University in New York City. Almost 5 million Vietnamese were exposed to it. The Vietnamese government pays monthly subsidies amounting to \$50 million a year to victims who are ill or born with birth defects as a result of the herbicide, according to the association for victims. The group says dioxin has continued to cause birth defects in children a third generation removed from the actual spraying. The veterans on tour all agreed that the U.S. had done too little to aid Vietnam in cleaning up the legacy of war and assisting its victims. Vietnam vets who were marginalized during the war years have slowly come to be regarded as elder statesmen in the era of Iraq and Afghanistan, said Michael Blecker, an Army Airborne vet from 1968-69, who was with the tour. And that could make them more effective in calling for more U.S. aid to clean up the war's damage. "Veterans have all this credibility that we didn't have before, oddly enough," he said. "People want to know how veterans think. It's amazing — and it's an important opportunity to talk about the cost of war."

Bob Lindstrom, a Navy corpsman during two tours in Vietnam, said he'd long entertained the idea of returning. "It's always part of your interior," he said. "I mean, you spend two tours here, it's a part of your life, an important part." Why did he choose to return for the first time with this humanitarian tour? "I'm retired. I get a pension. I get Social Security. I'm gonna run out of time before I run out of money," he said. "I'm happy to participate. I don't give a [expletive] about the whales and things like that. Sick people? Yeah." [Source: Stars and Stripes Wyatt Olson article 28 Apr 2012 ++

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USNVA Fugitive Caught

**Veteran Charities Update 23:** Authorities finally may get to solve the mystery behind the fugitive known as Bobby Thompson, who allegedly ran a fraudulent charity for military veterans that bilked millions of dollars from donors in Virginia and 40 other states. An apparently ailing Thompson was arrested by federal authorities 30 APR in Portland, Ore., after two years on the run. Investigators acting on a tip located Thompson at a bar, followed him home and arrested him, authorities said in an announcement from the Ohio attorney general's office. Thompson, once the subject of an "America's Most Wanted" television profile, was walking with a cane and was carrying multiple fake identification cards when he was arrested. He is in the custody of the U.S. Marshals Service awaiting an identity hearing..

Thompson faces a 22-count indictment in Ohio that includes charges of theft, money laundering, corruption and tampering with records. He also has been under investigation in Virginia, where his now-defunct charity, U.S. Navy Veterans Association, collected at least \$2 million from state residents. "This was one of our most challenging fugitive investigations to date," U.S. Marshal Peter Elliott said in a news release. "Our investigators followed up leads all over the nation. Their diligence and dedication directly led to the arrest in Portland. I am proud of everyone that worked on this investigation. Their efforts have brought this scam artist to justice." Authorities said Thompson stole the identity of a Washington man to execute a fundraising scam that generated tens of millions of dollars since 2001. Ohio Attorney General Mike DeWine said 2 MAY that Thompson's real identity has not been determined. An alleged co-defendant, Blanca Contreras of Tampa, Fla., was sentenced to five years in prison in Ohio after pleading guilty to theft, money laundering and other charges related to her role in the fundraising scam.



**Bobby Thompson      Thompson and lawyer in court in Cleveland**

The Florida-based USNVA collected at least \$2 million from Virginia residents over a five-year period that ended in 2010, according to findings by the state's consumer affairs agency that were made public last year. The agency began investigating the charity in 2010 after news reports raised questions about its fundraising and spending practices and the existence of many of its members. The address for the group's Virginia chapter was a drop box at a UPS store just outside of Richmond. The initial findings were turned over to Attorney General Ken Cuccinelli's office, which has civil enforcement authority under the state's charitable solicitation law. Cuccinelli has distanced

himself from the case because he accepted \$55,500 in political contributions in 2009 from Thompson, who was the second-largest individual contributor to the Republican's campaign. After Thompson went missing in 2010, Cuccinelli donated \$55,700 - the sequestered campaign funds plus interest - to veterans support groups in the state. His chief deputy, Chuck James, is overseeing the investigation of USNVA. Earlier this year, the state reached a settlement with a telemarketing company that solicited funds from Virginia residents for the suspect charity. The settlement requires Michigan-based Associated Community Services Inc. to pay more than \$65,000 in refunded contributions, civil penalties and other costs for alleged violations of Virginia law. It remains unclear whether Thompson will face criminal charges in Virginia. Cuccinelli spokesman Brian Gottstein wrote in an email that the attorney general's office has referred information about Thompson and the charity to "appropriate authorities." Gottstein said he could not identify those authorities because the investigation is ongoing.

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**VA Claims Backlog Update 62:** Despite more funding and staff at the U.S. Department of Veterans Affairs, the backlog of disability claims in Houston has more than doubled since this time three years ago. More than 37,100 claims are pending at the Houston VA Regional Office, up from 17,537 in 2009. Veterans wait an average of 263 days for the office to process their claims, according to data obtained by the Houston Chronicle. The Houston regional office is one of only two VA facilities in Texas that process veterans' disability claims. The other office is in Waco, where the problem is even worse: More than 51,000 veterans face an average wait of 352 days for the Waco VA Regional Office to act on their claims. "Nearly one-year delays in VA processing of veterans' claims

are intolerable," said U.S. Sen. Kay Bailey Hutchison (R-TX). "Such delays can have terrible effects on veterans and their families," said Hutchison, who serves on an appropriations subcommittee responsible for funding VA. "The men and women who have answered our nation's call deserve better. It's past time for the VA to fix these claims processing problems, which are delaying needed assistance to thousands of Texas veterans."

The data also outraged veterans' advocates, who say the long wait times renege on a promise made by VA Secretary Eric Shinseki to "break the back of the backlog." In 2010, Shinseki announced VA had set an ambitious goal: no claim pending for more than 125 days and a 98 percent accuracy rate. In Houston, 73 percent of claims now are pending for longer than 125 days, compared to 65 percent nationwide. "I think it's leadership failure across the board," said Paul Rieckhoff, executive director of the nonprofit group Iraq and Afghanistan Veterans of America. He said President Barack Obama needs to tackle the problem. "He needs to not make excuses and not accept failure and deliver for our veterans," Rieckhoff said. "Our veterans went overseas and when they come home and face a wait time of over a year, that's just unacceptable." VA spokeswoman Jessica Jacobsen said the department has completed a record number of disability claims - more than 1 million nationwide - in each of the past two years by adding employees, technology and training. The flow of incoming claims has grown at an even faster pace, however, from 888,000 in 2008, to 1.3 million last year.

Jacobsen attributed the record backlog to a number of factors, including a poor economy, an aging veterans population and increased demand after 10 years of war in Iraq and Afghanistan. VA also has had to allocate significant resources to processing hundreds of thousands of new claims filed by Vietnam veterans exposed to Agent Orange, she said. Despite these challenges, Jacobsen said VA is on target to eliminate the backlog by 2015. To speed up the process, a program called "Express Lane" was introduced by the Houston VA Regional Office. "This Express Lane program is similar to a '10 items or less' lanes at a grocery store, which is geared to expedite those claims with fewer claimed conditions and reduce the overall amount of pending inventory," Jacobsen said. But even in Houston's so-called express lane, the average processing time for a claim is 198 days, well over the department's target of 125 days.

Another concern is the number of Texas veterans who have claims in appeal, a figure that increased by 90 percent from 13,746 in 2004 to 26,248 today. Nationwide, appeals went up from 154,297 to 253,653 during the same time period. Veterans who waited more than a year for a decision on their claims often must wait another four to five years for VA to decide an appealed case, said Paul Sullivan, a spokesman for Bergmann & Moore, a Maryland law firm that represents "For veterans with post traumatic stress disorder, traumatic brain injury, or who are unemployable, VA's nationwide claim and appeal crisis causes serious harm to more than 1 million already vulnerable wounded, injured, ill and disabled veterans who need benefits to pay rent and buy food, as well as get free VA medical care," Sullivan said. He said he expects the crisis to last many years, as nearly 10,000 new Iraq and Afghanistan war veterans file disability claims against VA each month.



**Edwin Vazquez, of Houston, has been waiting more than five years**

The statistics are disheartening for veterans who finally overcame stigma to seek help from VA, only to be thwarted by red tape and delays. "It frustrates you to the point of not wanting it anymore," said Edwin Vazquez, 33, a Navy veteran from Houston who waited a year and a half for VA to process a disability claim he submitted in February 2007 for post-traumatic stress disorder, depression, back and knee problems. More than five years later, Vazquez's case remains mired in the appeals process. At one point, VA lost his paperwork, he said. "It feels like a game, and they're just waiting you out to see if you're just going to give up," Vazquez said. "That's how a lot of us feel - that it's so much bureaucracy and so much paperwork that they're just hoping you don't resubmit." [Source: Houston Chronicle Lindsay Wise article 9 May 2012 ++]

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**VA Claims Backlog Update 63:** (Note: Military Times Copyrighted material - Not authorized for reproduction on any publicly accessible website or website accessed newsletter . Forwarding via email in personal communications is authorized.)

VA Undersecretary for Benefits Allison Hickey wasn't ready to declare victory over a backlog of claims — including almost 600,000 that are 125 days or older — but she said the decision to expand the new claims processing system on a national scale is a major sign of progress. After years of experimenting with various ideas, Hickey said VA believes it has the answer. "This is the plan," she said. Technology is the key to processing large numbers of claims quickly, she said, with steps already underway so VA and private doctors can electronically submit medical evidence needed to decide claims. The average processing time for a claim is 230 days, but this could be cut to 90 days when the electronic claims system is fully deployed, Hickey said.

As of April 16, about 903,000 claims were pending before VA, with 70 percent exceeding the goal of completion within 125 days. Three years ago, VA set a goal of eliminating the backlog of claims older than 125 days by 2015 while also improving the accuracy rate of initial claims decisions to 98 percent. The accuracy rate is now 87 percent, Hickey said, an improvement over last year. Four regional offices already are using parts of the new system, with 12 more to be added by the end of September, Hickey said. The remaining 40 regional offices will be added next year. There will be some disruption, she said, because the new triagelike process of separating claims as they arrive will require reorganizing some offices and preparing the workforce. Under the plan, about 20 percent of claims considered simple and fully documented will be sent to what Hickey called the "express lane." Another 20 percent of claims considered the most complex will go to a "special operations" lane, staffed by the most experienced processors. The remaining 60 percent will go to the "core lane," for what she said are regular claims. Real progress may not be seen until 2013, she said, when more regional offices start using the new process. [Source: ArmyTimes Rick article 7 May 2012 ++]

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**IRS Forgiven Debt Policy:** (Note: Military Times Copyrighted material - Not authorized for reproduction on any publicly accessible website or website accessed newsletter . Forwarding via email in personal communications is authorized.)

A Tennessee lawmaker is trying to protect a Marine's parents from having to pay taxes on student loans that were waived after the Marine's death. Lance Cpl. Andrew Carpenter died in 2011 in Germany from injuries suffered when he was shot by a sniper in Afghanistan. The 27-year-old, who had attended college before enlisting in the Marine Corps, died with outstanding student loans from a private lender. The lender waived the debt, but family was notified by the Department of Education that the waived debt was considered as income for tax purposes. While the survivors never expected it, IRS policy holds that forgiven debt on credit cards, personal loans and student loans is treated as income, just like wages — and taxable, just like wages.

Rep. Scott DesJarlais (R-TN), a freshman lawmaker representing Carpenter's hometown of Columbia, Tenn., is trying to help the Carpenter family and ensure similar situations don't happen to other military families. "It is simply not right to require the families of deceased veterans, having already sacrificed so greatly for our country, to pay more in taxes for loans that have already been forgiven," DesJarlais said. His legislation, the Andrew P. Carpenter Tax Act, would exempt loan forgiveness as taxable income of anyone who dies while on active duty as a result of a service-connected injury or illness. It would be retroactive to Oct. 7, 2001, so that it would cover all deaths since the start of combat operations in Afghanistan. DesJarlais spokesman Robert Jameson said it is not clear how many families might be helped, or what the price tag in lost revenue would be. Those details are likely to be calculated by the nonpartisan Congressional Budget Office, which prepares cost estimates for pending legislation, at the request of the House Ways and Means Committee, where H.R.5044 was referred. Jameson said offsets in other programs to pay for the bill would have to be found by the committee, which is responsible for tax law, before the measure could pass.

Cindy Carpenter, the Marine's mother, said the family continues to pay off the student loan, but ultimately asked for the debt to be waived. "It is very hard to have to write a letter to ask not to pay his bills," she said. "But my son did give his all." The tax bill was for about \$1,000. "We paid it when we got it, without really knowing what it was for," she said. Only after paying the taxes did the family realize why they were being charged, and began asking for help. Carpenter was married, and his wife was pregnant, at the time of his death, but the tax bill went to his parents rather than his widow because the parents had co-signed the student loan. Federal law already requires government-backed student loans to be waived for deceased veterans, but that does not apply to private lenders, and DesJarlais' bill would still leave the decision to the lender. [Source: NavyTimes Rick Maze article 1 May 2012 ++]

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**VA Lawsuit ~ Same Sex Benefits Update 02:** (Note: Military Times Copyrighted material - Not authorized for reproduction on any publicly accessible website or website accessed newsletter . Forwarding via email in personal communications is authorized.)

The Veterans Affairs Department is following the Justice Department's lead in refusing to defend the Defense of Marriage Act, according to a legal memo released by VA on 9 MAY, a few hours after President Obama publicly announced his support for same-sex marriage. The court notice, signed by VA General Counsel Will Gunn on behalf of VA Secretary Eric Shinseki, says VA will not fight Fifth Amendment claims based on equal protection under the law brought against DOMA. The memo also says Shinseki believes DOMA should be subject to a "heightened scrutiny" standard, meaning it is up to defendants to prove the law is justifiable under the constitution, as opposed to the "rational basis" standard, which puts the burden on the law's opponents to prove there is no rational reason for it to exist.

Yale Law School filed the case in the U.S. Court of Appeals for Veterans Claims last month on behalf of Carmen Cardona, a disabled Navy veteran who served 18 years and in 2010 married another woman in Connecticut, one of the states that recognizes same-sex marriage. Cardona, who has an 80-percent disability rating due to carpal tunnel syndrome, applied for increased disability benefits from VA, but was denied under DOMA, which says same-sex couples do not qualify for federal benefits, regardless of the state laws where they live. A letter from Shinseki to House Speaker John Boehner (R-OH), attached to the court notice, says VA notified congressional Republicans of its decision in case lawmakers wish to take up the case. The House has taken up a number of cases in which the Justice Department has declined to defend DOMA, but not all of them, according to a Boehner spokesman.

Eric Parrie, a law student involved in the case on behalf of Cardona, said Shinseki's opinion does not mean an automatic win for the Navy veteran. He said he expects the Bipartisan Legal Advisory Group, a House body that has taken up the defense of DOMA in other cases, to intervene. Even if BLAG does not take up the lawsuit, there are other issues in the case based on the Tenth Amendment, which limits the powers of the federal government to

intervene in states' issues, and a constitutional clause banning bills of attainder, or nullification of civil rights without a trial. Shinseki's letter says VA is retaining the right to oppose Cardona's claims on those grounds. "[W]ithout BLAG intervention, Ms. Cardona would not automatically win benefits, but her compelling case would be that much stronger," Parrie told Military Times. "The executive and legislative branches would have both effectively signaled their agreement with Ms. Cardona that she and her wife deserve the benefits due any other family of a disabled veteran." If Cardona wins, the case can still be appealed to the Federal Circuit, which Parrie said is likely, and from there it can go to the Supreme Court. [Source: MarineCorpsTimes Cid Standifer article 10 May 2012 ++]

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**Dover Air Base Mortuary Update 03:** (Note: Military Times Copyrighted material - Not authorized for reproduction on any publicly accessible website or website accessed newsletter . Forwarding via email in personal communications is authorized.) In reaction to the mishandling of remains by the Dover Air Force Base mortuary, a House subcommittee has approved legislation that requires a chain of custody for remains, from death to burial, so that a uniformed service member, not civilians, are responsible for making sure proper procedures are followed. The provision, approved 26 APR by the House Armed Services Committee's subcommittee on military personnel, is sponsored by Rep. Mike Coffman (R-CO), a Marine Corps and Army veteran, who said he acted because mismanagement at the Dover Port Mortuary, Del., resulted in lost body parts, cremated remains dumped in a landfill and one incident where a Marine was dismembered to fit inside his uniform. His legislation, now part of the 2013 defense authorization bill, requires the defense secretary to develop a process where a uniformed service member is accountable for the remains of any service member who dies outside the U.S. This would require a military member to be responsible from the initial recovery of the remains, through the mortuary system until interment or until the remains are delivered to a designated family member or representative. The chief reason Coffman wants to put responsibility and accountability onto uniformed military members is that none of the civilians found involved in mishandling of remains at Dover Air Force Base, where the mortuary is located, was prosecuted by the Justice Department for misconduct. Military members, Coffman said, can be trusted to show respect for the remains and, if they don't, can be prosecuted under the Uniform Code of Military Justice. [Source: AirForceTimes Rick Maze article 27 Apr 2012 ++]

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**Vet Jobs Update 60:** (Note: Military Times Copyrighted material - Not authorized for reproduction on any publicly accessible website or website accessed newsletter . Forwarding via email in personal communications is authorized.) The House Veterans' Affairs Committee moved 27 APR to strip the Labor Department of veterans' employment and rehabilitation programs. This would include job training, counseling and placement programs, and homeless veteran reintegration programs, which would be transferred in 2014 to the Veterans Affairs Department. "It is time to try a different approach," said Rep. Jeff Miller (R-FL), the veterans' committee chairman and chief sponsor of H.R.4072, the Consolidating Veteran Employment Services for Improved Performance Act of 2012. Miller said major veterans' groups are on his side. Ryan Gallucci of Veterans of Foreign Wars, testifying about the bill in March, said his organization has some concerns about details but "placing all veterans issues under a single authority will improve oversight and efficiency...VFW believes that shifting responsibility for veterans' employment programs to VA will ultimately ensure better service for our nation's veterans. However, we must ensure that any legislation that passes ensures that veterans' workforce programs remain fully funded and that any transition of authority happens with minimal interruptions."

Miller said funding levels would not change and nobody would lose their jobs. Labor Department employees working on veterans' issues would be transferred to VA. The Veterans Education and Training Service at the Labor

Department has 218 full-time employees and an annual budget of about \$258.8 million. Not everyone is on board, however. Rep. Corrine Brown (D-FL) said she thinks the committee is moving too quickly on a change without knowing the outcome. “We do not have the understanding of the full impact of such a move,” Brown said. “We don’t have facts, and I like facts.” Brown said she is unsure VA could do a better job and questioned the logic. “VA has no core competency in creating jobs for veterans,” she said, and if the idea is to combine organizations because of loose ties, the entire Defense Department could be shifted to the VA because it is the military that creates veterans. Brown pushed for a study before the transfer, but Miller said more study is not needed. “We have had study after study over the years that say the program does not work,” Miller said. “Veterans expect bold action.” There is a study in the bill, but that would be a review one year after the transfer to see how well things have gone. Brown said this was closing the barn door after the horses have escaped. By a 14-10 vote, the committee backed Miller and approved the transfer of the Labor Department’s Veterans Education and Training Service, known as VETS, to the VA. [Source: ArmyTimes Rick Maze article 27 Apr 2012 ++]

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**Vet Jobs Update 61:** Effective 31 MAY 2012, the Army Resume Builder will no longer be available. The Army will complete its transition to the DoD Enterprise Recruitment Tool (USA Staffing) effective 1 MAY. USA Staffing will now be the single hiring process and tool used by all DoD components. The current CPOL Resume Builder, which was liked by many federal jobseekers because it has been the easiest way to apply for a federal job with just the resume and a self-nomination form and documents, will be replaced by USAJOBS. Whereas the Civilian Personnel Online (CPOL) application utilized a Resumix or automated keyword resume review system USAJOBS will not. However, when preparing your resume under USAJOBS keywords are still very important for human resource reviewers to note. This means that vets who have been applying for civilian jobs need to take their resumes out of the CPOL builder if they do not want to lose them. These resumes can no longer be electronically transferred to USA Staffing. Applicants must manually extract their resume data prior to the system going off-line 31 MAY. To move your resume from the CPOL Resume Builder to USAJOBS.gov Resume Builder go to <https://resumebuilder.cpol.army.mil/resumebuilder/builder/index.jsp>. Applicants will be able to view the status of self-nominations from the old system via USAJOBS - My Account - Application Status.



CHART, the Navy and US Marine Corps Resumix system, has already moved to USA Staffing and USAJOBS.gov, which is an automated application system of resumes online, and a questionnaire system in Application Manager. Following is a summary of the major differences between CPOL and USAJOBS for your consideration when revising your resume and applying for civilian Army jobs through USAJOBS:

1. **The Differences Between CPOL and USAJOBS** - The USA Staffing system is a combination of the USAJOBS Resume Builder and ApplicationManager.gov. Right now both of these systems require a separate user name and password (not the same, set them up separately); and a separate profile for each. Once they are set up, you will need to remember the user names and passwords and your secret questions.

**2. How Applications are Processed – No More Resumix.**

- CPOL: No More Resumix! CPOL was a Resumix System where the HR specialists searched for best qualified candidates with keywords and keyword phrases.
- USAJOBS: This is a human system, where the keywords are important for the resume for the human HR specialists and the supervisors to read, but there will not be any keyword searches for the best qualified candidates.

**3. Application Elements – allow more time to apply for federal jobs.**

- CPOL: Resume Only + Self-Nomination + Documents. This was a fast way to apply for a federal job.
- USAJOBS: Resume Builder + Applicationmanager.gov Questionnaire + Documents (including optional cover letter). The Self-Assessment Questionnaire was originally designed and developed by Bryan Hochstein, Founder of QuickHire. This Questionnaire is now the "valid, reliable assessment tool" that President Obama wrote about in his Hiring Reform Executive Order. The Questionnaire questions will be All New for CPOL Civilian Army Applicants. Allow extra time to get used to the questions – there could be between 15 and 60 questions.

**4. Vacancy Announcements – USAJOBS is longer.**

- CPOL: Vacancy announcements were similar to the new USAJOBS vacancy announcements.
- USAJOBS: Vacancy announcements are specific for a particular position or positions. The announcements will include longer descriptions of duties, Knowledge, Skills and Abilities, specialized experience and questionnaires.

**5. Character Counts – You can write more.**

- CPOL: You were limited to 12,000 characters for all of your Work Experiences. The preferred length was 3 pages.
- USAJOBS: You can write 5,000 characters (including spaces) for each of your Work Experience job blocks. The USAJOBS resume can be longer, preferred length is 4-5 pages.

**6. Resume Format – No more Big Block.**

- CPOL: Big Block format was the typical format in order to cram content into the 12,000 characters.
- USAJOBS: Now you can write 5,000 characters for each position. Improving readability for the HR specialists is very important. We recommend small paragraphs focusing on specific skills with Accomplishments. The KSAs in the announcement should be covered in the resume. Keywords are still important – for the human resources specialist readers.

**7. Resume Selection – No more selection with keywords (Resumix).**

- CPOL: The first cut was made by Resumix and keywords. The HR specialist review was done by keywords with the Resumix system. The HR specialist and supervisor would agree on 5 to 7 keywords to "pull" the best qualified candidates. The applicant had to show minimum qualifications and have the keywords in order to get referred.
- USAJOBS: The first cut is made by the Questionnaire scores. You should give yourself all the credit that you can on the questionnaire. Your questionnaire score is added to your resume score, and that will determine if you are Minimally Qualified, Qualified or Best Qualified.

[Source: Military.com Civilian Personnel Advisory Center (CPAC) Notice Apr 2012 ++]

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**Vet Jobs Update 62:** VA is hosting a free Veteran Hiring Fair in Detroit June 26-28. This event will coincide with the National Veterans Small Business Convention and offers thousands of career opportunities with federal agencies and private sector employers, workshops on interviewing and federal resume building, and Career Coaching! Refer to <http://vaforvets.va.gov/Pages/default.aspx>. You can learn how one Vet's life changed after attending last year by reading VA's VAntage Point Blog <http://www.blogs.va.gov/VAntage/6543/the-job-hunt-stops-here/>. For job fair listings across the nation and civilian job guides and tips, visit the Military.com Veteran Jobs Center site <http://www.military.com/veteran-jobs>. Following are the scheduled upcoming Career Expos in the near future:

- May 15, 2012 Ft. Bragg, NC
- May 16, 2012 Camp Lejeune, NC
- May 22, 2012 Colorado Springs, CO
- May 24, 2012 Hoffman Estates, IL
- June 5, 2012 San Antonio, TX
- June 7, 2012 Houston, TX
- June 12, 2012 Wright Patterson AFB, OH
- July 10, 2012 Las Vegas, NV

[Source: Military.com 7 May 2012 ++]

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**Vet Jobs Update 63:** U.S. servicemembers looking at career options in this era of shrinking military budgets and force drawdowns might want to take a look Down Under. The Australian government is recruiting experienced U.S. enlisted personnel and officers to fill a range of positions — from submariners to doctors — in its military, according to a posting on the Australian Defense Force website. “The Australian Defence Force looks to overseas candidates to fill gaps in our Services, which can’t currently be satisfied by standard recruitment,” reads the intro for overseas applicants on the Defence Force’s recruitment website. “We recognize that these candidates can bring skills and attributes to the Navy, Army and Air Force that will strengthen their overall operation and success rate.” The job offers could be tempting for U.S. troops as the Afghan War winds down and the Department of Defense looks to trim billions of dollars and more than 100,000 uniformed personnel from its books.

At a time when other Western countries have slashed spending, the prosperous Australians have been growing their military. In the past five years, the Australian military has recruited more than 500 personnel from the U.S., Canada, the United Kingdom and New Zealand. Applicants have to meet certain minimum rank levels, as well as medical and interview requirements, Australian defense officials said in an email this week. Known as the Lucky Country, Australia has had a booming economy for almost two decades due to rising commodity prices and strong Chinese demand for its mining products. It has also seen the Australian dollar rally against the U.S. dollar in recent years, meaning U.S. veterans — especially enlisted — stand to make more money working for the Australia military. The U.S. Air Force website lists the annual base pay for an E-5, staff sergeant, with six-years’ service at \$31,946. An O-3, captain, with six years’ service makes \$63,263. By comparison, a newly promoted E-5, corporal, in the Australian air force makes \$57,277, when converted to U.S. dollars, while newly promoted O-3, flight lieutenant, takes home \$66,417.



**Australian air force Squadron Leader Bart Langland**

Squadron Leader Bart Langland has flown under both flags. Langland served 15 years on active duty for the U.S. Air Force and another five in the reserves before joining the Royal Australian Air Force in March 2008. The veteran F-16 and U2 spy plane pilot is helping train Australian fliers at RAAF Base Williamtown, just north of Sydney. From an Australian perspective the costs to train and develop fighter pilots are enormous, hence the RAAF greatly benefits from being able to get experienced pilots from the US and other countries, Langland said. Joining the Australian Defence Force took Langland a year and included physical examinations, security checks and getting dual Australian-U.S. citizenship, which the State Department had to approve, he said. Langland said the job was almost exactly the same as serving with the U.S. Air Force. "If you walk into an Australian fighter squadron or a U.S. fighter squadron, you would be hard pressed to tell the difference," Langland said. Australia has about 23 million people, less than the population of California, in a country about the same size as the U.S. Naturally, the all-volunteer Australian Defence Force is a lot smaller than the U.S. military but it has dedicated itself to quality over quantity, Langland said.

In recent months, the U.S. and Australia have grown even closer with plans to base thousands of U.S. Marines in the northern Australian town of Darwin. "Australia has always stood shoulder to shoulder with the U.S.A. and, as such, would count on U.S. support in times of major conflict," Langland said. The Australian Air Force trains regularly with U.S. units, although it also trains with partner nations in Southeast Asia, he said. One notable difference serving in Australia is that the pace of work is slower than in the U.S. Air Force, Langland said, adding that his deployment to Afghanistan last year was voluntary. Langland's biggest challenge was moving his wife and three children to Australia, far from relatives. However, he rated the schools near RAAF Williamtown as excellent and the weather and beaches on a par with Southern California. The family plans to stay in Australia at least five more years, he said. "I feel that by serving here I am making a difference to Australia and America," he said. For more information on the program, go to the Australian Defence Force website <http://www.defencejobs.gov.au/recruitmentCentre/canIJoin/overseasApplicants/>. Currently there is no avenue of entry available to Non-Australian Citizen or Non-Permanent Resident **without** military experience to apply to join the Australian Defence Force. Further information in relation to applying for permanent residency can be found by accessing the Australian Government Department of Immigration and Citizenship website at <http://www.citizenship.gov.au>. [Source: Stars & Stripes Seth Robson article

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**VA Lawsuit ~ Same Sex Benefits Update 01:** A disabled Navy veteran, who was denied spousal benefits by the U.S. Department of Veterans Affairs, has gotten veterans groups and the state of Connecticut to join her legal challenge to the ruling. Carmen Cardona, an 18-year veteran, was denied spousal benefits in the

summer of 2010 because she is married to a woman. Eric Parrie, a student in the Veterans Legal Services Clinic at Yale Law School, which is representing Cardona, said the Vietnam Veterans of America and Iraq and Afghanistan Veterans of America have filed amicus briefs with the U.S. Court of Appeals for Veteran Claims in support of the suit. Connecticut, which allows gay couples to marry, has joined the fight as a constitutional issue, citing the 10th amendment as protecting its right as a state to determine who can legally marry here. The Department of Veterans Affairs has its own legal counsel at this point, but Attorney General Eric Holder in February said the U.S. Department of Justice will not defend any appeals to higher courts because the VA statute denying benefits to same-sex couples, as well as the federal Defense of Marriage Act, are unconstitutional. "These statutes are the legacy of an era of discrimination the armed forces and the executive branch have left behind. It is time for the VA to join them," Parrie said.

Cardona joined the service in 1988 and was honorably discharged in 2000. A longtime personal assistant to a number of admirals, as well as a worker in the mess unit and in aircraft maintenance during her service, Cardona met her spouse after leaving the Navy. She now works as a correction officer in Connecticut and lives in Norwich. The Navy has approved \$1,500 a month in disability payments she receives because of carpal tunnel syndrome she has in both hands tied to her naval duties. The spousal benefit would add some \$120 to the couple's monthly income, which will help with their mortgage. But ultimately, "it is not about the money," Cardona said, in a previous interview. "It's the principle." Cardona feels she has fulfilled her part of the bargain in working for the Navy. She said she now wants to be treated like any other retiree with a disability and get the benefits that are due to her spouse. "I am very proud to have the support of my home state and so many of my fellow veterans from around the country," Cardona said in a statement. "I am ready for Gen. (Eric) Shinseki, secretary of the VA, to recognize my service and to provide equal treatment to all veterans and their families." The Yale clinic has said denying Cardona and her spouse benefits earned through military service does not advance any valid government policy. [Source: New Haven Register Mary E. O'Leary article 27 Apr 2012 ++]

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**Veteran Hearing/Mark-up Schedule:** Following is the current schedule of Congressional hearings and markups pertaining to the veteran community. Congressional hearings are the principal formal method by which committees collect and analyze information in the early stages of legislative policymaking. Hearings usually include oral testimony from witnesses, and questioning of the witnesses by members of Congress. When a U.S. congressional committee meets to put a legislative bill into final form it is referred to as a mark-up. Veterans are encouraged to contact members of these committees prior to the event listed and provide input on what they want their legislator to do at the event. Membership of each committee and their contact info can be found at <http://www.congress.org/congressorg/directory/committees.tt?commid=svete>:

**May 16, 2012.** HVAC Health Subcommittee has announced a subcommittee hearing to conduct an oversight hearing on the delivery of care to Veterans with amputations, to include both the clinical side and the procurement aspect of the issue. 10:00 A.M.; 334 Cannon House Office Building.

**May 16, 2012.** The House Veterans Affairs Committee, Subcommittee on Economic Opportunity, will hold a hearing entitled: "Examining Executive Order 13607 and Its Impact and (sic) Schools and Veterans." 2:00 P.M.; 334 Cannon

**May 16, 2012.** The Senate Committee on Veterans' Affairs will hold a hearing entitled: "Seamless Transition: Review of the Integrated Disability Evaluation System." 10:00 A.M.; 216 Hart Senate Building

**May 31, 2012.** HVAC has announced informally that it will hold a Full Committee hearing on the implementation of the VOW to Hire Heroes Act.

**June 6, 2012 (formerly May 23).** The Senate Select Committee on Aging plans to host a hearing on VA's Aid and Attendance Program. 2:00 P.M.; Location TBD

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**TRICARE User Fees Update 88:** The House armed services subcommittee on military personnel has declined to give the Obama administration new authority it sought to phase in higher TRICARE fees on military retirees over the next four years and to peg future TRICARE fee hikes to medical inflation nationwide. But in marking up its version of the fiscal 2013 defense authorization bill, the subcommittee did not adopt discreet language, as it has in the past years, that would block any TRICARE fee increases. It also did not include language, as it has previously, that would prohibit the Department of Defense from using existing authority to raise co-payments on prescription drugs for dependents and retirees who use neighborhood pharmacies or the TRICARE mail order pharmacy program. Another sign that the issue of higher TRICARE fees is not settled for this year comes from Sen. Lindsey Graham (SC), ranking Republican on the armed services' subcommittee on military personnel. A day before the House panel marked up its portion of its defense bill, and stayed silent on raising medical out-of-pocket costs for retirees, Graham predicted a compromise on health fee hikes between the two chambers by 30 SEP in a phone interview to reporter Tom Philpott. He said, "Between now and the end of the fiscal year, I hope we can convince the House to accept some adjustments in premiums for TRICARE, because it's just unsustainable right now."

So far House Republicans oppose the Defense Department's "balanced" approach for slicing \$487 billion from defense budgets over the next decade, a figure agreed to in the Budget Control Act enacted last year. About 10 percent of those cuts must occur to personnel accounts, defense leaders argue, primarily by raising out-of-pocket costs on military retirees through higher enrollment fees, deductibles and co-payments. Without higher fees, national security is at greater risk, they contend. "If Congress rejects all of the modest changes we've proposed in TRICARE fees and co-pays for retirees, then almost \$13 billion in savings over the next five years will have to be found in other areas such as readiness, or we could be forced to further reduce our troop strength," Defense Secretary Leon Panetta told Pentagon reporters this month. But Rep. Buck McKeon (R-CA), chairman of the House Armed Services Committee, said in a speech 25 APR the panel will "seek to eliminate the military health care fees proposed by the administration." Ignoring that retirees are targeted for most of the fee hikes, McKeon added: "Our forces on the front lines shouldn't have to worry about caring for their families' health back home."

The House subcommittee mark not only ignores administration plans to raise TRICARE fees, it also proposes new benefits -- 180-days of TRICARE Standard and TRICARE dental coverage to members of the drilling reserve who are involuntarily separated during the force drawdown now underway. It also expresses "the sense of Congress" that military members and their families make extraordinary sacrifices over their careers, which should be viewed as a "significant pre-paid premium for their health care" in retirement. This, of course, would serve as a caution against any straight-line comparison of military benefits to what civilian workers receive. Graham, however, was blunt in arguing that retirees must be required to pay higher fees to make their TRICARE benefit "sustainable" and to ensure that weapon modernization and force structure aren't cut more deeply than planned to satisfy reduced targets that Congress agreed to last year. "TRICARE premiums have to be adjusted," Graham said. "There have been no meaningful premium adjustments since 1995. And when the [TRICARE] program was first introduced, beneficiaries were providing 24 percent of the cost. Now they are down to 10%. That's unsustainable."

Graham doesn't endorse every feature for controlling personnel costs proposed in the administration's budget request. For example, he opposes capping active duty pay raises, starting in 2015. He also won't back tying future TRICARE fee hikes to medical inflation, although he agrees with defense officials that increases tied to retiree cost-of-living adjustments, which Congress voted for last year, isn't adequate either. "Somewhere between a COLA-adjustment increase and medical inflation is where we need to be," Graham said. He does support higher pharmacy co-pays to encourage more cost-efficient choices on filling prescriptions, and favors a tiered system of TRICARE fees "based on your income and retired rank, sort of a means test." Graham knows some military associations oppose a tiered approach. But as an Air Force Reserve lawyer who will be eligible for TRICARE when he reaches age 60, Graham said tiered fees simply would be fairer. "When I get my retirement and am TRICARE-eligible, clearly based on my income level I can afford a different premium versus someone who is retired as an E-7 or E-8," Graham said.

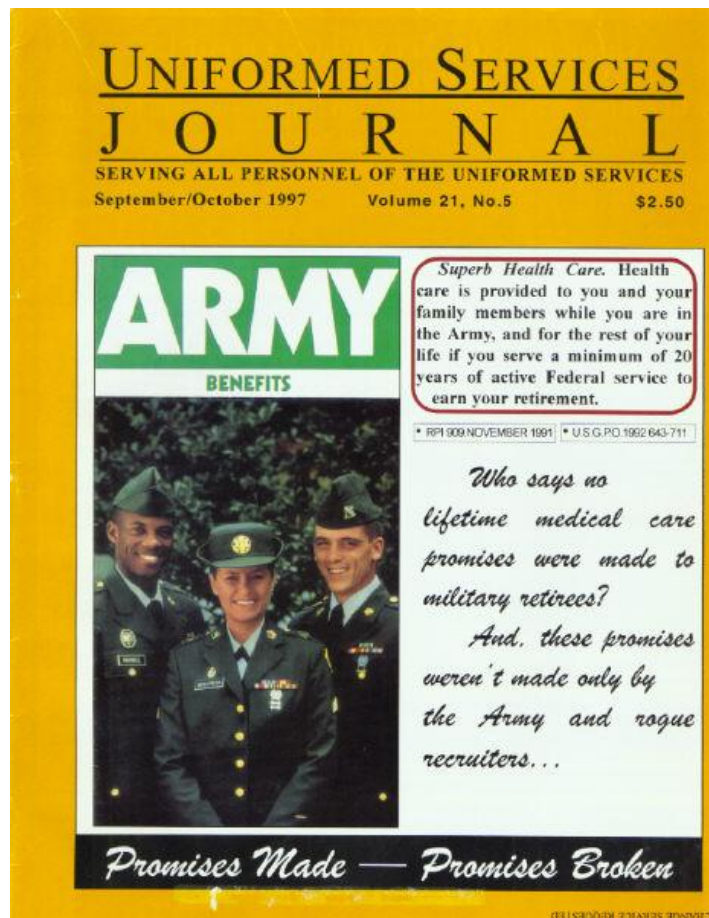
Graham was asked if he was sympathetic to the view that imposing an annual enrollment fee on elderly beneficiaries using TRICARE for Life would break faith with a generation promised free lifetime military health care. "I don't believe anybody was promised free lifetime medical care. That's a popular myth," Graham said. "I think we have an obligation to the retired force to be generous and to be compassionate to help recruiting and retention. But, you know, there was never any contract with anybody that, for the rest of your life, you will get free medical care. That's not part of the deal and was never part of the deal." Retirees do have a valid argument that the health system should become more efficient before TRICARE fees are raised sharply, he said. But that shouldn't be an excuse to delay reasonable fee increases now. It's time Congress got honest with the American people, Graham said, including military retirees, Medicare beneficiaries and Social Security recipients. All of them, he said, "are going to have to accept change to get us out of this big [debt] hole that we're in." With 2012 being an election year, Graham doesn't predict passage of major TRICARE fee increases. But allowing retirees to continue to pay only 10 percent toward health costs "is just not sustainable," he concluded. Time for you to weigh-in. Let your elected officials know where you stand on the issue of increasing TRICARE fees. **Editor's Note: Sen. Graham was elected to the Senate in 2002 and reelected in 2008, garnering over one million votes and becoming the top vote-getter in South Carolina history. He will be up for election in 2014.** [Source: Military.com Tom Philpott article 26 Apr 2012 ++)

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**TRICARE User Fees Update 89:** Senator Lindsey Graham, the ranking Republican member of the House armed services subcommittee on military personnel, was asked on 25 APR 2012 if he was sympathetic to the view that imposing an annual enrollment fee on elderly beneficiaries using Tricare for Life would break faith with a generation promised free lifetime military health care. His response was "I don't believe anybody was promised free lifetime medical care. That's a popular myth," Graham said. "I think we have an obligation to the retired force to be generous and to be compassionate to help recruiting and retention. But, you know, there was never any contract with anybody that, for the rest of your life, you will get free medical care. That's not part of the deal and was never part of the deal." If you'd like to help Senator Graham understand just what was promised to you, you can call his Washington office at 202-224-5972. You can also call one of his district offices in South Carolina at: 864-250-1417; or 843-849-3887; or 803-933-0112; or 843-669-1505; or 803-366-2828; or 864-646-4090. It appears he was not aware of nor could his staff locate and advise him of the below excerpts from documents going back as far as 1962.



- ARMY RECRUITING BROCHURE, "Superb Health Care. Health care is provided to you and your family members while you are in the Army, and for your life if you serve a minimum of 20 years of active Federal service to earn your retirement." (RPI 909, November 1991 U.S.G.P.O. 1992 643-711)



- LIFE in the Marine Corps, p. 36 "Benefits...should you decide to make a career of the Corps, the benefits don't stop when you retire. In addition to medical and commissary privileges, you'll receive excellent retired pay..."
- Guide for Educators and Advisors of Student Marines, p. 35. "Retired Marines are generally eligible to receive any type of health and dental care at those facilities provided for active duty personnel."
- Navy Guide for Retired Personnel and Their Families, p. 51 "Covered under the Uniformed Services Health Benefits Program (USHBP) are retired members, dependents of retired members and survivors of deceased active duty or retired members. This care is available anywhere in the world either in uniformed services medical facilities and under the part of USHBP called CHAMPUS." (NAVPERS 15891D November 1974)

- The Bluejackets Manual, p 257. "What Navy Retirement means to you - pay. Continued medical care for you and your dependents in government facilities." (1969)
- Air Force Preretirement Counseling Guide, Chapter 5 Medical Care 5-2f.."one very important point, you never lose your eligibility for treatment in military hospitals and clinics." 1 April 1986.
- Air Force Guide for Retired Personnel, Chapter 1. "Treatment authorized. Eligible members will be furnished required medical and dental care." (1 April 1962).
- United States Coast Guard Career Information Guide, USGPO. "Retirement...You continue to receive free medical and dental treatment for your self plus medical care for dependents." (1991).
- U.S. Coast Guard Pamphlet Be Part of the action, "Reap the Rewards...you can earn retirement benefits - like retirement income...Plus medical, dental care..." (1993).
- Hearings on CHAMPUS and Military Health Care, HASC No. 93-70, 93rd Congress "...the government has a clear moral obligation to provide medical care to retired personnel and their dependents...this Committee has found numerous examples of recruitment and retention literature which pledged...medical care for the man and his family following retirement." (Oct-Nov 1974).

The promise of free medical care for life for serving 20 or more years in the military was put to bed on February 8, 2001 and November 18, 2002 by the United States Court of Appeals for the Federal Circuit.

- **February 8, 2001 ruling:** The retirees entered active duty in the armed forces and completed at least twenty years service on the good faith belief that the government would fulfill its promises. The terms of the contract were set when the retirees entered the service and fulfilled their obligation. The government cannot unilaterally amend the contract terms now. "In contracts involving the government, as with all contractual relationships, rights vest and contract terms become binding when, after arms length negotiation, all parties to the contract agree to exchange real obligations for real benefits." *Winstar*, 64 F.3d at 1546. Because failure to perform a contractual duty when it is due is a breach, see Restatement (Second) of Contracts § 235(2) (1981), the government breached its implied-in-fact contract with the retirees when it failed to provide them with health care benefits at no cost.[3] The district court therefore erred in granting summary judgment to the government and, on the record before us, abused its discretion in denying the retiree's motion for summary judgment of liability. The government appealed this ruling. [Refer to: <http://mrgrg-ms.org/d99-1402.html#conclusion>]
- **November 18, 2002 - IV. Conclusion:** We cannot readily imagine more sympathetic plaintiffs than the retired officers of the World War II and Korean War era involved in this case. They served their country for at least 20 years with the understanding that when they retired they and their dependents would receive full free health care for life. The promise of such health care was made in good faith and relied upon. Again, however, because no authority existed to make such promises in the first place, and because Congress has never ratified or acquiesced to this promise, we have no alternative but to uphold the judgment against the retirees' breach-of-contract claim. [Refer to: <http://mrgrg-ms.org/f99-1402.html#conclusion>]

The current situation is pretty well summed up in the comments of Colonel Bill Kohnke, USAFR (Ret) who remarked, "**The sin of omission.** Congress never wrote a law saying we'd get free healthcare for life, but they always funded it, which was tacit admission of their original intent. We took it as blind faith this policy would endure. Indeed, many assumed it had been the law for decades. The promises were in fact made by military leaders, recruiters, and advertisements. They were operating in good faith, and no one intended to deceive us. But as with any contract, one must read the fine print, which in this case would have meant consulting a student of constitutional law. In the end it probably wouldn't have mattered if Congress had ever codified the policy as a permanent entitlement, for that which Congress makes, it can unmake. Such is the authority granted them by our Constitution. So what are our options? We can petition Congress to pass an amendment to the Constitution guaranteeing our contract, but that idea is surely D.O.A. We can ask Congress to create a law guaranteeing our

earned entitlements, but that can be repealed by a later penny-pinching Congress. We can appeal to the court of public opinion, which is really only sympathetic to our cause when 'the band begins to play'. Or we can continue to lobby Congress and fight DoD every day, and VOTE!" [Source: Veterans Advocate Floyd Sears 30 Apr 2012 ++]

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**Mobilized Reserve 8 MAY 2012:** The Department of Defense announced the current number of reservists on active duty as of 8 MAY 2012. The net collective result is 538 fewer reservists mobilized than last reported in the 1 MAY 2012 RAO Bulletin. At any given time, services may activate some units and individuals while deactivating others, making it possible for these figures to either increase or decrease. The total number currently on active duty from the Army National Guard and Army Reserve is 49,939; Navy Reserve 4,483; Air National Guard and Air Force Reserve 9,937; Marine Corps Reserve 4,577; and the Coast Guard Reserve 844. This brings the total National Guard and Reserve personnel who have been activated to 69,780 including both units and individual augmentees. A cumulative roster of all National Guard and Reserve personnel who are currently activated may be found online at <http://www.defense.gov/news/d20120508ngr.pdf> Reservists deactivated since 9/11 total 775,580. [Source: DoD News Release No. 367-12 dtd 10 May 2012 ++]

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**PTSD Update 98:** Seeking new ways to treat post-traumatic stress, the Department of Veteran Affairs is studying the use of transcendental meditation (TM) to help returning veterans of Iraq and Afghanistan. “The reality is not all individuals we see are treatable by the techniques we use,” said W. Scott Gould, deputy secretary for the Department of Veterans Affairs, told a summit on the use of TM to treat post traumatic stress 3 MAY in Washington. The VA is spending about \$5 million on a dozen trials involving several hundred veterans from a range of conflicts, including Iraq and Afghanistan. Results from the trials will not be available for another 12 to 18 months. But Gould said he was “encouraged” by the results of trials which were presented at the summit. Two independent pilot studies of Iraq and Afghanistan veterans showed a 50 percent reduction in symptoms of post-traumatic stress after eight weeks, according to the summit’s sponsor, the David Lynch Foundation, a charitable organization founded by the American filmmaker and television director.

Results from the initial phase of a long-term trial investigating the effects of Transcendental Meditation on 60 cadets at Norwich University, a private military college in Vermont, have been encouraging, school officials said at the summit, held at The Army and Navy Club. Students practicing TM showed measurable improvement in the areas of academic performance and discipline over a control group. “The statistical effect we found in only two months was surprisingly large,” Carole Bandy, an associate professor of psychology who is directing the study at the university, said at the summit. “For us, it’s all about the evidence,” said Richard W. Schneider, president of the university, who added that he was a skeptic before the trial began. Conventional approaches fall woefully short of the mark, so we clearly need a new approach,” Norman Rosenthal, a clinical professor of of psychiatry at Georgetown University Medical School. Operation Warrior Wellness, a division of the foundation, is providing TM training to troops recovering from wounds at Joint Base Lewis-McChord in Washington state. Troops report “dramatic improvements” in sleep, according to the foundation, as well as significant reductions in pain, stress and the use of prescription medications Lynch, the director of “Blue Velvet,” “Mullholland Drive” and the television series “Twin Peaks,” is a longtime practitioner of TM, a meditative practice advocates say helps manage stress and depression. [Source: Federal Eye Steve Vogel article 3 May 2012 ++]

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**Veteran License Plates AL:** The state of Alabama offers a number of military specialty license plates to its veterans. To obtain them the following guidelines apply:

- Only a veteran of the appropriate conflict, who is a resident of Alabama, may qualify and obtain a veteran commemorative license plate.
- There is no limit on the number of many plates a registrant can obtain.
- The veteran must provide certification of eligibility from the Department of Veteran Affairs .
- The “Application for Disability Access Parking Privileges” must be provided to obtain disability access license plates. Applications are available at <http://www.revenue.alabama.gov/motorvehicle/mvforms/MVR326230.pdf>.
- Varying registration fees are associated with the purchase of military license plates which run \$23.00 - \$890.00 depending on the type of vehicle registered and plate desired. There is a \$3 additional fee on some plates for the year in which they are issued. Some but not all plates may be personalized for an additional annual fee of \$50.
- Plates are not transferable. The distinctive license plate follows the owner.
- Plates may be displayed upon private passenger automobiles, pickup trucks and pleasure motor vehicles (i.e., recreational vehicles).
- The net proceeds from plate sales are distributed to the Alabama Veterans' Assistance Fund.
- License plate designs change every five (5) years.
- Surviving spouse cannot obtain or retain the plate.

Refer to the attachment to this Bulletin titles, "**Vet License Plates AL**" to view the plates available and access the appropriate guidelines for issuance of each plate. [Source: <http://www.ador.state.al.us/motorvehicle/militaryview.html> May 2012 ++]

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**WWII Vets Update 19:** An astounding number of American teenagers, both male and female, altered their birth dates in order to serve their country during World War II. The practice reached its peak in 1943. Over time, nearly 50,000 were detected and sent home. Among the many who eventually managed to enlist, a handful was discovered - court-martialed - and then stripped of any valor awards they might have earned. But the great majority - some 200,000 “RT Chap FL - 07” <of these veterans of underage military service (VUMS) went unnoticed and served honorably for the duration. Among those sworn in was Walter Holy. Walter and his wife Frances now reside in Vancouver, Washington, just over the Columbia River from Portland. For an account of his WWII experiences in his own words refer to the attachment in this Bulletin titles, “**WWII Vets - Walter Holy**”. [Source: [http://carol\\_fus.tripod.com/wwiistart.html](http://carol_fus.tripod.com/wwiistart.html) World War II stories in their own words series Feb 2012 ++]



**Walter Holy at age 16, a certified paratrooper and now home on leave for a well deserved rest. Looking back through time and also at home is Walt's alter ego - now age 84**

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## World War II Posters (5)



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**POW/MIA Update 19:** "Keeping the Promise", "Fulfill their Trust" and "No one left behind" are several of many mottos that refer to the efforts of the Department of Defense to recover those who became missing while serving our nation. More than 83,000 Americans are missing from World War II, the Korean War, the Cold War, the Vietnam War and the 1991 Gulf War. Hundreds of Defense Department men and women -- both military and civilian -- work in organizations around the world as part of DoD's personnel recovery and personnel accounting communities. They are all dedicated to the single mission of finding and bringing our missing personnel home. For a listing of all personnel accounted for since 2007 refer to [http://www.dtic.mil/dpmo/accounted\\_for](http://www.dtic.mil/dpmo/accounted_for). For additional information on the Defense Department's mission to account for missing Americans, visit the Department of Defense POW/Missing Personnel Office (DPMO) web site at <http://www.dtic.mil/dpmo> or call (703) 699-1420. The remains of the following MIA/POW's have been recovered, identified, and scheduled for burial since the publication of the last RAO Bulletin:

### Korea

Today, more than 7,900 Americans remain unaccounted-for from the Korean War.

- DPMO announced 8 MAY that the remains of U.S. serviceman Army Cpl. **Clyde E. Anderson**, 24, of Hamilton, Ohio., missing in action from the Korean War, have been identified and will be returned to his family for burial with full military honors on 12 MAY in Blanchester, Ohio. In late November 1950, Anderson and elements of the 31st Regimental Combat Team, known as "Task Force Faith," were advancing along the eastern banks of the Chosin Reservoir, in North Korea. After coming under attack, they began a fighting withdrawal to positions near Hagaru-ri, south of the Chosin Reservoir. On Nov. 28, 1950, Anderson, was reportedly last seen driving a jeep in a convoy that was ambushed by Communist forces. He was later listed as missing in action. Between 1991 and 1994, North Korea gave the United States 208 boxes of remains believed to contain the remains of 200-400 U.S. servicemen. North Korean documents, turned over with some of the boxes, indicated that some of the human remains were recovered from the area where Anderson had last been seen, 7 miles north of Hagaru-ri. To identify the remains, scientists from the Joint POW/MIA Accounting Command and the Armed Forces DNA Identification Laboratory used circumstantial evidence, and forensic identification tools such as dental records, radiography comparisons and mitochondrial DNA – which matched Anderson's nephew and niece.
- DPMO announced 8 MAY that the remains of U.S. serviceman Army Master Sgt. Elwood Green, 33, or Norman, Ark., will be buried May 12, in Black Springs, Ark. In late November 1950, Green and the E Company, 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division, were fighting Chinese forces near Samso-ri, North Korea. After a full day of fighting, they withdrew to an area south of Suncheon. The 5th Cavalry suffered extensive losses, and numerous Americans were taken captive during that time. On Nov. 28, 1950, Green was listed as missing in action. In 1953, returned U.S. soldiers reported that Green had been captured and died in early 1951 from malnutrition, while in a Chinese POW Camp in North Korea. His remains were not among those returned during Operation Glory in 1954. In 2005, a joint U.S./D.P.R.K. recovery team excavated a burial site in Unsan County and recovered human remains and material evidence. Scientists from the Joint POW/MIA Accounting Command and the Armed Forces DNA Identification Laboratory used extensive DNA testing, dental comparisons, and analysis of circumstantial evidence, which took more than 4 years. Mitochondrial DNA – which matched Green's brother – assisted in his identification.

### World War II

- DPMO announced 1 MAY that the remains of U.S. serviceman, Army Air Forces 2nd Lt. **Charles R. Moritz**, 21, of Effingham, Ill., missing in action from World War II, have been identified and will be

returned to his family for burial with full military honors on May 5, 2012, in his hometown. On June 7, 1944, Moritz, of the 555th Fighter Squadron, was the pilot of a P-51C Mustang aircraft that collided with another U.S. aircraft while on a training flight over Lincolnshire, England. Moritz was unable to parachute from his aircraft. A witness reported seeing the aircraft crash north of Faldingworth and south of Goxhill Royal Air Force station, however officials were not able to recover Moritz's remains. In 2011, local authorities notified U.S. officials of a location containing aircraft wreckage. Human remains and military identification tags bearing Moritz's name, retrieved from the site, were handed over to a JPAC excavation team. A second excavation of the location recovered additional remains and material evidence including a bracelet with the inscription "Butch Moritz" and a wallet that contained several cards bearing Moritz's name. In addition to the material evidence, scientists from JPAC used anthropological analysis in the identification of Moritz's remains.

[Source: [http://www.dtic.mil/dpmo/news/news\\_releases/](http://www.dtic.mil/dpmo/news/news_releases/) May 2012 +]

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**Veteran Support Organizations (13):** Operation Homelink works with the family support headquarters for each military branch to determine which units are preparing to deploy. Then, the organization works with local Family Readiness Groups to work out the details. At least 100 computers at a time are donated to these groups and then distributed to the families who take them home and keep them. The organization does not take requests from individuals for single computers. Eligible recipients include spouses, parents and children of service members in ranks E1 to E5 for active duty or E1 to E7 for Guard and Reserve units. Operation Homelink prefers to give them to units preparing to deploy in two to three months, but sometimes they arrive shortly after deployment. "In the case of Marines, deployment schedule is less important because if they aren't deployed at the moment, they likely will be within the next few months," Shannon explains. Family Readiness Groups of deploying units can reach out to Operation Homelink to discuss receiving computers.

A civilian married father of four, Shannon had the inspiration for his charity after watching a video of an Illinois National Guardsman saying goodbye to his family after 9/11. "I will owe a debt I will never repay," he explains. He heard of an organization in San Diego helping families there obtain computers and thought of the ones his company had sitting in storage. Picturing young spouses in the middle of the night worrying about the safety and security of their deployed troops pushed him to make his idea reality. On the first delivery eight years ago, Shannon and his son talked to a mom and spouse who could not bring themselves to watch TV because of fear they would hear bad news. "It's that idea that we've carried with us ever since," he explains. Since that first delivery, they have donated more than 3,700 computers. Operation Homelink delivers them two to four times a year for an average of 500 annually. Laptops are received from donors and refurbished to hand out or to sell to buy desktop computers. The laptops benefit users who cannot afford Internet connections. Each computer has a webcam so families can video chat, and each is loaded with Microsoft XP software. People who would like to help are encouraged to donate their laptops to the organization. Groups that would like to make a larger donation are welcome to send in higher numbers. All computers must be in good working order with Pentium 3 or better processing.

Two of the company's major donors are Raytheon Company and Dell Incorporated. Shannon says military contractors are some of his biggest supporters, and he would like nothing better than for them and the government "to put him out of business," though all his work for the charity is done as a volunteer. He estimates that 20,000 computers would fill all the families' needs. For some people, these donations are life changing. Shannon relates the story of a deaf man who said his son was deployed with the Marine Corps and asked how he could obtain a computer. Shannon sent a computer out to him, though in general single-computer requests are not accepted. He had to make arrangements on the telephone with the man's wife, who was in a wheelchair. Once they had the laptop, she could carry it around with her, and her husband could talk to his son via the webcam. This meant that he could read

his son's lips and have a private conversation with him instead of going through an interpreter. Through his wife he told Shannon, "Thank you for allowing a deaf man's voice to be heard around the world." Experiences like this fuel Shannon's fire, but he emphasizes that these computers are neither charity nor handouts. "These computers aren't free," he says. "They've already been earned by the service members when they signed up to serve our country...but as important are those serving on the home front. They've already earned this small token of appreciation that we're providing." For additional information on Operation Homelink refer to <http://www.operationhomelink.org>. [Source: AFCRA Veterans Focus Rita Boland article Nov 2011 ++]

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**Saving Money:** Are you befuddled regarding the appropriate rate of pay. The last thing most want to do is underpay. After all, everyone hates underpaid jobs. Then again, after spending \$100 or more after a night on the town, you really don't want to overpay either. How much do babysitters get paid nowadays taking into consideration that they are normally allowed to consume food and beverages from your pantry and refrigerator while you are gone? The answer is: It depends. According to babysitting website [SanDiegoBabysitters.org](http://SanDiegoBabysitters.org), babysitters typically earn somewhere between \$5 and \$20 per hour. However, there are multiple factors to consider when it comes to determining how much to pay them...

- Age and experience. Sitters between 13 and 15 years old should get as low as half the pay of an older or more experienced babysitter.
- Age of the kids. Add an additional \$2 per hour to their base pay for newborns and \$1 per hour for toddlers.
- The number of kids. Add an additional \$1 to \$2 per hour for each additional child.
- The cost of living. Big-city babysitters should expect to earn more than their country cousins.
- If additional duties are required. Add an additional \$1 to \$2 per hour if the sitter is required to drive the kids someplace, cook meals, or perform other tasks.
- Time of day. Because there's less effort involved, evening rates can be a bit lower if the kids will be sleeping while the babysitter is on duty.

As a quick example, let's say you hired a 15-year-old babysitter to watch your two toddlers so you and your honey could enjoy a quiet dinner and a movie. Let's also assume a base rate of \$20 per hour for an older, experienced babysitter... \$20/hr base rate + \$1/hr premium for the first toddler + \$1/hr premium for the second toddler + \$2/hr for one extra child = \$24/hr. But since she is younger, we can cut that rate in half (to \$12 per hour). Who knows, assuming your kids would be sleeping most of the time, you might even be able to shave a bit more off the rate. Or not. [Source: MoneyTalksNews Len Penzo article 5 Apr 2012 ++]

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## **VA Fraud Waste & Abuse Update 48:**

- **Little Rock AR** - The director of a state veterans home is out after it was revealed she took more than half-a-million dollars from veterans. The Arkansas Department of Veterans Affairs started investigating Little Rock home administrator Janet Levine in APR. Spokesperson Kendall Thornton says the agency was acting on complaints from employees at the home in Little Rock. KARK 4 News knocked on the door of Levine's state-leased home, next to the veterans home. But Levine slammed the door when asked if wanted to talk. Thornton says former administrator collected an extra \$587,000 in fees from 19 veterans over three years. The money was paid out of pocket. The investigation, however, didn't find any evidence Levine spent the money on herself, but put it into the home's general fund. Was it an accident, or misunderstanding, on Levine's part? "We don't believe so," Thornton said. It wasn't just money. Agency employees also found Levine took resources intended for veterans for her own personal use, including

diabetes supplies and an electric wheelchair. Levine also had family members living in her agency-provided home, a violation of her lease agreement. And employees didn't like the way she treated them. "I think that she just created an unfriendly environment that made it uncomfortable for them at the workplace," Thornton said. It's possible Levine didn't break the law. Representatives from both the Little Rock and Arkansas State Police departments say they are not investigating the case, but Thornton says the state is liable for the former administrator's actions. The agency is working to return the nearly \$600,000 Levine took from veterans. Levine does have the option to appeal her firing, but has yet to do so. [Source: ArkansasMatters.com Adam Rodriguez article 27 Apr 2012 ++]



**Janet Levine**

- **St. Louis MO** - Joseph Madlinger, 71, a retired civil engineer was sentenced 8 MAY to two years in federal prison and fined \$50,000 for bribing a U.S. Department of Veterans Affairs official with cash, baseball tickets and strip club lunches to steer business to a company that used a disabled veteran as figurehead. He pleaded guilty to a conspiracy charge in February and admitted helping establish a company called CJMS Contracting LLC, with a service-disabled veteran named James Browdy at its helm. CJMS was designed to win contracts that were supposed to go to disabled veterans, but prosecutors said Browdy was simply acting as a "rent-a-vet" and played no role in the company. CJMS was a shell, and the real work was done by a St. Louis County company called Gateway Contractors, run by Michael Woodling. The bribes went to Russell Todd, who was chief of projects or chief engineer at a VA hospital in St. Louis and also played a role at Jefferson Barracks National Cemetery. He is now retired. In 2007-10, the conspiracy won about \$3.4 million worth of work, earning \$500,000 in profit for Gateway. Madlinger and Browdy received roughly \$300,000 from CJMS, and Madlinger got about \$750,000 from Gateway, prosecutors said. "He cashed in big time. He cashed in more than anyone else in this scheme," Assistant U.S. Attorney Tom Albus said of Madlinger. Russell Todd, of Chesterfield, and Woodling, of Fenton, have also pleaded guilty and await sentencing. Roughly \$1.5 million was forfeited by Woodling and will be used to pay restitution, Albus said. [Source: St. Louis Post dispatch Robert Patrick article 8 May 2012 ++]

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**VA Fraud Waste & Abuse Update 49:** The Veterans Health Administration wastes millions of dollars each year abusing the law that governs the way it buys biological medicines for wounded veterans, sources told Military.com. VA officials say they believe they're doing nothing wrong. At issue are biological medicines, or "biologics," which are made from human bone, tissue and fluids of donated cadavers. They're used in medical

procedures ranging from knee surgery and burns to cancer treatment and gene therapy. By defining such medicines as "prosthetics," sources say, VHA takes advantage of a decades-old law exempting procurement of artificial limbs and devices from all other laws. That means VHA officials can pass over the disabled veteran-owned small businesses that otherwise have priority in getting VA contracts, and even shortchange taxpayers by not bringing in a vendor-paid fee written into federal supply schedule contracts. Just by failing to competitively bid for the biologics, the Department of Veterans Affairs is overspending anywhere from \$40 million to \$50 million a year, say the sources.

They spoke to Military.com on the condition they not be identified because they worried about reprisals from VA leaders. "All these 'prosthetics' charges come out of the [VA's] medical appropriations budget. It's money that could be used for other things," said one of the sources, a former VA contracting officer with more than 20 years' experience. "For every \$1,200 you save, you could bring another veteran into the health care system. You could treat another veteran on an outpatient basis." The second source represents a small company that has sold biologics to the VA, but the source believes it and other smaller operations are frozen out of most business. The VHA is able to do that under a 1959 law that permits non-competitive purchases of prosthetics by any process that VHA decides is proper, "without regard to any other provision of law." Both sources say that law not only results in higher cost of product, but betrays the VA's obligation and commitment to give priority to small businesses owned by service-disabled veterans.

- "By using [U.S. Code] 8123 [the agents] don't need to do market research for Veteran Small Businesses ... they don't need to search the VA GSA Advantage website to see if the items they are buying are on federal contract, they don't need to shop for best value or requests discounts," the vendor representative said. "They simply hide behind 8123."
- The practice also means greater overhead for VA operations. Contracts made outside the federal acquisition regulations and Veterans Affairs acquisition regulations schedules means the VA does not collect a fee that subsidizes department operations. The "industrial funding fee" -- currently less than 1 percent of the total contract award -- is paid by the vendor and used to defray the costs of VA contracting officials' salaries. What VA does not collect in fees must come from its annual budget, said the former contracting officer, who estimated that the funding fee today brings about \$40 million a year into the VA.

VHA's designation of biologics as prosthetics has already drawn the attention of Congress. The House Veterans Affairs plans to look into it at a hearing scheduled for mid-May, according to a committee staffer. Some subcommittee staff members, along with senior VA and Defense Department officials, have already clashed with the VHA over the system, Military.com's sources said. During a meeting this month, VA officials critical of VHA's use of 8123 blasted Philip Matkovsky, VHA's assistant deputy undersecretary for health for administrative operations, for not following the federal employee guides on procurement. Matkovsky reportedly infuriated officials by saying those regulations don't apply because **VHA considers biologics to be prosthetics**, the procurement of which is exempt from the usual contract schedules. A VHA spokesman offered no comment on the meeting when contacted by Military.com, but said biologics meet "the very core definition of 'prosthetic appliance,' since they are used to replace a damaged or missing anatomical part," including, VHA says, tendons and tissue. VHA referred Military.com to its handbook, which defines prosthetic appliances as "aids, devices, parts or accessories which patients require to replace, support, or substitute for impaired or missing anatomical parts of the body ... [including] artificial limbs, terminal devices, stump socks, braces, hearing aids and batteries, cosmetic facial or body restorations, optical devices, manual or motorized wheelchairs, orthopedic shoes, and similar items." But those are all artificial devices, Military.com's sources say. "None of the items listed [in the handbook] are biologics ... which are not artificial and come from cadaveric donors," the vendor representative said.

VHA's overpayment for traditional prosthetics was revealed in a VA Inspector General's report that dealt with artificial limbs. It found that the contracting officers were not negotiating with vendors for prices or discounts, and largely left it up to VHA's small army of purchasing agents -- untrained in contract law -- to procure prosthetics with

little oversight. According to the IG, VHA in 2011 spent about \$54 million on prosthetic limbs. Weaknesses and lack of oversight resulted in the VHA being overcharged by about \$2 million a year, it said, and would face about \$8 million more in overcharges in the next four years unless the systems were fixed. According to Military.com's sources, the same procurement pattern exists with biologics, whose procurements are made by the same purchasing agents. They appear to use their knowledge of federal purchasing guidelines to stay just outside of limits that would invite further scrutiny. A 1985 law set \$25,000 as the limit for "small purchases" that agencies could make under noncompetitive processes. In some situations the minimum is much higher, but under federal regulations, according to the former contracting officer, any purchase more than \$25,000 requires a description of the process used in awarding it, such as the request for quotation or solicitation. A list of acquisitions obtained by Military.com reveals numerous instances of multiple buys from the same vendor on the same date:

- In one instance, a VHA buying agent made 18 separate purchases, all for exactly \$24,900, and all dated Oct. 1, 2010, from the same vendor for supplies categorized as medical and surgical instruments, equipment, and supplies, according to the listing. Another group includes 17 purchases, again for the same date and in the same amount, but this one for office furnishings.
- With few exceptions, nearly all of the 1,200 purchases on the list -- which came from the New York-New Jersey area -- were for \$24,500, \$24,800, \$24,900 or \$24,980. Fewer than 100 were for more than \$25,000. The total expenditures were nearly \$28 million, most for medical supplies and services, but also some coded for office furnishings, hardware and more.
- Fewer than 100 of the 1,000-plus transactions are specifically identified as single-bid contracts. All others -- whether for medical, dental or office supplies -- indicate they were executed after the agent received exactly 14 offers, a fact that the former contracting officer says should raise suspicion that the entries are rubber stamped. He is also suspicious of the consistency of the contract dollar amounts. "The fact so many transactions fall into four specific dollar amounts, all rounded in even dollar amount units just below \$25,000, raises a flag," he said. "Of special concern is many of these transactions were conducted on the same day, with the same vendor, suggesting for whatever reason [they] were intentionally kept below \$25,000." Also, \$25,000 is the purchase cardholder limit on any transaction or contract, he said, and suggested that the multiple, identical orders were fragmented to keep them from going over the threshold of the card and the rules requiring a description of the awarding process.

The source said the Competition in Contracting Act specifically prohibits the dividing up or separating a purchase or contract order to skirt the competitive process. The VHA reporting agent who compiled the list did not reply to Military.com's calls or emails. According to the former contracting officer, the reporting agent likely is the coordinator for the purchasing agents throughout the relevant area. [Source: Military.com Bryant Jordan article 27 Apr 2012 ++]

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## Notes of Interest:

- **Vet Loans.** Effective 1 DEC 2011 The WI Dept of Veteran Affairs will no longer offers any loans of any type to qualifying state veterans. The moratorium will last indefinitely.
- **Mil Retirement.** Eighty-three percent of veterans don't serve 20 years and, therefore, leave with no retirement benefits.
- **COLA.** For the month of March, the CPI was 226.304 – up 0.9 percent from February, and almost 1.4 percent above COLA baseline figure of 223.233.
- **Stolen Valor.** John Spodofora, the mayor of Stafford Township, NJ. under fire for embellishing his service in the Navy during the Vietnam War, has again changed his mind and decided to run for reelection.
- **Florida Fees.** Effective OCT 2012 new law waives the initial license fee, initial application fee and initial unlicensed activity fee for many State board licenses for veterans returning from service, provided the

veteran applies for licensure within 24 months of being honorably discharged. For more information, visit the Florida Department of Business Regulation website.

<http://www.myfloridalicense.com/dbpr/dbprmilitary.html>.

- **Okinawa.** U.S. and Japanese officials agreed to move 9,000 U.S. Marines off Okinawa to other locations in the Pacific. About 5,000 Marines will head to Guam, with the rest to Hawaii, Australia and possibly California.
- **Tax Loophole.** Check out <http://www.wthr.com/video?clipId=7054149&autostart=true> and then ask your legislator why Congress allows \$4B+ in preventable known tax fraud annually yet wants military retirees to make up this amount by raising TRICARE fees.
- **Nostalgia.** VJ Day, Honolulu Hawaii, August 14, 1945 spontaneous celebrations. Check out <http://vimeo.com/5645171>.
- **Arlington.** A methodical tally of graves this year revealed that 400,000 Americans are buried there - 20% more than previously thought. An exact count will be completed later this year.
- **PTSD.** The APA is meeting in Philadelphia this week; a panel will discuss the name change from disorder to injury (PTSI) under consideration for the updated Diagnostic and Statistical Manual of Mental Disorders. Now-retired Army Gen. Peter Chiarelli says, "No 19-year-old kid wants to be told he's got a disorder."
- **Windows 8.** Microsoft announced last week that its soon-to-be-released Windows 8 operating system won't play DVDs unless you pay to upgrade the Media Center component.

[Source: Various 1-15 May 2012 ++]

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1-15 May 2012

## Medicare Fraud Update 92:



- **USA - CNN** reports that the government has arrested 100 people in another huge health care fraud bust, and based on previous instances of this kind, there are bound to be some scandalous details forthcoming. The group is charged with defrauding Medicare, Medicaid, and other federal programs for a combined \$450 million, according to CNN's Terry Frieden, and Attorney General Eric Holder and Health and Human Services Secretary Kathleen Sebelius are going to give details at a press conference later today. This case seems similar to last year's bust, in which the government arrested 111 people in one fell swoop for \$225 million worth of fraud. While we await details on this batch of arrests, you can see the kinds of bizarre ways people committed fraud last time, like billing for the removal of 18 toenails, with our roundup of the most bizarre tidbits from last year's arrests.

- Detroit** - A Livonia couple and their son figured out a way to steal millions of dollars intended to help the elderly and the disabled, and are now spending time in prison because of it. Starting in 2007, Emilio and Maria Haber, and their son, Alejandro set up clinics in the suburbs of Wayne County and found anyone with Medicare coverage willing to fake an injury to bill the government and split the difference, federal officials said. The Haber's paid recruiters to find the willing "patients." Then, the recruiter and the patient would split \$150 and the Haber's would bill the government for expensive, unnecessary procedures. The Department of Justice said the Haber's would even coach patients on how to complain about phantom nerve damage. They ended up billing Medicare for more than \$6 million before being busted. In June 2011, Maria Haber was sentenced to 15 months in prison as part of a plea deal. Emilio and Alejandro also pleaded guilty and could receive a maximum of 10 years in jail. Once they are released from prison, the Haber's will owe the government \$1.1 million in restitution.
- Chicago.** A federal grand jury accused a man of submitting \$1 million in fraudulent Medicare claims: claiming that his now-unlicensed doctor employee saw elderly patients more than 24 hours a day. Bryan Day, 42, "was not a licensed medical provider," but operated and was part-owner of Charm Development in Chicago Heights, which "purported to offer psychotherapy services to patients, primarily in nursing homes and long-term care facilities," according to the indictment. "Day submitted and caused to be submitted fraudulent claims to Medicare for individual psychotherapy services purportedly performed by Doctor A. In fact, as the defendant was aware, such services were not rendered by Doctor A. In addition, the claims included services that were purportedly provided at times when Doctor A was not present at Charm, and not licensed by the State of Illinois," the indictment states. Day "paid Doctor A approximately \$3,000 a month to use his Medicare provider number and to act as on-site physician at Charm," according to the indictment. It adds: "Day submitted and caused to be submitted claims to Medicare for individual psychotherapy purportedly rendered by Doctor A in excess of 24 hours per day." Day submitted claims to Medicare for \$1,079,000, of which Medicare paid \$439,000. "Doctor A was a doctor licensed to practice medicine in the State of Illinois until July 31, 2008, after which he was no longer licensed. Doctor A was employed at Charm from on or about May 12, 2005, until he resigned from Charm on or about February 10, 2009." If convicted Day faces up to 10 years in prison on each of six counts of health care fraud. The Justice Department called this indictment "part of a nationwide takedown by Medicare Fraud Strike Force operations in seven cities that led to charges against 108 individuals for their alleged participation in schemes to collectively submit more than \$455 million in fraudulent claims to Medicare. This takedown involved the highest amount of false Medicare billings in a single takedown in Strike Force history."

[Source: Fraud News Daily 1-15 May 2012 ++]

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## Medicaid Fraud Update 62:

- West Palm Beach FL** - Edna Iris Torres, 62, has been charged with defrauding the Florida Medicaid program of more than \$28,000, the office of Attorney General Pam Bondi announced. Bondi's Medicaid Fraud Control Unit and the Palm Beach County Sheriff's Office arrested her on a felony warrant on charges of grand theft and Medicaid fraud, both second-degree felonies. Between May 2007 and February 2011, Torres allegedly submitted fake timesheets to Blessed Friends Transportation Services Inc. -- a Medicaid home and community-based services provider -- to make it appear as if she had provided services to Medicaid recipients. The Agency for Health Care Administration paid more than \$28,000 for these claims. If convicted, Torres faces up to 30 years in prison and more than \$20,000 in fines.
- Columbus OH** - Paul Brockman, 42, pleaded guilty 7 MAY to charges in connection with healthcare fraud by making false statements involving health care by fraudulently billing Medicaid \$214,018.92.

Brockman owned Midwest Medical Equipment, which was headquartered in Westerville. According to court documents, Brockman frequently billed Medicaid for “new” durable medical equipment when he was providing Medicaid recipients with “used” durable medical equipment. The fraudulent billing occurred when customers passed away and the deceased’s family sold their equipment back to Midwest Medical. Brockman would provide the same piece of equipment to a new customer and bill the item to Medicaid Program as “new” equipment. Brockman also billed the Medicaid program for medical equipment that he either never provided to recipients, or provided years after having received payment from the Medicaid program. The crime is punishable by a prison term of up to five years, a maximum fine of \$250,000 and three years of supervised release. Judge Frost will set a date for sentencing.

[Source: Fraud News Daily 1-15 Apr 2012 ++]

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**State Veteran's Benefits:** The state of Wyoming provides several benefits to veterans. To obtain information on these refer to the “**Veteran State Benefits WY**” attachment to this Bulletin for an overview of those benefits. Benefits are available to veterans who are residents of the state in the following areas:

- Veteran Housing Benefits
- Veteran Financial Assistance Benefits
- Veteran Employment Benefits
- Veteran Education Benefits
- Other State Veteran Benefits

[Source: <http://www.military.com/benefits/content/veteran-state-benefits/west-virginia-state-veterans-benefits.htm> Apr 2012 ++]

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**Military History:** George Vujnovich led what has been called one of the greatest rescue missions of World War II." He passed away of natural causes in New York City on 24 APR at age 96. Vujnovich orchestrated Operation Halyard, also known as the Halyard Mission, which rescued 512 airmen whose B-17 Flying Fortresses and B-24 Liberators had been attacked by Nazi Luftwaffe aircraft during World War II. He served as an agent for the Office of Strategic Services (OSS), a U.S. intelligence organization that preceded the CIA. Vujnovich orchestrated Operation Halyard in 1944, stealthily rescuing a group of U.S. airmen who were stranded in Nazi-occupied Yugoslavia during the final years of World War II. But those who don't know his name can be forgiven, as the story of Vujnovich's greatest triumph was kept under wraps for over 60 years. Three events helped disclose what Operation Halyard was all about. In 2007 a book about Operation Halyard, called, "The Forgotten 500 by Gregory A. Freeman" was published. The 1948 award of the Legion of Merit by President Truman to General Draza Mihailovich, the leader of the Yugoslav guerillas (Chetniks ) who gave sanctuary to allied pilots, was disclosed in 2005. And, the award of Bronze Star in October of 2010 to Vujnovich. To read more about what happened in this operation refer to the attachment to this bulletin titled, “**Operation Halyard**”. It includes comments by some of The Forgotten 500 about their experiences while awaiting rescue. [Source: Air and Space Magazine Phil Scott and International Business Times Jacey Fortin articles Jan 2011 & 3 May 2012 ++]

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**Military History Anniversaries:** Significant 16-31 May events in U.S. Military History are:

- May 16 1940 - WWII: Germany occupies Brussels, Belgium and begins the invasion of France.
- May 17 1987 - An Iraqi missile hits the American frigate USS Stark in the Persian Gulf. 37 sailors die

- May 18 1863 - Civil War: The Battle of Vicksburg begins.
- May 18 1917 - WWI: The Selective Service Act of 1917 is passed, giving the President of the United States the power of conscription.
- May 18 1944 - WWII: Battle of Monte Cassino - Conclusion after seven days of the fourth battle as German paratroopers evacuate.
- May 19 1848 - U.S Mexican War: Mexico gives Texas to U.S., ending the war
- May 19 1967 - Vietnam: U.S. planes bomb Hanoi for the first time.
- May 20 1864 - Civil War: Battle of Ware Bottom Church - in the Virginia Bermuda Hundred Campaign, 10,000 troops fight in this Confederate victory.
- May 20 1902 - Latin America Interventions: U.S. military occupation of Cuba (since Jan 1, 1899) ends
- May 20 1969 - Vietnam: US troop capture Hill 937/Hamburger Hill
- May 20 1951 - Korea: U.S. Air Force Captain James Jabara becomes the first jet air ace in history.
- May 21 1941 - 1st U.S. ship sunk by a U-boat (SS Robin Moore)
- May 21 1951 - Korea: The U.S. Eighth Army counterattacks to drive the Communist Chinese and North Koreans out of South Korea.
- May 23 1900 - Civil War hero Sgt. William H. Carney becomes the first African American to receive the Medal of Honor, 37 years after the Battle of Fort Wagner.
- May 23 1939 - USS Squalus (SS-192) foundered off Portsmouth, New Hampshire. 26 died.
- May 25 1915 - WWI: 2nd Battle of Ypres ends with 105,000 casualties
- May 25 1953 - The first atomic cannon is fired in Nevada.
- May 26 1940 - WWII: Battle of Dunkirk - In France, Allied forces begin a massive evacuation from Dunkirk, France.
- May 26 1945 - WWII: U.S. drop fire bombs on Tokyo
- May 26 2004 - The U.S. Army veteran Terry Nichols is found guilty of 161 state murder charges for helping carry out the Oklahoma City bombing.
- May 27 1813 - War of 1812: In Canada, American forces capture Fort George
- May 27 1944 - WWII: American General MacArthur lands on Biak Island in New Guinea.
- May 27 1965 - Vietnam: American warships begin the first bombardment of National Liberation Front targets within South Vietnam.
- May 27 1968 - USS Scorpion (SSN-589). Loss not ascertainable; most probable inadvertent activation of battery of torpedo resulting in a possible "hot run" torpedo detonation off Azores. 99 died.
- May 29 1916 - U.S. forces invade the Dominican Republic, stay until 1924.
- May 29 1945 - WWII: U.S. 1st Marine division conquers Shuri-castle Okinawa
- May 29 2004 - The World War II Memorial is dedicated in Washington, D.C.
- May 30 1868 - Memorial Day begins when two women place flowers on both Confederate and Union graves.
- May 30 1912 - U.S. Marines are sent to Nicaragua to protect American interests.
- May 30 1965 - Vietnam: Viet Cong offensive against U.S, base Da Nang, begins
- May 31 1900 - U.S. troops arrive in Peking to help put down the Boxer Rebellion.
- May 31 1912 - U.S. Marines land on Cuba.

[Source: Various May 2012 ++]

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## **Military Trivia 51:** Spanish American War 2

### Questions

1. The rallying cry "Remember the Maine" was used to stir up support for the Spanish-American War across the U.S.A. What exactly was the Maine referring to?

- An American whaling ship seized by the Spanish Navy.
- The Maine telegram, urging Maine to leave the U.S. union and join Spain.
- A casino in Havana blown up by Cuban revolutionaries.
- A U.S. battleship that blew up in the harbor of Havana, Cuba.

2. Approximately how long did the Spanish-American War last?

Two years - Ten weeks - One year - Eighteen months

3. Which of these new territories did the United States NOT receive as a result of the Spanish-American war?

The Virgin Islands - Guam - The Philippines - Puerto Rico

4. Who was President of the United States during the Spanish-American War?

William McKinley - Theodore Roosevelt - Grover Cleveland - Woodrow Wilson

5. One of the U.S. Navy's greatest heroes commanded forces that defeated the Spanish in the Philippines at the start of the Spanish-American War. He's famous for saying "Gridley, you may fire when ready." Who was this famous sailor?

William "Bull" Halsey - George Dewey - Arthur Willard - Alfred Thayer Mahan

6. The U.S. Army was very small at the start of the Spanish-American War, prompting the formation of many volunteer units. One of those was a cavalry division commanded by an ex-Confederate Army officer from the American Civil War. Who was this remarkable soldier who served two different armies in two wars decades apart?

Nathan Bedford Forest - Leonard Wood - Joseph Wheeler - Arthur MacArthur

7. True or false: American forces suffered more deaths from disease than from battle action during the Spanish-American War.

8. Newspaper owners William Randolph Hearst and Joseph Pulitzer did much to stir up war fever in America over the sinking of the USS Maine. Their sensational stories blamed Spain without proper evidence. What were these types of newspaper stories called?

9. Sugar was Cuba's main export in the 1890s and mostly controlled by U.S. companies. What percentage of the Cuban sugar business did Americans control?

Seventy percent - Sixty-five percent - Fifty percent - Ninety percent

10. The official end of hostilities against Spain did not bring peace and tranquility to one of the newly acquired American territories. In which territory did armed warfare by natives continue against the U.S. for several more years?

Answers

1. **A U.S. battleship that blew up in the harbor of Havana, Cuba.** The battleship USS Maine was destroyed by an explosion on the night of February 15, 1898 while at anchor in Havana harbor, resulting in the deaths of 266 Americans. The ship had been sent there to protect American lives and property during civil unrest in Cuba. It was unclear at the time whether the explosion was accidental or the work of a Spanish mine
2. **Ten weeks** is the generally accepted length, from April 23rd to August 12th, 1898. However two more months of difficult negotiations elapsed before a peace treaty was signed in December, 1898. U.S. Ambassador John Hay, in writing to his friend and future President Theodore Roosevelt, is quoted as calling it "a splendid little war."
3. **The Philippines.** The U.S. Virgin Islands -- St. Croix, St. John, and St. Thomas along with a multitude of smaller islets -- were purchased from Denmark for \$25 million dollars in March, 1917. The Philippines were captured after the crushing defeat of the Spanish fleet at the Battle of Manila. Guam, another Spanish territory in the Pacific, was taken by U.S. forces with little resistance during the Spanish-American War as well.
4. **William McKinley.** At first fending off public and Congressional pressure to go to war, McKinley finally gave into the so-called war fever that swept the nation following the loss of the USS Maine. Grover Cleveland was McKinley's predecessor in the White House. Woodrow Wilson would later inhabit 1600 Pennsylvania Avenue as a wartime President during World War I. Theodore Roosevelt was elected Vice-President in 1900 and became President after McKinley's assassination in 1901.
5. **George Dewey** was a U.S. naval officer in both the American Civil War and the Spanish-American War. At the Battle of Manila Bay on May 1st, 1898 he caught the Spanish fleet by surprise and destroyed them in a six hour battle with very few American casualties. Standing on the bridge of his flagship, the USS Olympia, Commodore Dewey uttered those famous words "Gridley you may fire when ready" to the ship's captain to start the battle.
6. **Arthur Willard.** "Fighting Joe" Wheeler was a dashing young Confederate cavalryman in the American Civil War. Following the war Joseph Wheeler was elected to the U.S. Congress. Upon outbreak of the conflict with Spain, and while still a sitting Congressman, Wheeler volunteered for Army service. Appointed a Major General, Wheeler commanded the cavalry division that included Teddy Roosevelt's Rough Riders. Actor Gary Busey turned in a wonderful cameo appearance as Wheeler in the 1997 movie "Rough Riders".
7. **True.** Disease played no favorites with either side in the conflict, being the biggest killer of both U.S. and Spanish forces. While the U.S. Army and U.S. Navy suffered only 361 total combat deaths, 2,565 Americans died from disease and the oppressive Cuban heat. The Spanish fared even worse: 3,560 died in combat, while over 13,000 died due to disease.
8. **Yellow journalism/press.** The phrase yellow journalism, or sometimes yellow press, was applied to newspaper and magazine stories that often deliberately played fast and loose with the facts of a particular event. The more scandalous the stories and headlines, the more newspapers Hearst and Pulitzer would sell. Ironically the Pulitzer Prize -- one of the highest honors for quality work in print media, literature and music -- is named for Joseph Pulitzer.
9. **Ninety percent.** Nearly all of Cuba's sugar growing and processing was controlled by American corporations. The so-called "sugar kings" had contributed large amounts of money to President McKinley's 1896 election, and lobbied him hard to do something about the civil unrest in Cuba. McKinley sent the USS Maine partly to watch over their sugar businesses. The Maine blew up, which led to the Spanish-American War.
10. **The Philippines.** Feeling they had only exchanged one colonial master for another, Filipino guerrillas intensified their attacks on American forces. The Philippine-American War cost the lives of at least 200,000 Filipinos and over 4,000 Americans before its conclusion in 1902. Ironically, some forty years later they would fight side-by-side with U.S. forces against the Japanese in World War II.

[Source: <http://www.funtrivia.com/submitquiz.cfm?quiz=332911> May 2012 ++]

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**Tax Burden for Missouri Retirees:** Many people planning to retire use the presence or absence of a state income tax as a litmus test for a retirement destination. This is a serious miscalculation since higher sales and property taxes can more than offset the lack of a state income tax. The lack of a state income tax doesn't necessarily ensure a low total tax burden. States raise revenue in many ways including sales taxes, excise taxes, license taxes, income taxes, intangible taxes, property taxes, estate taxes and inheritance taxes. Depending on where you live, you may end up paying all of them or just a few. Following are the taxes you can expect to pay if you retire in **Missouri:**

### **Sales Taxes**

**State Sales Tax:** 4.225% (prescription drugs exempt; food is taxed at 1.225%) Cities and counties as well as special taxing districts (such as fire districts) may impose a local sales and use tax that may raise the total tax by about 6.625%.

**Gasoline Tax:** 17.3 cents/gallon

**Diesel Fuel Tax:** 17.3 cents/gallon

**Cigarette Tax:** 17 cents/pack of 20

### **Personal Income Taxes**

**Tax Rate Range:** - 1.5%; High – 6%

**Income Brackets:** Ten. Lowest – \$1,000; Highest – \$9,000 [Tax is imposed at a rate of 1-1/2 percent on the first \$1,000 of taxable income and increases at a rate of 1/2 percent for every \$1,000 increment up to \$9,000. The tax rate is 6 percent on Missouri taxable income exceeding \$9,000.]

**Personal Exemptions:** Single – \$2,100; Married – \$4,200; Dependents – \$1,200; Plus \$1,000 for dependent 65 or older. Taxpayers 65 or blind — \$1,100 (\$1,400 if single or head of household)

**Standard Deduction:** Single – \$5,700; Married filing jointly – \$11,400. Deduction increases for those age 65 and older.

**Medical/Dental Deduction:** Federal amount. Individuals may subtract from their federal adjusted gross income, qualified health insurance premiums and long-term care premiums, to the extent their premiums paid were not reimbursed by their employer, or excluded from their federal adjusted gross income.

**Federal Income Tax Deduction:** The state allows a deduction on your individual income tax return for the amount of federal tax you paid. The deduction is for the amount actually paid as indicated on your federal tax form. For individual filers the amount cannot exceed \$5,000. For joint filers the ceiling is \$10,000.

**Retirement Income Taxes:** Missouri resident taxpayers are allowed a state income tax deduction for Social Security benefits received by individuals 62 years of age or older, Social Security disability benefits, and non-private retirement system benefits received by individuals 62 years of age or older, to the extent these benefits are included in federal adjusted gross income. To view the Social Security/Social Security Disability deduction chart and the public pension exemption eligibility chart, [click here](#).

**Public Pension Exemption:** Married couples with Missouri adjusted gross income less than \$100,000 and single individuals with Missouri adjusted gross income less than \$85,000, may deduct up to 65 percent of their public retirement benefits, to the extent the amounts are included in their federal adjusted gross income. The deductible percentage of their public retirement benefits will increase until 2012. A breakdown of the yearly percentage is as follows: Generally, the maximum amount of benefits that can be deducted is as follows: 80% for 2011; and 100% for 2012 and thereafter. The total public pension exemption is limited to \$33,703 for each spouse. Married couples with Missouri adjusted gross income greater than \$100,000 and single individuals with Missouri adjusted gross income greater than \$85,000, may qualify for a partial exemption. Taxpayers who also qualify for the Social Security or Social Security Disability Deduction, must reduce their public pension exemption by the amount of the social Security or social Security disability Deduction.

**Retired Military Pay:** The state allows 15 percent of military pension income to be exempt from Missouri state tax.

This tax deduction will increase 15 percent annually until January 1, 2016, when all military pension income will be tax free. Military Disability Retired Pay: Retirees who entered the military before Sept. 24, 1975, and members receiving disability retirements based on combat injuries or who could receive disability payments from the VA are covered by laws giving disability broad exemption from federal income tax. Most military retired pay based on service-related disabilities also is free from federal income tax, but there is no guarantee of total protection.

**VA Disability Dependency and Indemnity Compensation:** VA benefits are not taxable because they generally are for disabilities and are not subject to federal or state taxes.

**Military SBP/SSBP/RCSBP/RSFPP:** Generally subject to state taxes for those states with income tax. Check with state department of revenue office.

### Property Taxes

Residential property is assessed at 19% of its fair market value. Personal property is assessed at rates ranging from 5% to 33.3%. The Missouri Property Tax Credit Claim (<http://dor.mo.gov/personal/ptc>) gives credit to certain senior citizens and 100 percent disabled individuals for a portion of the real estate taxes or rent they have paid for the year. The credit is for a maximum of \$750 for renters and \$1,100 for owners who occupied their home during the period being claimed. The actual credit is based on the amount of real estate taxes or rent paid and total household income.

### Inheritance and Estate Taxes

Since the IRS will no longer allow a state death tax credit for deaths occurring on or after January 1, 2005, no Missouri estate tax is imposed. Therefore, no estate tax return must be filed for deaths occurring on or after January 1, 2005.

For further information about state taxes, visit the Mississippi Department of Revenue site <http://www.dor.ms.gov> or call 601-923-7000. For information about moving to Missouri, refer to <http://dor.mo.gov/new2mo.php>. [Source: [www.retirementliving.com](http://www.retirementliving.com) May 2012 ++]

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## Aviation Art:



First Mission

Although the Japanese-held airfield at Babo, on the Vogelkop Peninsula of Dutch New Guinea had become a backwater in the war in the Southwest Pacific, enough enemy activity remained that the 5th USAAF planners considered it necessary to raid the facility on 9 July, 1944, and risk the fearsome defensive anti-aircraft capabilities of the area. Thus, 24 A-20's were tasked with executing a low-level surprise raid in hopes of neutralizing the remaining offensive capability of the airfield. We see here the third flight over the field, as elements of the 389th Bomb Squadron run the gauntlet of a thoroughly alerted defensive anti-aircraft organization, whereupon flight leader Hedges (foreground) loses both wingmen to the defending Japanese. The Douglas A-20/DB-7 Havoc was a family of American attack, light bomber and night fighter aircraft of World War II. Although not the fastest or longest-ranged in its class, the Douglas DB-7 series distinguished itself as a tough, dependable combat aircraft with an excellent reputation due to its speed and maneuverability. Ex-pilots often consider it their favorite aircraft of the war due to the ability to toss it around like a fighter. [Source: <http://www.aviationarthangar.com/gal05.html> May 2012 ++]

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**Veteran Legislation Status 12 MAY 2012:** For a listing of Congressional bills of interest to the veteran community introduced in the 112<sup>th</sup> Congress refer to the Bulletin's "**House & Senate Veteran Legislation**" attachment. Support of these bills through cosponsorship by other legislators is critical if they are ever going to move through the legislative process for a floor vote to become law. A good indication on that likelihood is the number of cosponsors who have signed onto the bill. Any number of members may cosponsor a bill in the House or Senate. At <http://thomas.loc.gov> you can review a copy of each bill's content, determine its current status, the committee it has been assigned to, and if your legislator is a sponsor or cosponsor of it. To determine what bills, amendments your representative has sponsored, cosponsored, or dropped sponsorship on refer to <http://thomas.loc.gov/bss/d111/sponlst.html>.

Grassroots lobbying is perhaps the most effective way to let your Representative and Senators know your opinion. Whether you are calling into a local or Washington, D.C. office; sending a letter or e-mail; signing a petition; or making a personal visit, Members of Congress are the most receptive and open to suggestions from their constituents. The key to increasing cosponsorship on veteran related bills and subsequent passage into law is letting legislators know of veteran's feelings on issues. You can reach their Washington office via the Capital Operator direct at (866) 272-6622, (800) 828-0498, or (866) 340-9281 to express your views. Otherwise, you can locate on <http://thomas.loc.gov> your legislator's phone number, mailing address, or email/website to communicate with a message or letter of your own making. Refer to [http://www.thecapitol.net/FAQ/cong\\_schedule.html](http://www.thecapitol.net/FAQ/cong_schedule.html) for dates that you can access your legislators on their home turf.

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## Have You Heard?

An elderly couple had dinner at another couple's house, and after eating, the wives left the table and went into the kitchen.

The two gentlemen were talking, and one said, 'Last night we went out to a new restaurant and it was really great.. I would recommend it very highly..'

The other man said, 'What is the name of the restaurant?'

The first man thought and thought and finally said, 'What is the name of that flower you give to someone you love?. You know.... The one that's red and has thorns.'

'Do you mean a rose?'

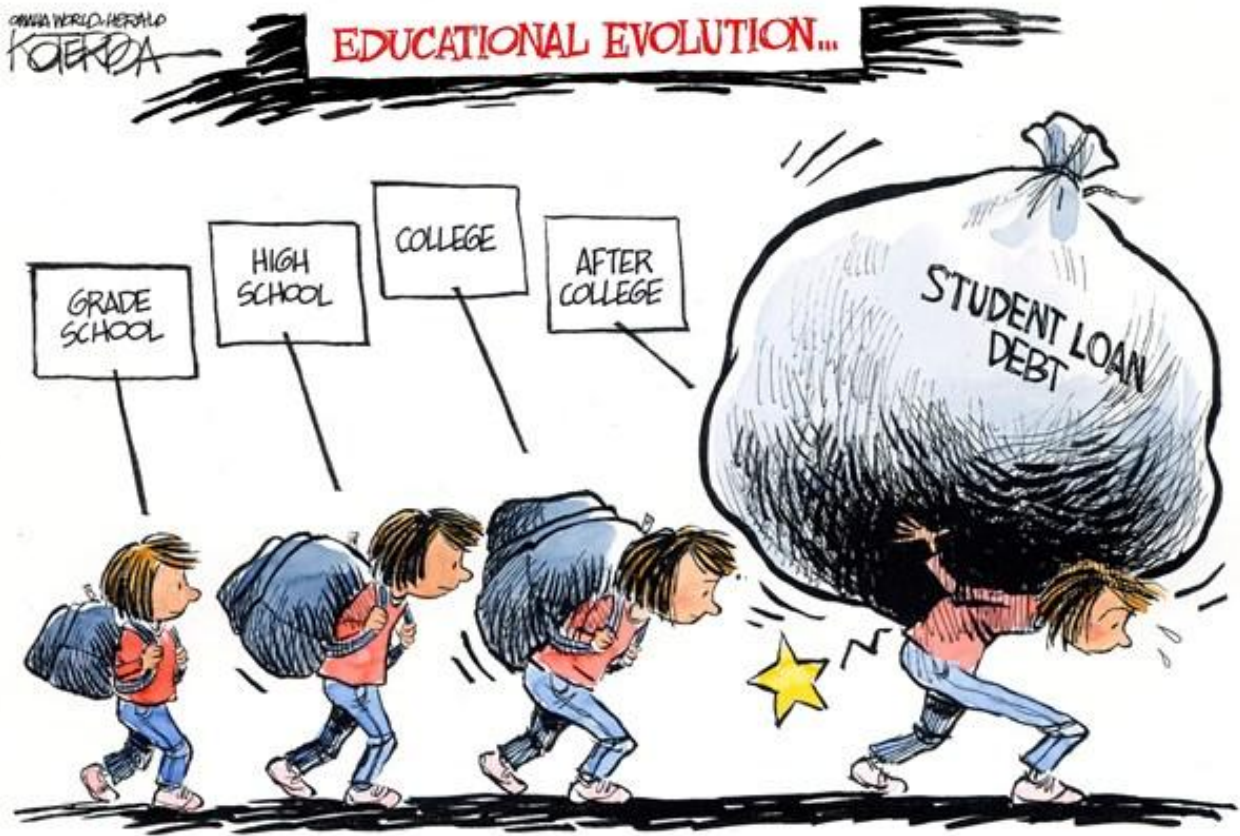
'Yes, that's the one,' replied the man. He then turned towards the kitchen and yelled, 'Rose, what's the name of that restaurant we went to last night?'

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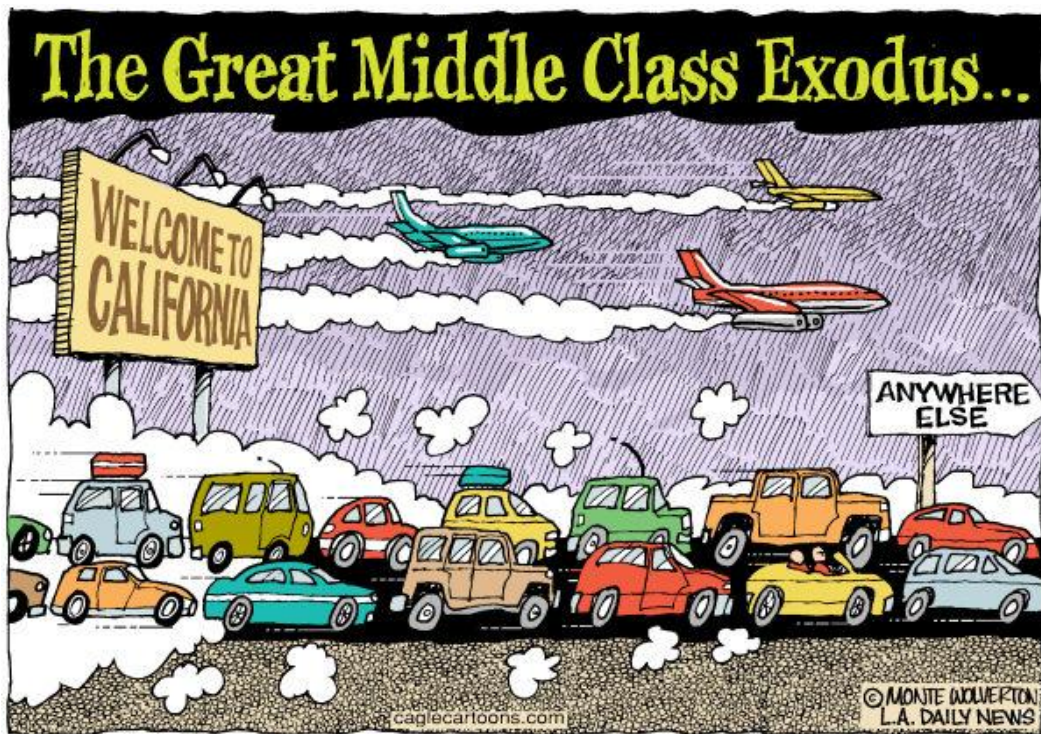
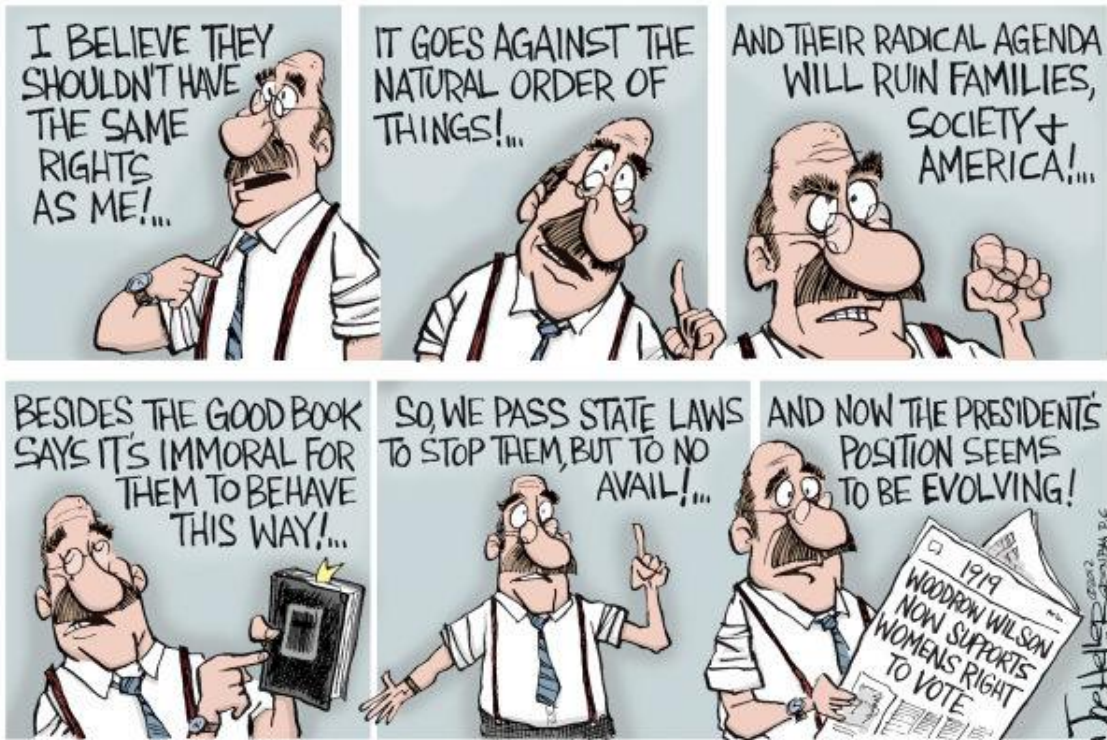
Silence may be as variously shaded as speech.

--- Edith Wharton (1862-1937)

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## Gay Marriage





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