

RAO BULLETIN

1 July 2012

PDF Edition

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THIS BULLETIN CONTAINS THE FOLLOWING ARTICLES

- == USFSPA & Divorce [21] ----- (Marshall Willick Lawsuit)
- == Vet Gun Control [04] ----- (Another Senate Bill Introduced)
- == Mt. Soledad Veterans Memorial [05] ----- (Appeal Rejected)
- == South Dakota Drivers License ----- (Vet Designation Option)
- == Clark AFB Vet Cemetery [04] ----- (SVAC Hearing)
- == Medicare Reimbursement Rates 2012 [12] ----- (S.3337)
- == Veterans' Student Loan Relief Fund ----- (Overview)
- == Craigslist.org Scam ----- (Job Hunters)
- == TRICARE Scam ----- (Lottery Sweepstakes)
- == Law of the Sea Convention ----- (Ratification Needed)
- == VA HIV Care [04] ----- (Testing Availability)
- == Widow(er) Military Benefits ----- (Termination/Restoration)
- == Arkansas Veterans Homes ----- (Little Rock Closing)
- == VA In Vitro Fertilization ----- (S.3313)
- == Religious Freedom ----- (Air Force Hostility Toward)
- == Military Compensation Review [08] ----- (Review Released)
- == Military Compensation Review [09] ----- (Less Drill Pay)
- == SBP DIC Offset [34] ----- (QRMC Compromise)
- == DoD Fraud, Waste, & Abuse ----- (DoD Wastes Billions)
- == Legislation of Interest [18] ----- (H.R.1627)
- == Military Pension Loans [01] ----- (Bad Idea for Retired Military)
- == VA Mental Health Care [15] ----- (Coaching Into Care)
- == VA Appeals Management Center ----- (Impressive Progress)
- == VA Parkinson's Disease Program [03] ----- (DBS Study Result)
- == North Carolina Vet Homes [01] ----- (2 More to Open)
- == VAMC Orlando [01] ----- (Contactor Dispute Continues)
- == VA Telehealth [05] ----- (Access to Increase)
- == VA Agent Orange Claims [04] ----- (Retroactive Processing Status)
- == Retiree Appreciation Days 08] ----- (Army 2012)
- == SBP Premium ----- (VA Disability Pay Offset)
- == Army Retiree Council [04] ----- (What Concerns Retirees)

== Army Smartcard ----- (Pilot Program Extended)
 == Non-VA Facility Care ----- (Rules Governing)
 == Vet Toxic Exposure ~ Diesel ----- (Reclassified Carcinogen)
 == Agent Orange Okinawa [04] ----- (Futenma Air Station)
 == VA Claims Backlog [68] ----- (Charleston Employees Picket)
 == VA Claims Backlog [69] ----- (VBMS Problems)
 == CT Vet Discount Card ----- (Veterans Advantage)
 == VA Fiduciary Program [03] ----- (Appointee Removal a Battle)
 == VA Fiduciary Program [04] ----- (Hearst Newspapers Findings)
 == VA Fiduciary Program [05] ----- (Fixes Opposed)
 == VA Disputed Claims [07] ----- (Stanley Friedman)
 == FHA Streamline Refinancing Program ----- (VA Loan Alternative)
 == Vet Benefits ----- (Calculator)
 == Blood Thinners [05] ----- (Pradaxa & Xarelto SITREP)
 == VA Suicide Prevention [12] ----- (Black Women Study)
 == DoD Lawsuit ~ Colton Read ----- (Feres Doctrine Issue)
 == Army Day ----- (Origins)
 == Medal of Honor [12] ----- (Jose Nisperos)
 == CRSC [41] ----- (Claim Assistance)
 == Stolen Valor [68] ----- (Michael Delos Hamilton)
 == Stolen Valor [69] ----- (Federal Law Struck down)
 == Vet Jobs [67] ----- (Health Net Federal Services Initiative)
 == Vet Jobs [68] ----- (VetCars Program)
 == Vet Jobs [69] ----- (2012 Veterans Talent Index)
 == Vet Jobs [70] ----- (Transportation Industry)
 == GI Bill [119] ----- (Focus of Proposed Changes)
 == GI Bill [120] ----- (Senator Pushes Overpayment Change)
 == GI Bill [121] ----- (GIBill.com Fraud Settlement)
 == GI Bill [122] ** ----- (Principles of Excellence SITREP)
 == Burn Pit Toxic Emissions [20] ** ----- (VA Opposes Registry)
 == VA Homeless Vets [31] ** -- (S.3309 Transitional Housing Grants)
 == Health Care Reform [51] ** ----- (Supreme Court Ruling)
 == Vet Toxic Exposure~Lejeune [29] **-- HVAC/SVAC Compromise
 == Veteran Hearing/Mark-up Schedule ----- (As of 28 Jun 2012)
 == PTSD [105] ----- (AboutFace)
 == PTSD [106] ----- (Purple Hearts Debated)
 == Vet License Plates AR ----- (Eligibility & Availability)
 == WWII Vets [22] ----- (The Morris Twins)
 == WWII Posters ----- (08)
 == POW/MIA [22] ----- (15-30 Jun 2012)
 == VSO - Cell Phones for Soldiers ----- (Vet Support Organization)
 == Saving Money ----- (Energy Efficient Windows)
 == VA Fraud, Waste, & Abuse [52] ----- (15-30 Jun 2012)
 == Notes of Interest ----- (15-30 Jun 2012)
 == Medicare Fraud [95] ----- (15-30 Jun 2012)
 == Medicaid Fraud [65] ----- (15-30 Jun 2012)
 == State Veteran's Benefits ----- (Arkansas)
 == Military History ----- (Munster Bombing Raid 1943)
 == Military History Anniversaries ----- (Jul 1-15 Summary)

- == Military Trivia 53 ----- (Civil War Nostalgia)
- == Tax Burden for North Carolina Retirees ----- (As of Jun 2012)
- == Aviation Art ----- (Shark Sighting)
- == Veteran Legislation Status 27 Jun 2012 ----- (Where we stand)
- == Have You Heard? ----- (The Navy Cure for Snoring)
- Attachment - Veteran Legislation as of 27 Jun 2012
- Attachment - Arkansas State Veteran's Benefits 2012
- Attachment - Vet License Plates Arkansas
- Attachment - Civil War Nostalgia
- Attachment - Munster Bombing Raid 1943

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USFSPA & Divorce Update 21: Marshall Willick, a divorce lawyer based in Las Vegas who specializes in representing the ex-spouses of military retirees in divorces, has filed a lawsuit in the Clark County District Court (NV) against several disabled military veterans and organizations. Willick named 11 defendants and ten "Doe" (unknown) defendants. The first two defendants, and apparent primary targets, were Vietnam combat disabled combat veterans along with the veteran service organizations they are affiliated with (i.e. Operation Firing for Effect, Inc. and Veterans For Veteran Connection, Inc.) and the Veterans Today Military & Foreign Journal. In the lawsuit, Willick complains of e-mails and website postings alleging false information about himself and the Willick Law Firm. The defendants and attorney Willick have been engaged in an on-going political debate over the rights of states to order certain payments in a divorce settlement directly from veteran's disability compensation, which the dependents allege are in violation of federal law. Specifically 38 USC 5301 and 10 USC 1408, as well as the 1989 Supreme Court decision of Mansell v. Mansell.

At the heart of the public debate is Willick's claim that VA disability compensation awarded to combat disabled veterans belongs to the veteran's entire family, including ex-spouses. He also claims VA disability compensation is income, and in a divorce the ex-spouse is entitled to a significant portion of that income as alimony. According to Willick, sorting out how much of a veteran's disability compensation is awarded to an ex-spouse is what divorce courts are for. He also claims that combat military service is no more dangerous than the work of zoo keepers and construction workers. According to the two dependents, Willick's law suit is nothing more than a thinly veiled attempt to silence those who disagree with him from publicly criticizing him and his attempts to strip combat disabled veterans of their earned disability compensation. Both veterans consider his law suit to be an attack on their 1st Amendment rights of free speech and believe that his law suit was filed in retaliation for formal complaints they filed against him with the Nevada State Bar in January of this year.

Lawyers advising the defendants have reviewed Willick's law suit and feel this suit is a classic SLAPP (Strategic Litigation against Public Participation) suit - a type of aggressive law designed to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition. Although many states have outlawed such suits and allow for defendants to have such suits quickly adjudicated and be reimbursed for their costs, the legislation in Nevada is weak on this subject, providing only limited protection (NRS 41.635 to 41.670). Defendants allege it appears Willick would prefer to bring an action against disabled veterans instead of addressing the issues with the group in a meaningful dialogue. One of his causes of action is defamation, meaning that he will be alleging that there were false statements of fact that harmed his reputation. Ultimately, it

seems the issues he proffers will have their day in court. [Source: <http://www.veteranstoday.com/2012/06/10/las-vegas-divorce-attorney-sues-disabled-veterans/> 10 Jun 2012 ++]



Attorney Marshal Willick

Vet Gun Control Update 04: Key Senate lawmakers are once again pushing legislation to stop veterans judged unable to handle their own finances from being barred from owning firearms. The bill, sponsored by Sen. Richard Burr (R-NC) and Sen. Jim Webb (D-VA) would require that veterans first are found to be a danger to themselves or others before losing their Second Amendment rights. Today, a veteran deemed by the Department of Veterans Affairs to be incapable of handling his own finances is included on the FBI's National Instant Criminal Background Check System, or NICS – which means he cannot own a firearm, nor can anyone else in the household, Burr said. "There are veterans, spouses, family members who are deprived of their Second Amendment rights ... based on an arbitrary decision by somebody at VA because they can't handle their own personal finances," Burr said 27 JUN at a committee hearing. "These people are labeled as dangerous when it may be a physical disability that may not allow them to handle their personal finances." VA estimates that about 127,000 veterans have been put on the list because the department determined they couldn't handle their personal finances. A similar bill has already passed the House of Representatives.

In the Senate, the "**Veterans Second Amendment Protection Act**" has been filed at least three times before, going as far back as 2007. The version filed in 2009 was opposed by the Brady Campaign to Prevent Gun Violence, which argued that it could cause guns to wind up in the hands of unsafe people. The Brady Campaign had criticized Burr's legislation "in light of the Fort Hood shootings." Attorneys for the accused attacker, Army Maj. Nidal Hasan, claim he is mentally ill. Burr's bill died in committee. Burr, Webb and others backing the bill say no veteran should lose his or her gun rights without an order by a judge, magistrate or other judicial authority competent to make the call on whether the person is dangerous. At the 27 JUN hearing, VA officials said that is not a determination made by department officials who assess a veteran's ability to look after his finances. Tom Murphy, director of the Veterans Benefits Administration's compensation service, said those who make the call on veterans are trained only to assess how well they're able to handle finances. Richard Hipolit, assistant general counsel for the VA, said, "Our determination is just whether [someone] can handle financial affairs, and that automatically triggers the requirement to refer their names" to the NICS list. [Source: Military.com| Bryant Jordan article 27 Jun 2012 ++]

Mt. Soledad Veterans Memorial Update 05: The U.S. Supreme Court rejected an Obama administration appeal aimed at preserving a 29-foot Christian cross at a veterans' memorial on federal land in San Diego, California. The justices, without comment, left intact a federal appeals court decision that the display of the cross is an unconstitutional government endorsement of religion. The federal government took over the site from the city in 2006 under a law Congress passed during a court fight over the cross that began in 1989. The appeals court ruling "called for the government to tear down a cross that has stood without incident for 58 years as a highly

venerated memorial to the nation's fallen service members," the Obama administration said in its appeal to the high court. Those challenging the display, a Vietnam veteran and the Jewish War Veterans of the United States of America, said the cross was "erected for an avowedly religious purpose and used for religious ceremonies for decades." Lower courts haven't completed consideration of the case. A San Francisco-based appeals court returned the case to a federal judge to consider a remedy. The appellate panel said it is leaving open the issue of whether the memorial could be modified to comply with the Constitution or whether any cross could be displayed there. [Source: Bloomberg News Laurie Asseo article 25 Jun 2012 ++]

South Dakota Drivers License: South Dakota's Departments of Public Safety and Veterans Affairs remind military veterans that a new law taking effect July 1 allows them to have a veteran designation on their state-issued driver license. The 2012 Legislature passed the law, which gives honorably discharged veterans the option of adding the word "Veteran" to the front of their South Dakota driver license. Including that designation on the driver license will make it easier for those who have served in the military to verify their veteran status. "South Dakota is home to over 74,000 veterans who have protected and served our great nation. The launch of this new 'veteran' identification will provide a convenient identification for veterans," said Steve Harding, Deputy Secretary for the South Dakota Department of Veterans Affairs. "This initiative is a perfect example of state agencies working together to assist those who have served and sacrificed for our nation."

Veterans who wish to add the designation to their driver license or non-driver ID card may visit any South Dakota driver license office. They will need to present their DD-214, which shows their honorable discharge status from active duty or present a certificate signed by a county or tribal veterans service officer verifying their status. Veterans should also remember that the fee for a duplicate license is \$10 and the fee for a license renewal is \$20. Cindy Gerber, Director of the South Dakota Driver Licensing Program, reminds veterans that they will need to provide the other documents required of any applicant for a South Dakota driver license. Those documents may be viewed at http://dps.sd.gov/licensing/driver_licensing/obtain_a_license.aspx. Veterans who have questions about the documents or the process may call her office at 1(800) 952-3696 or (605) 773-6883. Harding encourages veterans who need assistance with obtaining their DD214 or who have questions regarding their benefits to contact their respective county/tribal veterans service officer or call the South Dakota Department of Veterans Affairs (605) 773-3269. [Source: SD Dept of Public Safety news release 25 Jun 2012 ++]

Clark AFB Vet Cemetery Update 04: Senator Kelly Ayotte (R-NH) on 27 JUN urged members of the Senate Veterans' Affairs Committee (SVAC) to support legislation she introduced to restore the Clark Veterans Cemetery located at the former Clark Air Base in the Philippines. The "Remembering America's Forgotten Veterans Cemetery Act" (S.2320), cosponsored by Sen. Mark Begich (D-AK), would require the American Battle Monuments Commission (AMBC) to restore, operate and maintain Clark Veterans Cemetery to honor the courageous Americans buried there. "The American veterans buried in Clark Veterans Cemetery deserve a dignified and well-maintained final resting place," Ayotte said. "There is no reason the brave service members buried at Clark should be deprived of the honor they have earned and that veterans at other cemeteries are afforded. It's time for the US government to fulfill its responsibility to care for this sacred ground." SVAC member, Rep. John Boozman (R-AR) took the opportunity to follow-up on the Clark Cemetery issue with a couple questions of his own which were directed to a VA panel of experts who appeared later in the same hearing. Despite his prodding for their views, VA staff declined to answer the Senator's questions deferring any response to the ABMC where they felt responsibility for the Clark Cemetery rests. [Source: AFSA Leg Up 28 Jun 2012 ++]

Medicare Reimbursement Rates 2012 Update 12: Sen. Rand Paul (R-KY) on 25 JUN proposed legislation that would eliminate the sustainable growth rate (SGR) that governs the reimbursement rate for Medicare physicians, and replace it with a simple, annual cost-of-living adjustment for these doctors. The Access to Physicians in Medicare Act, S.3337, would end what has become a periodic process in Congress of avoiding scheduled cuts to reimbursements for Medicare physicians. This has required passage of so-called "doc fix" legislation to delay these cuts under the current SGR formula. Instead, it would set up a process under which reimbursement rates could increase slowly each year, capped at 3 percent, based on a cost-of-living increase similar to the one used to calculate increases in Social Security benefits. Paul said this change would remove much of the current uncertainty surrounding the reimbursement rate, which, if cut, could lead to a significant drop in access to medical care. "As an eye surgeon, many of my patients are seniors, and many of those seniors are Medicare recipients," Paul said. "Medicare, in its constant quest to save money, cuts physician reimbursement and in turn puts America's seniors at risk of losing their access to quality healthcare. I know the value of quality care, and I want to ensure our nation's seniors continue to get it." Paul said his bill would prevent a cut of about 30 percent to Medicare reimbursements next year, which represents cuts due under the current formula that have been avoided each year. He also said he would pay for this change by repealing expanded healthcare subsidies under the 2010 healthcare law. A related bill, the "Medicare Physician Payment Innovation Act (H.R.5707)" was introduced in the House 9 MAY by Representatives Allyson Schwartz (D-PA) and Joe Heck (R-NV). [Source: The Hill Pete Kasperowicz article 26 un 2012 ++]

Veterans' Student Loan Relief Fund: The Veterans' Student Loan Relief Fund, a program administered by Scholarship America, was established to provide assistance to veterans who have incurred educational debt and feel they are in financial difficulties as a result of being defrauded or misled by the proprietary (for-profit) school they attended. The program is open to veterans of all branches following service in Iraq or Afghanistan after September 11, 2001 and who have attended proprietary (for-profit) schools at the undergraduate level. If selected as a recipient the veteran will receive up to \$5,000 to repay educational loans. The application postmark deadline is August 11, 2012. To be eligible to apply, individuals must -

- Be veterans who served in Iraq or Afghanistan (or served in the surrounding area and have documented service in Operation Iraqi Freedom or Operation Enduring Freedom) for a total of at least 60 days after September 11, 2001. Eligible applicants include veterans who did not meet the 60-day active service period as a result of a service-related injury or condition;
- Have attended at the undergraduate level a proprietary (for-profit) two- or four-year college or university, vocational-technical school or training institute in the United States after military service;
- Have applied for and accepted all eligible federal, state and institutional need-based grants and used all available military educational benefits (grants from all sources must be disclosed on the application); and
- Have incurred educational loans that have not yet been fully repaid.

Applicants must indicate whether their contact information may be shared with the sponsor in order to participate in interviews and research studies. The applicant's decision to permit or not permit sharing of contact information will not be a factor in the selection process. The application form and all required documents must be mailed in one envelope by postmark deadline August 11, 2012 Applicants must submit -

- Completed and signed 3-page application form available for download at <http://sms.scholarshipamerica.org/veterans-student-loan-relief/application.html>.

- If total service days in Afghanistan and/or Iraq is less than 60, provide military medical documentation of service-related injury or condition incurred in Afghanistan or Iraq
- Personal statement regarding educational studies after military service and financial difficulties due to being defrauded or misled by the proprietary school attended.
- Current, complete transcript of grades from proprietary (for-profit) institution attended (may be in the form of an electronic printout provided the document includes school name and student name.)
- School's statement of financial aid for all years attended. (You should be able to get this online or at your school's financial aid office.)
- Statement of military education benefits for all years received (go to <http://www.gibill.va.gov>).
- All educational loan promissory notes.
- Current statements for all educational loans showing outstanding balance.
- 2011 IRS Form 1040 with all Schedules and Attachments.
- Current credit history report (Equifax, Experian or TransUnion).
- Bankruptcy filings, if any.
- Documentation of military service and deployment (one or both of the following):
 1. DD214
 2. United States Armed Forces: copy of official military orders and documentation of service dates in Operation Iraqi Freedom or Operation Enduring Freedom after September 11, 2001. (If DD214 does not clearly state dates of service in Iraq or Afghanistan or participation in Operation Iraqi Freedom or Operation Enduring Freedom, please supply other documentation such as a signed statement from your commanding officer or VA Administrator, the Basic Individual Report for Marines, or deployment roster.)

Applicants will be screened based on the following: applicant's financial assets, level of educational debt, credit difficulties, bankruptcy filings (if any), and the impact of indebtedness on the applicant and his or her family. Other factors, including length of military service, number of deployments, completion of education, and level of employment following degree completion, will also be considered in the screening process. From the pool of applicants who meet the screening criteria according to the process and factors listed above, recipients will be selected to represent broadly all areas of the United States and United States Territories and all branches of the United States Armed Forces. Selection of recipients is made by Scholarship Management Services. All applicants agree to accept their decision as final. In no instance does any member of any of the Armed Forces play a part in the selection. Not all applicants to the program will be selected as recipients. Applicants will be notified by the end of September 2012. Previous applicants may reapply if the program is offered again in the future. Go to <http://sms.scholarshipamerica.org/veterans-student-loan-relief/index.html> for additional information. [Source: SVA notice 27 Jun 2012 ++]

Craigslist.org Scam: An increasing amount of scammers are using the names of legitimate businesses and organizations to lure in job seekers. In one recent example, scammers posted a help wanted ad on Craigslist.org for an opportunity at the real, Virginia-based "Association of Corporate Travel Executives." When job hunters responded to the ad, imposters sent them checks to deposit. Consumers were told keep a portion of the check as their pay and to wire the rest to a third party via Western Union. Of course, the checks never cleared, and victims were out the money. In another variation, scammers stole the name of BBB Accredited, Ohio-based business FBN Construction LLC. Scammers sent emails to local consumers promoting a job opportunity there and encouraging applicants to fill out an online form on a fake website. The form asked for personal information, opening job seekers up to identity theft. [Source: BBB Scam alert 27 Jun 2012 ++]

TRICARE Scam: TRICARE Program Integrity has become aware of a Lottery Sweepstakes Scam in which fraudulent checks bearing the TRICARE name are being utilized. Individuals are contacted via mail with a letter informing them that they are “winners” of a USA Lottery Sweepstakes for \$250,000. Accompanying the letter is a fraudulent check bearing the TRICARE name. The instructions on the letter inform the “winner” that the attached check is a portion of the winnings provided to help pay taxes, insurance, handling, and shipping fees. The “winner” is also instructed to return a portion of the funds from the cashed check. Individuals receiving this letter and check should be aware that individuals may be trying to gain access to their bank accounts, or other personal information. Individuals who cash the check may be putting themselves at financial risk. Once the bank determines the check is fraudulent, the individual who cashed the check could be held responsible for returning funds back to the bank. TRICARE beneficiaries who receive this Lottery Sweepstakes Scam letter and check are encouraged to report it to their Managed Care Support Contractor Program Integrity Office (i.e. Health Net, Humana Military, TriWest, Express Scripts, or WPS). Reports can also be made to TRICARE Program Integrity by emailing the TRICARE FRAUDLINE at FRAUDLINE@tma.osd.mil or by fax (303) 676-3981. [Source: <http://www.tricare.mil/fraud/News/Document/Lottery%20Sweepstakes%20Scam.pdf> 11 Jun 2012 ++]

Law of the Sea Convention: The military's senior leaders are ramping up efforts to convince the senators to ratify the Law of the Sea Convention. With a defense strategy that emphasizes the Asia-Pacific region and the increasing importance of the Arctic, they argue the time is right to join the United Nations treaty that regulates the resources of the sea and uses of the ocean. The vice chairman of the Joint Chiefs of Staff and leaders of the Navy, Coast Guard and three military commands this month told the Senate Foreign Relations Committee that joining would strengthen America's position around the world. Adm. Robert J. Papp Jr., Coast Guard commandant, said in an interview that it's "well past" time to ratify the treaty and lock in the rights it sets forth. Of the eight Arctic nations, only the United States is not a party to the convention.

Other countries with Arctic coastlines are charting the continental shelves to make claims under the treaty to increase their rights to the oil and gas reserves that lie beneath the Arctic waters. In some places, the zone where the United States controls the undersea resources could be extended from 200 nautical miles off the coast to 600 miles, Papp said. "The only way to do that is to work through the convention," said Papp, who called the ability to make such a claim "a big deal for the U.S." Sen. John Kerry, D-Mass., chairman of the foreign relations committee, has called the case for ratification "clear and compelling," but has been reluctant to bring it to a vote until after the election. Some Republican senators oppose joining, saying the treaty would undermine U.S. sovereignty. Both of Connecticut's Democratic senators, Joe Lieberman and Richard Blumenthal, support it. Blumenthal called the treaty a powerful strategic win for the United States. "The Law of the Sea will be helpful all over the world but especially as we prioritize Pacific operations," he said. "And particularly for a state like Connecticut, which builds submarines and supports the Navy so effectively, the Law of the Sea will be advantageous."

Leon Panetta became the first secretary of defense to testify as to the military's support of the treaty before the Senate committee in May. By not being one of the 162 parties to the convention, the United States is at a "distinct disadvantage" in disputes over maritime rights and responsibilities, Panetta said in his statement. The treaty "provides the stable, recognized legal regime we need to conduct our global operations today." Under Secretary of the Navy Robert O. Work said in an interview the treaty now is "much more central to what our national security strategy is asking us to do." In talking with his colleagues, Blumenthal said, he's hearing more and more that the treaty will enhance the military's power. "I think we're on the cusp of a strong consensus because of the timing and the recognition that ratification is important to American interests in the Pacific," he said. Papp also seemed optimistic. "There may be some hope after the election, when people are not so focused on the politics of it," he said.

"Perhaps we'll get some reasonable people together and try to do what's right for the country." [Source: The Day Jennifer McDermott article 25 Jun 2012 ++]

VA HIV Care Update 04: The Department of Veterans Affairs is encouraging all Veterans to be tested for HIV at least once in their lives. VA offers HIV testing as part of its comprehensive, world-class care for the men and women who have served this Nation in uniform," said Secretary of Veterans Affairs Eric K. Shinseki. "Testing, regardless of age or risk factors, is an important step to healthier, longer lives." Some VA facilities offer HIV testing on a walk-in basis or through routine primary care appointments. Others offer testing as part of special health fairs. More information about the benefits of being tested is available at <http://www.hiv.va.gov>. The National HIV Testing Day 27 JUN was designed to raise awareness of the importance of early detection, which can help prevent the spread of the virus, extend life expectancy and reduce overall medical expenses. It is estimated that 1.2 million people in the United States are living with HIV, and one out of five are unaware they are infected. [Source: VA News Release 26 Jun 2012 ++]

Widow(er) Military Benefits: There are four different age and marital status scenarios affecting benefits for military widows/widowers. They are:

- TRICARE eligibility permanently stops if you remarry. Unlike other benefits that may restart if your new marriage ends, TRICARE eligibility is gone for good if you remarry. Of course, that wouldn't be the case if you married another servicemember in the future.
- General military benefits (exchange/commissary privileges, MWR, etc.) and eligibility for Survivor Benefit Plan payments are not affected as long as you remarry after age 55. Prior to age 55 if you remarry you must turn in your military ID card which will prevent you from using general military benefits. However, if you subsequently divorce you can reapply for a card which will reinstate your general benefits.
- Dependency and Indemnity Compensation from the VA is lost if you remarry before 57. If a spouse remarries before age 57, eligibility for benefits may be restored if the marriage is terminated later by death, annulment, or divorce.
- The widow or widower of a deceased veteran who remarried a non-veteran and whose death took place after Jan. 1, 2000, is entitled to burial in a national veterans cemetery.

[Source: Various 26 Jun 2012 ++]

Arkansas Veterans Homes: The state has decided to close Little Rock's Veterans Home which was founded in 1980. This move follows an investigation last month that revealed the home's administrator misappropriated funds. Now, The Arkansas Department of Veterans Affairs needs to find new homes for the facility's residents. The aging facility on Charles Bussey Avenue in Little Rock is home to 60 disabled veterans, for now. The state alerted residents 21 JUN that it will close the veterans home once all its residents can be placed in new homes. Just last month the administrator of the veterans home was terminated for the misappropriation of funds, but Gov. Beebe says the decision to shut down the facility came down to the its physical status. "Obviously, it's an old facility, in order to make it right it's going to require a lot more money than what alternatives would be good to place them in other facilities."



Little Rock



Fayetteville

This leaves only one Arkansas state home that is approved and recognized by the Federal Veterans Administration as a qualified state veterans home. It is located at 1125 North College Avenue, Fayetteville, Arkansas 72703 and can be reached at Tel: (479) 444-7001/695-0184F or email: nadine.huddleston@arkansas.gov. The Fayetteville Veterans Home is a licensed Medicaid/Medicare 108 bed skilled care nursing facility which provides a comfortable and supportive atmosphere for veterans. Criteria for admission is no criminal record, honorable discharge, and a medical need for nursing home placement. Arkansas residents have first priority. Veteran's spouses and Gold Star parents can apply for admission. A tour of the facility can be arranged upon request prior to submitting an application. The application process:

- Submission of an Application for Admission which includes basic medical and financial information along with a Medical Release of Information form. Call or write for an application packet which will include:
 1. Admission letter <http://www.veterans.arkansas.gov/admit%20letter%202009.pdf>
 2. Application for Admission
<http://www.veterans.arkansas.gov/Application%20to%20Veterans%20Home%20Updated%2004022008.pdf?ID=150>
 3. Request for and Authorization to Release Medical Records or Health Information Form
<http://www.va.gov/vaforms/medical/pdf/vha-10-5345-fill.pdf>
- Submit DD-214 or Separation Papers, copies of Social Security, Medicare, Medicaid and/or other insurance cards, and written verification of a service-connected disability rating showing the percentage of the disability rating (if applicable).
- A one-on-one interview with the applicant may be conducted by a registered nurse.
- Reviewed by the Admissions Committee of the application, medical history and nurse interview.

The facility provides the following services:

- Hospice and respite care
- Medical Director available and RN, LPN, CNA on-site care around the clock.
- Physical, occupational and speech therapy
- Daily activities coordinated by a Certified Activities Director.
- A Licensed Social Worker
- An Arkansas Department of Veterans Affairs Benefits Officer who assists all veterans with VA Benefits.
- Transportation available, personal laundry done at no additional charge, and security provided 24 hours a day.

The cost per day is \$130.00 for a semi-private room and \$145.00 for a private room. Medications will be billed to the veteran or a responsible party separately from a pharmacy with whom the nursing home is contracted.

If the veteran is currently receiving VA Aid and Attendance compensation, his/her medications can be obtained from the local VA. If the veteran is not receiving Aid and Attendance, the medications are obtained from a local pharmacy as mentioned earlier Veterans service groups may request the use of the meeting room or outdoor patio for special events. Use of these areas is at the discretion of the home's administrator. [Source: THV 11 Meredith Mitchell article and
www.veterans.arkansas.gov 24 Jun 2012 ++]

VA In Vitro Fertilization: A bill introduced last week into Congress by Sen. Patty Murray would give veterans and their spouses access to in vitro fertilization (IVF) services through the Department of Veterans Affairs for the first time. IVF is a process by which an egg is fertilized by sperm outside the body. It is currently excluded from fertility services offered through the VA, but with a number of veterans facing injuries that can affect their ability to conceive, Sen. Murray (D-WA) said in a statement for the Congressional Record that this service is part and parcel of caring for veterans when they come home. "The nature of the current conflict and increasing use of improvised explosive devices leaves service members, both male and female, at increased risk for blast injuries including spinal cord injury and trauma to the reproductive and urinary tracts," Murray said. "Army data shows that between 2003 and 2011, more than 600 women and men experienced these life-changing battle injuries while serving in Iraq or Afghanistan. As they return from the battlefield ... the VA system must be equipped to help injured veterans step back into their lives as parents, spouses and citizens."

The bill, known as the "Women Veterans and Other Health Care Improvement Act of 2012," (S.3313) proposes to expand reproductive treatment and care options for veterans and extends fertility treatments to spouses. The bill also tackles other issues affecting women veterans by creating a pilot program providing child care to veterans seeking readjustment counseling and requires the VA to improve outreach to women veterans so women can better access VA health care and benefits. And the bill requires the VA to facilitate more research on the long-term health care needs of veterans, including issues such as gender-specific infections and severe reproductive and urinary tract trauma in the battlefield.

Joan Leid, women veterans program manager for the Jonathan M. Wainwright Memorial VA Medical Center in Walla Walla, said the medical center does see some women experiencing fertility issues, especially as a growing number of younger women are serving. But the child care issue is one of the biggest barriers for the more than 900 female veterans seeking counseling or medical care at the Walla Walla medical center and its regional clinics, Leid told the Herald. "It seems to be a women's issue getting child care to come to an appointment," she said. Outreach also is important, as many women don't access VA benefits and services because they don't perceive themselves as veterans. "Some women think they have to have served in combat or served overseas, or have a service-related disability," Leid said. But any woman who has served in the military may be eligible for benefits, she said. "We encourage all veterans to apply to see if they are eligible," Leid said. The bill has been referred to the Senate Committee on Veterans Affairs, of which Murray is the chairwoman. [Source: Tri-City Herald Michelle Dupler article 24 Jun 2012 ++]

Religious Freedom: A group of 66 Republican lawmakers has blasted the Air Force for taking what it termed "a series of steps signaling hostility toward religious freedom." Since an order last September by Air Force Chief of Staff Gen. Norton Schwartz mandating that chaplains themselves – and not commanders – publicize religious programs, the Air Force has gone beyond what the Constitution requires in an attempt to set up "complete separation" between religion and military service, the legislators allege. The group, led by Republican U.S.

Representatives Diane Black of Tennessee, Randy Forbes of Virginia and Todd Akin of Missouri, voiced its complaints in a letter to Defense Secretary Leon Panetta. It cited several recent instances in which references to religion, God or the Bible have been removed from Air Force mottoes, briefings and courses, and argued “The First Amendment prohibits the establishment of religion; however, the mere discussion of religion or reference to God certainly does not rise to that level.” The letter represented a reversal of sorts, as the Air Force in recent years had come under fire for what critics said was aggressive religious proselytizing at the Air Force Academy and tolerance of commanders imposing religion on subordinates. An Air Force spokeswoman denied that the service is hostile to religion, and said it was dedicated to creating an environment where people of any belief system could prosper. “Airmen are free to exercise their Constitutional right to practice their religion—in a manner that is respectful of other individuals' rights to follow their own belief systems; and in ways that are conducive to good order and discipline; and that do not detract from accomplishing the military mission,” Maj. Jennifer Spires said in an email. [Source: Stars & Stripes Chris Carroll article 22 Jun 2012 ++]

Military Compensation Review Update 08: The Department of Defense released on 21 JUN the report of the 11th Quadrennial Review of Military Compensation (QRMC), which assesses the effectiveness of military pay and benefits. Every four years, the DoD is directed by the President to complete a review of compensation principles and concepts for members of the uniformed services. The 11th QRMC began in 2010, and focused on the following four areas established by the President: special and incentive pays for critical career fields; combat compensation; wounded warriors, caregivers, and survivor compensation; and Reserve and National Guard compensation and benefits. DoD will study the recommendations for potential implementation and, if needed, send selected proposals to Congress as proposed legislation. The 11th QRMC began its study by analyzing the relative standing of military compensation with civilian wages as context for decisions about elements of the military compensation system. The QRMC found that regular military compensation (RMC) for enlisted personnel and officers compares favorably with civilian wages for those with comparable education and experience. Highlights of the QRMC recommendations for each of the study areas follow.

- **Special and incentive pays.** Special and incentive pays are a cost-effective means of achieving manpower objectives. In conducting its assessment of several high-demand career fields, the QRMC found that a versatile career incentive pay authority could have great utility and recommends establishing such an authority.
- **Combat compensation.** The QRMC concluded that the relationship between combat compensation and the degree of danger to which a member is exposed has eroded, with members most likely to be exposed to the hazards of combat receiving the smallest benefit. Thus, the QRMC recommends that combat compensation be restructured so that those who are exposed to the greatest danger receive higher compensation, regardless of grade by: establishing differentials in hazardous duty pay, and replacing the Combat Zone Tax Exclusion with a refundable Combat Tax Credit and a refundable Direct Support Tax Credit.
- **Wounded warriors, caregivers, and survivors.** The QRMC researched the financial well-being of service members wounded in combat and survivors of fallen warriors. The QRMC also examined the financial implications for family members who take on the role of caregiver for a wounded service member.
 - **Wounded warriors.** The QRMC’s research showed that income loss increases with severity of injury, but disability payments more than offset the loss, on average. However, the QRMC

recommended that the department continue to examine wounded warriors' earnings and disability payments to fully understand the long-term financial impact of being injured.

- **Caregivers.** The new DoD and VA benefits provide a source of compensation and help offset earnings losses some caregivers experience. However, the QRMC recommends that the two programs be more closely aligned.
 - **Surviving spouses.** Similar research of surviving spouses found that recurring survivor benefits replace a significant portion of income loss. However, the QRMC recommends partially eliminating the reduction in Survivor Benefit Plan (SBP) payments when a spouse is also entitled to Dependency and Indemnity Compensation (DIC), and equalize SBP payments when a guard or reserve member dies while performing inactive duty training. Specifically, they recommend a modification of the DIC and the SBP offset to allow the surviving spouse to receive that portion of the Survivor Benefit Plan annuity funded by retiree premiums (approximately 50 percent)
- **Reserve Compensation, Benefits and Duty Structure.** Today, the reserve components serve two purposes -- to support operational missions on a regular basis and to provide strategic depth. Yet the QRMC found the reserve compensation system was designed to support a strategic reserve by optimizing compensation for training, and therefore, the system is misaligned with current utilization of the guard and reserve in an integrated total force. The QRMC recommended modernizing the reserve compensation system by transitioning the reserve components to a total force pay structure under which a member receives full pay and allowances for each day of duty regardless of the type or purpose of duty. Further, the QRMC recommended transitioning the reserve components to a retirement system that is more closely aligned with the active duty system with guard and reserve members receiving retired pay upon reaching their 30th anniversary of military service, having completed 20 qualifying years.

The QRMC also examined the breadth of benefits available to guard and reserve members and their families, and made recommendations involving health care, educational assistance, and disability. The QRMC found that the reserve duty structure is complicated, confusing and cumbersome. Thus the QRMC recommends reducing the number of authorities under which a reserve component member can be called or ordered to duty from 30 to 6. Full recommendations, in greater detail, can be viewed on the Web at <http://militarypay.defense.gov/REPORTS/QRMC/> [Source: <http://www.defense.gov/releases/release.aspx?releaseid=15392> 22 Jun 2012 ++]

Military Compensation Review Update 09: National Guardsmen and Reservists would receive less drill pay but be able to draw retirement earlier under a plan recommended by a Pentagon review of the combat pay system. The Quadrennial Review of Military Compensation (QRMC) says the reserve compensation system "was designed to support a strategic reserve by optimizing compensation for training." The report recommends "transitioning" the Guard and Reserve to a "Total Force pay structure under which a member receives full pay and allowances for each day of duty regardless of the type or purpose of duty." Reserve-component personnel currently receive two days of pay for every one full official day of inactive duty training and four days of pay for a full weekend drill; however, they receive one day of pay for other duty days, including periods of annual training. Guard and Reserve officers and noncommissioned officers have long maintained that the extra IDT pay helps cover personal time spent preparing for training and other military requirements.

The QRMC also suggests transitioning the reserve components to a retirement system more closely aligned with the active-component system. The report calls for Guardsmen and Reservists to receive retirement pay upon reaching their 30th anniversary of military service after having completed 20 qualifying years of service. Also, the QRMC recommends changes to the way combat pay is determined. The report notes that officers serving far from

danger are better compensated in some ways than young enlisted troops facing possible combat on an hourly basis. The report suggests setting hostile fire pay higher than imminent danger pay. Both are at \$225 per month now, so an officer working in Greece, for example, gets the same amount as an infantryman in Kandahar, Afghanistan. Also, the report suggests creating several categories of imminent danger that would provide more money for those facing the most danger. The report, which would require approval from Congress to be implemented, also would replace the combat-zone tax exclusion with another type of tax credit. The current plan benefits most those with highest salaries. Full recommendations can be viewed at <http://militarypay.defense.gov/REPORTS/QRMC>. [Source: NGAUS Washington Report 26 Jun 2012 ++]

SBP DIC Offset Update 34: The recently released 11th Quadrennial Review of Military Compensation (QRMC) found survivor benefits comprehensive, particularly given changes enacted in the past decade. Yet the study offers a new approach for addressing a chronic complaint — the SBP-DIC offset. Survivors of retirees who die of service-related ailments or on active duty or die with 100-percent disability ratings are eligible to draw tax-free Dependency and Indemnity Compensation (DIC) from VA. But their military survivor benefits plan (SBP), must be reduced dollar-for-dollar by monthly DIC. Premiums paid on lost SBP benefits are returned to survivors. Affected widows have pressed Congress for years to end the SBP-DIC offset. The QRMC proposes a compromise. It notes that SBP premiums, on average, cover just over half of program costs and taxpayers subsidize the other half. So the study proposes that eligible survivors be allowed to keep half of their SBP, or roughly that portion of SBP bought with premiums. Thomas L. Bush, director of the 11th QRMC acknowledged this approach might be perceived as inequitable by some because a surviving spouse whose member never paid premiums would get to keep half of their SBP, the same as the survivor of a retiree who paid premiums for 30 years. However, this would keep the offset simple versus having to calculate what every retiree paid in actual premiums. “In our view, on average, it’s not an inequitable way to approach the issue,” Bush said. The compromise is controversial for another reason. It’s the most costly proposal offered in the study with a projected cost over 10 years of almost \$1 billion for the Defense Department and \$3.4 billion for Treasury. [Source: Stars & Stripes tom Philpott article 21 Jun 2012 ++]

DoD Fraud, Waste, & Abuse: Even though Congress has refused, so far, to go along with the Pentagon’s request to raise TRICARE fees and co-pays (except for pharmacy co-pays), there continues to be a drumbeat in Washington to raise TRICARE fees and cut back on retiree benefits. According to DoD officials, unless they can cut over \$12 billion over five years from the cost of TRICARE, DoD will have to cut active duty personnel even more from what is currently planned. So it’s interesting that Washington Post columnist Walter Pincus has recently written a number of columns of how the Pentagon wastes money. Pincus points out that the Senate Armed Services Committee was able to find hundreds of millions of dollars to move around from one program to another in order to get the kind of Pentagon budget they wanted.

One of the specific examples he used is the cost overruns for the F-35 Lightning II Joint Strike Fighter that is supposed to be the backbone of our air combat arms force for the next 20 years. According to Pincus, because of the way the Pentagon decided to buy the F-35 it has ended up costing an additional \$7.9 billion and is almost three years behind schedule. And the additional costs are not over yet. If the writer’s math is correct, that “mistake” by the Pentagon, which so far has cost \$7.9 billion, amounts to two-thirds of the amount that DoD says it must cut from its health care budget for retirees. And remember, that \$7.9 is only for the cost overrun caused by mistakes the Pentagon made in the way they decided to do business. Pincus goes on to point out that one of the Army’s budgets for ammunition in 2011 didn’t need \$75 million it had been given, so it gave it back. Another budget for

ammunition had \$37 million more than it needed because of a pricing change. Then there are the expenditures for projects the Pentagon no longer wants such as the added \$91 million to keep open plants working on the M1A2 Abrams tank program, a production line that the Pentagon wanted to close. Congress won't let them because of the jobs in various states that the programs provide. Add these on to the \$7.9 billion and suddenly we're up to almost \$8.1 billion. And on and on it goes.

The point, which The Retired Enlisted Association (TREA) has been making for years, is the Pentagon does not know where it spends all of its money because it is impossible, under their current business practices, to audit their books. Now, on top of that, mistakes made in budgeting cost extra billions of dollars each year. And yet they say that unless they can make cuts in retiree health care they'll have to cut the active duty force even more than they already plan to do. Nonsense. Before Congress ever considers allowing DoD to cut retiree health care, it should first require the Pentagon to more accurately audit its books to establish actual funds available to meet their mission. [Source: TREA News for the Enlisted 22 Jun 2012 ++]

Legislation of Interest Update 18: In a press release Rep. Jeff Miller, Chairman of the House Committee on Veterans' Affairs, issued a statement regarding an amendment to H.R.1627, which reflects an agreement reached in conference by the Republican and Democratic leadership of the Veterans' Affairs Committees in the House and Senate. He said, "This comprehensive legislation represents more than a year's worth of work by the House and Senate Veterans' Affairs Committees on behalf of America's veterans. The Committees have worked in unison for months to come to agreement on a package that will improve benefits and services to veterans and their families. This bill includes nearly 50 provisions, which combines House-passed legislation and Senate Committee-reported bills. Today, we move forward to improve healthcare, housing, education, homelessness, memorial affairs, and compensation for veterans and certain dependents. This legislation also protects veterans from predatory behaviors and requires increased accountability and transparency within VA. We have achieved this legislative accomplishment in a fiscally responsible manner and the bill will not cost the taxpayer an extra dime. We have received a great deal of input from Veterans Service Organizations and advocates from across the country to address the most pressing concerns our veterans face today. Their participation has been key to moving this legislation forward." For more news from the House Committee on Veterans' Affairs, visit or to sign up for newsletters issued by the House Committee on Veteran Affairs go to <http://veterans.house.gov>. [Source: TREA News for the Enlisted 22 Jun 2012 ++]

Military Pension Loans Update 01: Private companies are offering "lump sum pension payments" for veterans, either those with monthly disability payments or retirees. There are roughly 1.5 million former servicemembers collecting about \$40 billion annually from the federal government, and they are being targeted as easy ways to make money. According to MSNBC, in 2004 Congress threatened legislation designed to outlaw the industry. Additionally, several courts have ruled that these lump sum pension payments violate existing federal laws. While the up-front, lump sum payouts may be effective as a way to get a large sum of money quickly to settle financial debts, the terms of these loans are actually terrible - often they add up to 30-40 percent interest. And these companies do not disclose the actual terms of the agreement in a clear manner.

In response to these scams, on 18 JUN Consumer Financial Protection Bureau Director Richard Cordray announced that his agency will begin focusing on pension lump sum payments. "We are ... concerned about military pension buyout schemes," Cordray said in a speech on Elder Abuse Awareness Day. "Military retirees are offered lump-sum cash payments in return for surrendering their rights to their pension payouts. These schemes are usually

very bad deals for the retirees. We want to collect information on all of these kinds of financial practices." The federal government has been collecting information on this industry for years, and now it has the ability to protect consumers from these types of predatory lenders. These companies are funded by investors who are looking for steady returns afforded by monthly government pension checks. According to MSNBC, one pension buyout company was ordered by an arbitrator in November to repay \$5 million to investors who alleged they were defrauded. In December, the firm agreed to stop selling the investments in California.

Last August, a California court ruled in favor of a class action suit brought by veterans, ordering Retired Military Financial Service, Inc. to return \$2.9 million. The founder of Retired Military Financial Services, Inc., Steven P. Covey defended his company last year in a story published by the Center for Public Integrity's iWatchNews.org. There, he said, "The position is: We're purchasing at a discounted lump-sum, future cash flow. We're not lenders. When you're not lenders, you're not dealing in potential usury areas." He essentially is saying that since his company technically isn't lending, they should not be subject to laws that govern financial transactions. The Enlisted Association disagrees. According to Stuart Rossman of the National Consumer Law Center, "If these sites are dealing with the issue of military pensions, it's likely every single one is violating a law." All firms that offer such lump payments are either assigning military pensions to a third party, which isn't legal, or they are offering loans without abiding by Truth and Lending Requirements; this is also illegal.

Editors Note: A phone call to Buysell annuity's contact number 1(800) 240-8601 provided on their website <http://buysellannuity.com/?gclid=C12yyq2f7bACFQhahwodRyXAxQ> revealed they would loan \$8000 or more against my military pension, VA disability compensation, and Social Security incomes for 3,5, or 10 years. At my expense would be required to purchase a life insurance policy for double the amount of the loan as collateral on the loan in the event of my death. In the event of my death they would collect from the insurance policy the full amount vice any payoff balance at the time of my death. Thus for me the cost of a \$8,000 loan for a period of 10 years would be \$38,400 or almost five times the amount of the loan. When I questioned the high amount of interest I was told that it was competitive with other companies making pension loans who in most cases charged more. The \$38,400 is the result of:

- \$200 per month for 120 months or \$24,000; plus
- \$128 per month (current age 72 with a heart condition) for a 10 year term policy with \$16,000 coverage or a total of \$14,400 in premiums.

[Source: TREA News for the Enlisted & RAO Bulletin Editor 22 & 26 Jun 2012 ++]

VA Mental Health Care Update 15: The Department of Veterans Affairs recently completed a media campaign for its call center "Coaching Into Care," a telephone service which provides assistance to family members and friends trying to encourage their Veteran to seek health care for possible readjustment and mental health issues. "Coaching Into Care is a valuable service for family members and friends of Veterans who might be reluctant to seek mental health care," said VA Secretary Eric K. Shinseki. "In the last three years, VA has devoted more people, programs, and resources toward mental health services to serve the growing number of Veterans seeking mental health care and this marketing effort is designed to expand our reach to those who need our services the most." The "Coaching Into Care" service offers free coaching to callers, with no limit to the number of calls they can make. The goal of these sessions is to connect a Veteran with VA care in his or her community with the help and encouragement of family members or friends. Callers will be coached on solving specific logistical problems and ways to encourage the Veteran to seek care while respecting his or her right to make personal decisions.

The service is available on <http://www.mirecc.va.gov/coaching> or toll-free at 1-888-823-7458, 08-2000 EST -F, and online at. If a Veteran is experiencing an acute crisis, callers should contact the Veterans Crisis Line at 1-800-273-8255 for immediate help. “Coaching Into Care” works directly with the Veterans Crisis Line and the Caregiver Support Line to provide guidance and referrals. The department is a pioneer in mental health research, high-quality, evidence-based treatment and access to high-quality care. VA has many entry points to care through the use of 300 Vet Centers, the Veterans Crisis Line, and integration of mental health services in the primary care setting. This campaign is part of VA’s overall mental health program. Last year, VA provided quality, specialty mental health services to 1.3 million Veterans. Since 2009, VA has increased the mental health care budget by 39 percent. Since 2007, VA has seen a 35 percent increase in the number of Veterans receiving mental health services, and a 41 percent increase in mental health staff.

In April, as part of an ongoing review of mental health operations, Secretary Shinseki announced VA would add approximately 1,600 mental health clinicians as well as nearly 300 support staff to its existing workforce of 20,590 mental health staff to help meet the increased demand for mental health services. The “Coaching Into Care” advertisements ran on cable TV and radio stations in media markets throughout the U.S. The ads featured three scenarios that many Veterans and their family members commonly experience following the Veteran’s return from combat experiences. Veterans were directly involved in the media campaign. VA launched the media campaign as part of its observation of June as “PTSD Awareness Month.” [Source: VA News Release 22 Jun 2012 ++]

VA Appeals Management Center: Richard Dumancas, deputy director of the American Legion’s Veterans Affairs & Rehabilitation Division, testified at the 19 JUN House Committee on Veterans’ Affairs hearing and covered several VA initiatives. The effectiveness of a new technology for handling veterans’ disability claims was challenged by the Legion regarding the Veterans Affairs efforts to improve its claims process. The Veterans Benefits Management System (VBMS) is a pilot program that shows much promise, yet the Legion sees potential problems with it already along with the VA’s Disability Benefits Questionnaires, I-Lab (an experimental work-flow process), and the Fully Developed Claims program. One VA success story was also highlighted in the Legion’s testimony: the impressive progress made by the Appeals Management Center (AMC), which, in 2008, took nearly 400 days on average to complete a disability claim. Those claims were remanded at the rate of about 30 percent, “meaning the accuracy was so poor, nearly a third of the claims were continually sent back to be redone properly.” Today, the AMC has cut its average claim-processing time in half and the remand rate has dropped to 7 percent. “This is what happens with a mind set and dedication to turning a badly performing process around,” Dumancas testified. “The American Legion strongly encourages allowing that mind set to spread.... Ultimately, these problems may require culture shift within VA to fix. Technological fixes may not be as helpful as changing the VA mind set.” [Source: The AL Online Update 21 Jun 2012 ++]

VA Parkinson's Disease Program Update 03: Patients with Parkinson’s disease who undergo deep brain stimulation (DBS)—a treatment in which a pacemaker-like device sends pulses to electrodes implanted in the brain—can expect stable improvement in muscle symptoms for at least three years, according to a Department of Veterans Affairs study appearing in the most recent issue of the journal *Neurology*. “VA was proud to partner with the National Institutes of Health in this research,” said Secretary of Veterans Affairs Eric K. Shinseki. “Our research on Parkinson’s helps ensure we continue to provide the best care possible for Veterans with this debilitating disease.” VA cares for some 40,000 Veterans with the condition. In DBS, surgeons implant electrodes in the brain and run thin wires under the skin to a pacemaker-like device placed at one of two locations in the brain. Electrical pulses from the battery-operated device jam the brain signals that cause muscle-related symptoms. Thousands of

Americans have seen successful results from the procedure since it was first introduced in the late 1990s. But questions have remained about which stimulation site in the brain yields better outcomes, and over how many years the gains persist.

Initial results from the study appeared in 2009 in the Journal of the American Medical Association. Based on the six-month outcomes of 255 patients, the researchers concluded that DBS is riskier than carefully managed drug therapy—because of the possibility of surgery complications—but may hold significant benefits for those with Parkinson’s who no longer respond well to medication alone. A follow-up report in the New England Journal of Medicine in 2010, using data from 24 months of follow-up, showed that similar results could be obtained from either of the two brain sites targeted in DBS. The new report is based on 36 months of follow-up on 159 patients from the original group. It extends the previous findings: DBS produced marked improvements in motor (movement-related) function. The gains lasted over three years and did not differ by brain site. Patients, on average, gained four to five hours a day free of troubling motor symptoms such as shaking, slowed movement, or stiffness. The effects were greatest at six months and leveled off slightly by three years.

According to VA Chief Research and Development Officer Joel Kupersmith, MD, “This rigorously conducted clinical trial offers valuable guidance for doctors and patients in VA and throughout the world. As our Veteran population and the general U.S. population grow older, this research and future studies on Parkinson’s will play an important role in helping us optimize care.” The research took place at several VA and university medical centers and was supported by VA’s Cooperative Studies Program and the National Institute of Neurological Disorders and Stroke, part of the National Institutes of Health. The maker of the devices used in DBS, Medtronic Neurological, helped fund the research but did not play a role in designing the study or analyzing the results. VA, which has the largest integrated health care system in the country, also has one of the largest medical research programs. This year, approximately 3,400 researchers will work on more than 2,300 projects with nearly \$1.9 billion in funding. For more information on VA research, refer to <http://www.research.va.gov>. [Source: VA Press Release 21 Jun 2012 ++]

North Carolina Vet Homes Update 01: The North Carolina Division of Veterans Affairs will open two skilled nursing facilities for veterans in the next several months, expanding the state’s capacity to care for its elderly soldiers. The new homes, each with 100 beds, are in Kinston and Black Mountain. “It’s going to be great to have this space available,” said Greg Hughes, chief of social work for the Durham VA Medical Center, which will oversee the medical care provided at the home in Kinston. The one in Black Mountain will be administered by the Asheville VA Medical Center. Other skilled nursing facilities for veterans are located in Salisbury, Fayetteville and within the Durham VA. Each of the those has from 100 to 120 beds. The new homes were built with a combination of money from the state and the U.S. Department of Veterans Affairs. The VA set aside \$14.6 million for the home in Black Mountain, near Asheville, and \$12 million for the one in Kinston. The federal money was from the 2009 American Recovery and Reinvestment Act. The properties belong to and are administered by the state, with each resident receiving a per diem from the VA. Depending on their financial need, some veterans’ stays are paid entirely by the VA. Others make a partial payment using personal funds, Medicaid, Medicare or private insurance.

Each of the new homes is expected to employ 150 to 170 people. Tim Wipperman, assistant secretary for the state Division of Veterans Affairs, said the new homes will have all private rooms, arranged in “neighborhoods” of 12 to 14 residents, each with its own dining room, day room, living room and outdoor area. Larger groups of residents will be able to gather in bigger common areas when needed. “We’re trying to make them as home-like as possible,” Wipperman said. The homes include such amenities as a therapy pool with a treadmill built into the bottom. The homes are designed to accommodate both long-term residents and patients who need therapy to be able

to return to other living arrangements. North Carolina has about 766,000 veterans. "The need is pretty significant," Hughes said. "I think there probably will be a waiting list." To be eligible for admission to a North Carolina Veterans skilled nursing facility a veteran must:

- Have served in the Armed Forces for other than training purposes.
- Have been discharged under honorable conditions from the United States Armed Forces.
- Have resided in the State of North Carolina 24 months prior to be date of application.
- Be referred by a licensed physician and be in need of skilled nursing care.

To find information on admission to North Carolina's new skilled nursing facilities call (919) 807-4250, Fax: (919) 807-4260, mail North Carolina Division of Veterans Affairs, 1315 Mail Service Center, Raleigh, NC 27699-1315

or complete the General Inquiry form online at <http://www.doa.nc.gov/vets/contactus.aspx>. For information on the existing State Veterans Nursing Homes or assistance with the admission process, refer to the following:

- Fayetteville Facility: NC State Veterans Home, 214 Cochran Avenue, Fayetteville, NC 28301 Tel: 910-482-4131
- Salisbury Facility: NC State Veterans Home, W.G. Hefner Medical Center, 1601 Brenner Avenue, Building #10, Salisbury, NC 28145 Tel: 704-638-4200 ext. 204, Mailing Address: P.O. Box 599, Salisbury, NC 28145.

[Source: The News & Observer Martha Quillin article 19 Jun 2012 ++]

VAMC Orlando Update 01: Long-simmering tensions between the U.S. Department of Veterans Affairs and one of its largest contractors boiled over Friday when the agency warned Brasfield & Gorrie that it must speed up construction of Orlando's new VA Hospital or risk of losing its contract. The notice issued by the VA gives Brasfield & Gorrie no more than 10 days to develop a plan to increase the number of construction workers on the project, now estimated at 500 or fewer. The agency also wants Brasfield & Gorrie to get going on sections of the 1.2 million-square-foot facility not embroiled in disputes that already have delayed its completion date by several months to the summer of 2013, if not later. "We hope Brasfield & Gorrie acknowledges they have everything they need to complete the job ... and diligently pursue the work," said Bart Bruchok, senior resident engineer for the project. If not, he said, the VA ultimately could terminate the contract and seek another firm. The threat by VA officials, however, is only the latest volley in an ongoing dispute between the agency and Brasfield & Gorrie over the roughly \$650 million project. VA officials at a congressional hearing this spring accepted much of the blame for delays, including hold-ups in delivering blueprints and ever-shifting plans. On 15 JUN, Brasfield & Gorrie officials reiterated that complaint and said the VA is still changing its mind. "We continue to receive waves of design changes and we were advised this week that more design changes are coming," noted Tracey Sibley, a company spokeswoman. "Regardless of the VA's continued efforts to deflect its responsibility, Brasfield & Gorrie never stopped working diligently." [Source: Orlando Sentinel Mark K. Matthews article 15 Jun 2012 ++]

VA Telehealth Update 05: In a continuing effort to increase Veterans' access to mental health care, the Department of Veterans Affairs has set a goal to conduct more than 200,000 clinic-based, telemental health consultations for all mental health specialties in fiscal year 2012. This follows VA's announcement last month that it would no longer charge Veterans a copayment when they receive care in their homes from VA health professionals using video conferencing. "Telemental health provides Veterans quicker and more efficient access to the types of care they seek," said Secretary of Veterans Affairs Eric K. Shinseki. "We are leveraging technology to reduce the distance they have to travel, increase the flexibility of the system they use, and improve their overall

quality of life. We are expanding the reach of our mental health services beyond our major medical centers and treating Veterans closer to their homes.”

The clinic-based telehealth program involves the more than 800 VA community-based outpatient clinics (CBOCs) where many Veterans receive primary care. If the CBOCs do not have a mental health care provider available, secure video teleconferencing technology is used to connect the Veteran to a provider within VA’s nationwide system of care. As a result, Veterans can arrange appointments at times more in synch with their schedules. The program improves access to general and specialty services in geographically remote areas where it can be difficult to recruit mental health professionals. “As technology is improving people’s lives in many areas, telemental health is making access to health care and support easier for Veterans with mental health conditions,” said Dr. Robert A. Petzel, Under Secretary for Health. “For example, one combat Veteran from Iraq cites telemental health as a critical factor in rebuilding her life and coping with the aftermath of Post-Traumatic Stress Disorder and military sexual trauma. Telemental health offered her a safe and convenient setting to receive gender sensitive services that helped her fit back into civilian life after three months of therapy.”

Since the start of the Telemental Health Program, VA has completed over 550,000 patient encounters. In Fiscal Year 2011 alone, more than 140,000 encounters were conducted with 55,000 Veterans via CBOCs, where providers at 150 hospitals delivered care to veterans at more than 500 clinics. The Telehealth Expansion Initiative launched in May 2011 called for an additional 21 regional leads, 144 facility coordinators and 1,150 clinical technicians to VA’s workforce. When fully implemented, the expansion will provide a potential capacity of 1.2 million consultations annually. Video to the home is currently projected to grow to 2,000 patients by the end of fiscal year 2012, with 1,500 using innovative new Internet Protocol (IP) video connected to Veterans’ personal computers. In addition to supporting these current programs, the VHA National Telemental Health Center in West Haven, Conn., has pioneered additional new programs that delivered 1,000 specialized patient encounters from mental health experts at multiple VA sites to Veterans throughout the nation. These include over 100 compensation and pension exams, 700 clinical encounters to over 165 Veterans enrolled in behavioral pain treatment programs, and 200 clinical-video and telephone encounters to over 70 Veterans enrolled in a bipolar disorder treatment program.

This campaign is part of VA’s overall mental health program. Last year, VA provided quality, specialty mental health services to 1.3 million Veterans. Since 2009, VA has increased the mental health care budget by 39 percent. Since 2007, VA has seen a 35 percent increase in the number of Veterans receiving mental health services, and a 41 percent increase in mental health staff. In April, as part of an ongoing review of mental health operations, Secretary Shinseki announced VA would add approximately 1,600 mental health clinicians as well as nearly 300 support staff to its existing workforce of 20,590 to help meet the increased demand for mental health services. The additional staff would include nurses, psychiatrists, psychologists, and social workers. For more information, on VA’s telemental health, visit the Office of Telehealth Services at <http://www.telehealth.va.gov>. [Source: VA Press Release 20 Jun 2012 ++]

VA Agent Orange Claims Update 04: The Department of Veterans Affairs announced that nearly 230,000 claims have already been processed for the three newest Agent-Orange related conditions through June 2012, including over 150,000 claims required to be adjudicated under the order of the U.S. District Court for the Northern District of California in *Nehmer v. U.S. Department of Veterans Affairs*. The near completion of these complex *Nehmer* claims enables VA to redirect 1,200 employees who were dedicated to reviewing the Agent Orange cases toward addressing the current backlog of disability claims. “I am proud of our VA employees who worked hard to complete these Agent Orange claims, putting over \$3.6 billion into the hands of our Vietnam Veterans and their survivors,” said Secretary of Veterans Affairs Eric K. Shinseki. “We completed all of the Agent

Orange Nehmer claims for living Veterans, and are now focusing on the fewer than 500 remaining that will benefit survivors.”

The Agent Orange claims stemmed from VA’s 2010 amendment of its regulations to add ischemic heart disease, hairy cell and other chronic B-cell leukemias, and Parkinson's disease to the list of diseases presumed to be related to exposure to the herbicide used in Southeast Asia. “While we work to transform how we do business through new processes and technology, at the end of the day it’s about taking care of our Veterans and their loved ones on the issues affecting their lives,” said Secretary Shinseki. Given the complexity of the historical casework, the Veterans Benefits Administration (VBA) allocated its most experienced decision makers, about 37 percent of its rating staff, to processing Agent Orange claims. VBA’s 13 resource centers were exclusively dedicated to re-adjudicating these claims. Even with this allocation of 37 percent of the rating staff dedicated to Agent Orange claims, VA processed over 1 million disability claims in each of the last 2 years, an unprecedented number. “Incoming claims over the last ten years have nearly doubled,” said VA Under Secretary for Benefits, Allison A. Hickey. “Being able to refocus these skilled raters on the backlog is vitally important.”

In addition to redirecting its rating staff, VA has developed a comprehensive transformation plan to achieve in 2015 Secretary Shinseki's goal of completing claims within 125 days at 98 percent accuracy. The plan is built on more than 40 designed, tested, and measured people, processing, and technology initiatives. VA is now beginning the nationwide rollout of its new operating model and electronic processing system, known as the Veterans Benefits Management System (VBMS). All regional offices will be operating under the new model and using the new processing system by the end of 2013. VA has established a website, <http://www.fastrack.va.gov>, to assist Veterans in filing claims for the three new conditions related to the effects of Agent Orange exposure. It guides Veterans through automated, program-assisted menus to capture the information and medical evidence needed for faster claims decision. Potentially eligible Veterans include those who were exposed based on duty or visitation in Vietnam or on its inland waterways between January 9, 1962, and May 7, 1975; exposed along the demilitarized zone in Korea between April 1, 1968, and August 31, 1971; or exposed due to herbicide tests and storage at military bases within and outside of the United States. [Source: VA News Release 19 Jun 2012 ++]

Retiree Appreciation Days 08: Retiree Appreciation Days (RAD) and Military Retiree Seminars are a great source of the latest information for retirees and Family members in your area. RADs vary from installation to installation, but, in general, they provide an opportunity to renew acquaintances, listen to guest speakers, renew ID Cards, get medical checkups, and various other services. Some RADs include special events such as dinners or golf tournaments. Since the day's schedule of activities differ from location to location, it is best to check with the event's point of contact for specific details. The Army maintains a current listing of activities for 2012 at www.armyg1.army.mil/rso/rads.asp, the air force at www.retirees.af.mil/factsheets/factsheet.asp?id=11781, and the Navy at www.npc.navy.mil/ReferenceLibrary/Publications/ShiftColors. Many of these are Joint (JRAD) offering info to retirees and Family members from all services. The current Army schedule lists:

- Clarkson Univ. Potsdam, NY Jun 16 (315) 393-0580
- Wiesbaden, Germany Jun 22 0611-705-7668
- Tobyhanna, PA Jul 28 (570) 615-7409
- Des Moines, IA Aug 15 (515) 277-6113
- Minneapolis, MN Aug 24 (507) 474-9297
- Camp Ripley, MN Aug 25 (763) 441-2630
- Augusta, ME Aug 25 (207) 430-5463
- Ft. Leonard Wood, MO Sep 7-8 (573) 596-0947

- Ft. McCoy, WI Sep 7 (608) 388-3716
- Plattsburgh, NY Sep 8 (518) 563-9479
- Duluth, MN Sep 14 (218) 590-3114
- Ft. Drum, NY Sep 15 (315) 772-6434
- Ft. Sill, OK Sep 20-22 (580) 442-2645
- Ft. Belvoir, VA Sep 21 (703) 806-4551
- Ft. Lee, VA Sep 22 (804) 734-6555
- Selfridge, MI Sep 22 (586) 239-5580
- Ft. Meade, MD Sep 28 (301) 667-9603
- Redstone Arsenal, AL Sep 28-29 (256) 876-2022
- Ft. Bliss, TX Sep 29 (915) 569-6233
- Ft. Dix, NJ Sep 29 (609) 562-2666
- JB Myer-Henderson Hall Oct 5 (703) 696-5948
- Schofield Barracks, HI Oct 6 (808) 655-1585
- BENELUX Oct 12 0032-65-44-6238
- Carlisle Barracks, PA Oct 13 (717) 245-4501
- Heidelberg, Germany Oct 13 0049-(0)6221-57-8399
- Vicenza, Italy Oct 17 0039-46-443-7320
- Grafenwoehr, Germany Oct 19 0049-(0)9641-83-8539
- Camp Humphrey, Korea Oct 20 (315) 730-4133
- Schweinfurt, Germany Oct 20 0049-(0)9721-96-8812
- Ansbach, Germany Oct 24 0049-(0)981-183-3301
- Stuttgart, Germany Oct 25 0049-(0)7031-15-2599
- Aberdeen PG, MD Oct 27 (410) 306-2320
- Ft. Campbell, KY Oct 27 (270) 789-5280
- Ft. Hamilton, NY Oct 27 (718) 630-4552
- Ft. Polk, LA Oct 27 (337) 531-0363/0402
- Rock Island Arsenal, IL Oct 27 (563) 322-4823
- Ft. Knox, KY Nov 2-3 (502) 624-1765
- JB Elmendorf-Richardson, AK Nov 3 (907) 384-3500
- San Diego, CA (Navy) Nov 3 (619) 556 -8987
- Ft. Detrick, MD Nov 8 (301) 619-9948
- Syracuse, NY Nov 11 (315) 772-6434
- Yongsan, Korea Nov 17 (315) 730-4133

[Source: e-Echoes May-Aug 2012 ++]



Many RADs offer health screenings and vaccinations.

SBP Premium: In February 2012, over 70,000 Retired Soldiers (9.3% of all Retired Soldiers) couldn't pay their Survivor Benefit Plan (SBP) premiums by automatic deduction from their retired pay like other retirees do because their disability compensation from the Department of Veterans Affairs (VA) completely offset their retired pay. When Retired Soldiers' retired pay is less than their SBP premiums, the Defense Finance and Accounting Service – Cleveland (DFAS-CL) sends them a Retired Account Statement (RAS) informing them of the problem. It is important for these Retired Soldiers to address this problem because unpaid SBP premiums carried over into a new billing month will accrue a six percent interest fee. One way to resolve this problem is to pay SBP premiums directly to DFAS at: Defense Finance and Accounting Service, DFAS-CL SBP and RSFPP Remittance, P.O. Box 979013, St. Louis, MO 63197-9000.

Payments sent to any other location, including the Retired and Annuitant Pay offices at DFAS-CL, will not be received and credited to your account. Another way to resolve this problem is to submit a DD Form 2891, Authorization for RSFPP and/or SBP Costs Deductions, to the VA. The form authorizes the VA to deduct SBP premiums from VA disability compensation and pay the premiums directly to DFAS-CL. The VA automatically adjusts the payments to DFAS-CL when SBP premiums increase due to cost of living adjustments to retired pay. Retired Soldiers should not submit a DD Form 2891 to the VA before DFAS-CL informs them that their retired pay is offset by their VA disability or they may inadvertently make double SBP payments. [Source: e-Echoes Sgt. Maj. (Ret) Bill Hursh article 169 Jun 2012 ++]

Army Retiree Council Update 04: Possible increases in TRICARE premiums and changes to military retired pay were the Chief of Staff, Army (CSA) Retiree Council's top two concerns when Co-Chairmen, Lt. Gen. (Ret) Frederick E. Vollrath and Sgt. Maj. of the Army (Ret) Kenneth O. Preston briefed the CSA, Gen. Raymond T. Odierno, at the conclusion of the Council's annual meeting held at the Pentagon from April 23-27, 2012. The Council strongly recommended that future increases in TRICARE not be tied to the medical inflation rate and that TRICARE premiums not be means tested, two proposals that the Congress is now considering. While the Council agreed that future increases in TRICARE premiums were inevitable, they stressed that increases should not be more than increases in retired pay. The Council voiced strong opposition to possible changes in retired pay, citing the adverse impact the REDUX retirement plan had on recruiting and retention in the late 1980s. For the same reason, it was equally opposed to attempts to replace the current defined benefit retired pay plan with a civilian 401K-like plan that ties retired pay to stock market performance. Also of importance to the Council were:

- Efforts to involve retirees more deeply in telling Americans the Army story. Noting that only 1% of Americans serve in the military in these post-draft days, the Council recognized retirees' responsibility and unique ability to explain what the Army does in America's towns and cities. They asked the CSA to likewise educate Soldiers, especially senior Army leaders, about retirees' value and contributions to the Army, emphasizing that retirees "are not a corporate resource, but an integral part of the institutional fabric."
- Echoes, asking that the Army continue to publish it in hard copy for all retirees, but especially for the 33% of retirees who don't own computers and cannot receive e-Echoes, the electronic edition. The CSA supported this recommendation, saying he recognized Echoes' importance by writing to retirees on the front page of each edition. The Council recognized the need to conserve funds by transitioning more retirees to e-Echoes and asked for the resources to expand and maintain electronic delivery methods.

The Council's full report to the CSA outlines their major concerns as well as the their recommendations for how the Army should address the 16 issues that were nominated by installation retiree councils for review. The complete Council report is available at http://www.armyg1.army.mil/rso/docs/CSARetireeCouncil_2012.pdf. The 14 members of the Council represent retirees from across the U.S., Europe, and Korea and include retired Soldiers from all three components. The 2012 Council includes seven NCOs ranging from Sergeant First Class to Sergeant Major of the Army and seven officers ranging from Chief Warrant Officer Five to Lieutenant General. For a list of all 14 Council members and the installations they represent, the history of the Council since its inception in 1971, and its reports since 2001, refer to the Army Retirement Services website at <http://www.armyg1.army.mil/rso/RetireeCouncil.asp>. [Source: e-Echoes Lt. Col. (Ret) Mark Overberg article 19 Jun 2012 ++]



Army Chief of Staff's Retiree Council

Army Smartcard: The Army recently extended its smartcard pilot for Army spouses and retirees through September after what officials called a very positive response to the pilot program, which began in October 2011. The Army is evaluating smartcard identity authentication as an alternative to username/password login to websites, such as Army OneSource, Army Family Readiness Group, milConnect, TRICARE Online and Army Knowledge Online. Army spouses and retirees living near Fort Belvoir, Va.; Fort Bragg, N.C.; and Fort Jackson, S.C., are being asked to register for a smartcard, or renew their card by visiting the Smartcard Pilot page on AKO. Non-FOUO users link to <https://ako.us.army.mil/suite/page/650680>. FOUO users link to <https://www.us.army.mil/suite/page/650680>. The pilot is part of a larger initiative to secure sensitive data on Army private web servers, Army G-6 officials said. The smartcard's public-key-infrastructure, or PKI-based authentication, provides a more secure and convenient way to access Army and DOD online resources that contain personally identifiable information, they said, adding that the Army is also considering other solutions for family and retiree logon. From October 2011 to March 2012, more than 700 smartcards were issued to Army spouses and active-duty, Reserve and National Guard retirees across five pilot installations. Surveys showed that 93 percent of respondents preferred using the smartcard over username/password and 64 percent used the smartcard at least once a day to access Army and DOD websites. [Source: e-Echoes May-Aug 2012 ++]

Non-VA Facility Care: The Department of Veterans Affairs recently announced a change in regulations regarding payments for emergency care provided to eligible veterans in non-VA facilities. More than 100,000 Veterans are estimated to be affected by the new rules, at a cost of about \$44 million annually "This provision helps ensure eligible Veterans continue to get the emergency care they need when VA facilities are not available," said Secretary of Veterans Affairs Eric K. Shinseki. The new regulation extends VA's authority to pay for emergency care provided to eligible Veterans at non-VA facilities until the Veterans can be safely transferred to a VA medical facility. Non-VA Care is medical care provided to eligible Veterans outside of VA when VA facilities are not available. All VA medical centers can use this program when needed. The use of the Non-VA Care program is governed by federal laws containing eligibility criteria and other policies specifying when and why it can be used. A pre-authorization for treatment in the community is required for Non-VA Care -- unless the medical event is an emergency. Emergency events may be reimbursed on behalf of the Veteran in certain cases. Refer to the Emergency Non-VA Care brochure at http://www.nonvacare.va.gov/brochures/Fee_Veteran_Brochure.pdf for further elaboration. There are five categories of Non-VA Care Programs. Information on each is available at:

- Pre-authorized Outpatient Care <http://www.nonvacare.va.gov/preauthout.asp>
- Pre-authorized Inpatient Care <http://www.nonvacare.va.gov/preauthinpt.asp>
- Emergency Care of Service-Connected Conditions <http://www.nonvacare.va.gov/unauth.asp>
- Emergency Care of Non-Service-Connected Conditions <http://www.nonvacare.va.gov/ecnsc.asp>
- State Home Per Diem Program <http://www.nonvacare.va.gov/state-homes.asp>

Non-VA Care is used when VA medical facilities are not "feasibly available." The local VA medical facility has criteria to determine whether Non-VA Care may be used. If a Veteran is eligible for certain medical care, the VA hospital or clinic should provide it as the first option. If they can't -- due to a lack of available specialists, long wait times, or extraordinary distances from the Veteran's home -- the VA may consider Non-VA Care in the Veteran's community. Non-VA Care is not an entitlement program or a permanent treatment option. VA operates 121 emergency departments across the country, which provide resuscitative therapy and stabilization in life-threatening situations. They operate 24 hours a day, seven days a week. VA also has 46 urgent care units, which provide care for patients without scheduled appointments who need immediate medical or psychiatric attention. For more information about emergency care in non-VA facilities refer to <http://www.nonvacare.va.gov>. To locate the nearest VA medical center or clinic refer to <http://www2.va.gov/directory/guide/home.asp>. [Source: e-Echoes May-Aug & www.nonvacare.va.gov Jun 2012 ++]

Vet Toxic Exposure~Diesel: The World Health Organization (WHO) raised the status of diesel exhaust from 'probable carcinogen' to carcinogen. The risk of getting cancer from diesel fumes is small, but since so many people breathe in the fumes in some way, the science panel said raising the status of diesel exhaust to carcinogen from "probable carcinogen" was an important shift. "It's on the same order of magnitude as passive smoking," said Kurt Straif, director of the IARC department that evaluates cancer risks. "This could be another big push for countries to clean up exhaust from diesel engines." Since so many people are exposed to exhaust, Straif said there could be many cases of lung cancer connected to the contaminant. He said the fumes affected groups including pedestrians on the street, ship passengers and crew, railroad workers, truck drivers, mechanics, miners and people operating heavy machinery. The new classification followed a weeklong discussion in Lyon, France, by an expert panel organized by the International Agency for Research on Cancer. The panel's decision stands as the ruling for the IARC, the cancer arm of the World Health Organization.

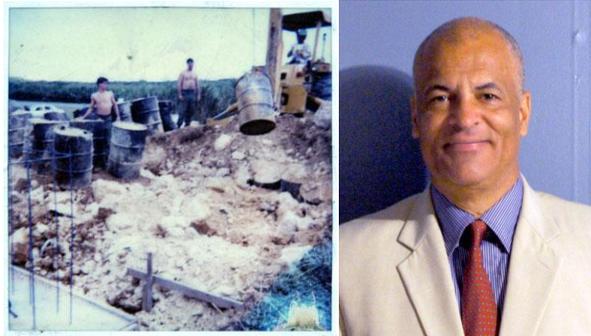
The last time the agency considered the status of diesel exhaust was in 1989, when it was labeled a "probable" carcinogen. Reclassifying diesel exhaust as carcinogenic puts it into the same category as other known hazards such as asbestos, alcohol and ultraviolet radiation. The U.S. government, however, still classifies diesel exhaust as a

likely carcinogen. Experts said new diesel engines spew out fewer fumes but further studies are needed to assess any potential dangers. "We don't have enough evidence to say these new engines are zero risk, but they are certainly lower risk than before," said Vincent Cogliano of the U.S. Environmental Protection Agency. He added that the agency had not received any requests to reevaluate whether diesel definitely causes cancer but said their assessments tend to be in line with those made by IARC. Experts in Lyon had analyzed published studies, evidence from animals and limited research in humans. One of the biggest studies was published in March by the U.S. National Cancer Institute. That paper analyzed 12,300 miners for several decades starting in 1947. Researchers found that miners heavily exposed to diesel exhaust had a higher risk of dying from lung cancer. Lobbyists for the diesel industry argued the study wasn't credible because researchers didn't have exact data on how much exposure miners got in the early years of the study; they simply asked them to remember what their exposure was like.

Further restrictions on diesel fumes could force the industry to spend more on developing expensive new technology. Diesel engine makers and car companies were quick to point out emissions from trucks and buses have been slashed by more than 95 percent for nitrogen oxides, particulate and sulfur emissions. "Diesel exhaust is only a very small contributor to air pollution," the Diesel Technology Forum, a group representing companies including Mercedes, Ford and Chrysler, said in a statement. "In southern California, more fine particles come from brake and tire wear than from diesel engines." A person's risk for cancer depends on many variables, from genetic makeup to the amount and length of time of exposure to dangerous substances.

Some experts said the new cancer classification wasn't surprising. "It's pretty well known that if you get enough exposure to diesel, it's a carcinogen," said Ken Donaldson, a professor of respiratory toxicology at the University of Edinburgh who was not part of the IARC panel. He said the thousands of particles, including some harmful chemicals, in the exhaust could cause inflammation in the lungs and over time, that could lead to cancer. But Donaldson said lung cancer was caused by multiple factors and that other things like smoking were far more deadly. He said the people most at risk were those whose jobs exposed them to high levels of diesel exhaust, like truck drivers, mechanics or miners. "For the man on the street, nothing has changed," he said. "It's a known risk but a low one for the average person, so people should go about their business as normal. You could wear a mask if you want to, but who wants to walk around all the time with a mask on?" [Source: AP Ben Margot article 13 Jun 2012 ++]

Agent Orange Okinawa Update 04: The U.S. Marine Corps buried a massive stockpile of Agent Orange at the Futenma air station in Okinawa, possibly poisoning the base's former head of maintenance and potentially contaminating nearby residents and the ground beneath the base, The Japan Times recently learned from interviews with U.S. veterans.



The worksite where Kris Roberts unearthed over 100 leaking barrels is seen in a photo taken in summer 1981.

The barrels were apparently abandoned in Okinawa at the end of the Vietnam War — when the U.S. government banned the dioxin-laden defoliant for health reasons — and were buried at the installation in the city of Ginowan after the Pentagon ignored requests to safely dispose of them, according to the veterans who served at the installation in the 1970s and 1980s. Closing down Futenma has been the center of a bitter 16-year struggle by Tokyo and Washington to realign U.S. forces on the island, but these allegations are likely to raise fears that even after its eventual shutdown, the land beneath the base will be too poisoned for civilian use for decades, as is the case with former U.S. installations that stored Agent Orange in the former South Vietnam. One of the veterans who made the claims of the burial is retired Lt. Col. Kris Roberts, 57, who was in overall charge of maintenance projects at U.S. Marine Corps Air Station Futenma. In summer 1981, after being notified by ranking officers that monitoring showed "unacceptably high readings" of chemicals in the wastewater flowing off the facility, Roberts said he and his construction crew began digging in an area near the end of the runway. "We unearthed over 100 barrels buried in rows. They were rusty and leaking and we could see orange markings around some of their middles," Roberts, now a state representative in New Hampshire, told *The Japan Times* in a recent interview.

The dangers of Agent Orange — which took its name from the color of the stripes around the drums in which it was stored — were still not widely known in the early 1980s. But Roberts said his suspicions were aroused when higher brass declared the construction site off-limits to other personnel, then ordered the barrels secretly loaded onto trucks by Okinawan workers and transported to an unknown location. Soon after the barrels were removed, a typhoon flooded the site of the burial. "The water had a chemical film on it from the leaking barrels. My men and me climbed down into it and eventually managed to drain the contaminated water off the base," Roberts said. Due to his contact with the barrels' contents, Roberts, a former champion marathon runner, said he fell sick with heart problems, prostate cancer and precursors of lung cancer — diseases that his doctor states are a result of exposure to Agent Orange. Concerned that his fellow crew members were also poisoned, Roberts has repeatedly urged the U.S. Marine Corps and Department of Veterans Affairs to contact them, but his requests have been ignored, he said.

During the past year, more than 30 U.S. veterans have told *The Japan Times* about the use of Agent Orange in Okinawa during the Vietnam War, when the island served as a major supply post for the American military. While some of the former service members have spoken about the use of Agent Orange in the period up to the mid-1970s, this is the first time its existence there has been alleged as recently as the 1980s. The Pentagon denies that the defoliant was ever present in Okinawa, but the Department of Veterans Affairs has awarded compensation to at least three veterans sickened by these chemicals on the island. Among those to go public is Carlos Garay, a former marine who was in the Headquarters and Maintenance Squadron at Futenma in 1975. Garay claims he saw 12 barrels of Agent Orange that had been left at the installation after the end of the Vietnam War. "Additionally, other squadrons were directing their leftover stocks to us for disposal, so I sent messages to the Department of Defense and Headquarters of the Marine Corps, but they never replied. The barrels were still there when I left in 1976," he said.

Garay's account and Roberts' discovery of the barrels suggest confusion among the top brass over how to remove the stocks of Agent Orange that were never officially supposed to have been present in Okinawa. Between 1961 and 1971, the U.S. military sprayed 76 million liters of herbicides in Southeast Asia to rob its enemies of crops and jungle cover, but their use was halted after studies linked the chemicals to birth defects and serious illnesses. In 1972, the U.S. removed its stockpiles of Agent Orange from South Vietnam to Johnston Island in the North Pacific where, after a five-year debate over how to dispose of them safely, they were eventually incinerated at sea in 1977. Scientists researching the dangers of Agent Orange in South Vietnam have discovered that because its highly poisonous dioxin is not dissolved by rainwater, it can remain in the soil, poisoning people for decades. In southern Vietnam today, there are more than 20 dioxin hot spots at sites used by the U.S. military to store Agent Orange.

Near the Futenma base, which has been dubbed by some locals as "the world's most dangerous military base" because of its proximity to residential areas, there are 20 schools, including 10 elementary schools. Some are located close to the area where the barrels were found and the contaminated water was expelled. Yoichi Iha, mayor of

Ginowan from 2003 to 2010, told The Japan Times that the U.S. Marine Corps failed to notify the Ginowan Municipal Government of the leak-age in 1981 and he worries that the area may still be poisoned by dioxin due to the topography beneath the base, which consists of many caves and natural springs. "If the dioxin is still in the soil, then we can confirm its presence with sampling. But the Japanese government won't grant permission to conduct such tests within U.S. installations in Okinawa," Iha said. The U.S. military — which under Japanese law is not responsible for cleaning up former bases returned to civilian usage — has an unenviable track record of polluting its installations in Okinawa.

In 1995, the Onna Communication Site was returned to civilian use, but it still hasn't been redeveloped due to contamination from pollutants, including mercury and highly toxic PCBs. In 1999, dangerous levels of lead and carcinogenic hexavalent chromium were found in the soil after the partial closure of the Kadena Ammunition Depot. Last summer, a U.S. veteran's account of the 1969 burial of hundreds of barrels of Agent Orange in what is today a popular tourist area in Chatan Town alarmed local residents. Explaining why the army buried the barrels, the veteran, who did not want his name to be revealed due to fears of repercussions from the Department of Veterans Affairs, said: "It was cheaper to bury stuff than to ship it back to the States for proper disposal. It's what the military always did on Okinawa." [Source: Japan Times Jon Mitchell article 15 Jun 2012 ++]

VA Claims Backlog Update 68: To hear wounded veterans tell it, there are few things more daunting, infuriating or soul-crushing than dealing with the Veterans Benefits Administration, the agency that decides whether they will receive disability benefits for injuries and illnesses incurred during war. As the inventory of unprocessed claims has grown — to more than 900,000 nationwide — so has anger with the agency. On 18 JUN, in what has become an annual ritual, Congress again held hearings on the V.B.A.'s chronically poor performance. But in one small pocket of the sprawling benefits agency, a branch of the Department of Veterans Affairs, front-line workers are taking the unusual step of going public about the dysfunction within their own bureaucracy, making common cause with some of their loudest critics. On 23 JUN, workers from the benefits agency's regional office in Columbia, S.C., will picket outside their workplace, hoping to spotlight what they consider root causes of their system's breakdown: lack of accountability, inadequate resources, hopelessly complex policies and demoralizing work conditions. "We want to take care of veterans; many of us are veterans," said Ronald Robinson, a protest leader, president of the union local and an Army veteran. "We can't sit any longer and be blamed for things that are beyond our control."

The backlog in the disability compensation system has steadily worsened since the wars in Iraq and Afghanistan began, having more than doubled in the last decade. The department defines its backlog as claims that have been awaiting decisions for more than 125 days, the department's benchmark for timeliness. Almost no regional office has been immune from problems, with the office in Oakland, Calif., now sending new claims to other offices because its inventory has grown so large. Yet even the Columbia office, considered by some veterans advocates to be relatively good, had a backlog of about 15,000 claims last month and did not accurately process one out of three claims last year, according to a report by the department's inspector general. Leaders of the Department of Veterans Affairs and the protesters in Columbia agree on some of the causes of the backlog: a flood of claims by recent Afghanistan and Iraq war veterans as well as aging Vietnam veterans seeking compensation for old injuries or Agent Orange-related illnesses; a weak economy; and the growing complexity and number of injuries and diseases now recognized as service-related.

But on the issue of how to fix the problem, the two sides sharply diverge. The department says its efforts to digitize records, update computer software, hire 4,000 workers, extend overtime to process claims and make changes intended to speed the processing of claims will begin shrinking inventory by next year. In a statement, the V.A. said

those initiatives had put it on track to process all claims in less than 125 days by 2015. “Change can be challenging, and we recognize that our dedicated employees are critical to providing veterans with timely, quality benefits,” the statement said. In the trenches in Columbia, however, the protest leaders say those efforts had made little difference, and in some cases had made matters worse. One reason, they said, is that some new procedures have added complexity to an already complex process. For instance, they said:

- A questionnaire created to allow veterans to use private health providers to do physical examinations is longer and more complicated than the forms used by government providers. When questionnaires are returned with mistakes or unchecked boxes, reviewers must return them, delaying decisions. “They’ve implemented so much stuff, no human can keep up with it all,” said Cindy Indof, a decision review officer who has been with the department for 20 years.
- Processing a claim had become increasingly segmented, with files passing through several hands before being denied or approved. As a result, files are more likely to be misplaced, communications garbled and decisions slowed, they said. And no one is held accountable for mistakes because so many people are involved. “No one has ownership over anything,” said Mr. Robinson, a veterans service representative.
- The performance review process used to measure their productivity reduced the quality of work and hurt morale. The process requires claims processors to complete a certain number of files per day. People who fall short can be denied promotions or fired. Those who meet or exceed quotas become eligible for bonuses. Those quotas encourage processors to take shortcuts that often lead to mistakes, or to focus on easier cases over complex ones. And when in doubt, processors tend to deny claims, the workers said, because denials are generally faster.

Though the Columbia protest might seem isolated, James Strickland, a Vietnam-era veteran and retired health care manager who runs a popular Web site, VAWatchdog.org, said he had heard similar complaints from V.A. offices across the country. The Columbia workers are different, however, because they have gone public. “They aren’t looking for more money or vacation,” said Mr. Strickland, who plans to attend the protest. “I heard them say, ‘I want the system to change so I’m allowed to do my job.’ And I hear that all the time.” Mr. Robinson said about 8,300 cases were ready to be processed in the Columbia office, which has about 100 claims raters, many of whom already have more than 140 cases on their desks. “Do the math,” he said. “There is nothing we can do to catch up.” [Source: The New York Times James Dao article 15 Jun 2012 ++

VA Claims Backlog Update 69: The Veterans Affairs Department’s highly touted paperless benefits system has processed fewer than 800 benefits claims despite VA’s investment of \$491 million. The news comes as the number of backlogged claims hit 913,690, representatives of veterans services organizations told lawmakers at a House Veterans’ Affairs Committee hearing on 19 JUN. Gerald Manar, deputy director of the National Veterans Service for the Veterans of Foreign Wars, said the Veterans Benefits Management System (VBMS) has been installed in only “four regional offices and, we are told, fewer than 800 cases have been processed to completion.” Richard Dumancas, deputy director of the American Legion’s Claims, Veterans Affairs and Rehabilitation Commission, said that while VA had promised systemwide rollout of VBMS this year, it has now been pushed back until the end of 2013. “Red flags have been raised about how soon we can expect an impact on reducing the backlog,” he said.

Dumancas said the department’s initial experience with VBMS shows some delays in opening files that cumulatively could create significant delays over the course of a workday. “These lag issues are showing up with a relatively small number of users in pilot sites, and when the whole system goes nationwide, system demands will presumably be far greater,” he said. The backlog at VA continues to grow as well as the number of claims pending for more than 125 days. As of this week, about 66 percent of claims (575,773) had not been processed after 125 days

-- more than three times the number two years ago, Jeffrey Hall, assistant national legislative director for Disabled American Veterans, told lawmakers. Manar said the problems with VBMS are just the latest in a 20-year effort by VA to modernize its claims processing system "because VBA has lacked a coherent vision of what a 21st century claims processing system should be." VA Secretary Eric Shinseki told the Senate Veterans' Affairs Committee in March that by 2015, the department will process all claims in fewer than 125 days with a 98 percent accuracy rate. [Source: Next.Gov Bob Brewin article 19 Jun 2012 ++]



VA's \$491 million paperless benefits system struggles to keep pace

CT Vet Discount Card: Connecticut's Department of Veterans' Affairs is partnering with a national program to offer the state's veterans and their families discounts at a network of retailers, restaurants and service providers. Interested Connecticut veterans, active duty military, National Guard, reservists and their families can enroll for the Veterans Advantage Inc. card through the state veteran's department website. Gov. Dannel P. Malloy announced the partnership on Friday. Veterans Advantage partners with private corporations that want to honor the military and offer discounts on their goods and services, ranging from rental cars to clothing. Funding from the program's membership goes to the creation of a statewide scholarship program that will be awarded by the state Department of Veterans' Affairs. The Department of Veterans' Affairs website is <http://www.ct.gov/ctva> . Visitors to the site can receive a 25 percent discount on the program's fees. Veterans Advantage, founded in 1999 by a group of high-ranking military veterans and headquartered in Connecticut, is the leading card membership program offering exclusive benefits for the more than 90 million qualifying Americans from a nationwide network of retailers and service providers across the U.S. The program's mission is to deliver greater recognition, respect and rewards as a thank you for service to the country through the VetRewards Card, a universal military service ID card, and in its partnerships with patriotic companies. For more info on Veterans Advantage refer to <http://www.VeteransAdvantage.com>. [Source: The Hour Publishing Co article 17 Jun 2012 ++]

VA Fiduciary Program Update 03: Across the country, disabled veterans' families are waging bitter battles with the U.S. Department of Veterans Affairs, trying to remove VA-appointed fiduciaries from their lives and their bank accounts. Two activist attorneys, Doug Rosinski, of Columbia, S.C., and Katrina Eagle, of San Diego, have taken on the VA in cases involving allegations of bureaucratic mistreatment. Both said regional program managers sometimes overlook the misdeeds of paid fiduciaries while coming down hard on veterans' relatives who do the work for nothing. The agency's policy is that family members get priority in fiduciary appointments, but it does not always work that way. And while many family members serve successfully -- and thanklessly -- as fiduciaries for disabled veterans, some get into trouble, often because of a lack of training or knowledge of the rules. In those cases, the family's situation often becomes nightmarish. R. Dean Slicer, a top regional program manager in Indiana, boasted in a November 2010 email to an Indianapolis bank official that they

would have "fun" battling with a war veteran's daughter. Carolyn Stump, a registered nurse, was trying to free her seriously ailing 81-year-old dad, William Evans, from a fiduciary at the bank who had tangled with the family and had recently been slow paying some bills, according to court records. Slicer, who last year was promoted to oversee the fiduciary program in 13 states, declined to comment. "Obviously there are stories that we are going to look into," said VA spokesman Joshua Taylor when asked about that case and others.

Veterans are rarely successful in winning control of their finances back from the fiduciary program. The VA had long held that beneficiaries had no right of appeal. But in April 2011, a three-judge panel of the U.S. Court of Appeals for Veterans Claims agreed with Rosinski's argument that there is an appeal right. Armed with that ruling, he is trying to win release for his client, disabled Dallas veteran William Freeman, from a "complete stranger" appointed as his fiduciary. The judges chided Veterans Affairs Secretary Eric Shinseki for his department's failure to explain its handling of Freeman. Joe Boatman, of Round Rock, Texas, also never got an explanation why James Andrews, a fiduciary program official based in Waco, showed up at his house last July to berate his wife for the way she had handled their finances as her husband's appointed fiduciary for 10 years, bringing her to tears. Andrews' follow-up report cited overdraft charges and questioned Boatman's access to the bank accounts. He also said "no questionable expenditures or misuse of funds were identified," though he added there was no way to tell because his funds were commingled with his wife's. His report described Boatman as an "alert" and cogent man. Eagle said the VA had previously allowed Boatman's wife, a retired social worker, to commingle their monies. In previous reports she was praised for her handling of their finances.

Andrews, who could not be reached for comment, had already appointed a new fiduciary to take over Boatman's financial affairs. Eagle said his criticisms seemed "pre-ordained" to justify his actions. After Eagle got involved, the VA backed away, taking the unusual step of releasing Boatman from the program. Eagle said it helped that his case was mentioned at a February congressional hearing. The VA also ordered an investigation of the case. It has not responded to a Hearst request for the report. Boatman, who was a Navy combat medic in Vietnam, chaired a committee of Vietnam veterans dealing with post-traumatic stress disorder. He challenged local Veterans Affairs officials over PTSD policies and at one point had a role in exposing an embarrassing department email. "I was blindsided out of nowhere," Boatman says of the fiduciary flap, but adds he does not think he was retaliated against.

In the Indiana case of William Evans, Eagle said, she's sure retaliation did occur. Slicer -- the recently promoted regional manager -- and others in his office have for more than two years been waging a nasty and unresolved battle, which has gone repeatedly to a special veterans appeals court, to prevent Evans and his family from wriggling free of the fiduciary program. Stump, the veteran's daughter, had nursed Evans for more than a decade when in July 2009 she inquired about a medical guardianship. She was persuaded by federal bureaucrats to apply for a financial one, records show. She had power of attorney for her father already, and didn't think the fiduciary program was necessary, but she accepted the role, according to documents. Upset from the beginning, she wrote to her congressman about it. Her relationship with Veterans Affairs deteriorated. Still, an agency field examination in July 2010 found "no questionable expenditures," a tidy home and a well-cared-for father. Behind the scenes, a wounded bureaucracy was preparing to come down on her, court records show. In October 2010, Stump was removed as fiduciary and an official at Greenfield Banking Co., Joana Springmier, was appointed. VA officials questioned Stump's failure to get prior permission to buy appliances and new flooring for her father's home, and her decision to take Evans on trips to get special medical treatment and to visit Army buddies before he slipped into the darkness of Alzheimer's. She was told the trips were "emotional spending" -- not allowed -- and the bank was instructed to save more money for emergencies. Stump said she saw no reason to hoard her ailing father's money with him so close to death.

In a Nov. 22, 2010 email to Springmier, Slicer mentioned the "many congressional and other complaints filed by Mrs. Stump." He told Springmier to "document any conversations you have." He cited a technical misstep: Stump's mother had refused to disclose her small Social Security allotment. "So this will be a fun one," wrote Slicer. Stump

said her mother was afraid that Slicer would seize her income, too. In March, Rosinski and Eagle filed a petition with the U.S. Court of Appeals for Veterans' Claims, accusing the VA of "punitive if not retaliatory" behavior in the case. Two other Indiana families fought with Slicer's office and the bank, including Vicki Olson, of Fort Wayne, who won freedom from the program for her husband in a protracted battle that caused her to become a volunteer advocate for other veterans. [Source: Times Union Eric Nalder and Lise Olsen article 16 Jun 2012 ++]

VA Fiduciary Program Update 04: They survived the Nazis, the Viet Cong and the Taliban. But hundreds of mentally disabled veterans suffered new wounds when the country they served put their checkbooks in the hands of scoundrels. Gambling addicts, psychiatric cases and convicted criminals are among the thieves that have been handed control of disabled veterans' finances by the U.S. Department of Veterans Affairs, a Hearst Newspapers investigation has found. For decades, theft and fraud have plagued the fiduciary program, in which the VA appoints a family member or a stranger to manage money for veterans the government considers incapacitated. The magnitude and pace of those thefts has increased, despite VA promises of reform. Three of the largest scams – ranging from about \$900,000 to \$2 million – each persisted for 10 years or more before being discovered. In the last six years, the VA has removed 467 fiduciaries for misuse of funds, but only a fraction have faced criminal charges, a Hearst analysis of data from the VA's Office of the Inspector General shows.

The government has never adequately tracked fiduciaries' thefts from brain-damaged or memory-impaired veterans. The inspector general's office says it conducted 315 fiduciary fraud investigations from October 1998 to March 2010, resulting in 132 arrests for thefts amounting to \$7.4 million. But a Hearst analysis of court records and documents obtained by freedom of information requests shows that the thieves' take since 1998 is more than \$14.7 million – nearly twice the amount reported to Congress. VA spokesman Joshua Taylor says the program is being reorganized, and improvements are being ordered every year. "VA has taken significant efforts to protect veterans and other beneficiaries in its fiduciary program," said Taylor.

CASE FILE #1: The inside job.

Robert Morong Tabbutt was a VA field examiner, desperately in debt, who supervised fiduciary Jack Perry in Memphis. He used his authority to set up a dozen mentally disabled veterans as ATM machines so that he and Perry could steal from them, according to records obtained by Hearst under the Freedom of Information Act. They siphoned away nearly \$900,000 with stunning ease, the records show. Over a decade, more than 1,000 illegal transactions were so obvious anyone doing a simple audit of bank records would have discovered them. Perry falsified records and moved veterans' money from account to account to cover their tracks. Meanwhile, the two began to gamble at Mississippi casinos, and Tabbutt, who filed bankruptcy petitions five times between 2001 and 2007, borrowed money from Perry hundreds of times. The stealing did not stop until Perry went to the FBI and confessed in 2008. Veterans and their families, meanwhile, were not told they'd been ripped off, even after the thieves were finally sent to prison. Until a Hearst reporter called him for this story, Henry Ashurst, 83, did not know that for a decade, he had unwittingly financed the lifestyle and gambling habits of Perry and Tabbutt. "I thought he was on the level," Ashurst, an Army veteran, said of Perry. "Things went wrong, and that should not have happened," said VA spokesman Taylor, adding that he could not discuss specific details of any cases.

A 2004 law requires victims like Ashurst to be reimbursed if the VA is partially at fault for their losses. Taylor told Hearst that since 2008 only 15 beneficiaries have been reimbursed a total of \$652,685 under that law because of VA negligence. U.S. Rep. Phil Roe, R-Tenn., a member of the Veterans Affairs Committee, said he has been trying to get information from VA on compensation for the Tennessee victims, without success. Attorneys who represent program participants said it is very difficult to get stolen money back from the VA. "It has to be pried out of them," said former combat medic Richard Weidman, executive director for policy and government affairs at Vietnam

Veterans of America. He summed up the fiduciary program in four words: "The corporate culture stinks." Jim Vale, program director for Vietnam Veterans, said the program's lack of transparency is "appalling." Weidman describes the fiduciary program as one of the department's biggest problems, because its clientele "are among our most vulnerable." Thieving fiduciaries operate illegally for an average of 32 months before being caught, Hearst's analysis reveals. More than 70 cases are pending in the clogged federal system, or in state courts, since federal prosecutors frequently decline to handle the cases. Even when they do, it takes, on average, 29 months before charges are filed, according to Hearst's analysis.

CASE FILE NO. 2: The slow-motion prosecution

Joy Farmer eluded VA auditors for five years while juggling the books at a Tuskegee, Ala., law office before being caught in May 2004. Federal prosecutors didn't indict her for another six years. Finally, she was sentenced to federal prison in September 2011 for embezzling more than \$620,000 from 25 vulnerable clients. "It just kind of got pushed from attorney to attorney," said Clark Morris, an assistant U.S. Attorney in Montgomery, Ala. Even when investigations yield convictions, many of the criminals receive probation in exchange for promises to repay some or all of what they stole. But they often fail to pay, and many victims die before receiving any restitution. After 10 years of war in Iraq and Afghanistan, and as veterans age, the number of mentally disabled veterans is growing rapidly. As of May, more than 127,000 veterans have fiduciaries who oversee more than \$3.3 billion in assets. Fiduciary failures rank "pretty high up there" among the current VA problems, said U.S. Rep. Jeff Miller, R-Fla., chairman of the Veterans Affairs Committee, which is drafting reform legislation. "We are talking about the life savings of a veteran," said Miller, adding that the agency is too often "part of the problem."

Taylor said that under the Obama Administration, the VA has beefed up background checks of new appointees, added staff, consolidated scattered fiduciary offices into six regional hubs, and appointed the reorganized program's new leader, VA lawyer David McLenachen, last August. In direct response to fraud, the agency has also issued directives requiring that veterans' annual bank statements be sent directly to the VA, and now prohibits excessive compensation to fiduciaries when veterans receive large retroactive benefit checks. Yet audits repeatedly fault agency employees for failing to properly examine financial records, and for not coordinating with other agencies like Social Security to exclude known scofflaws from managing veterans' money. Staff turnover is high and training for fiduciaries is virtually nonexistent. Fiduciaries sign agreements, but not formal contracts. On-site inspections are often tardy or skipped, and field examiners are ill-prepared to deal with sophisticated would-be thieves.

CASE FILE NO. 3: The \$2 million haul.

Roy Wilson Swirczynski, a disabled U.S. Army veteran in Houston, filed three written complaints to the Department of Veterans Affairs about his VA-approved fiduciary, attorney Joe Phillips, and requested an investigation years before the VA discovered nearly \$2 million missing from 28 veterans' accounts. Phillips and his wife Dorothy have been charged with stealing the money in a pending Houston federal court case. The thefts were discovered when the VA audited Phillips' fiduciary work in 2007 – for the first time in 25 years. It is the largest theft total ever uncovered in fiduciary program. Dorothy Phillips pleaded guilty to conspiracy; Joe Phillips denies wrongdoing and is awaiting trial. Phillips and his attorney refused comment for this story. For years, Swirczynski has kept date-stamped copies of his own complaints against Phillips – faded from years of moving from place to place – in a suitcase alongside his mother's obituary, his U.S. Army service record and a faded snapshot of himself in his younger days. In one complaint, Swirczynski, a Beaumont native who suffers from schizophrenia, asked officials stop a "holdup." In another, he asked for Phillips' removal, saying: "This Joe Phillips fiduciary is not a 5-mile long freight train that takes 500 miles to stop." Swirczynski said the VA never formally responded and he learned of Phillips' indictment from the Houston Chronicle. The VA won't say whether or not any of his money was stolen. "That's what really galls me," said Swirczynski, who can get around and function most days despite his illness. "They need to be exposed. They always have the excuse that they're overworked and don't have enough people and all that crap."

The VA loses track of money and fiduciaries in part because of an ancient, Wang-based computer system, cobbled together by agency staff in 1989 and slightly upgraded in 1998. The system cannot interface with the department's other more modern computers. Slated for replacement many times, the computer system can track a fiduciary for only two months. Mandatory accounting reports that are two or three years late are shown in the system to be just one year late, records show. In March 2010, the agency's inspector general estimated that \$161 million in the coffers of mentally disabled veterans was "at risk of misuse because of the volume of seriously delinquent accountings." An audit also faulted the computer system for VA's failure to list fiduciaries already removed for bad conduct. Replacement would cost an estimated \$2 million – less than veterans lost in the Phillips case. McLenachen admitted during a February congressional hearing that the computer system and antiquated agency regulations are both obstacles. He promised new regulations by 2013 and a new computer system at an unspecified date. Current rules, for example, provide no professional standards or qualifications to be required of fiduciaries, and no limits on the number of veterans an individual fiduciary can handle. One out of four fiduciaries convicted of financial misuse over the past decade were found to have mental illness, gambling problems, substance abuse issues or some combination of them, Hearst's investigation shows.

CASE FILE NO. 4: The call of the casino.

Hazel Dianne Hill of Coppell, Texas, said she controlled 16 veterans' finances and was "very trusted" by the VA. She was as a Department of Labor investigator and a gambling addict. In January 2008, after the wagering had buried her in debt, she told Hearst it was too tempting to take "a little bit" at a time from veterans and easy to conceal it by shuffling money from account to account. A remorseful Hill turned herself in when she "got tired of crying" in July 2009, she said, but not before embezzling \$62,000 from three veterans. Given VA's lax oversight, "frankly, she could have taken money until the day she died," said Hill's attorney Perry Hudson. In Fort Worth, fiduciary Patricia Ibrahim got five years in prison after she withdrew veteran Larry Rodgers from a nursing home and put him without permission into a "substandard" group facility so she could "use his money to go gambling," said prosecutor Lori Burks. "It is despicable." Rodgers died before Ibrahim was prosecuted. The most financially destructive of the many fiduciaries with gambling addictions was Connie Hanson, of Apple Valley, Minn., who stole \$1,260,000 from veterans to feed her habit. She is in prison.

CASE FILE NO. 5: The violent felon.

Patrick Wayne Manning Jr. of Oklahoma had a rap sheet and a murder charge dismissed on a technicality before he was appointed to oversee his uncle's money, according to court documents. He went to prison for three years for stealing from the uncle, was re-incarcerated for a drug offense, then a week after his release in 2008 went on a three-month robbery spree that netted him another 160-year sentence. To keep bad actors out of the program, the department only last December mandated "instant background checks" on prospective fiduciaries. Checks were done in the past, but documents show authorities often required only a self-generated criminal history and a good credit report. Earlier this month, Sen. John Cornyn of Texas demanded that the VA report to him about why so many thefts keep occurring. Miller, the Florida congressman, also dislikes the pattern he sees. "My suspicion continues to be high that there may be more of this (theft) going on than any of us are aware of," he said. "Mainly because there is no way to tell."

[Source: Times Union Eric Nalder and Lise Olsen article 17 Jun 2012 ++]



The grave of Grady Green, World War II veteran, buried at Houston National Cemetery, Tuesday, May 15, 2012, in Houston. Green had his money stolen by a Houston woman who was supposed to be his caregiver - she got \$5,000 to buy him a grave and pay for his care, but instead blew it on her own bills, traffic tickets and plumbing repairs. He died before the VA investigated the case.

VA Fiduciary Program Update 05: The U.S. Department of Veterans Affairs opposes many of the fixes proposed by Congress members to address flaws in the national fiduciary program, which serves more than 130,000 disabled veterans and oversees \$3.3 billion in assets nationwide. The agency opposes requirements to provide annual progress reports to Congress or to inform vets promptly when their fiduciaries are convicted of crimes, according to testimony on a reform bill at a congressional hearing 20 JUN. Some improvements in the Veterans Fiduciary Reform Act of 2012 (H.R.5948) would cost too much, said Dave McLenachen, the VA's director of pension and fiduciary services. But U.S. Rep Bill Johnson, the Ohio Republican who chairs the House Veterans Affairs' Subcommittee on Oversight and Investigations, countered that improvements would likely cost about \$400 million less than the amount the VA paid last year in bonuses.

Increasing reports of fraud and theft among VA fiduciaries were the focus of a Houston Chronicle/Hearst investigation published 17 JUN. The investigation of more than 100 prosecutions and decades of audits revealed convicted thieves, problem gamblers, the mentally ill and the bankrupt had been handed control of disabled vets' disability checks - and estates - by the VA. Johnson and other Congressmen and Senators are calling on the VA to address problems documented in the Houston Chronicle as well as by auditors and veterans advocacy groups. "This legislation will require a credit and criminal background check every time a fiduciary is appointed, and allow veterans to petition to have their fiduciary removed if problems arise," Johnson said in a news release. [Source: Houston Chronicle Lise Olsen article 20 Jun 2012 ++]

VA Disputed Claims Update 07: Nearly 70 years after he served in North Africa, Veterans Affairs approved benefits for Stanley Friedman for post-traumatic stress disorder. The war gave him flashbacks and nightmares. He flailed around in his sleep, bruising his arms. Memories of being bombed and rocketed seemed real, and painfully intense. Tech Sgt. Friedman was ultimately diagnosed with post-traumatic stress disorder, the signature disability from the wars in Iraq and Afghanistan. A few weeks ago, Friedman received his first 70 percent disability check for PTSD from the Department of Veterans Affairs. It wasn't for service in Iraq or Afghanistan. It was for World War II. Stanley Friedman is 92. After fighting the VA for years, Friedman got help from lawyers who logged hundreds of hours digging up evidence not only of his World War II service but of his debilitating PTSD. The VA finally accepted their documentation, and now Friedman is being compensated for what was called shell shock or battle fatigue when he served nearly 70 years ago. "It's like a miracle," Friedman said last week from his home outside Chicago, his mind still sharp and his voice heavy with the Brooklyn accent of his youth.

Friedman is hardly the only World War II veteran to receive benefits because of PTSD, but his long path to approval is unusual and noteworthy for the time and effort involved. About 19,000 World War II veterans receive such benefits, the VA says (compared with 115,000 Iraq, Afghanistan and Persian Gulf War veterans). But most of those World War II veterans had an easier time of it because many, unlike Friedman, held on to their service and medical records. For years, Minna Rae Friedman suffered through her husband's nightmares, flashbacks, anxiety and refusal to discuss the war. It came to a head a dozen years ago, she said, when his grandson interviewed Friedman for a school project on World War II. The boy asked: "Tell me the truth, Grandpa. Were you scared?" The old man replied: "I was scared to death." Actually, he used a more pungent description, his wife recalled. "That's

when it all really started to come out,” she said. A VA doctor diagnosed Friedman’s PTSD in 2001. In 2004, Friedman applied for disability benefits but was denied; he could prove neither his combat service nor his disability. For similar reasons, his 1946 application for disability benefits for a back injury and sand fly fever he suffered in North Africa was rejected.



Stanley Friedman and his wife, Minna Rae.

In 2009, the San Diego office of the law firm DLA Piper heard about Friedman’s case from a law school in Chicago. Lawyer James Garrett, and later Veronica Jackson and Oksana Koltko, began searching for documentation as part of the firm’s pro bono work for veterans. It would take them at least 350 work hours over more than two years. They scoured old newspapers and mountains of reproduced microfilm records supplied by the military. They also interviewed Friedman’s doctors, his wife and his children to obtain formal declarations about his PTSD symptoms. “I felt like a detective,” Jackson said. After months of searching Army records that turned up nothing about Friedman, Garrett realized that, because Friedman served in what was then the Army Air Corps, his records were kept by the Air Force. He pawed through Air Force microfilm and finally found a handwritten diary entry from an American captain in Tunisia in 1943 describing a certain “Sgt. Friedman.” From that clue, Garrett was able to establish Friedman’s service in North Africa from 1943 to 1945 and the name of his ordnance maintenance company. Other documents verified that Friedman’s troop ship was torpedoed and dive-bombed en route to Tunisia in 1943, and that members of his unit were killed in an attack on a truck in Tunisia in 1944.

The terror of being attacked on the ship, and of stumbling across a buddy’s corpse after the truck attack, clung to Friedman for years. He would keep his TV turned on late at night, he said, so he wouldn’t fall asleep and revisit recurring nightmares. “You’re always in fear for your life,” he said of the war memories that haunted him. His flashbacks terrified him and left him in a constant state of dread. He became depressed, anxious and uncommunicative, his wife said. Friedman had managed to work for years as a salesman for an aluminum foil company, but over the past decade he became increasingly debilitated by PTSD. One box of documentation the lawyers sent to the VA in February 2010 weighed in at 800 pages. A year later, the VA accepted the documentation and granted Friedman a 50 percent disability rating. The lawyers believed he deserved more, and they filed added documentation requesting a 70 percent rating. In April, the VA agreed. The first check at the higher rating arrived later that month. “I never, ever thought we’d get to where we are today,” Minna Rae Friedman said. Until a few years ago, she said, “I never knew anything about PTSD.” “This is wonderful,” she said. “It validates all Stanley has gone through.” Said Stanley: “It’s a marvelous thing they did for me.”

Garrett, who worked for the Peace Corps and as a firefighter before becoming a lawyer, said, “It’s just about the most significant thing I’ve ever done in my life.” Because the VA handles hundreds of thousands of cases and World War II records are difficult to trace, Jackson said, Friedman’s case was a remarkable example of patience by a man in his ninth decade. And it was immensely gratifying to help him persevere. “It makes you proud to be a lawyer,” she said. Friedman now makes regular visits from his home in Lake Bluff, Ill., to a VA facility in Chicago. He’s part of a PTSD therapy group that includes a few veterans from World War II and Vietnam, and younger

veterans from Iraq and Afghanistan. His doctor provides regular PTSD treatment. All that, and the successful conclusion of his decades-long battle for benefits, is bringing him out of his PTSD-induced depression. "It's made a new man out of me," Friedman said. [Source: Los Angeles Times David Zucchino article 17 Jun 2012 ++]

FHA Streamline Refinancing Program: Military members who are not eligible for VA home loan benefits will often use FHA loans similar to VA loans for their low-money-down and government-backed features. Current FHA borrowers may be entitled to newly reduced FHA Streamline refinancing which can help cut the costs to refinance while taking advantage of today's low interest rates. Price-cut FHA Streamlines help borrowers take advantage of today's low interest rates. Historically low rates have made mortgage refinancing trendy, but some FHA borrowers have hesitated because they don't want to pay increased mortgage insurance costs. Starting June 11, 2012, mortgage insurance discounts will be offered to certain borrowers through the FHA Streamline refinancing program. The price-cut FHA Streamline program features reduced-rate mortgage insurance including .01% for upfront mortgage insurance premium (UFMIP), and 0.55% for annual mortgage insurance premium (MIP). Reduced rates through FHA Streamline can save thousands of dollars upfront compared to regular FHA refinance. To qualify, borrowers must:

- Have an FHA loan endorsed on or before May 31, 2009
- Be current on their mortgage payments
- Meet other FHA and lender qualifying guidelines for Streamlines

FHA borrowers who can't qualify for the price-cut Streamline program will have to pay the going rate for upfront and annual mortgage insurance. UFMIP has recently jumped from 1% to 1.75%. And, annual MIP on a 30-year loan can be between 1.2% and 1.5% depending on the situation. Borrowers who qualify for price-cut FHA Streamline can avoid these increases. Streamlines require significantly less paperwork and have relatively easy income and credit qualifying. Most Streamlines close within two weeks. With price-cut FHA Streamlines, borrowers can enjoy immediate monthly savings on interest as a result of their refinance. Many who use this program will save a small fortune on interest over the lives of their loans. Look for FHA lenders that offer cost-free Streamlines with no origination, no appraisal and no closing costs. One place to look is at <https://www.ifreedomdirect.com/fha-streamline-refinance>. [Source: Military.com Veteran Report 18 Jun 2012 ++]

Vet Benefits: Not sure of your veteran benefits? The [Military.com](http://benefits.military.com) Benefit Calculator is designed to quickly and easily connect you with your benefits information based on service and status. Find Federal Benefits, State Benefits, National Guard State Benefits, Special Military Discounts, and more for active, prior service vets, retired, and disabled vets; National Guard and Reservist drilling/not drilling and activated vets; service member, retiree, and veteran spouse; and surviving spouse and family by going to <http://benefits.military.com/reg/Veterans-Benefits.do?ESRC=mrvr.nl>. If you fit into more than one category look at each separately. For example when I clicked on Retired USN it gave me the below. When I clicked on additional categories that were applicable to me it gave me the additional benefits:

- Commissary and Exchange Privileges. Access to shopping at military commissaries and exchanges.
- GI Bill Apprenticeships / Work Study / OJT. A GI Bill program designed to assist military members as they transition to civilian employment.
- GI Bill For Active Duty Chapter 30 Up to 36 Months of Education benefits that can be used for education, training, certification, apprenticeship, and on-the-job training programs. *National Guard and Selected Reserve may be eligible under previous active duty enlistment.

- Legal Assistance. Free legal assistance to help with issues like contracts, wills, and powers of attorney.
- Military Medical/Dental. Access to military provided medical care facilities.
- Military Pay and Allowances. Monthly pay and allowances for subsistence, housing and cost of living.
- Military Recreation Facilities. Use of on base gyms, tennis courts, swimming pools, auto hobby shops, golf courses etc.
- Retirement Pay. Monthly pay based on a percentage of pay at the time of retirement.
- Service-Disabled Veterans Insurance (S-DVI). Up to \$10,000 in additional life insurance coverage.
- Social Security Benefits. Visit the Social Security Benefits Calculator to learn more.
- Space Available Travel. Free travel on Military Transport aircraft on a space available basis.
- Survivor Benefit Plan. An annuity plan to help provide a monthly payment to designated beneficiaries. Learn more.
- TRICARE (medical/dental). The Department of Defense's health care program for members of the uniformed services, their families and survivors.
- VA Disability. Compensation Programs You may be eligible for Disability Compensation if you have a service-related disability and you were discharged under other than dishonorable conditions. * Requires a VA service connected disability rating ** Eligible disabled military retirees normally have their retirement pay offset by the amount of VA compensation received.
- VA Home Loans. Allows eligible veterans and servicemembers to purchase a home without making a down payment. Certain surviving spouses may also be eligible, under special criteria.
- VA Memorial and Burial Benefits. A wide range of burial and memorial benefits ranging from Military Funeral Honors to burial reimbursement.
- VGLI(veteran life insurance). VGLI is a life insurance program which allows servicemembers to convert their SGLI coverage to renewable term insurance.
- Veteran Federal Employment Preference. Veterans have a couple of different tools that can give them an edge in getting a civil service (Federal) job: the Preference Points and Veteran's Recruitment Appointment rule.
- Veteran's Health Care Programs. A VA provided health care coverage plan for veterans.
- Veteran's Pension Programs You may qualify if you are a wartime veteran with a limited income and you are no longer able to work, you may qualify for a Veterans Disability Pension or the Veterans Pension for Veterans 65 or older.
- Vocational Rehabilitation and Employment. Vocational rehabilitation & employment services under Chapter 31 of the GI Bill. These services include, but are not limited to, counseling, training, education and job placement assistance. * Requires a VA service connected disability rating

* Requires a VA service connected disability rating

[Source: Military.com article 18 Jun 2012 ++]

Blood Thinners Update 05: For millions of heart patients, a pair of new blood thinners have been heralded as the first replacements in 60 years for warfarin, a pill whose hardships and risks have deterred many from using the stroke-prevention medicine. But growing complaints of risks and deaths tied to the new crop of drugs have made some top U.S. cardiologists hesitant to prescribe them. Some are proposing a more rigorous monitoring regimen for when they are used.

- Most concerns revolve around Pradaxa, a twice daily pill from Boehringer Ingelheim that was approved by the U.S. Food and Drug Administration in October 2010 to prevent strokes in patients with an irregular heartbeat called atrial fibrillation. It was the first new oral treatment for that use since warfarin was introduced in the 1950s. "The good news is you now have an alternative to warfarin," said Dr. Alan

Jacobson, director of anti-coagulation services at the Veterans Administration (VA) healthcare system in Loma Linda, California. "The bad news is you can kill a patient as easily with the new drug as you could with the old drug" if it is not handled properly. "The average patient doesn't understand anything about the new drug, or what the risks are, or what other medicines he can or can't take," said Jacobson, citing interactions with common painkillers and other drugs that can alter Pradaxa blood levels.

- Xarelto, a once daily pill that Johnson & Johnson developed with Bayer AG, was approved last November for atrial fibrillation. The condition affects about 3 million Americans, causing blood to pool in a storage chamber of the heart, where it can clot and travel to the brain.

Both new drugs were designed to sidestep risks of warfarin, including brain hemorrhages and other dangerous bleeding, and become mainstays of a new therapeutic market worth at least \$10 billion a year. Patients taking warfarin require close monitoring and regular blood tests as well as dietary and lifestyle changes. Doctors have less data and familiarity with Xarelto, which is still being rolled out. But Jacobson and another dozen physicians interviewed by Reuters expressed similar concerns about both Pradaxa and Xarelto. They say that real world use of Pradaxa and Xarelto, which do not require regular blood monitoring or frequent doctor follow-up, raises concerns about the risk of stroke, serious bleeding and blood clots if not taken properly, particularly in patients with poor kidney function. The nonprofit Institute for Safe Medication Practices estimated last month that 542 reports of deaths associated with Pradaxa were reported to the FDA in 2011, topping all other medicines, including warfarin, with 72 deaths. Adverse event reports on Xarelto were not available.

The makers of Pradaxa and Xarelto say it takes time for doctors to get up to speed on new types of treatments and how to best administer them outside the controls of clinical trials. "This is a shift in medical practice," said Dr. John Smith, senior vice president for clinical development at Boehringer. "Individual physicians have to determine what the follow-up plan will be, to use common medical-sense judgment." Dr. Peter Wildgoose, a senior director of clinical development at J&J, said the company has not provided special advice on follow-up care for patients on Xarelto. "There's nothing more than for any other drug that people regularly take," he said, adding that most atrial fibrillation patients probably see their doctors on a regular basis. "These drugs have been tested long term, for several years at a time, with very good outcomes." Boehringer Ingelheim and Johnson & Johnson officials stressed there was far less evidence in trials of brain bleeding - the most worrisome side effect of anti-coagulants - in patients taking Pradaxa and Xarelto than those taking warfarin. In the meantime, warfarin is holding its own, with 33 million U.S. prescriptions filled for atrial fibrillation and other uses last year, according to IMS Health, a healthcare information and services company. Some 2.2 million prescriptions were filled for Pradaxa. About 130,000 U.S. prescriptions were written for Xarelto in the first three months of 2012. Pradaxa and Xarelto each cost about \$3,000 a year, versus just \$200 for generic warfarin.

Prominent U.S. heart doctors stress that neither new drug has a known antidote for a bleeding emergency, as warfarin does. They also say that patients using them should undergo testing ahead of time to ensure good kidney function, be carefully taught potential pitfalls of the drugs and be seen by doctors periodically, especially after a switch is made. "I have received a dozen phone calls from local colleagues in the last couple of months about bleeding on Pradaxa and have yet to find a single case where that bleeding was not related to improper use of the drug," said Dr. Sanjay Kaul, a cardiologist at Cedars-Sinai Medical Center in Los Angeles. Kaul found that many of the doctors failed to test patient kidney function before prescribing Pradaxa, though 80 percent of the drug is excreted in that organ. Weak kidneys allow the medicine to build to unsafe levels in the bloodstream. About two-thirds of Xarelto is eliminated by the kidneys - including 36 percent of the active drug as well as drug that has already been rendered inactive by the liver. Other doctors failed to ask patients whether they had a history of gastrointestinal bleeding, which raises the risk for Pradaxa. "What really compounds the matter is the lack of a specific antidote to reverse life-threatening bleeding" from Pradaxa, said Kaul, who served on independent panels that advised the FDA on both new medications. Kaul said he had written only one prescription for Pradaxa and none for Xarelto. Boehringer Ingelheim said it is working on an antidote, but declined to elaborate. Johnson & Johnson

said it is not developing an antidote, but is monitoring early efforts by other drugmakers to come up with one. Bristol-Myers Squibb Co, which is developing a blood clot drug called Eliquis that is similar to Xarelto, declined to comment on the antidote issue.

VA Suicide Prevention Update 12: Mental-health experts, the U.S. military, the groups that aid returning service members, their families are trying to provide a sense of support for veterans and active-duty troops in an attempt to prevent the growing number of suicides. American troops have been taking their own lives in alarmingly increasing numbers over this past decade at war in Afghanistan and Iraq. The Veterans Affairs Department is looking to black women, the group in the U.S. population with the lowest suicide rate, to learn the factors behind that statistic and, hopefully, then determine how best to use that knowledge to help service members. We're taking a look at a cross section of the U.S. troops whose suicides have shaken the military and the nation as well as at some of the support offered to veterans and their families, all strained by repeated tours during a decade at war. [Source: National Journal Stephanie Czekalinski article 12 Jun 2012 ++]

DoD Lawsuit ~ Colton Read: The U.S. government has asked a federal judge in Fort Worth to dismiss a lawsuit filed this spring on behalf of a retired Air Force airman who had both legs amputated when a routine surgical procedure went horribly wrong in a military hospital in California three years ago. Fort Worth attorney Darrell Keith sued the government on behalf of Colton Read and his wife, Jessica, both of whom grew up in Arlington, challenging a 60-year-old Supreme Court precedent that bars service members from collecting damages from the government for wrongful death, medical malpractice or any other typical tort claims. The lawsuit, filed in U.S. District Court in Fort Worth, seeks tens of millions of dollars for the Reads for pain, impairment, disfigurement, loss of earning capacity and mental anguish. In a recently filed response, U.S. attorneys cite exactly that precedent — known as the Feres Doctrine after the name of the original case in 1950 — in arguing that the Reads' claims are a dead end. "This case involves a straightforward application of the Supreme Court's nearly sixty-year-old holding in Feres," the brief states. "This Court is without jurisdiction to entertain the Reads' claims, and this case should be dismissed."

If Judge John McBryde dismisses the claim, Keith hopes eventually to persuade the Supreme Court to review the case and overturn what he once called the extremely unjust, outmoded, universally criticized and judicially erroneous Feres Doctrine. "Colton and his wife and I were expecting the federal government's response and motion to dismiss," Keith said. "The government's motion is just the first step in the long run to the Supreme Court." The Feres Doctrine has withstood challenges over the years from military members and their families. The last challenge came from the family of an airman who died after a botched appendectomy at the same hospital where Read had his surgery, a case that ended last year when the Supreme Court declined to reverse a lower-court ruling that tossed out the suit. Although other government employees and citizens can sue the government under the Federal Tort Claims Act, the Supreme Court ruled in the 1950s that military personnel cannot. Instead, the government has said that military members who are injured, no matter the cause, can receive pension benefits and lifelong medical care from the Department of Veterans Affairs.

The government attorneys said there is no disputing what the Supreme Court has ruled. "Simply put, the FTCA's waiver of sovereign immunity does not extend to injuries which arise incident to military service, which is broad enough to encompass the alleged injuries sustained by the Reads," the government brief states. Government attorneys also argued that the case should be dismissed because it was filed in the wrong venue. At the least, the attorneys said, the case should be transferred to a federal judge in the Western District of Texas or in the Eastern

District of California. The Reads own a home in New Braunfels, and the surgery was performed at Travis Air Force Base in California, neither of which are in the federal system's Northern District of Texas, the brief states. Keith said that although the couple owns a house in New Braunfels, "as far they are concerned, it's still a temporary residence."



Retired Air Force Gen. Hal Hornburg shakes hands with Senior Airman Colton Read

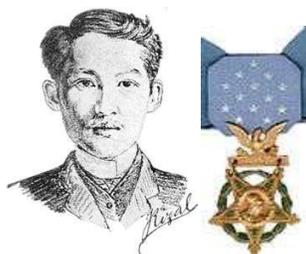
On July 9, 2009, Read went to the base hospital at Travis for laparoscopic, or minimally invasive, surgery to remove his gallbladder, an operation he needed before deploying overseas. The routine surgery turned nearly deadly when one of his doctors lacerated his aorta at the beginning of the procedure, according to court documents, and he started hemorrhaging. It took several hours for the doctors to determine what had happened and fix it. Keith's lawsuit alleges that the doctors sewed Read's aorta shut and prevented blood from reaching his legs for longer still. When Read was transferred to a civilian hospital later that day, physicians had to amputate both his legs, one all the way to the hip. The lawsuit accuses the government, the Air Force and the hospital of negligence and says they are liable for 23 different actions, or lack of actions, made by the two military surgeons that day. [Source: Stars & Stripes Chris Vaughn article 14 Jun 2012 ++]

Army Day: Army Day should not be confused the Army's Birthday, which is celebrated on June 14. The origins once in 1925. Congress then disallowed any further observances of this day. In response, the Military Order of the World War under Colonel Thatcher Luquer established Army Day. Army Day was first celebrated on May 1, 1928. That date was chosen in hopes of dampening Communists' celebration of Workers' Day, which also occurs on May 1. But, starting in 1929, Army Day was changed to April 6, the anniversary date of the United States' entry into World War I. Army Day was established as a nationwide observance to draw public attention to national defense and to acquaint the public with Army activities. In addition, the day was used to stress the need for military preparedness, which the nation had lacked as it entered earlier major conflicts. "The failure to make adequate preparation for the inevitable struggle, the consequent suffering from disease and death entailed upon the armies which were hastily raised, the prolongation of the conflict far beyond the time which sufficient and equipped forces would have required for victory, and the heavy costs of reconstruction" were caused by the lack of preparation of the nation.

On April 4, 1936, President Roosevelt issued a proclamation that Army Day be recognized by Congress as April 6 and observed nationwide. On March 1, 1937, Congress passed Resolution #5-75 which officially recognized Army Day. Army Day was last observed nationally in the U.S. on April 6, 1949. Army Day is celebrated as a Chinese holiday on 1 AUG to commemorate the PLA's contribution to China. All Army veterans are honored on this day. Army Day is celebrated on 15 January every year in India, in recognition of Lieutenant General (later Field Marshal)

K. M. Cariappa's taking over as the first Commander-in-Chief of the Indian Army from Sir Francis Butcher, the last British commander, in 1948. [Source: Military.com article 6/15/12 ++]

Medal of Honor Update 12: After the Philippine-America War (1899-1902) in General Order No. 64 issued on Nov. 25, 1912, the U.S. War Department honored Jose Nisperos with the medal for "most distinguished gallantry," after he repulsed a group of rebels who ambushed the 34th Company of the Philippine Scouts in Basilan on Sept. 24, 1911. "Having been badly wounded (his left arm was broken and lacerated and he had several spear wounds in the body so he could not stand), Private Nisperos continued to fire his rifle with one hand until the enemy was repulsed, thereby aiding materially in preventing the annihilation of his party and the mutilation of their bodies," read the citation. During rites at the Luneta Park on Feb. 5, 1913, Nisperos received the medal from Brig. Gen. Franklin Bell, the commanding general of the U.S. Army's Philippine Division. The US Army discharged Nisperos and gave him a pension of \$55 a month. He died at age 34 in 1922 following an illness.



Maria Delilah Turzar, 40, a young girl had always been fascinated by the framed, faded magazine article displayed on the wall of her grandmother's house in San Fernando City in La Union (north Philippines). The Philippines Free Press article, written in 1957 by Primitivo Milan, was titled, "The First Filipino Awardee of the U.S. Congressional Medal of Honor," and talks about Turzar's great grandfather, Private Jose Nisperos, of the 34th Company of the Philippine Scouts. Nisperos was the first Filipino and Asian to receive the medal, the highest U.S. military honor. "I kept on reading the story about Lolo Jose and wondered where the medal was," Turzar said. When she was 10, she accompanied her Lola Guia (Nisperos' daughter) to Mass. After the Mass, her grandmother knelt down and started to cry. "I understood that deep in her heart there was no closure of that chapter in their life. I promised her then: 'When I grow up, I will exert my best effort to find what is rightfully due your father and our great grandfather.' I made the same promise to her sisters, Leonila and Concepcion," Turzar said.

Lolo Jose left behind his wife Potenciana and three young daughters Guia Esperanza, Leonila Flora and Concepcion. Turzar's grandmother had told her that a relative took the medal days after Nisperos died in 1922, supposedly to help Nisperos' widow, Potenciana, claim benefits from the American government. But since that day, the family never saw the medal. The pension never came and Potenciana worked as a market vendor to support the family. Five years ago Turzar embarked on a mission to find the medal, meeting different people along the way, some of whom tried to take advantage of her search. "There were people coming even from the United States pretending to be writers and knowing about Lolo Jose. They said they could help us approach people to get it back, for a fee of \$5,000. Of course, we did not have that money to give them," she said. But her effort and patience bore fruit. After 90 years, Nisperos' Medal of Honor is now with the family for safekeeping. San Fernando Mayor Pablo Ortega was instrumental in locating the medal, she said. Ortega appealed through the media to spread information on the missing medal and sought its return to the family.

Early in June 2012, the mayor's friend, an antique dealer who runs a store in a shopping mall in Metro Manila, informed him that he knew the collector who bought Nisperos' medal at an auction of the Philippine Numismatic

and Antiquarian Society in 2010. Turzar said the collector, who asked not to be identified, learned about the family search and appeal from media reports. A meeting for the medal's return was then set. "We finally met the collector on 7 JUN and he just gave it back to us, without asking for anything in return," Turzar said. Turzar was ecstatic when she read her great grandfather's name engraved on the medal. "My grandmother Guia, her sisters Leonila and Concepcion and even my mother Virginia never saw the medal in their lifetime. Now my promise to them had been fulfilled," Turzar said. According to Ortega, the collector wanted the medal to be placed in the custody of the city government and displayed in a museum. The medal, he said, would be kept in a vault of a government bank until the city sets up a museum. [Source: Asia News Network Yolanda Sotelo article 14 Jun 2012 ++]

CRSC Update 41: Many men and women enlist in the military with the intention of making it a career. Some do so and walk away from their service unscathed. But others suffer injuries in combat-type situations that hinder – or eliminate – their ability to work after military retirement. Still, others are so badly injured in those situations that they are medically retired long before the normal retirement age. That's where Combat-Related Special Compensation (CRSC) can benefit a military retiree. CRSC eligibility can come from injuries suffered during armed conflict or training that simulates war, while on hazardous duty, or from an instrumentality of war, such as exposure to Agent Orange or while in a combat vehicle. To be eligible for non-taxable CRSC, applicants must:

- Be entitled to and/or be receiving military retired pay
- Be rated at least 10 percent by VA
- Waive their taxable military retirement pay
- File a CRSC application with their respective branch of service.

A veteran may be eligible for CRSC no matter when the veteran left active military service; it can be paid to a 60-year-old Vietnam veteran who was medically retired in 1973, a 72-year-old Vietnam veteran who retired in 1982 after 20 years of service, or to a 29-year-old veteran who served in Iraq or Afghanistan and was medically retired in 2006. However, for those retired due to longevity, the effective date for CRSC payments cannot be earlier than May 31, 2003 – the effective date established for the original CRSC statute. For those medically retired under Chapter 61 of Title 10, U.S. Code, the effective date for CRSC payments cannot be earlier than January 2008, when the bill authorizing CRSC for these veterans became law. If it sounds like a complicated process to you and you would like to have some assistance in submitting your CRSC claim, most of the national military fraternal organizations will provide it at no cost to the applicant:

- The American Legion, can help through its network of department service officers at <http://www.legion.org/veteransbenefits/departmentofficers>.
- The Veterans of foreign Wars (VFW) organization will provide assistance through their network of service offices at <http://www.vfw.org/NVS>.
- The Disabled American Veterans (DAV) organization will provide assistance through their network of service offices at <http://www.dav.org/veterans/NSOffices.aspx>.
- You can also contact your regional or local VA office which can be found at <http://www.vba.va.gov/bln/21/ro/rocontacts.htm> and <http://www2.va.gov/directory/guide/home.asp?isFlash=1>.

[Source: The American Legion Update 14 Jun 2012 ++]

Stolen Valor Update 68: Veterans from the Military Order of the Purple Heart, the organization that helped put Michael Delos Hamilton, 69, in prison for falsely claiming to have been a highly decorated military veteran, expressed their discontent recently after hearing the fake colonel was being released early. Hamilton was sentenced in September to 16 months in federal prison after being convicted the previous April of wearing the medals and uniform of a highly decorated Marine colonel without authorization, making false statements to federal authorities and embezzling fraudulent disability payments totaling more than \$37,000 from the Department of Veterans Affairs. He was released 17 JUN from the Federal Correctional Complex in Butner after having served only eight months of his 16-month sentence. At the time of his sentence, he had already served 141 days in jail, which added an additional four and a half months to his time served. In addition, he has currently earned 54 days of good conduct and as long as he maintains his good standing, he will have earned 62 days total of good conduct time, all of which was taken into consideration when his release date was calculated, according to Chris Burke, a spokesman from the Federal Bureau of Prisons.



Michael Delos Hamilton

“This is ridiculous,” said retired Sgt. Maj. Grant Beck, president of the MOPH Beirut Chapter. “Not only did he steal the honor of legitimate heroes, but then he defrauded the government of \$30,000 that could have certainly been used for veterans who honestly need that help ... and now (the help) is not available because of people like him.” Hamilton began receiving disability payments in 2009 for post-traumatic stress disorder allegedly triggered by his combat experiences in the Marine Corps. During Hamilton’s trial, his sister testified that he had served in the Marines for less than a year before being medically discharged. She added that Hamilton never deployed and military officials confirmed there was no record of Hamilton having participated in secret operations as he had claimed. “I am not pleased to hear that he’s getting out early,” said retired Master Sgt. John Cooney, adjutant for the MOPH Beirut Chapter who testified against Hamilton in his September trial. “I don’t know that he has learned his lesson and I don’t even know if he would have learned his lesson if he’d stayed in there the whole (16 months).” Hamilton was exposed as a phony in spring 2010 when he appeared at a Vietnam Veterans memorial service in Jacksonville wearing a colonel’s dress regalia and multiple combat decorations to include two Navy Crosses, four Silver Stars and eight Purple Hearts pinned to his chest. “The man is sick,” Cooney said. “There are so many phonies running around here and him being released isn’t doing anybody any justice.” Beck and Cooney said they believe Hamilton’s early release may have something to do with his health, since he appeared especially frail at his September trial after having spent in four months in jail. [Source: Jacksonville Daily News Amanda Wilcox article 17 Jun 2012 ++]

Stolen Valor Update 69: The Supreme Court on Thursday struck down a federal law making it a crime to lie about receiving the Medal of Honor and other prized military awards, with justices branding the false

claim “contemptible” but nonetheless protected by the First Amendment. The court voted 6-3 in favor of Xavier Alvarez, a former local elected official in California who falsely said he was a decorated war veteran and had pleaded guilty to violating the 2006 law, known as the Stolen Valor Act. The law, enacted when the U.S. was at war in Afghanistan and Iraq, was aimed at people making phony claims of heroism in battle. The ruling, written by Justice Anthony Kennedy, ordered that the conviction be thrown out. “Though few might find respondent’s statements anything but contemptible, his right to make those statements is protected by the Constitution’s guarantee of freedom of speech and expression. The Stolen Valor Act infringes upon speech protected by the First Amendment,” Kennedy said.

The high court has in recent years rejected limits on speech. The justices struck down a federal ban on videos showing graphic violence against animals and rejected a state law intended to keep violent video games away from children. The court also turned aside the attempt by the father of a dead Marine to sue fundamentalist church members who staged a mocking protest at his son’s funeral. In 1989, the court said the Constitution protects the burning of the American flag. Justices Samuel Alito, Antonin Scalia and Clarence Thomas dissented in the Alvarez case. “These lies have no value in and of themselves, and proscribing them does not chill any valuable speech,” Alito said. “By holding that the First Amendment nevertheless shields these lies, the court breaks sharply from a long line of cases recognizing that the right to free speech does not protect false statements that inflict real harm and serve no legitimate interest.”

Alvarez made his claims by way of introducing himself as an elected member of the Three Valleys Municipal Water District in Pomona, Calif. There is nothing to suggest that he received anything in exchange or that listeners especially believed him. The government had defended the law as necessary to punish impostors to protect the integrity of military medals. But Justices Stephen Breyer and Elena Kagan said in a separate opinion that there were ways for the government to stop liars “in less restrictive ways.” One possibility would be to “insist upon a showing that the false statement caused a specific harm or at least was material, or focus its coverage on lies most likely to be harmful or on contexts where such lies are most likely to cause harm,” Breyer said. Civil liberties groups, writers, publishers and news media outlets, including The Associated Press, told the justices they worried that the law, and especially the administration’s defense of it, could lead to more attempts by government to regulate speech.

Then-Gen. George Washington established military decorations in 1782, seven years before he was elected as the first president. Washington also prescribed severe military punishment for soldiers who purported to be medal winners but weren’t. It long has been a federal crime to wear unearned medals, but mere claims of being decorated were beyond the reach of law enforcement. The Stolen Valor Act aimed to solve that problem, and won significant support in Congress during a time of war. Alvarez’s lawyers challenged the law by acknowledging their client’s lies, but also insisting that they harmed no one. “Statutes suppressing or restricting speech must be judged by the sometimes inconvenient principles of the First Amendment,” Kennedy said. “By this measure, the statutory provisions under which respondent was convicted must be held invalid, and his conviction must be set aside.”

In response to the Court decision, Congressman Joe Heck (R-NV) said, "Now that the Supreme Court has laid down this marker, I will be pushing for a vote on a version of the Stolen Valor Act that will pass constitutional scrutiny." Congressman Heck has introduced H.R.1775, a revised Stolen Valor Act, which would make it illegal for individuals to benefit from lying about their military service, record, or awards. According to the Nevada Republican his bill would pass constitutional review on the grounds that it does not attempt to limit speech basing the bill on whether an individual benefits from the lying. Rep. Heck's bill has 52 bipartisan co-sponsors. Senator Scott Brown (R-MA) has introduced the Senate companion bill, S.1728. The National Association of Uniformed Services (NAUS) is asking for your help in contacting your elected officials to gain support for H.R.1775 by clicking on their CapWiz Alert at <http://capwiz.com/naus/issues/alert/?alertid=61516361> to send an email. Ask your family, friends and neighbors to become involved too. Free speech is one thing but deliberately lying for gain or to

impress others demeans the sacrifices made by all real veterans. [Source: Associated Press & NAUS articles 28 & 29 Jun 2012 ++]

Vet Jobs Update 67: In an effort to help reduce Veteran unemployment, Health Net Federal Services, LLC, part of the Government Contracts segment of Health Net, Inc. on 14 JUN announced the launch of their Veteran and Military Spouse Employment Initiative, a comprehensive and progressive plan to recruit, hire, train and retain Veterans for the Health Net workforce. This initiative, as well as recent partnerships with Joining Forces and Hero Health Hire, is reflective of Health Net's commitment to the well-being of our nation's Veterans. Tom Carrato, president of Health Net Federal Services said, "Health Net has a deep appreciation for the service and sacrifices of military members, their families and Veterans. We have a long history and sound record of hiring Veterans and military spouses. This formal initiative is a natural progression of our mission of service to military members, their families and the Veteran community. We consider it good business to hire Veterans and are proud to be part of the Joining Forces and the Hero Health Hire efforts to ensure members of the military community successfully transition to civilian life...Leadership ability and the strong sense of mission that comes from military service are characteristics that are highly valued in a competitive business environment. Today's unacceptable high rate of Veterans' unemployment has led to robust efforts in the public, private and not-for-profit sectors to reverse this trend, and Health Net is committed to do its part." Key targets of the initiative include:

- Increasing hiring of Veterans and spouses by 10 percent over the next three years;
- Promoting and participating in recruitment opportunities such as military job fairs, conferences and online social media networks;
- Continuing to develop strategic relationships with Veteran and military organizations that support and foster employment opportunities, such as Hero Health Hire and Department of Defense Military Spouse Employment Partnership, Iraq Afghanistan Veterans of America, Joining Forces, Military Officers Association of America (MOAA), and Blue Star Families; and
- Implementing a system to monitor and track Veteran employment objectives to ensure effectiveness and overall program success.

Health Net, Inc. is a publicly traded managed care organization that delivers managed health care services through health plans and government-sponsored managed care plans. Its mission is to help people be healthy, secure and comfortable. Health Net, through its subsidiaries, provides and administers health benefits to approximately 5.6 million individuals across the country through group, individual, Medicare (including the Medicare prescription drug benefit commonly referred to as "Part D"), Medicaid, U.S. Department of Defense, including TRICARE, and Veterans Affairs programs. Health Net's behavioral health services subsidiary, Managed Health Network, Inc., provides behavioral health, substance abuse and employee assistance programs to approximately 4.9 million individuals, including their own health plan members. Health Net's subsidiaries also offer managed health care products related to prescription drugs, and offer managed health care product coordination for multi-region employers and administrative services for medical groups and self-funded benefits programs. For more information on Health Net, Inc., refer to <http://www.healthnet.com>. [Source: Business Wire article 14 Jun 2012++]

Vet Jobs Update 68: Industrial manufacturer Eaton Corporation, whose automotive business makes superchargers and many other parts, also supplies electric-car charging stations. Under a recent Federal contract, Eaton will provide those charging stations to various Federal locations--and the company is also working to train new installers for those stations. Among the future installers will be qualified U.S. military veterans. Eaton is working with the U.S. Department of Veterans Affairs (and the Community College of Baltimore County) to create

the pilot "VetCars" program, which will instruct veterans how to install and service infrastructure for plug-in vehicles. Veterans who complete the program can also earn a certificate showing that they are qualified to maintain the advanced batteries used in plug-in vehicles.

Employment opportunities for returning veterans have been a challenge over the last few years, as the tough economy has made jobs at all levels more scarce. The intention, Eaton says, is to "provide returning veterans with jobs in communities across the country. The charging station contract is between the U.S. General Services Administration (GSA) and Autoflex, which will install Eaton's stations as part of the Electric Vehicle Pilot Program. That program is now expanding beyond its five original test cities: Washington, D.C., Detroit, Los Angeles, San Diego, and San Francisco. More than 60 charging stations have already appeared at various Federal agencies and departments, with more on the way. The goal is to see how and when plug-in electric drivers take advantage of at-work charging in the near term. Range-extended electric cars like the Chevy Volt and pure battery electric vehicles like the Nissan Leaf went on sale in December 2010, joined by plug-in hybrids like the Toyota Prius Plug-In Hybrid just a few months ago. There will be more than 40,000 of them on U.S. roads by the end of this year. Electric cars may also be popular with veterans of the Iraq and Afghanistan conflicts, as those soldiers have experienced first-hand the costs of maintaining U.S. energy supplies and the associated geopolitical impacts. [Source: The Washington Post John Voelcker article 13 Jun 2012 ++]

Vet Jobs Update 69: The 2012 Veterans Talent Index is a comprehensive analysis of transitioning military service members, veterans and their employers. The report shows the confidence level for both employers and veterans has dropped over the past six months. The three indices of the report follow:

The Veterans Career Confidence Index: A monitor of veterans' confidence in finding a job combined with the level of skills they acquired during and after their military service. The May 2012 report surveyed more than 900 veterans who revealed that while they believe their military skills are valuable, they're increasingly frustrated and show a lack of confidence in their ability to find an appropriate job due to the lack of preparation for their transition to civilian work. The May 2012 Index dipped to 54, compared to 56 in November 2011, on a scale of 0-100. May 2012 details:

- 75% of veterans, up from 73% in the prior report agree that their military skills are valuable in civilian careers.
- Only 29% of respondents are confident about finding work that suits them, down from 44% in November 2011.
- Less than half (47%) of respondents feel they are prepared for their career transition out of the military, down slightly from 52% in November 2011.

The Veterans Job Search Activity Index: A monitor of transitioning veterans' job search activity and the resources they use. The May 2012 Index rose to a 77 on a scale of 0-100 compared to 74 in November 2011, reflecting the increased base of veterans as well as their increased job search activity. May 2012 details:

- Veterans likely to look for a job in the next 12 months is up from 69% in the prior report, with nearly three-quarters (74%) of respondents very or extremely likely to be looking for work within the year.
- Top keywords searched by veterans reveal an interest in customer service, security and management positions; top keywords searched by employers reveal accounting, computer software engineers and computer systems analysts are in demand.
- Each of the top five job search challenges listed in November 2011 increased in May 2012. The challenge of 'finding opportunities for which I am qualified' jumped the most, rising as a concern from 45% to 53%.

The Employer Veterans Hiring Index: A monitor of how employers who have hired multiple veterans in the past year compare work performance to non-veteran employees. The May 2012 survey of over 900 employers revealed continued positive indications towards veterans, but also revealed a gap between veterans' and employers' views, and a sense that veterans need to do a better job of explaining their skills in order to more successfully compete with the national job seeker pool. The May 2012 Index dropped to a 71 on a scale of 0-100, compared to a 74 in November 2011. May 2012 Details:

- An encouraging 74% of surveyed employers reported they had hired more than one veteran within the past year, up from 70% in the 2011 report.
- Nearly all surveyed (99%) who had hired a veteran felt their work experience was about the same or much better than non-veteran workers; 99% would recommend hiring a veteran.
- The May 2012 survey showed more respondents reported veterans were the best qualified candidate for the job, yet fewer saw a candidate's work and military experience as primary drivers to hire; down from 44% in November 2011, 32% of respondents reported veterans offer needed special skills and talents compared to non-veterans.

What veterans may lack in civilian experience, they more than make up for in military experience. The majority of veterans (83%) have more than five years of military experience compared to 55% who have more than five years of civilian work experience. Many of today's U.S. jobs (72%) feature requirements of less than five years of work experience; both employers and veterans will need to navigate the transference of military experience into today's workplace. "Veterans bring a wide range of skills and expertise into the mix of professionals seeking employment, but it's difficult shifting their mindset out of military culture and into civilian culture when talking to a hiring manager," said T McCreary, president of Military.com and vice president for Monster Worldwide. "The VTI provides actionable intelligence to assist employers in filling their talent needs and to provide veterans who want to make that transition into a civilian job, the feedback required to compete in, and acclimate to, the environment they're transitioning into." To access Monster's comprehensive May 2012 Veterans Talent Index report, and to learn more about hiring veterans and advice on how to bridge the communication gap, visit the Veterans Employment Center <http://www.military.com/veteran-jobs>. [Source: Military.com Benefits article 18 Jun 2012 ++]

Vet Jobs Update 70: U.S. Transportation Secretary Ray LaHood and U.S. Veterans Affairs Secretary Eric Shinseki today unveiled a new portal on their departments' websites designed to help military veterans find jobs in the transportation industry. "Our transportation industry needs pilots, controllers, mechanics and drivers – the very kinds of skills that our military is known for developing," Secretary LaHood said. "This new web link will help repay the debt we owe our veterans for their service to our country." Secretary Shinseki said, "Veterans have the skills, knowledge and attributes that American businesses need to help rebuild an economy that will last. ... These men and women bring exceptional leadership to any position. They are uniquely qualified for jobs as pilots, mechanics, air traffic controllers, commercial drivers and emergency medical technicians because many of them have performed these roles in combat."

The portal on the U.S. Department of Transportation and U.S. Department of Veterans Affairs websites will link to the Veterans Transportation Career Center, where former members of the armed forces can enter their specific military work experience and see how it translates to jobs in the civilian working world. The site will guide veterans to jobs in five categories: aviation pilot, aviation maintenance technician, air traffic controller, commercial motor vehicle driver and emergency medical services. Job seekers can find what training and certification is needed for civilian jobs, determine what career fits best with their background, and search for available jobs in their field. The

portals are available at <http://www.dot.gov> and <http://www.va.gov>. Secretaries LaHood and Shinseki announced the new portal at an aviation-workforce management conference held at DOT headquarters in Washington. The conference on labor-management relations was first formed in response to a recommendation made by the Future of Aviation Advisory Committee (FAAC), which was convened by Secretary LaHood in 2010. The FAAC recommended that DOT hold events like this to bolster labor-management relations. [Source: VA News Release 21 Jun 2012 ++]



GI Bill Update 119: Another year, another major overhaul for veterans' GI Bill benefits. Lawmakers and veterans groups are again pushing for improvements to the post-9/11 GI Bill, a 3-year-old benefit that was itself a dramatic update to the traditional post-military education offerings. The benefit allows any veteran with at least three years' service since late 2001 to complete a four-year degree program at state public colleges free of charge. It also includes a monthly living stipend and provisions to transfer unused education funds to veterans' spouses or children. Department of Veterans Affairs officials said more than 720,000 veterans and dependants have used the program to attend college over the last three years, at a cost of more than \$18 billion. Roughly 590,000 post-9/11 GI Bill students are expected to be in university classrooms this fall.

Unlike past years, where the benefit changes have mainly focused on adjustments to the payout rates and rules, this summer's proposals focus on providing better resources to veterans before classes start. Veterans advocates have lobbied for more pre-college counseling for veterans to inform them of schooling options and post-graduation job prospects. A measure by Sen. Frank Lautenberg (D-NJ) would require the VA to provide vocational counseling to any college-bound vet before they enroll, unless they opt out. Such counseling is currently available but few veterans have taken advantage of it. Curtis Coy, deputy VA undersecretary for economic opportunity, said department officials are concerned that mandating the counseling could overwhelm existing programs. Only about 6,500 veterans used those services last year. But officials advocates said the counseling is critical to help students make better decisions about where to attend school, especially in light of strong marketing pushes from for-profit colleges that can cost veterans thousands of dollars in tuition costs beyond what is offered by the GI Bill.

Other measures would establish a central clearinghouse for benefits complaints or abuses, provide more information on eligible programs and schools, and tighten controls over what courses can qualify for the veterans education benefit. House lawmakers have proposed similar measures, but it's unlikely any will be passed before the November elections. Senate Veterans Affairs Committee chairwoman Patty Murray, D-Wash., said she hopes a larger GI Bill overhaul package, including some of these initiatives, can be put together later this year, but lawmakers from both parties have been pessimistic about the possibility of any legislative action before the November elections. In April, President Barack Obama issued an executive order designed to offer more protection to veterans' education benefits by limiting college recruiters' access to military bases, forcing colleges to provide

graduation rates and student debt information, and prohibiting institutions from using the term "GI Bill" in their veterans outreach efforts. [Source: Stars and Stripes Leo Shane article 13 Jun 2012 ++]

GI Bill Update 120: Sen. Michael Bennet (D-CO) said 18 JUN a change to the way GI Bill overpayments are reimbursed would benefit the veteran and cause no hardship for the Veterans Administration. A simple change to the collection procedure is sufficient, according to a report in Air Force Times. No change in law is required. Currently, a veteran who is paid too much for GI Bill benefits has 30 days to reach an agreement with the VA on how to make the repayment. If no agreement is made, the VA begins reducing payments to the school and to the student for living stipends. Bennet, who made his proposal in a letter, said the 30-day window to reach an agreement is too short. He proposed a procedure that would take the repayments from the end of the student's 36-month period of benefits. "Veteran students who are dependent on GI Bill benefits often have no other means of financial support," he wrote in the letter. "Suspending housing or tuition benefits can leave a veteran student in an untenable financial position and without the means to live or continue his or her education." [Source: NGAUS Washington Report 19 Jun 2012 ++]

GI Bill Update 121: The marketing firm behind GIBill.com (<http://www.gibill.com/>) will shut down that website, scale back more than a dozen others and pay \$2.5 million in penalties under terms of a settlement with state attorneys general over deceptive advertising practices aimed at student veterans. Veterans groups and Department of Veterans Affairs officials hailed the announcement as much-needed victory over the tactics of for-profit colleges, who they say have targeted those students as potential cash cows for their schools. Industry representatives called it smear campaign. The settlement is the result of a month long investigation into the practices of QuinStreet, an online marketing firm whose clients include a host of for-profit colleges. Kentucky Attorney General Jack Conway said called the company and its use of the GIBill.com website "the most egregious example" he has seen of misinformation and greed directed at veterans. "This is a public trust issue," he said. "We have many publicly traded companiestaking a funnel of taxpayer money intended to educate veterans, and instead giving them credits they can't transfer, debt they can't discharge and putting them in a hole. That's unconscionable."

The website, which offered information on veteran education benefits and careers, consistently redirected visitors to a small group of for-profit schools as the best place to use their GI Bill tuition. State attorneys charged that the website managers did little to acknowledge their site was not an official government information page, or that those for-profit schools in many cases would cost them more money than public school options. Conway said the investigation included a review of 8,000 emails to QuinStreet through the GIBill.com site, many of which came from veterans who thought they were communicating with government officials. Under the settlement, the GIBill.com domain will be handed over to VA officials, who will use it to redirect web surfers to the VA's official GI Bill site at <http://gibill.va.gov/>. Social media accounts associated with the page will be shut down. In addition, QuinStreet agreed to put disclaimers on other military-themed sites clearly stating they are not connected with the government, and refrain from using the term "GI Bill" in the address of any future sites.

Conway would not say whether any of the schools that helped fund the site will also face future sanctions. Many of the officials at the settlement announcement used the event to take aim again at the for-profit industry. "Dollar signs in uniform, that's how the for-profits see our troops and veterans," said Sen. Tom Harkin (D-IA) "If we're going to continue to fund the GI Bill, we need to make sure those dollars are being well spent, and not being used for misleading advertising and recruiting." VA data shows that about one in four veterans using the post-9/11 GI Bill attend a for-profit school, but the industry accounts for 37 percent of the total tuition payouts.

Veterans of Foreign Wars Deputy Legislative Director Ryan Gallucci said veterans groups worry that lawmakers could see the education benefit as wasted money if it continues to flow to for-profit schools to fund questionable degrees with limited job prospects. He praised the settlement, saying it helps "ensure our veterans have access to the quality education they earned."

In a statement, Steve Gunderson, president of the Association of Private Sector Colleges and Universities, condemned "any activity by companies that mislead veterans," and noted that industry officials are working on get rid of any such practices in the future. But Gunderson also noted that for-profit schools provide an important alternative for student veterans, and other industry officials grumbled that the settlement was used as a vehicle to unfairly attack the reputation of all such schools. Conway and other attorneys general said they aren't trying to shut down the for-profit industry, but are closely monitoring numerous reports of misleading and overly aggressive marketing by those schools. Delaware Attorney General Beau Biden said he believes the whole industry has been tainted by the problem. "This is about fraud," he said. "I know there are some good actors out there, but until they clean up, I tell people to call their community college, or a state college. I don't have faith in them." [Source: Stars & Stripes Leo Shane article 27 un 2012 ++]

GI Bill Update 122: (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 still unsure about the ramifications of President Obama's "Principles of Excellence," VA's director of education services told Congress on 13 JUN, even though the 30 JUN deadline for schools to sign on was fast approaching. The Principles of Excellence — a series of measures designed to ban deceptive marketing and recruiting by schools, demand "high-quality academic and student support services," and require schools to disclose cost and quality information to prospective students — were included in an executive order that Obama signed in April. Schools are required to state whether they intend to follow the principles by the end of this month. However, some of VA's attempts to reach schools have fallen flat. VA scheduled two webinars on the subject that schools were invited to attend, but each session exceeded its maximum capacity of 1,000 viewers, locking out some participants. Another webinar was scheduled for 15 JUN, and VA assured would-be participants via email that a video of the first webinars would be available on Military OneSource within two weeks, or by 22 JUN. Sen. Richard Burr (R-NC) noted this would leave little time for schools to review the principles before making a decision, and pointed out that the deadline was closing in.

Curtis Coy, VA's deputy undersecretary for economic opportunity, said the department had not yet considered pushing back the 30 JUN deadline, but acknowledged that it was an option. Robert Worley, VA's director of education services, pointed out that schools won't be asked to implement the Principles of Excellence until the end of the 2012-13 school year. When Burr asked what would happen to schools that failed to sign the Principles of Excellence, Worley admitted that some of the details are still fuzzy. "What we're asking the schools to do is to sign — we're encouraging them to respond with their intent to comply with the Principles of Excellence," he said. "We will not fully know the ramifications ... for some time." Worley has previously said that signing the Principles of Excellence will not be a prerequisite for schools to qualify for GI Bill funding or Yellow Ribbon scholarship money. [Source: MilitaryTimes Cid Standifer article 13 Jun 2012 ++]

Burn Pit Toxic Emissions Update 20: (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.)

Veterans Affairs Department officials are opposing legislation to create a registry of service members who may have been exposed to toxic fumes of open burn pits in

Iraq or Afghanistan, and they say they do not see the value of such an effort. “VA can identify all service members that deployed to Iraq and Afghanistan and has used this information in the development of an injury-and-illness surveillance system,” said Curtis Coy, VA’s deputy undersecretary for economic opportunity, at a Wednesday hearing at which a burn-pit bill was discussed. Coy said there are two other reasons why the Obama administration doesn’t support S.1798, a burn-pit bill pending in the Senate. “The most recent Institute of Medicine report on burn pits identified air pollution, rather than smoke from burn pits, as the most concerning potential environmental hazard,” he said. He also noted that all Iraq and Afghanistan veterans already are eligible for up to five years of post-discharge health care, free of charge, from VA. “Special authority for such a registry is not required,” Coy said.

Instead, Coy said VA believes “the most effective way” to determine adverse health effects of burn-pit exposure or other potential health problems is to conduct a “comprehensive, prospective study of long-term adverse health effects” among the entire population of Iraq and Afghanistan veterans. The burn-pit bill pending in the Senate is similar to another under review by the House Veterans’ Affairs Committee sponsored by Rep. Todd Akin (R-MO) that would mandate creation of a burn-pit registry. The House version of the 2013 defense authorization bill would require DoD to develop a plan for tracking environmental exposures faced by service members but would not specifically require creating a registry for troops deployed since Sept. 11, 2001, to areas where an open burn pit was used instead of an enclosed incinerator to burn solid waste. Sen. Tom Udall (D-NM), the chief sponsor of Senate bill, appeared before the Senate Veterans’ Affairs Committee, accompanied by New Mexico Air National Guard Master Sgt. Jessey Baca, to push for creation of a registry. “Burn pits, large and small, were used throughout Iraq and Afghanistan to destroy waste, with little known about what materials might have been burned and the potential ill effects,” said Udall, whose bill is cosponsored by Sen. Bob Corker (R-TN)

Most major veterans’ groups support creating a burn-pit registry. “Any veteran who lived near an open-air burn pit is familiar with the short-term health effects,” said Tom Tarantino of Iraq and Afghanistan Veterans of America. “However, the lasting effects of toxic exposure from burn pits are unknown without data tracking the health and well-being of deployed service members. With more and more data leaked from DoD about the potential for long-term health problems related to toxic exposure, it is imperative that we act now.” Coy said a registry may not help get those answers. “We do not believe that a health registry is the appropriate epidemiological tool to use in identifying possible adverse health effects associated with certain environmental exposures,” Coy said. “Health registries, by their nature, can only produce very limited and possibly skewed results ... Studies of self-selected individuals, such as those in a registry, are not representative of an entire population of potentially exposed individuals,” he said. “They may, therefore, lead to false associations as to cause of perceived and actual illnesses.” He cited registries for Vietnam veterans exposed to the herbicide Agent Orange and a Gulf War registry to track the health of the first Gulf War as examples of the potential drawbacks. “While useful for outreach purposes, neither of these registries has been useful in terms of researching the types of health concerns raised by these veterans,” Coy said. [Source: MilitaryTimes Rick Maze article 13 Jun 2012 ++]

VA Homeless Vets Update 31: (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 Senate Veterans’ Affairs Committee chairwoman unveiled a bill 18 JUN aimed at helping homeless female veterans. The Veterans Affairs Department and Obama administration have been making progress toward a goal of eliminating veterans’ homelessness within five years, with a 12 percent reduction in homeless veterans between 2010 and 2011. Sen. Patty Murray (D-WA), the veterans’ committee chairwoman, said she is pleased by the progress, which has come largely through interagency efforts, but “the number of homeless women veterans has continued to increase.” Part of the reason is the scarcity of housing options

for women with children, she said — and often when housing is available, it is inadequate. “Infrastructure needs such as private and secure rooms and showering facilities are often lacking,” she said. As a result, women are placed “in uncomfortable and potentially unsafe situations,” she said. “We can and should do better.” The bill Murray introduced (S.3309) would provide community grants for transitional housing on the condition that it meets physical privacy, safety and security needs, providing legal services to help low-income veterans find permanent housing. “No veteran should have to choose between housing and their safety or between housing and remaining with their family,” she said. [Source: MilitaryTimes Rick Maze article 19 Jun 2012 ++]

Health Care Reform Update 51: (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 Supreme Court’s 5 to 4 decision 28 JUN upholding the Affordable Care Act has little impact on Tricare beneficiaries, who will see no change to their benefits. The ruling, which upholds the individual mandate under the government’s right to tax, will have no impact on TRICARE customers because the program not only was omitted from the Patient Protection and Affordable Care Act, it later was protected under separate legislation. The TRICARE Affirmation Act was signed in 2010 to quell concerns about health care reform among Tricare users after the Affordable Care Act passed. The 2010 act explicitly stated that Tricare beneficiaries and Defense Department civilian nonappropriated fund employees were not subject to the penalties for lacking private insurance that are part of the broader law. Additional legislation, the Tricare Dependent Coverage Extension Act, created Tricare Young Adult (TYA), a premium-based program that extends health benefits for adult children of Tricare beneficiaries. TYA is similar to a health care reform provision allowing adult children up to age 26 to be covered by their parent’s health care policies if they meet certain criteria.

Many of the provisions passed as a result of health care reform will remain, such as Tricare Young Adult, Tricare spokesman Kevin Dwyer said. “Tricare and Tricare Young Adult are governed by an independent set of statutes and remain under sole authority of the Defense Department and the secretary of defense,” he said. Regular Tricare covers unmarried children up to age 21, or age 23 if they are enrolled as full-time college students. Tricare Young Adult extends benefits to unmarried children 26 or under who are ineligible for employer-provided health insurance. The Affordable Care Act also includes a special enrollment window for Medicare Part B that applied to older military retirees enrolled in Tricare for Life; the law waives a late enrollment penalty — 10 percent for each 12-month period in which a beneficiary could have enrolled in Part B but didn’t — for military retirees, spouses, dependent children and survivors. That provision has yet to be implemented. More than 17,000 beneficiaries are enrolled in Tricare Young Adult: 11,171 in TYA Standard and 6,407 in TYA Prime. Standard users pay \$176 a month in premiums, plus co-payments and deductibles; Prime beneficiaries pay \$201 a month and additional fees for hospitalizations and special services. [Source: ArmyTimes Patricia Kime article 28 Jun 2012 ++]

Vet Toxic Exposure~Lejeune Update 29: (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.)

Congressional negotiators have taken a big leap in expanding veterans’ health care by proposing Veterans Affairs Department treatment for veterans and dependents exposed to contaminated well water at Camp Lejeune, N.C. Up to 750,000 people — Navy and Marine Corps members and their families — may have been exposed to water found to be contaminated by carcinogens from the 1950s into the 1980s. North Carolina lawmakers have been pushing for years for the federal government to cover health costs for people who were exposed, but there have been sharp disagreements about who should be

responsible: the Defense Department, which owned the base, or VA, which covers service-connected illness, injury and disability. This is a big step because VA provides very little health care for dependents, concentrating on veterans rather than their families. But it is not unprecedented. Those covered must have lived or worked on Camp Lejeune for at least 30 days from Jan. 1, 1957 through Dec. 31, 1987. VA ends up with responsibility under terms of a compromise reached 21 JUN between members of the House and Senate veterans' affairs committees on a comprehensive veterans bill made up of provisions that have passed at least one of the committees over the past two years.

The compromise bill is expected to pass the Senate as early as next week and could be on its way to the White House by the Fourth of July, according to congressional staffers. The agreement is a victory for Sen. Richard Burr (R-NC) who has been pushing the veterans affairs committee and the Senate Armed Services Committee to get help for the former Lejeune residents. "I am pleased this legislation has moved further than ever before, and I am hopeful it will receive the attention of the full Senate very soon," Burr said. "The Marines, sailors, and their families who were affected by exposures to toxic water at Camp Lejeune deserve this care, and I hope this bill will finally pass so we can provide it for them." It's also a victory Sen. Patty (D-WA) the Senate Veterans' Affairs Committee chairwoman, and for Rep. Jeff Miller (R-FL), her House counterpart, for reaching a compromise that sweeps up a large pack of abandoned legislation. In a statement, Miller said the comprehensive bill, H.R.1627, is the result of months of compromise.

"This bill includes nearly 50 provisions, which combines House-passed legislation and Senate Committee-reported bills," Miller said, adding that veterans organizations also provided input. He called it a "fiscally responsible" bill that "will not cost the taxpayer an extra dime." Costs are covered by extensions of fees on veterans home loans and other adjustments. Full details were not yet available on offsets, but congressional aides who worked on the compromise said no benefits are cut and no services are canceled to pay for any of the provisions in the bill. Among the items included in the compromise bill:

- Allow waiver of copays for veterans receiving tele-health and telemedicine visits, a change aimed at encouraging veterans who live far from a VA clinic or hospital to use the service.
- Require comprehensive reporting and tracking of sexual assaults and safety problems, an idea taken from a bill sponsored in 2011 by Congresswoman Ann Marie Buerkle (R-NY) after unreported or underreported sexual assaults were discovered on VA property, including in hospitals.
- Allow service dogs, when trained by an accredited agency or organization, onto any VA-owned or -controlled property.
- Permanently authorize adjustable-rate mortgages and hybrid adjustable-rate mortgages under the VA home loan program, options that might be especially attractive to home buyers because of low mortgage interest rates.
- Make VA-backed loans available to some surviving spouses. This would apply to survivors of a totally disabled veteran who had been receiving disability compensation for at least 10 years or who died within five years of leaving active duty. It also would apply to survivors of former prisoners of war who had been totally disabled for at least one year prior to their deaths.
- Codify in law the prohibition against reserving gravesites at Arlington National Cemetery and prohibit more than one gravesite from being provided to a veteran or service member.

[Source: MarineCorpsTimes Rick Maze article 22 Jun 2012 ++]

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>:

- **July 25, 2012.** The House Committee on Veterans Affairs and the House Armed Services Committee will hold a joint hearing regarding Department of Defense and Department of Veterans Affairs collaboration and coordination. Time and Location TBD

[Source: Veterans Corner w/Michael Isam 14 Jun 2012 ++]

PTSD Update 105: In observance of June as PTSD Awareness Month, the Department of Veterans Affairs National Center for Post-Traumatic Stress Disorder (PTSD) has begun a new online initiative, AboutFace, focused on helping Veterans recognize PTSD symptoms and motivating them to seek treatment. “We must do all we can to help Veterans identify possible indicators that they may be suffering from PTSD,” said Secretary of Veterans Affairs Eric K. Shinseki. “It requires a comprehensive, multi-faceted approach to be effective. We hope that this initiative, while just one aspect of our program, will play an important role in that effort.” The AboutFace campaign introduces viewers to Veterans from all eras who have experienced PTSD and turned their lives around with treatment. Through personal videos, viewers will meet Veterans and hear how PTSD has affected them and their loved ones. Visitors will also learn the steps to take to gain control of their lives.

AboutFace, which is PTSD specific, was designed as a complementary campaign to VA’s current Make the Connection (www.MakeTheConnection.net) campaign. Make the Connection uses personal testimonials to illustrate true stories of Veterans who faced life events, experiences, physical ailments, or psychological symptoms; reached out for support; and found ways to overcome their challenges. “VA is committed to ensuring the men and women who bravely served our Nation can access the resources and services tailored for them that can lead to a more fulfilling life,” said Dr. Robert Petzel, VA’s under secretary for health. “We want Veterans to recognize themselves in these stories and to feel optimistic that they can overcome their challenges with proper treatment. We set aside this month of June to urge everyone to increase awareness of PTSD so those in need can get effective treatment that will enable them to lead productive, fulfilling and enjoyable lives.” AboutFace launched in June in time to help bring attention to PTSD Awareness Month. It is located on the National Center for PTSD website <http://www.ptsd.va.gov>. There viewers will watch as Veterans candidly describe how they knew they had PTSD; how PTSD affected the people they love; why they didn’t get help right away; what finally caused them to seek treatment; what treatment is like and how treatment helps.

VA provides effective PTSD treatment and conducts extensive research on PTSD, including prevention. Those interested in further information can go to www.ptsd.va.gov to find educational materials including courses for providers on the best practices in PTSD treatment and the award-winning VA/DoD PTSD Coach Mobile App for electronic devices, which provides symptom management strategies. These campaigns are part of VA’s overall mental health program. Last year, VA provided quality, specialty mental health services to 1.3 million Veterans. Since 2009, VA has increased the mental health care budget by 39 percent. Since 2007, VA has seen a 35 percent increase in the number of Veterans receiving mental health services, and a 41 percent increase in mental health staff. In April, as part of an ongoing review of mental health operations, Secretary Shinseki announced VA would add approximately 1,600 mental health clinicians as well as nearly 300 support staff to its existing workforce of 20,590 to help meet the increased demand for mental health services. The additional staff would include nurses,

psychiatrists, psychologists and social workers. For more information on AboutFace, visit <http://www.ptsd.va.gov/aboutface> or contact the National Center for PTSD at (802) 296-5132. [Source: VA Press Release 20 Jun 2012 ++]

PTSD Update 106: With more than 2 million service members returning home from Iraq and Afghanistan, post-traumatic stress disorder and traumatic brain injury have become the signature wounds of both conflicts. But while the Pentagon has decided TBI, or mild concussions received as a result of enemy action, qualify for the status of a Purple Heart, the military hasn't yielded on PTSD. Thomas Bush Jr., 54, an Air Force combat veteran who has PTSD, thinks his comrades-in-arms' invisible wounds qualify them for the medal. "That's a very open discussion with a lot of vets," said Bush, of Riverside. To receive the Purple Heart, a service member must have suffered an injury in combat. The language specifically disqualifies PTSD by name. "PTSD is an anxiety disorder caused by witnessing or experiencing a traumatic event; it is not a wound intentionally caused by the enemy from an 'outside force or agent,' but is a secondary effect caused by witnessing or experiencing a traumatic event," Pentagon spokeswoman Eileen Lainez said in an email to the Dayton Daily News. Oftentimes, Bush said, if a service member has combat-related PTSD, he may be the only survivor of a traumatic event and carried out the mission under fire. "If it's a true case of PTSD from combat, I think it should be awarded," he said. "Sometimes you can't just put a Band-Aid on a wound that's in your head."

Vietnam veteran Ricky A. York said he's had combat-related PTSD, but isn't sure a Purple Heart should be given to soldiers who carry wounds, as he did, inside them. For 43 years, the former cavalry soldier avoided talking about Vietnam to his family before he wrote a book about it. "I can tell you I have injuries, but they aren't physical," said York, 66, of Kettering, a retired General Motors autoworker. "That's a pretty big distinction to actually be physically wounded. ... I don't know if I'd agree it's the same as being shot or stepping on a mine. "I just think personally if I said I deserve a Purple Heart and there's a veteran there with one arm or a leg missing, I don't know how he would look at it," he said. "I sure don't want to offend one of those guys." The numbers of service members receiving Purple Hearts has risen by thousands since the Sept. 11, 2001, attacks. The Marine Corps, for example, has issued more than 8,700, said Navy Lt. Matt Allen at the Pentagon. The Navy, which has its own special forces and combat construction workers and provides support on the ground to Marines, has awarded 800 more. There are varied opinions on whether or not PTSD warrants the award of a Purple Heart as noted in the following comments on the subject:

- The Military Order of the Purple Heart and the Veterans of Foreign Wars say post-traumatic stress doesn't merit the award. "PTSD is not something new," said John E. Bircher, a Military Order of the Purple Heart spokesman in Springfield, Va. "There's hardly anyone who has ever been in combat, and certainly someone who has been wounded, who doesn't suffer some form of PTSD."
- Medals aren't awarded for illness or disease, but for "achievement and valor," said Joseph E. Davis, a VFW national spokesman in Washington, D.C. "The Purple Heart is awarded for a physical wound received while engaged with an enemy force," he said in an email to the JournalNews. "PTSD is considered an illness and not an injury." He noted soldiers who suffered Gulf War syndrome, and Korean War veterans who had frostbite in the freezing depths of Korean winters, also didn't qualify for the award. "Not to diminish the illness or effects of PTSD, but it is the VFW's belief that awarding the (Purple Heart) for PTSD is not consistent with the original purpose and would denigrate the medal," he wrote.
- Larry C. James, director of the School of Professional Psychology at Wright State University, said some have concerns soldiers could fake PTSD to get the medal. The retired Army psychologist, however,

believes few would try. "Ninety-nine percent of these young men and women are honest," he said. "Integrity and character is part of the military."

- Charles R. Figley, director of the Traumatology Institute at Tulane University in New Orleans, said counselors can tell if someone has combat-related PTSD. The military and veterans should be the ones to decide to change the rules, said Figley, a Marine veteran who served in Vietnam.

[Source: Dayton Daily News Barrie Barber article 18 Jun 2012 ++]

Veteran License Plates Arkansas: The state of Alabama offers 21 different specialty license plates/placards to its veterans. Refer to the attachment to this Bulletin titled, "**Vet License Plates AR**" or http://www.dfa.arkansas.gov/offices/motorVehicle/Pages/specialityPlates.aspx?pl_id=6 to view the available plates and access the appropriate guidelines for issuance of each plate. [Source: <http://www.dfa.arkansas.gov/offices/motorVehicle/Pages/specialityPlatesCategory.aspx?category=Military> Jun 2012 ++]

WWII Vets Update 22: Bill Morris learned about Pearl Harbor at a movie theater in Social Circle. He recalled, "Uncle Sam pointed a finger at us from the screen and said, 'I need you!' Well, when we turned 18 he got us." Born in Bethlehem, GA in 1924, Morris, 4 of his brothers, plus 2 brothers-in-law, served in WWII. Morris said, "My twin brother and I were inseparable but the army sent me to Camp Crowder, MO and sent Jack to California. Our mother was seething." Mrs. Morris wrote President Roosevelt and Secretary of War Stimson demanding the twins be reunited. They were. Bill and Jack fought the entire war side by side.



Jack Morris, left and twin brother Billy Morris

The Morris twins learned the art of stringing communications wire and mastered heavy weapons at Fort Leonard Wood, MO. "It's not Missouri, it's the state of Misery, if you ask me," he said. In Feb '44 the twins boarded a Liberty ship for Birmingham, England. "We had a 2½ ton truck, our equipment, and I had a case of mumps," Morris said. "I didn't report to sick bay until we set sail. Jack and I were stayin' together!" After intense specialized training in England, the Morris twins boarded a LST and sailed across the English Channel on D-Day +1. "It was June 7, '44," he said. "We were among 5,000 ships at Omaha Beach and for some reason that night every gun in the fleet opened up. Jack and I had been taught to 'get low and get in a hole' but there ain't no foxholes on a ship! The firepower was awesome." June 8, early morning: the twins, their crew, and 2½ ton communications truck hit Omaha

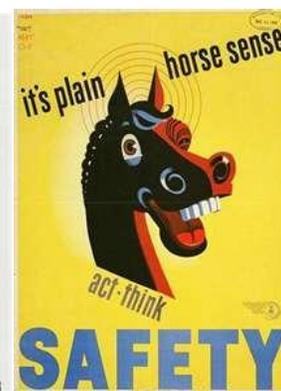
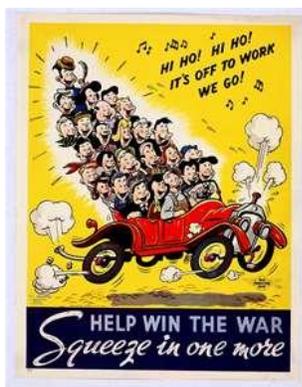
Beach. "We strung wire beyond the rocky bluffs," he said, "The bodies bothered us, hundreds of them, stacked like cords of wood." Army engineers suddenly told Morris and his crew to 'back off' to a safe area. "Land mines," he said. "We moved far enough, I suppose, before things got real ugly. A mine detonated, killing the engineers." At dusk lay danger. "I posted guards but the continuous gunfire kept us awake all night," he said. "We slept in foxholes with tents pitched over them. We were mavericks; stringing wire wherever needed. I guess we looked strange, too, since we'd cut our hair into Mohawks for the invasion."

Stringing wire from Omaha Beach to the Cherbourg Peninsula, dodging German 88mm artillery, returning north through France, Morris and crew eventually ended up in Belgium. "We'd slept in ditches, mud holes, hid behind trees, seldom even saw a town, but in Belgium they put us up in a castle that Kaiser Wilhelm used during WWI, our first dry floor in 3 months," Morris said with a smile. In Dec, '44 while stringing wire at the German border in freezing cold and heavy snow, Morris and crew heard frantic orders from an American officer, "Move out, move out, we're being overrun!" Approaching German Panzer tanks signaled the Battle of the Bulge. Morris recalled, "We hustled back, but recruits fresh out of basic were ordered to stay with ineffective bazookas to stop the Panzers. Those boys didn't make it out." Overcast skies, sub-zero cold; and thick snow worked to the Germans' advantage. "Our planes were grounded," Morris said. "But on Dec 23 we awoke to a beautiful blue sky. Then they came, thousands of them, filling the sky with contrails. Our flyboys got the job done; the Battle of the Bulge was over."

Morris recalled stringing wire on the German side of the Rhine River. "We were on the river bank," he said. "Suddenly bullets were 'pinging' off a brick wall behind us. Well, we got low and got in a hole!" American sharpshooters on the opposite bank were shooting at German mines floating down the Rhine River. "Those boys were either lousy shots or their bullets were ricocheting off the water. Let's hope it was ricochets!" Morris and his crew were with American forces when they liberated the infamous concentration camp at Buchenwald. Morris softly recalled, "From a mile away you could smell it. What looked to be humans stumbled around like skeletal zombies. We found the meat hook conveyor line that ran bodies to furnaces, trenches filled with...that's enough, I suppose. I've tried to forget Buchenwald, but it's impossible." After Hitler's demise, the twins and crew boarded a troop ship in Marseilles and set sail for the South Pacific island of Okinawa to train for the invasion of Japan. "We slept on the beach our first night," he said. "In the morning about 75 Jap soldiers walked out of the jungle and surrendered to us. They had American cigarettes, C-rations, even American hand grenades. We sure were glad they were in a mood to surrender!" The lives of the Morris twins and feasibly a million other American casualties were avoided by two atomic bombs. Morris said, "Both wars were over. My brother and I were ready to see Georgia again."

First Seattle; a train across America, a locomotive whistle blowing full blast from Chattanooga all the way into Atlanta in celebration, hitch-hiking a ride to Monroe Street in Social Circle, and home. Morris recalled, "I remember our mothers' welcoming words to this day, 'I'm so proud of you boys.'" Morris took advantage of the benefits he'd earned overseas, finishing high school before attending business school for accounting. His last job before retiring from Sunbelt Builders in 1989 was completion of the Ginn Motor Company in Covington. "I hope America never forgets the sacrifices," Morris said. "The stacks of bodies at Hurtgen Forest, the paratrooper that crawled out of flooded fields behind Omaha Beach where he died in place, a man's jet black hair turning white in 2 days, I saw too much and have too many memories, but the lord let me live, and I live for him." In 1998, 79 surviving veterans of Company B 32nd Signal Construction Battalion attended their reunion. In 2008, there were 7. [Source: Project 365 <http://365vets.wordpress.com> article 19 Mar 2012 ++]

World War II Posters (8)



POW/MIA Update 22: "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 (73,000+), the Korean War (7,900+), the Cold War (126), the Vietnam War (1,666), 1991 Gulf War (0), and OEF/OIF (6). 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. 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:

Vietnam

DPMO announced 12 JUN that the remains of a U.S. serviceman, missing in action from the Vietnam War, were identified and will be returned to his family for burial with full military honors. Air Force Lt. Col. **Charles M. Walling**, 27, of Phoenix, will be buried June 15, at Arlington National Cemetery, near Washington, D.C. There will be a group burial honoring Walling and fellow crew member, Maj. **Aado Kommendant**, 25, of Lakewood, N.J., at Arlington National Cemetery, on Aug. 8 – the 46th anniversary of the crash that took their lives. On Aug. 8, 1966, Walling and Kommendant were the crew of an F-4C aircraft that crashed while on a close air support mission over Song Be Province, Vietnam. Other Americans in the area reported seeing the aircraft crash and no parachutes were deployed. Search and rescue efforts were not successful in the days following the crash. In 1992, a joint U.S./Socialist Republic of Vietnam (S.R.V.) team investigated the crash site and interviewed a local Vietnamese citizen who had recovered aircraft pieces from the site. In 1994, a joint U.S./S.R.V. team excavated the site and recovered a metal identification tag, bearing Walling's name, and other military equipment. In 2010, the site was excavated again, and human remains and additional evidence were recovered. Scientists from the Joint POW/MIA Accounting Command and the Armed Forces DNA Identification Laboratory used circumstantial and material evidence, along with forensic identification tools including mitochondrial DNA – which matched Walling's living sister – in the identification of the remains.

DPMO announced 19 JUN that the remains of a U.S. serviceman, missing in action from the Vietnam War, were identified and will be returned to his family for burial with full military honors. Air Force Capt. **Clyde W. Campbell**, 24, of Longview, Texas, will be buried June 21, at Arlington National Cemetery near Washington, D.C. On March 1, 1969, Campbell was a pilot aboard an A-1J Skyraider aircraft that crashed while carrying out a close air-support mission in Houaphan Province, Laos. American forward air controllers, directing the mission nearby, reported hearing an explosion—they believed to be Campbell's bombs—later learned Campbell's aircraft had crashed. No parachutes were seen in the area. In 1997, a joint U.S./Lao People's Democratic Republic (L.P.D.R.) team investigated a crash site in Houaphan Province, Laos, within 100 meters of the last known location of Campbell. In addition to human remains, the team located aircraft wreckage and military equipment, which correlated with Campbell's aircraft. From 2009 to 2010, additional joint U.S./L.P.D.R. recovery teams investigated and excavated the crash site three times. Teams recovered additional human remains, military equipment—including an aircraft data plate—and a .38-caliber pistol matching the serial number issued to Campbell. Scientists from the JPAC used circumstantial evidence and forensic identification tools in the identification of Campbell.

Korea

DPMO announced 18 JUN that the remains of a U.S. serviceman, missing in action from the Korean War, have been identified and returned to his family for burial with full military honors. Army Cpl. **Robert I. Wax**, 21, of Detroit, will be buried June 20, at Arlington National Cemetery, near Washington, D.C. In August 1950, Wax and Battery A, 555th Field Artillery Battalion, were fighting against North Korean forces in a battle known as the "Bloody Gulch," near Pongani, South Korea. After the battle, on Aug. 11, Wax was listed as missing in action. In late 1950, U.S.

Army Graves Registration Service personnel recovered remains of service members from that battlefield, including nine men who were unidentified. These men were buried at the 25th Infantry Division Cemetery in South Korea. In 1951, the U.S. consolidated cemeteries on the peninsula. The unknown remains were re-interred in the National Memorial Cemetery of the Pacific. In 2011, due to advances in identification technology, the remains were exhumed for identification. Based on available evidence such as metal identification tags, military clothing, and wartime records, analysts from the Joint POW/MIA Accounting Command (JPAC) were able to conclude that the remains were a soldier who died at Pongam-ni. Scientists from JPAC used the circumstantial evidence and forensic identification tools including radiograph and dental comparisons in the identification of Wax.

World War II

DPMO announced 22 JUN that the remains of a U.S. serviceman, missing in action from World War II, have been identified and returned to his family for burial with full military honors. Army Air Forces 2nd Lt. **Emil T. Wasilewski**, 22, of Chicago, will be buried on June 26, at Arlington National Cemetery near Washington, D.C. On Sept. 13, 1944, Wasilewski and eight other crew members were on a B-17G Flying Fortress that crashed near Neustaedt-on-the-Werra, Germany. Only one of the crewmen is known to have successfully parachuted out of the aircraft before it crashed. The remaining eight crewmen were buried by German forces in a cemetery in Neustaedt. Following the war, U.S. Army Graves Registration personnel attempted to recover the remains of the eight men, but were only able to move the remains of one man to a U.S. military cemetery in Holland. In 1953, with access to eastern Germany restricted by the Soviet Union, the remains of the seven remaining unaccounted-for crewmen—including Wasilewski—were declared non-recoverable. In 1991, a German national who was digging a grave in the cemetery in Neustaedt, discovered a metal U.S. military identification tag and notified officials. German burial law restricted further site investigation until 2007, when the Joint POW/MIA Accounting Command (JPAC) surveyed the area. In 2008, the site was excavated and the team recovered human remains and military equipment. Scientists from the JPAC and the Armed Forces DNA Identification Laboratory used forensic identification tools and circumstantial evidence, including dental comparisons and chromosome DNA—which matched that of Wasilewski’s nephew—in the identification of his remains.

[Source: http://www.dtic.mil/dpmo/news/news_releases/ Jun 2012 +]

Cell Phones for Soldiers: Cell Phones for Soldiers provides calling cards for deployed service members, funding the minutes by recycling cell phones. Unlike the USO, which is large and experienced, this organization began in 2004 when Brittany and Robbie Bergquist, ages 13 and 12, saw a soldier on TV who had an \$8,000 phone bill for calling home from a war zone. The kids gathered all the money they had—totaling around \$20—to donate. To earn more, they began hosting car washes and bake sales, but finally hit on collecting old cell phones and sending them overseas with prepaid minutes. Unfortunately, those phones pose a risk to soldiers because of their ability to detonate improvised explosive devices or reveal locations, and the Pentagon asked the Bergquists to stop. Now, they use the money from recycling to send phone cards so troops have the opportunity to call home for free safely. “We have been lucky enough that we’ve brought in enough through recycling and donations that we’ve never had to turn away a request for calling cards,” Brittany Bergquist says.

Requests come in through different channels. Usually troops or family members reach out, but other times a unit officer or chaplain calls in requesting cards for groups of troops. To ensure they reach people who need them, Cell Phones for Soldiers usually sends them to APO or FPO addresses. The exceptions are when they send them to the hospital for wounded servicemen and women, or when families need them to stay in touch with service members training long term at U.S. locations far from home. Occasionally the Bergquists deliver the cards in person. “[We had the] honor to be able to go to Walter Reed and Bethesda [medical centers] and meet with some of the young

guys,” Bergquist says. She explains it was difficult to see the wounded service members who were “only a couple of years older than Robbie and me and in such dire situations. But they were happy and excited and looking forward to the future.”

Military community members can request cards through the organization’s website. If they are unable to do that, Bergquist says they can email or “just truly reach out any way that they can, and we will get a calling card to them.” Anyone who would like to help fund the calling cards can donate cell phones or make a monetary donation. The organization is partnered with AT&T, and because most of the calling cards are purchased in bulk through the company, Cell Phones for Soldiers receives a significant discount. AT&T also collects phones and makes donations. Continuing the organization has been challenging at times as the siblings balance school with running the charity. During their younger years, “we got picked on a little bit for what we did,” Bergquist says. But emails they receive have kept their motivation strong. “We heard from one guy who was deployed,” she explains. “He said that our calling cards gave him a little bit of heaven in the middle of a war.” They also heard from a dad who was able to call home for his son’s birthday and a daughter who was able to call her father before surgery. Another gentleman used the cards to call into counseling sessions each week. “He said it saved his marriage,” Bergquist states. “It makes it all worth it.”

The passion that started the organization has not abated over the years. “It means so much to me that we have these troops...these men and women are our heroes. They’re absolutely incredible,” Bergquist says. Soldiers overseas show off their shipment of calling cards from Cell Phones for Soldiers. The organization recycles cell phones to raise funds and purchase calling cards to send to deployed service members so they can call home free of charge. For information on Cell Phones for Soldiers refer to <http://www.cellphonesforsoldiers.com>, call (800) 426-1031, or email <mailto:cellphonesforsoldiers@yahoo.com>. [Source: AFCRA Veterans Focus Rita Boland article Nov 2011 ++]

Saving Money: The warm weather is here and many consumers are looking to make home improvements while sticking to a budget. BBB advises consumers to balance cost effectiveness with energy efficiency, as more efficient windows, doors and skylights can make a big difference in energy consumption over time. Start by looking for products that carry the Energy Performance Ratings label from the National Fenestration Rating Council (NFRC). The label can help determine how well a product will perform its key functions - helping to keep your home cooler in the summer and warmer in the winter, keeping out wind, and resisting condensation. By using the information contained on the label, builders and consumers can reliably compare one product with another, and make informed decisions. As with any home improvement project, it’s important to make sure you are dealing with a reputable contractor and reputable materials. BBB encourages consumers to consult with their home contractor to see that all energy performance materials carry this label.

 <small>National Fenestration Rating Council®</small> CERTIFIED	World's Best Window Co. Millennium 2000+ <small>Vinyl-Clad Wood Frame Double Glazing - Argon Fill - Low E Product Type: Vertical Slider</small>	
	ENERGY PERFORMANCE RATINGS	
<small>U-Factor (U.S./I-P)</small> 0.35	<small>Solar Heat Gain Coefficient</small> 0.32	
ADDITIONAL PERFORMANCE RATINGS		
<small>Visible Transmittance</small> 0.51	<small>Air Leakage (U.S./I-P)</small> 0.2	
<small>Condensation Resistance</small> 51	—	
<small>Manufacturers guarantee that these ratings conform to applicable NFRC procedures for determining window product performance. NFRC ratings are determined for a fixed set of environmental conditions and a specific product size. NFRC does not warrant any product and does not warrant the suitability of any product for any specific use. Contact manufacturer or Reseller for other product performance information. www.nfrc.org</small>		

- **U-Factor.** If you are looking for a well insulated room, check the window's U-Factor. During the cold winter months, you'll want to make sure your windows are trapping heat. U-Factor ratings generally fall between 0.20 and 1.20. The lower the U-value, the greater a window's resistance to heat flow and the better its insulating value.
- **SHGC.** Is your room sunny and bright? The Solar Heat Gain Coefficient (SHGC) rates how much solar radiation is admitted through the window. SHGC is expressed as a number between 0 and 1. The lower a window's solar heat gain coefficient, the less solar heat it transmits in the house.
- **VT.** Are you looking for a well lit room or one that's on the dimmer side? Visible Transmittance (VT) is an optical property that indicates the amount of visible light transmitted through the window. VT is expressed as a number between 0 and 1. The higher the VT, the more light is transmitted.
- **AL.** Make sure your window doesn't give off any unwanted breeziness. Heat loss and gain occur by Air Leakage (AL) through cracks in the window assembly. The lower the AL, the less air will pass through cracks in the window assembly.
- **CR.** Check to see how well your window will resist the formation of condensation. The higher the Condensation Resistance (CR) rating, the better that product is at resisting condensation formation. While this rating cannot predict condensation, it can provide a credible method of comparing the potential of various products for condensation formation. CR is expressed as a number between 1 and 100.
- **AER.** Retirees are eligible for Army Emergency Assistance. For more information, and to find your nearest AER office, visit the AER website at: www.aerhq.org. If you are no longer near an Army installation, you can still apply for assistance at a local Navy-Marine Corps Relief Society, Air Force Aid Society, Coast Guard Mutual Assistance or American Red Cross office.

For more home improvement tips you can trust, visit <http://www.bbb.org> and for more information on the Energy Performance Ratings label, [visit www.nfrc.org](http://www.nfrc.org). [Source: BBB Smart Tips Apr 2012 ++]

VA Fraud Waste & Abuse Update 52:

- **Memphis TN** - There are new concerns over money stolen from disabled military veterans. One of the most egregious thefts happened right in Memphis. The feds are reorganizing Veterans Affairs after more than 100 employees were arrested over the past decade. Two people appointed by Veterans Affairs to make financial decisions on behalf of 10 Memphis veterans siphoned money from their accounts. At 83, Henry Ashurst has traded in his Army uniform for a Memphis Grizzlies T-shirt. Years after a medical discharge from an injury during military training, Ashurst learned the Veterans Affairs fiduciary and field examiner who handled his money were skimming off the top. "It was awful, doing that to the veterans," Ashurst said. The thieves were convicted of embezzling nearly 900-thousand dollars from the 10 disabled veterans. Investigators say 75-year-old Jack Perry and 67-year-old Robert Tabbutt wrote checks from the veterans' accounts, using the money to gamble in Tunica and to pay off gambling debts. Ashurst didn't know about it until he got a call from reporters. "Nobody said anything about the embezzlement," he said. He says he worked directly with Perry for three years and was told 120 thousand dollars were embezzled from his account. "I think it's pretty bad," Ashurst said. "He looked like a nice man." He says the amount of his check remained the same after the arrests so he doesn't know if he is due any money.

Since 2006, nearly 500 fiduciaries across the country have lost their jobs over misuse of funds. Ashurst said he doesn't know if he will live to see the stolen money. Veterans Affairs would not tell Action News 5 if they will reimburse the money to any of the veterans. They say they cannot release information about

individual cases. Jan Northstar with the Office of Public and Intergovernmental Affairs issued this statement in response: "The Department of Veterans Affairs (VA) has taken significant efforts to protect Veterans and other beneficiaries in its Fiduciary Program. Over the past three years, we have been extremely aggressive at targeting and deterring fiduciary misuse by:

- ✓ Strengthening our accounting oversight by requiring detailed financial institution documents.
- ✓ Increasing review and scrutiny of criminal background information through expanded criminal background checks.
- ✓ Greatly enhancing oversight of misuse cases by closer review from VA Central Office.
- ✓ Consolidating VA's fiduciary activities into six regional hubs, resulting in enhanced oversight and service to Veterans.

These efforts are making a difference. In fiscal year 2011, the misuse rate was less than one-half of one percent nationwide. VA works with State and Federal prosecutors to aggressively pursue convictions when Veterans are harmed. In fiscal year 2011, VA's Office of Inspector General obtained criminal prosecutions in 20 cases of fiduciary misuse nationwide. VA's proposed regulations, which are in development, will address the notice afforded to beneficiaries following a VA determination that their benefits have been misused." We are confident that we have a strong plan in place to build on this increased oversight, and continue to ensure the well-being of our most vulnerable beneficiaries." [Source: Action News 5 Anchor Kontji Anthony, article 18 Jun 2012 ++]

- **Kent OR** - Two Veterans Affairs employees were arrested 19 JUN at work following an investigation of more than \$110,000 in fraudulent claims in a program designed to reimburse veterans for their travel to medical appointments. The two allegedly recruited veterans to submit phony vouchers for travel expenses they had not incurred, according to a U.S. Attorney's Office media release. The employees reportedly processed the vouchers and then demanded kick-backs from the veterans of the funds they illegally obtained. "We owe it to our veterans to protect the money set aside for their medical care," said U.S. Attorney Jenny Durkan. "Every dollar of fraud takes benefits from the many veterans who are returning home and need the support services the VA provides." According to the complaint filed in the case, Nick B. Hall, 46, of Seattle, and Keishjuan Daniels, 32, of Kent, each worked as travel clerks for the Veterans Health Administration (VHA) to process veterans' travel benefit claims. The men were employed at the VA Medical Center on Beacon Hill in Seattle. Between JAN 2011 and May 2012, Hall and Daniels conspired with five veterans to submit false travel vouchers for trips from addresses in Eastern Washington and Oregon so that the VA would pay out more than \$110,000 in travel claims. In some instances the claims for reimbursement were on dates when no appointments ever occurred. The veterans who received the fraudulent payments are charged in the conspiracy and will appear in U.S. District Court later this month. The case is being investigated by the Veterans Affairs Office of Inspector General (OIG) as part of a nationwide focus on rooting out fraud in the travel benefits program. [Source: Kent Reporter Steve Hunter article 19 Jun 2012 ++]
- **National** - The Department of Veterans Affairs spent an estimated \$13 billion to care for veterans whose health coverage was already paid for by Medicare — a case of the taxpayer paying twice, according to research published 26 JUN. "They pay once to Medicare Advantage plan to deliver all Medicare-covered service and they pay again to the VA to deliver comprehensive care to the same veterans," said Amal Trivedi, a doctor with the VA and on the faculty with Brown University in Providence. But Medicare says the \$13 billion projection identified in the study, published in the Journal of the American Medical Association, is far too high. Spokesman Brian Cook said Medicare attempts to reduce managed-care payments to private insurance companies if veterans enrolled in those programs use them less frequently, for example, because they seek treatment from the VA.

Federal law prohibits the VA from recouping expenditures from Medicare-funded health programs. The VA issued a statement 26 JUN saying that even if the law were changed, allowing reimbursement would only add administrative complexity that would impede care. "As an example, VA would have to comply with Medicare rules and policies for Veterans, which would leave VA administering two systems of care: Medicare's and VA's," the statement says. But without that reimbursement "the government has made two payments for the same services," the medical study concludes.

Researchers examined records for 1.3 million veterans who were enrolled simultaneously with the VA program and the Medicare Advantage managed-care program between 2004 and 2009. They found that the number of veterans enrolled in both programs increased during that time frame from 486,000 to 925,000. In addition, the amount of VA medical care provided to those patients grew from \$1.3 billion to \$3.2 billion. Kenneth Kizer, a co-author of the study and director of the Institute for Population Health Improvement at University of California-Davis Health System, said he first became aware of the issue when he was VA undersecretary for health in the 1990s. But Kizer said the study shows the problem has worsened. Researchers found that veterans remained enrolled in both Medicare Advantage and with the VA for about three years on average. Veterans who are entitled to VA care are also entitled to Medicare after age 65. [Source: USA TODAY Gregg Zoroya article 27 Jun 2012 ++]

[Various 1-14 Jun 2012 ++]

Notes of Interest:

- **DADT.** On 14 JUN DoD stated that they plan the first ever salute to gay and lesbian troops marking June as Gay Pride month. Officials would not say exactly what the event would be but said that Secretary of Defense Panetta believes it is important to recognize the service of gays in the military. For several years other federal departments and agencies have celebrated June as Gay Pride Month. DoD's "don't ask; don't tell" policy was repealed last September. This will be the first time DoD marks the celebration.
- **Politics.** A discussion group, to discuss politics as it relates to military retirees and military veterans, has been created. To join the group... send an e-mail to: mrgrg-politics-subscribe@yahoogroups.com. You will get a rather confusing e-mail from Yahoo asking a lot of questions. Just return the e-mail to Yahoo (click on your "Reply" button) and you are then a member of the MRGRG-POLITICS discussion group.
- **TRICARE.** A June 11 article in the Wall Street Journal described military personnel and health care costs as a 'welfare problem.' In effect, it impugned the courage of House and Senate Armed Services Committee leaders for failing to knuckle under to the huge Pentagon-proposed TRICARE fee hikes and for wasting money on "health care and pensions" that would be better spent on training and equipment.
- **National Call Center.** VA's NCC has two new options at their call centers. ASAP Callback (If you don't want to be tied to the phone but want to hold your place in the queue, you can select the option to have us call you back when you are next in line) and Scheduled Call Back (You can pick a date and time of your choosing that allows you to be our very first call at that preferred time).
- **Military discounts.** Before making your next purchase check out the alphabetical listing of businesses that offer military discounts at <http://www.militarytimes.com/marketplace/discounts/>.
- **Military Sexual Assault.** Check out this Morning Joe clip of a conversation with the director and producer about their documentary, "The Invisible War," which looks into the thousands of rapes and sexual assaults in the military. <http://usnews.msnbc.msn.com/news/2012/06/21/12304042-documentary-film-the-invisible-war-takes-on-military-sexual-assault-epidemic>.
- **Military Sexual Assault.** The Marine Corps released a plan 25 JUN aimed at preventing sexual assault and holding offenders and commanders accountable, noting that despite their efforts, they have been ineffective at addressing and eliminating sexual assault.

- **"Made in USA** - The next time you need to buy something and want to shop American go to <http://americansworking.com> and see if it is made in the U.S.A. You can search alphabetically by manufacture or by the generic name of the item. Note that not all items are listed but by law all products origin sold in the U.S. must be identified on the packaging.
- **Gun Safety Locks.** Free gun safety locks are available from VAMC Houston primary care physicians, mental health providers, and administrative officers. Gun safety locks are also available at all seven Houston-area VA Community Based Outpatient Clinics.

[Source: Various 15-30 Jun 2012 ++]

Medicare Fraud Update 95:



- **California** - Southern California's largest clinical laboratory and radiology company serving nursing homes faces fraud allegations, adding to the growing number of False Claims Act lawsuits filed against the health care industry nationwide. According to court documents, Burbank-based Diagnostic Labs, which offers medical lab tests and radiology services, provided deep discounts to skilled nursing facilities in exchange for business that can be charged to taxpayer-funded Medicare and Medi-Cal. "This is an illegal kickback scheme, no more legal than if Diagnostic Labs, rather than providing below-cost discounts, had instead simply handed the SNFs (skilled nursing facilities) an envelope of cash," the lawsuit alleges. The case against Diagnostic Labs was brought under the False Claims Act and a parallel state statute, both of which make it illegal to defraud the government. These laws are increasingly invoked in the health care arena, legal observers said. The Diagnostic Labs lawsuit was brought by two former employees. They claim that Diagnostic Labs exploited the Medicare and Medi-Cal billing system by charging nursing homes as little as \$1 per patient per day for lab and radiology services. These facilities then referred additional outpatient lab tests or X-ray work to Diagnostic, which billed the federal and state governments the maximum amount government will pay for these services, court documents said. The complaint alleged that as of March 2005, Diagnostic Labs offered a 71 percent discount to skilled nursing facilities for lab tests and a 69 percent discount for radiology services, and it "would have been impossible for Diagnostic Labs to stay in business" at the rates it charged the nursing homes if not for the "illegally induced" outpatient services that it billed to Medicare and Medi-Cal. The case was filed in 2010 and unsealed in November 2011, and the state of California has joined the litigation.
- **DeSoto TX** - Jacques Roy, who's accused of leading the largest home health-care scam ever organized by an individual physician, has surrendered his Texas medical license. An order released today by the Texas

Medical Board cites both his February arrest on Medicare fraud charges and “allegations he failed to meet the standard of care for two patients.” No details about those patients’ woes were released. But as reported in February, Roy has a history of patient harm dating to the 1990s. “His failures have been linked to at least one patient’s death and another’s permanent loss of sexual function, public records show,” The Texas Medical Board, however, let him keep his license despite evidence of persistent misconduct. Roy, who lived in Rockwall but is now jailed without bail while awaiting trial, agreed to the new medical board order. He has denied criminal wrongdoing, as have six co-defendants tied to his now-closed DeSoto medical office.



Jacques Roy, ex-physician

- **Louisville KY** - An ambulance company operating in Kentucky, Tennessee and Alabama has agreed to pay more than \$5.4 million to settle a Medicare fraud case. The U.S. Justice Dept. announced 19 JUN from Louisville that Rural/Metro Ambulance agreed to the settlement to resolve a lawsuit over claims 3 of its subsidiaries filed false claims to Medicare for services that were not covered under the program, such as transporting patients for dialysis treatments. A former employee of Rural/Metro of Central Alabama had filed a federal whistleblower action against the ambulance company in 2009 saying the company was submitting false claims for government funds. The whistleblower, Carl Crawly, will receive more than \$1 million of the settlement. Rural/Metro Corporation, through its subsidiaries and affiliates, provides ambulance transportation services to Medicare beneficiaries in approximately 20 states.
- **Detroit MI** - Louisa Thompson, 63, pleaded guilty 20 JUN for her role in a \$16 million fraud scheme. She pleaded guilty to one count of conspiracy to commit health care fraud. At sentencing, scheduled for Oct. 18, 2012, Thompson faces a maximum penalty of 10 years in prison and a \$250,000 fine. According to the plea documents, in approximately January 2006, Thompson began billing Medicare for psychotherapy services through two companies, TGW Medical Inc. and Caldwell Thompson Manor Inc. The services billed by Thompson at TGW and Caldwell Thompson were never performed or were performed by unlicensed staff who were not authorized to perform services reimbursed by Medicare. The unlicensed staff members also fabricated therapy notes for patients that were never seen and billed Medicare using document templates created by Thompson. She also received payments from the owner of P&C Adult Day Care Inc., a psychotherapy clinic. Those payments to Thompson were, in part, for the use of Thompson’s provider number by P&C. Thompson also admitted signing therapy documents for P&C patients she never saw or treated. P&C, like TGW and Caldwell Thompson, billed for psychotherapy services that were either not performed or performed by unlicensed staff. Caldwell Thompson and P&C shared Medicare beneficiaries and/or beneficiary information. Thompson admitted to submitting or causing to be submitted approximately \$15.9 million in fraudulent psychotherapy claims on behalf of TGW, Caldwell Thompson and P&C. Medicare paid approximately \$4.9 million of those claims.
- **Los Angeles** - Two men were sentenced to federal prison 25 JUN for their roles in attempting to fleece Medicare out of about \$17 million. Vachagan Dishchian, 36, was sentenced to 53 months behind bars and

ordered to pay about \$3.1 million in restitution to the Medicare program and 38-year-old Vahe Dischian received 46 months in prison and ordered restitution payments of almost \$1.4 million. Both men pleaded guilty in March to money laundering conspiracy charges, Assistant U.S. Attorney Consuelo S. Woodhead said. The pair were among 10 area defendants charged in 2010 as part of a nationwide crackdown on health care fraud dubbed "Diagnosis Dollars." In the scheme, suspects used the stolen identities of doctors and patients to bill Medicare for procedures that never took place. Medical clinics existed only on paper. Other defendants opened bank accounts into which Medicare could transfer money. Once the account was open, conspirators allegedly billed Medicare using stolen beneficiary information, according to the U.S. Attorney's Office. Medicare paid out about \$8 million, at which point the money was withdrawn and laundered, prosecutors said. Eight "clinics" were identified in the Los Angeles case, and investigators estimated the defendants submitted more than \$17 million in phony claims. A total of 73 defendants in California, Georgia, Louisiana, New Mexico, New York and Ohio were charged in the crackdown that attempted to siphon \$163 million from the federal government, authorities said. Co-defendant Pogos Satamyan, 33, of Glendale is scheduled to be sentenced in September.

- **Miami FL** - Sarah Da Silva Keller, 27, pleaded guilty 27 JUN to one count of conspiracy to commit health care fraud for her role in a scheme that resulted in the submission of more than \$63 million in fraudulent claims to Medicare and Medicaid. She admitted to participating in a fraud scheme that was orchestrated by the owner and operators of Health Care Solutions Network (HCSN), which operated purported partial hospitalization programs (PHPs), a form of intensive mental health treatment for severe mental illness. HCSN paid kickbacks to owners and operators of assisted living facilities in exchange for referring Medicare beneficiaries to HCSN for PHP treatment that was unnecessary and, in many instances, not provided. Keller admitted that she falsified records at the direction of others so that HCSN could bill Medicare for patients who did not receive the services from HCSN. Keller knew that the falsification of these records was part of a plan for HCSN to commit health care fraud. At sentencing, scheduled for Oct. 17, Keller faces a maximum of 10 years in prison and a \$250,000 fine for each count. Nine other charged defendants, including the owner and operators of HCSN, await trial.

[Source: Fraud News Daily 15-30 Jun 2012 ++]

Medicad Fraud Update 65:

- **Columbia SC** - South Carolina Democratic leaders are trying to decide whether to support a convicted felon running for Congress as a Democrat. After winning in this week's Democratic primary, Bryan Lamont "Ryan B" Doyle will appear on the November ballot as the party's nominee in the state's 3rd Congressional district, which stretches along the state's western edge from the mountain town of Walhalla south to Edgefield. Federal court records show Doyle, 37, was convicted in 2003 on six felony counts related to Medicare fraud and making false statements, resulting in a 30- month prison sentence. South Carolina law prohibits convicted felons from serving in state office. But there is no law barring felons from seeking federal office, though the U.S. House or Senate could vote to expel any member deemed unfit to serve. Records show Doyle and a co-defendant were convicted of using a medical supply company to fraudulently bill Medicare for \$503,000 in wheelchairs and custom wheelchair seats. As part of his sentence, Doyle has to repay the federal government for half of stolen amount. He says he is still making court-ordered payments of \$250 a month, an amount set based on his income. Doyle said he doesn't mind answering questions from voters with concerns about his past, but he said there are bigger issues at stake in this election.

- Guthrie OK** - Charges have been filed in Oklahoma County District Court by the state attorney general's office against five people affiliated with Pure Hope Corporation for their alleged involvement in a scheme to bill for sessions without providing services. Pure Hope Corporation, 2403 S. Division, Guthrie, was contracted with the Oklahoma Health Care Authority to provide counseling services for Medicaid recipients. In July 2011, a member of the AG's Medicaid Fraud Control Unit was investigating another counseling agency when it was learned Pure Hope was billing the OHCA for services not being provided for new clients, according to court records. Behavioral health counseling services are only provided after an initial assessment is conducted and a subsequent treatment plan with a diagnosis and treatment modality is generated, according to court records. Pure Hope employees allegedly would complete the intake and assessment paperwork for a new client and bill for services even though the client was not seen for immediate care sessions prior to that date. Employees would create session dates before the intake date and create alleged false progress notes using quotes from the client generated through the intake paperwork. They would then allegedly submit the false progress notes as the basis for the claims billed by Pure Hope to the OHCA. Interviews with Pure Hope clients verified when services were provided and identified dates when no counseling occurred, including dates when Pure Hope billed the OHCA for Medicaid reimbursement. Pure Hope closed in October and is no longer in business
- Myrtle Beach SC** - The former directors of a family-run South Carolina youth mentoring service have been charged with falsely billing nearly \$9 million to Medicaid. U.S. Attorney Bill Nettles says that Truman Lewis, Melanie Lewis and Norman Lewis were indicted 19 JUN on felony charges of health care fraud, wire fraud and money laundering. Nettles says the relatives ran Helping Hands Youth & Family Services. The Lewis family is accused of using the millions they got from Medicaid billings to buy things for themselves including luxury cars and a beachfront condominium. The service's offices in Conway, Georgetown, Columbia and Rock Hill closed abruptly in late 2010.
- Hanover VA** - Martha A. Nicholas, 42, who pleaded guilty to faking cancer as part of a scam to raise money earlier this year has been arrested again. Investigators Office arrested her on five felony indictments in connection to an ongoing fraud investigation. The investigation comes after the sheriff's department received an anonymous tip in April 2011 that Nicholas was falsely claiming to have cancer. Nicholas was indicted 19 JUN by a grand jury on three counts of Medicaid fraud and two counts of obtaining money by false pretenses. Nicholas was arrested and taken to the Pamunkey Regional, but was later released on bond pending arraignment on June 27. Nicholas pleaded guilty in February to two counts of obtaining money by false pretenses. Nicholas' attorney said she regretted her actions and was struggling with a mental illness. The crime angered the community since Nicholas had solicited money from folks on her behalf. Nicholas' attorney had said that the 42-year-old was convinced she had a physical ailment and that even members of her family believed she had cancer. As part of the plea deal, prosecutors said Nicholas cannot seek employment with, solicit funds for, or advocate for any charitable or civic organization for a five-year period.



Martha A. Nicholas

- **Oklahoma City** - Robin Lockwood, 44, an Oklahoma City dentist accused of submitting claims for dental services she didn't provide has been charged in federal court with health care fraud. The Oklahoma Attorney General's office says she faces one count of health care fraud. The charges allege Lockwood falsified treatment notes submitted by Ocean Dental for Medicaid reimbursement between July 2007 and December 2010. She is accused of benefiting from the scheme because she received a percentage of the reimbursement for her services. Among other things, Lockwood also is accused of billing for multi-surface fillings that she didn't complete. The charges stem from an investigation by the state Attorney General's Medicaid Fraud Control Unit.
- **Dunn NC** - John Curtis Alspaugh, 61, and Helen Blue Alspaugh, 56, are accused of using their Dunn-based business, Basic Home Health Care Inc., to submit 3,518 false Medicaid claims, totaling \$141,430, from January 2006 to April 2011. Federal investigators say the couple also withheld more than \$458,000 in tax money from their 130-plus employees' paychecks, but never paid the IRS. The company provided living assistance services, such as bathing and dispensing medication at patients' homes. An indictment alleges the couple used Medicaid ID numbers of dead people, people in prison and former clients who once received personal care services from the company. "Fraudulent claims were billed for services that the Alspaugh's knew had not been provided," according to a statement from the Department of Justice. John Alspaugh is also accused of using a person's Medicaid and other identity number to commit health care fraud, from Jan. 5, 2008, to Sept. 3, 2009, and from Sept. 22, 2006 to March 17, 2008, according to the Department of Justice. John and Helen Alspaugh are each charged with conspiring to defraud the U.S. and eight counts of failure to truthfully account for and pay over withholding and Social Security taxes. John Alspaugh is also charged with 16 counts of health care fraud and one count of aggravated identity theft. The Alspaugh's will get public defenders to represent them, and each charge they face carries a maximum penalty of two to 10 years in prison, plus a \$250,000 fine. Their next court date has not been set.

[Source: Fraud News Daily 15-30 Jun 2012 ++]

State Veteran's Benefits: The state of Arkansas provides several benefits to veterans.. To obtain information on these refer to the "**Veteran State Benefits AR**" 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:

- Veterans Home
- Financial Assistance Benefits
- Education Benefits
- Other State Veteran Benefits

[Source: www.military.com/benefits/veteran-benefits/arkansas-state-veterans-benefits Jun 2012 ++]

Military History: Sometime after the death of Keith E. Harris in 1980, his family discovered the attached story that he had taped on his own, probably in the 1970's. It offers an insider's view of how it was to fly a bombing mission in a B-17, where any such mission could end in disaster, and many did. In his narration he used the word "Marienburg" repeatedly as one of his bombing missions, but in the 390th Memorial Museum website <http://www.390th.org> this city is listed as "Marienburg." Harris piloted his requisite 25 missions in the European Theater of Operations (ETO), then came back to the United States to become a B-29 trainer as World War II was ending. He was later transferred to a base in the Philippine Islands for a year or two, following which he opted for a discharge from the Air Force in 1947 with the rank of Major. He spent the remainder of his life more quietly:

farming the family acreage near Earlville, Illinois with his brother, Robert E. Harris, driving a school bus route for 29 years, and, with his wife Margie, raising a family of four children. To read his story on this raid in his own words refer to the attachment to this Bulletin titled, "**Munster Bombing Raid 1943**". [Source: <http://www.alharris.com/stories/munster.htm> May 2012 ++]

Military History Anniversaries: Significant July events in U.S. Military History are:

- Jul 01 1898 - Spanish-American War: The Battle of San Juan Hill is fought in Santiago de Cuba.
- Jul 08 1948 - The United States Air Force accepts its first female recruits into a program called Women in the Air Force (WAF)
- Jul 01 1863 - Civil War: Battle of Gettysburg, Pa; Lee's northward advance halted
- Jul 01 1907 - World's 1st air force established (US Army)
- Jul 01 1970 - Vietnam: 23 day Siege of Fire Base Ripcord began
- Jul 02 1926 - US Army Air Corps created; Distinguish Flying Cross authorized
- Jul 03 1754 - French and Indian War: George Washington surrenders Fort Necessity to French forces.
- Jul 03 1814 - Revolutionary War: Americans capture Fort Erie Canada.
- Jul 03 1863 - Civil War: The final day of the Battle of Gettysburg culminates with Pickett's Charge.
- Jul 03 1898 - Spanish American War: U.S. Navy defeats Spanish fleet in Santiago harbor Cuba
- Jul 03 1915 - U.S. Marines landed in Haiti following the assassination of the Haitian president Vilbrun Guillaume. The Marines remained as occupation forces until 1934
- Jul 03 1950 - Korean War: 1st time US & North Korean forces clash in Korean War
- Jul 03 1988 - USS Vincennes in Strait of Hormoez shoots Iran Airbus A300, kills 290
- Jul 04 1776 - Revolutionary War: Declaration of Independence - U.S. gains independence from Britain
- Jul 04 1778 - Revolutionary War: Forces under George Clark capture Kaskaskia during the Illinois campaign.
- Jul 04 1802 - At West Point, New York the United States Military Academy opens.
- Jul 04 1863 - Civil War: Siege of Vicksburg - Vicksburg, Mississippi surrenders to Ulysses S. Grant after 47 days of siege. 150 miles up the Mississippi River, a Confederate Army is repulsed at the Battle of Helena, Arkansas.
- Jul 04 1944 - WWII: 1st Japanese kamikaze attack U.S. fleet near Iwo Jima
- Jul 05 1945 - WWII: Liberation of the Philippines declared.
- Jul 06 1777 - Revolutionary War: British Gen Burgoyne captures Fort Ticonderoga from Americans
- Jul 06 1848 - Mexican-American War: Ended with the Treaty of Guadeloupe Hidalgo
- Jul 07 1863 - Civil War: 1st military draft by US (exemptions cost \$100)
- Jul 07 1941 - WWII: U.S. forces land in Iceland to forestall Nazi invasion
- Jul 08 1950 - Korean War: Gen Douglas MacArthur named commander-in-chief UN forces in Korea
- Jul 09 1944 - WWII: The island of Saipan in the Marianas fell to U.S. troops following their defeat of Japanese defenders
- Jul 09 1944 - WWII: Napalm was used for the first time during the American invasion of Tinian in the Marianas.
- Jul 09 1951 - WWII: Operation Husky - U.S. & Britain invade Sicily.
- Jul 11 1789 - U.S. Marine Corps WWII: Pres Truman asked Congress to formally end state of war with Germany
- Jul 10 1943 -
created by an act of Congress
- Jul 11 1864 - Civil War: Confederate forces led by Gen J Early begin invasion of Wash DC

- Jul 12 1812 - War of 1812: U.S. forces led by Gen Hull invade Canada
- Jul 13 1945 - WWII: 1st atom bomb explodes in New Mexico
- Jul 14 1863 - Civil War: Confederate forces under GEN Robert E. Lee, defeated after three days of fighting at the battle of Gettysburg, began their withdrawal to the South.
- Jul 14 1945 - Battleship USS South Dakota is 1st US ship to bombard Japan
- Jul 15 1779 - Revolutionary War: U.S. troops under Gen A Wayne conquer Ft Stony Point, NY
- Jul 15 1918 - WWII: Beginning of the Second Battle of the Marne between German forces on one side and French, American, British, and Italian troops on the other side. The battle ended on 4 AUG.
- Jul 15 1958 - U.S. Marines deployed in Lebanon.

[Source: Various Jun 2012 ++]

Military Trivia: PTSD was observed and noted in the Civil War, too. The illness was called, "Nostalgia". In October 1861 Alfred Lewis Castleman, a surgeon in the Fifth Regiment of the Wisconsin Volunteers, described the first death in his regiment. It was not from battle. "The poor fellow died of Nostalgia (home-sickness), raving to the last breath about wife and children," he wrote. "Deaths from this cause are very frequent in the army." While today "nostalgia" is used to describe the longing for a lost time, the word originally signified acute homesickness, a condition widely regarded as a dangerous and often deadly illness. Doctors maintained that it could kill, either by worsening existing maladies or by causing its own physical symptoms, which included heart palpitations, lesions, damage to internal organs, "hectic fever," bowel problems and incontinence. A Civil War veteran described nostalgia's effects in 1866, noting how it "fastens upon the breast of its prey, and sucks, vampyre-like, the breath of his nostrils. Many a heroic spirit after braving death at the cannon's mouth ... has at length succumbed unresistingly to this vampyre, Nostalgia." During the Civil War, with close to three million men away from home and therefore potential victim to its ravages, Americans both on the battlefield and on the home front worried about nostalgia. To read an interesting article from the New York Times about it refer to the attachment to this Bulletin titled, "**Civil War Nostalgia**". [Source: New York Times Susan J. Matt article 19 Apr 2012 ++]

Tax Burden for North Carolina 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 **North Carolina:**

Sales Taxes

State Sales Tax: 4.750% Prescription drugs, medical equipment exempt, food subject to 2% county tax. Counties may add an additional 2% to 3% tax.

Gasoline Tax: 39.2 cents/gallon

Diesel Fuel Tax: 39.2 cents/gallon

Cigarette Tax: 45 cents/pack of 20

Personal Income Taxes

Tax Rate Range: Low – 6.0%; High – 7.75%

Income Brackets: Lowest – \$12,750; Highest – \$60,000. The tax brackets reported are for single individuals. For married taxpayers, the same rates apply to income brackets ranging from \$21,250 to \$200,000. An additional middle income tax credit is allowed.

Number of Brackets: Three. The tax brackets reported are for single individuals. For married taxpayers the same rates apply to income brackets ranging from \$21,250 to \$100,000. Lower exemption amounts allowed for high-income taxpayers. For tax years 2009 and 2010, a surcharge applies that equals 2% of total liability for taxpayers with income over \$60,000 single filer (\$100,000 joint) and 3% of total liability for income over \$150,000.

Personal Exemptions: ** Single – \$1,200; Married – \$2,400; Dependents – \$0. Taxpayers who claim standard deduction or itemize deductions on federal return must make adjustments. For more information refer to <http://www.dornc.com/taxes/individual/exemption.html>.

Standard Deduction: Single – \$3,000; Married filing jointly – \$6,000. If you or your spouse are 65 or older you may claim an additional deduction (See state tax instruction booklet)

Medical/Dental Deduction: Federal amount. Income tax credit for premiums paid on long-term care insurance that covers the individual, a spouse or dependent. Credit is equal to 15% of premium cost but may not exceed \$350.

Federal Income Tax Deduction: None

Retirement Income Taxes: Social Security is exempt. At least \$4,000 in exclusions for federal, state and local pensions (depending on dates and length of service); up to \$2,000 exemption for qualified private pensions, including IRAs. Out-of-state government pensions also qualify for the \$4,000 exemption. State retirees with at least 5 years of creditable service as of August 12, 1989, will be permanently exempt from state income tax on their retired/retainer pay. Be sure to investigate the [Bailey decision](#) at <http://www.dornc.com/taxes/individual/benefits.html>. Taxable income also includes income derived from gaming in North Carolina. For more details on retirement income deductions, [click here](#) and on the tax form page 13 refer to <http://www.dornc.com/downloads/D401.pdf>.

Retired Military Pay: If an individual had five years of creditable service as of August 12, 1989, all military retired pay is exempt from taxes. Otherwise, a deduction of up to \$4,000 is allowed for military pay or survivor's benefits.

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

All property, real and personal, is subject to taxation and is assessed based on 100% of appraised value. Taxes are collected by cities and counties. For tax rates refer to http://www.dornc.com/publications/effective_rates.html. There is an elderly or disabled exclusion which excludes the greater of the first \$25,000 or 50% of the appraised value of the permanent residence of the qualifying owner. A qualifying owner must be at least 65 years old or be totally and permanently disabled. The owner cannot have an income amount from the previous year that exceeds the income eligibility limit for the urgent year which is \$27,100 for 2012.

The state also has a circuit breaker property tax deferral program. Under this program, taxes for each year are limited to a percentage of the qualifying owner's income. The qualifying owner must either be at least 65 years of age or be totally and permanently disabled. For an owner whose income amount for the previous years does not exceed the income eligibility limit for the current year, which for 2012 is \$27,100, the owner's taxes will be limited to 4% of the owner's income. For an owner whose income exceeds the income eligibility limit, which for tax year 2010 is \$40,650, the owner's taxes will be limited to 5% of the owner's income.

Inheritance and Estate Taxes

On June 27, 2011, a bill was signed into law by North Carolina governor Beverly Perdue. This law clarifies that the North Carolina estate tax does not apply to the estates of decedents who died in 2010 but will apply to the estates of decedents dying on or after January 1, 2011 with a \$5,000,000 exemption, which is indexed for inflation in 2012 so that the 2012 exemption is \$5,120,000.

For further information, visit the North Carolina Department of Revenue site <http://www.dor.state.nc.us>. [Source: <http://www.retirementliving.com> Jun 2012 ++]

Aviation Art:



Shark Sighting - Giving Teeth to the Tigers

Before the pilots of the Flying Tigers could take to the skies against the enemy, the all-important task of bore sighting the .30 caliber wing guns of their P-40s had to take place. The ingenious armorers of the American Volunteer Group (AVG) were often forced to improvise, but as the Tigers' incredible combat record can attest, they got the job done! Nineteen pilots were credited by the AVG with five or more air-to-air victories. Artist John D. Shaw has recreated this scenario, featuring likenesses of actual AVG personnel, such as "Tex" Hill and armorer Chuck Baisden. [Source: <http://www.brooksart.com/Sharksighting.html> Jun 2012 ++]

Veteran Legislation Status 27 June 2012: For a listing of Congressional bills of interest to the veteran community introduced in the 112th 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 for dates that you can access your legislators on their home turf.

Have You Heard? The Navy Cure for Snoring

By the time the sailor pulled into a little town, every hotel room was taken. "You've got to have a room somewhere," he pleaded. "Or just a bed, I don't care where."

"Well, I do have a double room with one occupant - an Air Force guy," admitted the manager, "and he might be glad to split the cost. But to tell you the truth, he snores so loudly that people in adjoining rooms have complained in the past. I'm not sure it'd be worth it to you."

"No problem," the tired Navy man assured him. "I'll take it."

The next morning, the sailor came down to breakfast bright-eyed and bushy tailed. "How'd you sleep?" asked the manager.

"Never better!"

The manager was impressed. "No problem with the other guy snoring?"

"Nope. I shut him up in no time," said the Navy guy.

"How'd you manage that?" asked the manager.

"He was already in bed, snoring away, when I came in the room," the sailor explained. "I went over, gave him a kiss on the cheek, and said, 'Good night, beautiful,' and he sat up all night watching me."

Navy Term of the Day: “**Binnacle List**”. A binnacle is a waist-high case or stand on the deck of a ship, generally mounted in front of the helmsman, in which navigational instruments are placed for easy and quick reference as well as to protect the delicate instruments. Its traditional purpose was to hold the ship's magnetic compass, mounted in gimbals to keep it level while the ship pitched and rolled. The term binnacle list, in lieu of sick list, originated years ago when ship corpsmen used to place a list of sick on the binnacle for the use of the officer of the deck . After long practice, it came to be called binnacle list.

"It will be a great day when our schools have all the money they need, and our air force has to have a bake-sale to buy a bomber."

— **Robert Fulghum** (All I Really Need to Know I Learned in Kindergarten author)



AVAILABLE FOR THE FIRST TIME!
DAD'S GREATEST HITS!

JUST IN TIME FOR
FATHERS DAY.

YOU'RE
NOT GOING
OUT DRESSED
LIKE THAT!



AVAILABLE IN
EVERY LANGUAGE
INCLUDING
FOUL.

YOU'LL HEAR SUCH
TIMELESS CLASSICS AS:

"DON'T MAKE ME STOP THIS CAR!"

"WHERE'S THE REMOTE?"

"YEAH...MUMBLE...I...MUMBLE...
LOVE YOU...MUMBLE..."

"HEY!
TURN THAT
@*!%\$
DOWN!"



ALONG WITH THESE UPDATED CUTS:

"TURN DOWN YOUR I-POD.
I'M TALKING TO YOU"

"ARE YOU TWITTERING ABOUT
ME AGAIN?"

"I CAN'T GET THE INTERNET
ON MY LAPTOP. CAN YOU FIX
IT, AGAIN, FOR YOUR DEAR
OLD DAD?"



PLUS THIS BONUS TRACK:

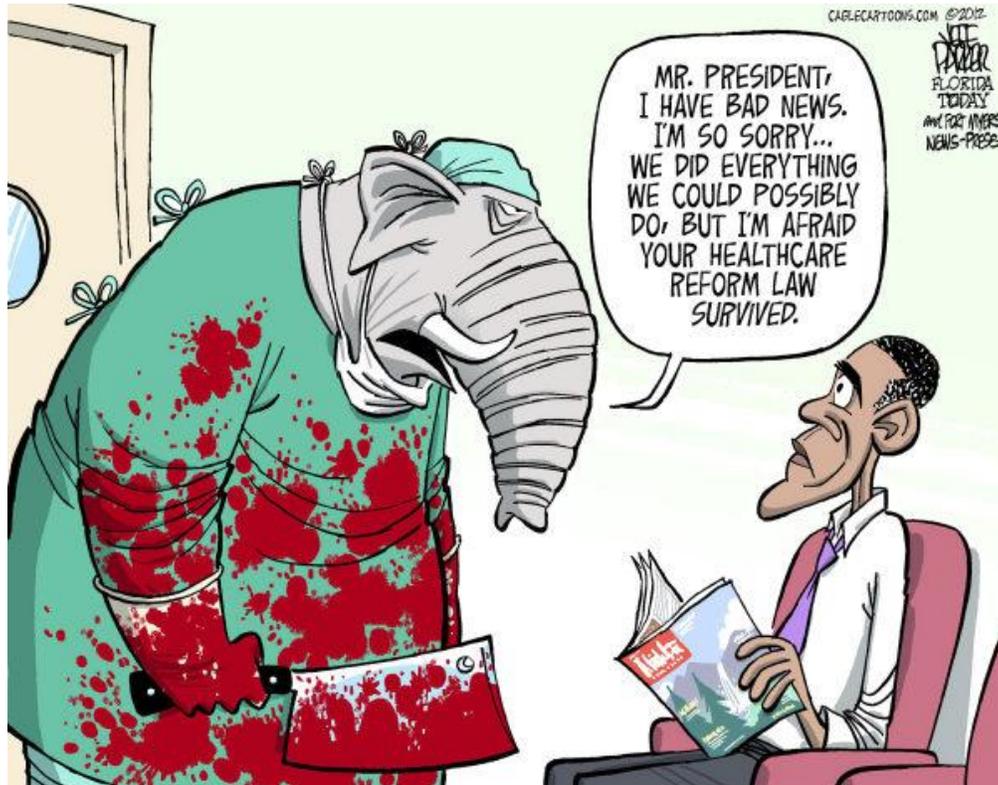
"ASK YOUR MOTHER!"

"FIRST ONE TO FIND THE
REMOTE GETS A DOLLAR."

"DO I LOOK LIKE AN ATM?"



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