

RAO BULLETIN

15 April 2012

PDF Edition

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VA PAR Report: The Department of Veterans Affairs (VA) Performance and Accountability Report (PAR) provides results on VA's progress towards providing America's Veterans with the best in benefits and health care. The PAR contains Fiscal Year (FY) 2011 performance targets and results achieved against those targets during FY 2011. As such, the PAR is VA's report card and, in this context, strives to communicate to you, the American people, how well VA has done, the tangible public benefits VA has produced, and the forward-looking strategies they are employing to achieve and maintain excellence. The 2011 Report is available for viewing at

<http://www.va.gov/budget/report>. Questions about this report should be directed to VA's Office of Performance Management at (202) 461-6608. [Source: VA News for the week of 9 Apr 2012 ++]



VA Sequestration: Officials with the Department of Veterans Affairs think they would be safe from automatic, across-the-board budget reductions set to take effect in January. But they aren't positive. A VA spokesman said a provision spelling out exemptions appears "at first blush" to be clear when it states: "All programs administered by the Department of Veterans Affairs." "But then as I read, I start to nit-pick the words, "Veterans Programs" (vs. the department)," and it is less clear, VA spokesman Randal Noller said in an email. This kind of uncertainty is plaguing official Washington in the run-up to the onset of "sequestration," the automatic reduction in planned budget growth set to take effect across the government on 2 JAN. Agencies like the VA, its vendors, dependents and others can't be certain about exactly what would happen if the scenario, intended to be so terrible it spurred lawmakers to compromise, actually came to pass.

According to Noller and White House spokesman Shin Inouye, the Office of Management and Budget is the department that will decide whether the law exempts the VA from cuts. **But OMB is not talking.** "We have made it clear that we believe that the sequester is, by design, bad policy," OMB spokeswoman Moira Mack said in an email. "Congress should do its job and pass a balanced plan for deficit reduction as it was charged to pass under the Budget Control Act ... Should it get to a point where it appears that Congress will not do its job and the sequester may take effect, OMB will work with agencies regarding planning, but right now it is time to focus on enacting the balanced framework proposed in the president's budget." The VA did not respond when asked if it has already asked for a ruling or interpretation of the law, though Mack said OMB hasn't issued any guidance on what will happen if sequestration kicks in. Rep. Jeff Miller, (R-FL), chairman of the House Veterans Affairs Committee, has remarked several times on his frustration at not getting the White House or OMB to make a call one way or the other on the question. The administration's inability to make a decision, or to state publicly what it may already have decided, spurred Miller in February to introduce a bill to remove the suspense once and for all. H.R.3895 would definitively exempt VA from sequestration. "If the president isn't going to give us any clarity on this issue, my bill will," Miller wrote in an op-ed for Military.com on 8 FEB. That legislation is now in committee.

Miller said in the same column that he hoped the lack of clarity was not merely the administration playing politics. Similar charges were made last summer when the debt ceiling battle was raging on Capitol Hill. Then, the administration said it did not know whether a possible government shutdown over failure to raise the debt ceiling would mean troops wouldn't be paid. Ray Kelley, legislative director for the Veterans of Foreign Wars, said he

believes there were some “fear tactics” used last year, though there was also some truth behind them. There likely would have been checks for troops in the first month of a shutdown, he said, but it’s possible there would have been problems after that. He wouldn’t characterize the general lack of clarity on sequestration as a scare tactic. He said there really is some confusion over application of the law because the sequestration bill is rooted in a 1985 law that mandated cuts or caps across all departments. “Unfortunately, nobody knows anything,” he said. “The administration has told us directly — our commander in chief was at the White House and they said ‘we don’t’ want the VA to fall under sequestration.’ ” VFW has gotten the same message from the VA and every member of Congress it has met with, he said. “**But nobody will make a ruling,**” he said. [Source: <http://www.federaljack.com/?p=174386> Bryant Jordan article 12 Apr 2012 ++]

Memorial Day Update 03: Veterans’ graves would no longer go accidentally unmarked on Veterans Day or Memorial Day, if legislators pass a bill aimed at improving the communication surrounding the deaths of veterans. Currently, when a veteran dies, the funeral director files a notice with the Massachusetts Board of Health, which is supposed to notify the Veterans’ Graves Officer – the local official responsible for caring for veterans’ graves. But Rep. Shaunna O’Connell, the bill’s sponsor, said communication tends to break down and often the graves officer is never notified. “Some veterans’ gravesites are not receiving proper recognition and proper markings,” O’Connell said. The Committee on Veterans and Federal Affairs on 11 APR held a public hearing on legislation (H.3983) that would require the funeral director to notify the town’s veterans’ agent, in addition to the Board of Health, before a veteran is buried. Several veterans testified in favor of the bill. Golden Rodent (Commander) Paul Waldron of the National Order of Trench Rats Dugout 622, said the lack of communication has resulted in veterans’ graves not being honored on Veterans Day and Memorial Day. “Those we speak for today can no longer speak for themselves,” Waldron said. “It’s up to us as veterans to speak for those people. We’re looking for them to be properly honored.” [Source: Cape Ann Beacon State House News Service article 11 Apr 2012 ++]



Veterans Care Program Update 01: Researchers at the Center for a New American Security offered a scathing report this week on that status of veterans care in America, calling the current systems inefficient, full of gaps and unfriendly to community groups looking to lend a hand. The report, Veteran Reintegration and American Communities, states that only a few troops leave the service with enough information to handle critical employment, education, and health care questions. “Inevitably – but too often at a point at which the veteran has fallen through society’s cracks – the burden of care is placed on under-resourced community-based providers that are neither familiar with service-related needs nor knowledgeable about how to address them effectively,” the report

states. Authors note that the Defense and Veterans Affairs departments lack any official process to transition troops from active-duty programs to civilian resources, both in the VA and with other community charities. Researchers also noted that “although VA is mandated by law to provide for all veterans, in practice, it only serves those who enroll proactively.” That leaves many veterans searching for help, even when appropriate resources are available. The think tank, which has close ties to President Barack Obama’s administration, calls for an interagency plan to provide more resources and transition care for separating servicemembers, as well as “guidance for the longer-term process of successful reintegration.” They also said charities need to better document the services they provide to veterans, in order to build a more successful public model on that transition. The full report titled Well After Service: Veteran Reintegration and American Communities is available at the CNAS web site <http://www.cnas.org/wellafterservice>. [Source: Stars & Stripes Leo Shane article 12 Apr 2012 ++]

VAMC St. Louis MO Update 03: The Cochran VA Medical Center in St. Louis continues to have problems with cleanliness in its dental clinic, two years after the hospital notified more than 1,800 veterans that it may have exposed them to HIV, hepatitis and other viruses. Investigators at the Veterans Affairs Office of Inspector General found during an inspection in January that surgical implants had not been sterilized for the mandated 48 hours and medical supply rooms were not always kept at the correct humidity levels. Also, test results for potential contamination on sterilizing machines had not been recorded correctly and inspectors' shoe booties were dirty after walking through the supply rooms, among other problems, according to the report.

In 2010, inspectors said veterans might have been exposed to diseases after an inspection turned up visibly dirty instruments. Four veterans tested positive for hepatitis but it is still unknown whether their exposure was linked to the dental clinic. In a federal report from March 2011, inspectors made three recommendations to the Cochran staff to improve sterilization procedures and training. Two of the three recommendations were not completed, and another has been added, according to the new report issued 10 APR. The original recommendations that the hospital keep its equipment clean and staff trained will stay open for further review. The hospital met a recommendation that it take appropriate disciplinary action, although details were not disclosed. The new recommendation involves ongoing in-house monitoring of sterilization areas. No veteran has been harmed by care received at Cochran, spokeswoman Marcena Gunter said in a statement. And the St. Louis VA recently hired a head of sterile processing to lead efforts to recruit and train of employees, she said. In February 2011, the hospital closed its operating rooms after rust stains were discovered on surgical equipment. The operating rooms reopened after a month of testing, cleaning and replacing of faulty equipment. [Source: Associated Press article 10 Apr 2012 ++]

DFAS Scam: There are emails being sent to individuals, including military members, military retirees, and civilian employees, which appear to be sent by a DFAS employee. Although the email appears to come from a DFAS employee and displays a dot mil address it is actually from a non-government email account. This is an example of what's called "spoofing." The emails indicate that individuals who are receiving disability compensation from the Department of Veterans Affairs (VA) may be able to obtain additional funds from the Internal Revenue Service (IRS). These emails are not issued by DFAS and will likely result in a financial loss if you comply with the suggestions in the email. Bottom line – do not send your personal information or copies of your tax returns and 1099s to the individual listed in the email. The email indicates that individuals receiving VA disability compensation can receive additional funds from the IRS. The email states that such funds can be obtained by sending copies of your VA award letter, your income tax returns, your 1099-Rs, your RAS statements, and a copy of your DD 214, to a so-called retired Colonel at an address in Florida. **Do NOT** follow the suggestions in the email

because you will be providing a significant amount of your personal information to a complete stranger, which could result in a financial loss to you. [Source: <http://www.dfas.mil> Latest News Apr 2012 ++]

Commissary User Savings Update 01: When military service members shop their commissary, they save a substantial amount of money, while contributing to the improvement of the commissary system. That's because for almost 60 years, Congress has required commissaries to collect a surcharge on purchases to make them more self-sustaining. "Every time our customers shop at the commissary, they are not only saving money because we sell at cost, but they are also taking care of their own," said Joseph H. Jeu, DeCA director and CEO. "Their purchases help improve commissary facilities for their brothers and sisters in uniform." The surcharge, which has been set at 5 percent for the past 28 years, is used to build replacement stores, renovate and repair existing stores, and purchase equipment such as freezers and cash registers. Even with the surcharge, customers still enjoy an average of 32 percent or more in savings. [Source: AFSA On Call Leg Up 29 Mar 2012 ++]

Clark AFB Vet Cemetery Update 01: On 29 MAR Rep. Frank Guinta (R-NH) introduced H.R.4168, the Caring for the Fallen Act which addresses the neglected condition of Clark Veterans Cemetery in the Philippines. Known by many as the "Cemetery America Forgot," the cemetery is the final resting place for 2,200 U.S. military Veterans dating back to the Spanish American War. Veterans from World War II and subsequent conflicts through the Iraq War are also buried there. In all, the cemetery contains more than 8,600 graves. From 1991 to 1994, the cemetery fell into a state of neglect. Volunteers from a local Veterans groups and others have been looking after it for the past 18 years, but the task is too great for them to handle alone. Guinta's bill seeks to have the American Battle Monuments Commission assume responsibility for the Cemetery. As the nation's professional organization for the care and administration of all of our overseas memorials and cemeteries, and given the fact they already maintain two nearby sites in-country, we also believe ABMC is the logical choice to manage the cemetery. "All Americans owe a debt of gratitude to the men and women who have served our nation in uniform," Rep. Guinta said. "Making sure they rest in a dignified setting is the very least we should do to honor their sacrifice and to preserve their memory. A You Tube video on Guinta's introduction of the bill in the House can be viewed at <http://www.youtube.com/watch?v=6vHKky5goTM>. The bill currently has only 9 cosponsors. [Source: AFSA On Call Leg Up 29 Mar 2012 ++]

VA Telehealth Update 03: Heretofore veterans have been required to pay a copayment to utilize in-home video telehealth sessions. Unless there are significant adverse comments on rules published in March, the Department of Veterans Affairs in May will eliminate co-payments for in-home video telehealth sessions. VA published a proposed rule on 6 MAR to waive co-payments with a 30-day comment period that has expired. "This would remove a barrier that may have previously discouraged veterans from choosing to use in-home video telehealth as a viable medical care option," according to the rule. "In turn, VA hopes to make the home a preferred place of care, whenever medically appropriate and possible." Also on 6 MAR, VA published a "direct final rule" that is substantially the same as the proposed rule. Under the direct final rule, elimination of the co-payment becomes effective on 7 MAY without further notice unless the agency received relevant adverse comments on the proposed rule. A direct final rule can accompany a proposed rule to speed the rulemaking process if an agency anticipates a rule will be con-controversial. If "significant" adverse comments are received, VA will publish in the

Federal Register a notice of receipt of the comments and withdraw of the direct final rule. The Partnership for Quality Home Healthcare, an industry advocacy group, strongly supports the rules.

In-home video telehealth care is used to connect a veteran to a VA health care professional using real-time videoconferencing, and other equipment as necessary, as a means to replicate aspects of face-to-face assessment and care delivery that do not require the health care professional to make an examination requiring physical contact. Generally, VA calculated the amount of a copayment based on the complexity of care provided and the resources needed to provide that care. Telehealth helps ensure that veterans are able to get their care in a timely and convenient manner, by reducing burdens on the patient as well as appropriately reducing the utilization of VA resources without sacrificing the quality of care provided. The benefits of using this technology include increased access to specialist consultations, improved access to primary and ambulatory care, reduced waiting times, and decreased veteran travel. The proposed rule is available at <http://www.gpo.gov/fdsys/pkg/FR-2012-03-06/html/2012-5355.htm> and the direct final rule at <http://www.gpo.gov/fdsys/pkg/FR-2012-03-06/html/2012-5354.htm>. [Source: Health Data Management Joseph Goedert article 9 Apr 2012 ++]

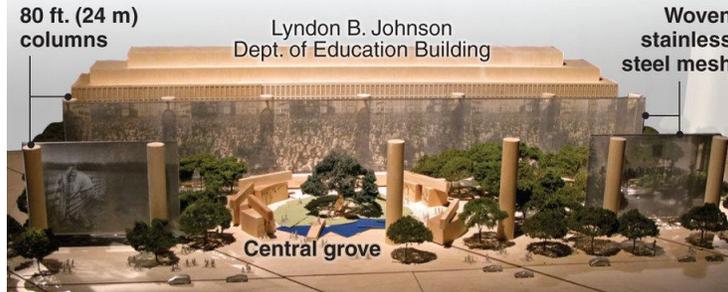
Eisenhower Memorial: Second-Guessing the design of the nation’s memorials is as American as the iconic figures they honor. When the Lincoln Memorial was being planned, no less an authority than Frank Lloyd Wright called it the “most ridiculous, most asinine miscarriages of building material that ever happened.” Critics of the Jefferson Memorial wondered why this father of democracy was housed in a Roman temple. So controversial was Maya Lin’s spare homage to those who died in Vietnam that the highest-ranking member of the executive branch to show up for its dedication was the deputy interior secretary. So the controversy surrounding the planned Dwight D. Eisenhower Memorial shouldn’t come as a surprise, nor should it be allowed to derail what promises to be an exciting addition to the Washington landscape. Recent weeks have seen an escalation of passions surrounding architect Frank Gehry’s design for the \$112 million memorial planned for land just south of the Mall near the National Air and Space Museum.

The House subcommittee on national parks, forests and public lands held an unusual hearing in which there were calls to scrap the plans, underway since 1999, and start over. Leading the charge was Susan Eisenhower, a granddaughter of the 34th president, who invoked unfortunate images of Communist-era decorations and the fences of Nazi death camps to denounce Mr. Gehry’s work. Others objecting, as The Post’s Philip Kennicott reported, are architectural traditionalists offended by any departure from classical form. To its credit, the Eisenhower Memorial Commission issued a statement last month giving its “total and unqualified support” for Mr. Gehry and his vision for the memorial that will, by order of Congress, commemorate Mr. Eisenhower not just as president but also as supreme allied commander during World War II. There is often tension between those building a monument that will serve posterity and those who knew the person to be honored.

The bipartisan commission has undertaken a meticulous, public process that took pains to include the Eisenhower family. Mr. Gehry, America’s most renowned architect, was selected following a procurement recommendation that the General Services Administration screened with a jury including grandson David Eisenhower, a member of the commission until his recent retirement. The commission and Mr. Gehry have signaled a willingness to continue to work with the family. The architect’s vision — which has undergone extensive review by a number of federal agencies and won the unanimous approval of the Commission of Fine Arts — would replace the mess of parking that occupies this space with a new urban park centered on a distinctive homage to Mr. Eisenhower. The commission should not be deterred in its efforts to break ground. [Source: Washington Post Opinion Editorial Board article 8 Apr 2012 ++]

New memorial

The Dwight D. Eisenhower Memorial Commission unveiled the design concept for the Eisenhower memorial created by architect Frank O. Gehry.



Source: Dwight D. Eisenhower Memorial Commission

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Memorial View from the U.S. Department of Education

U.S. Passport Policy Update 02: Edward Phillips traveled the world during an Army career of more than 20 years. He's been sent to Germany, where he met his wife, Rhonda, and he served in Bosnia, Korea and Iraq prior to his retirement last April. Money is tight for the Phillipses, both 43, so the six-figure overseas contract job he landed helping train U.S. soldiers couldn't have come at a better time. Rhonda Phillips describes it as their "saving grace." The number of children they're caring for grew to six in December when they took in three relatives otherwise bound for foster homes. Obtaining a passport seemed the least of Phillips' concerns. But his family faced

an anxious few weeks after the U.S. State Department initially turned down his application. Federal authorities informed him March 19 that his birth certificate is not sufficient to prove he's a U.S. citizen and he had to provide additional documentation. "I was stunned," said Phillips, who twice was stationed at Joint Base Lewis-McChord and retired from there as a senior enlisted officer.

Phillips' case illustrates the lengths the U.S. government has gone to in recent years to step up requirements to prove citizenship because of concerns about illegal immigration and border security. His case also shows the value of persistence. In 2008, the requirement changed so a birth certificate for a first-time applicant must be filed within one year of a person's birth. Edward Phillips was delivered by a midwife at home on Aug. 6, 1968, in Birmingham, Ala. His mother was single and on welfare. She didn't obtain his birth certificate until 1974 at age 6 so he could go to school. He said his mother was very poor and getting a birth certificate "was not a priority at the time." "That's the only reason the world knew I existed, because I started school," he said. Phillips, who retired as a sergeant first class, spent six years in the Army Reserve after joining right out of high school. He enlisted into active-duty in October 1991. He worked more than 19 years as a chemical operations specialist, including deploying to Iraq for six months in 2010. Soldiers don't need passports. They can use their orders and military identification to travel to other countries.

After leaving the Army, Phillips had trouble finding long-term employment. His break came when L-3 Communications offered a job last month in Kuwait providing training support for U.S. soldiers on a one-year contract. Total compensation: about \$121,500. The couple has struggled to pay their bills with his Army retirement pay and his wife's salary as a nurse at the Veterans Affairs hospital in Lakewood. Rhonda Phillips' niece had drug problems, and the state placed the niece's three children, ages 3 through 8, with the Phillipses. The couple already had three of their four children living at home. The six-figure salary could allow the couple to pay off debt, buy a house and set aside money so her husband can go back to school.

The State Department has been tightening regulations to obtain a passport and enter the United States for years. In 2009, it began requiring U.S. citizens to show passports or other official travel documents to re-enter the country by land or sea. It was part of a massive package of legislation intended to protect the nation from terrorism following the attacks of Sept. 11, 2001. In 2008, the agency began enforcing new requirements for birth certificates that first-time applicants use to apply for passports. The changes were intended to bring passport policies up to date and reflect changes in federal law. The prior regulation, in effect since 1986, required the birth certificate be recorded at the time of birth or "shortly thereafter" but didn't set a specific deadline.

Phillips sent secondary documents to prove his birth in the United States. It wasn't easy to produce them, and it might not be for others in similar circumstances. Phillips said his aunt and his midwife are dead, and his mother suffers from dementia. He said his earliest school records are from the third grade. He submitted a sworn statement from his sister as well as her birth certificate to help make his case. He also secured a letter from the state of Alabama's vital statistics center explaining the circumstances of his birth certificate. On 5 APR, he received his passport in the mail. Catherine Donald, the director of Alabama's records center, said that since the terror attacks of 2001, agencies have reviewed what documents they'll accept for passports, driver's licenses and public benefits and may require additional proof. She said she's heard anecdotally of more incidents of individuals being turned down because of questions surrounding their birth certificates. Her agency's letter of explanation "generally clears it up," she said. [Source: News-Tribune Christian Hill article 9 Apr 2012 ++]

Vet Cremains Update 09: The Missing In America Project (MIAP) has located and identified the stored cremated remains of 10 veterans. These remains are that of service men who served in the American military

during some of America's great wars: World War I and II, the Korean War, and the Vietnam War. One veteran had earned the bronze star. The remains had been in storage unclaimed for an untold number of years until the discovery was recently made by the MIAP at the Cook and Son-Pallay Funeral Home, 1631 S. Parsons Avenue, Columbus OK. Many details about the deceased are still unknown, but it is believed that all of the remains have been in this funeral home since their death; current owners of Cook and Son said the remains were at the funeral home when they bought the business in 1993. The funeral home owners assisted with MIAP in working to identify the veterans, according to Booth. Once identified, MIAP collaborated with the American Legion to arrange for a military burial. Veterans will be buried with full military honors on May 22, 2012

The MIAP project works finding and identifying created remains of US Veterans and have them buried properly. "Every single one of those urns has a story-has a history," said Chastity Booth, Ohio State Coordinator for MIAP. "There are lots of veterans slipping through the cracks. It is my goal to get all Ohio funeral homes to be aware of who we are and what we do. All they have to do is contact us. It is a very easy process." American Legion Past District Commander Steve Ebersole said it has been an honor to help provide a proper military burial for these men who served their country. Ebersole said he anticipates supporters will be visible along the processional route as many organizations have already offered to take part. The procession for the burial will start at the American Legion Southway Post 144, 3253 S. High St. at 7:30 am and continue to the Dayton National Cemetery, where funeral services will be held at 10 am. Exact route details will be announced later. the American Legion Riders will lead the escort. Riding with them in the will be members of the Rolling Thunder and Patriot Guard. Booth asks if anyone knows family of the deceased, to provide them information so they can be contacted and included in the burial ceremony. The veterans, their branch of service, dates of service and year of death are as follows:

1. Sgt. Harold Everett Yetter, Army, Feb 1945 - May 15, 1961; 1991
2. Staff Sgt. Clarence R. Wooten, Army, August 1948 - May 1949; 1987
3. James Williams Jr., (Tech 5) Army, May 1943 - March 1946; 1991
4. Thomas Eugene Terrell, (Seaman First Class), Navy, Jan 10, 1945 - August 1946; 1987
5. Thomas G. Steward, (Fireman 3rd class), Navy, May 1945 - August 1946; 1989
6. Carl W. J. Reinig, (Private) Army, Oct 5., 1918 - Jan 27, 1919; 1984
7. Robert G. Poole, (Tech 5) Army, Jan 1943 - March 1947; 1993
8. William Harry Huffman, (Tech 4) Army, November 1942 - November 1945; 1994
9. Staff Sgt. Russell Andrews Jr. , (Air Force) January 1951 - December 1971; 1991
10. Franklin Delano Jones, (Specialist third class) Army, May 1953 - May 1956; 1989

The following should be contacted to identify family members and obtain burial details:

- Chastity Booth, Ohio State Coordinator for MIAP 1-330-808-3199
- Steve Ebersole, Past Commander, American Legion, Ohio 12th District Council 1-614-783-6862
- Rich Richardson, American Legion Riders Coordinator, Ohio
- American Legion 12th District Council 1-614-578-5309

[Source: MIAP Press Release 9 Apr 2012 ++]



VFW Post 507 Lynn MA: Former Veterans of Foreign Wars Post 507 treasurer George Robertson stole money from the Lynn group and gambled away more than \$100,000, a state prosecutor wrote in a statement filed in Middlesex Superior Court 4 APR. Assistant Attorney General Margaret Cooke wrote in the statement, “Robertson stole the money after the former VFW post sold its Highlands property for more than \$1 million in 2010. On June 1, 2011, Robertson admitted to state troopers that he stole over \$100,000 from the Lynn Massachusetts VFW and used it on personal expenses and to gamble. Robertson, 66, of Stoneham pleaded innocent Wednesday to false use of the name of a benevolent organization and four larceny charges during his arraignment in Middlesex Superior Court. Special Magistrate Matthew Day did not assign bail to the former Lynn resident Wednesday, but instead ordered Robertson to return to court on 15 MAY.



Defense attorney Albert Vigeant, left, and client George Robertson

Robertson, according to Cooke’s statement, took money from the post’s Sovereign Bank account and deposited the money in his Stoneham Bank account between November 2010 and June 2011. He also, according to the statement, paid off personal debts with post money. The statement outlines how the post sold its building and surrounding property for more than \$1 million after several years of declining membership and financial difficulty. “It was after the sale of the Lynn VFW that Robertson stole the majority of the funds,” Cooke wrote. Robertson’s attorney, Albert Vigeant, said prior to Robertson’s arraignment that Robertson’s role as post treasurer gave him responsibility for post money, including proceeds from the property sale. “Whatever transactions occurred were within his authority; there was no larceny,” Vigeant said. He described Robertson, who declined to speak with reporters, as a 20-year Vietnam-era Navy veteran who was honorably discharged. He said Robertson used his own money to help the post during tough financial times and said Robertson tried unsuccessfully to negotiate a merger with another veterans’ post. Vigeant said money from the post sale is being held in a bank account overseen by an attorney. He declined to say how much money is in the account and declined to identify the attorney overseeing the money.

According to a statewide grand jury indictment naming Robertson and filed in Superior Court, Robertson wrote “unauthorized” checks between Nov. 18, 2010 to Feb. 28, 2011. The indictment states that Robertson made “unauthorized withdrawals” using a post automatic teller machine card between Jan. 1, 2011 and May 31, 2011. He also, according to indictment paperwork, wrote unauthorized checks to himself from 507’s Sovereign bank account between Sept. 1, 2010 and May 31, 2011. Court paperwork indicated that investigators interviewed Robertson and former post president George Rivers, and also reviewed correspondence before bringing charges against the larceny suspect. A press statement released by the Attorney General on March 9 stated that the investigation into Robertson’s use of post money began after a Stoneham Bank manager questioned Robertson’s deposits of post checks into his personal account. Robertson, according to the press statement, gave the bank manager a letter “insisting it was discussed and agreed upon by the VFW, authorizing him to place ‘approved’ monies from the VFW

into his personal account to pay bills.” “Investigators discovered that no such meeting was held and no such letter was approved by the VFW,” the March 9 release stated. Vigeant “there will be a full accounting in the end” exonerating Robertson. [Source: The Daily Item Thor Jourgensen article 5 Apr 2012 ++]

Defense of Marriage Act Update 01: A closely watched constitutional challenge to the Defense of Marriage Act went before a U.S. appeals court for the first time 4 APR, setting the stage for a possible Supreme Court decision next year on whether legally married same-sex couples are entitled to equal benefits under federal law. At issue is not whether gays and lesbians have a right to marry, but whether the federal government can deny tax, health and pension benefits to same-sex couples in states where they can marry. Mary Bonauto, a lawyer for Gay & Lesbian Advocates and Defenders in Boston, argued that states have always set the laws on marriage and family. By refusing to recognize same-sex marriages in states such as Massachusetts, the 1996 federal law created “an across-the-board exclusion” to equal rights and benefits, she said. Her clients include Nancy Gill, a U.S. postal worker, and her spouse Marcelle Letourneau, who are raising two teenagers. The federal law forbids adding her spouse to her healthcare plan.

Bonauto urged the judges to strike down this discrimination as a violation of the Constitution’s guarantee of equal protection of the laws. The oral argument took place before the U.S. 1st Circuit Court of Appeals in Boston. Chief Judge Sandra Lynch, a Clinton appointee, and Judges Juan Torruella, the court’s first Puerto Rican judge, appointed by President Ronald Reagan, and Michael Boudin, an appointee of President George H.W. Bush, will decide the case. Gay-rights advocates said they were cheered by the tone of the argument. The three judges asked relatively few questions during the hour long argument, but the most skeptical questions were directed to Paul Clement, President Bush’s solicitor general, who is defending the federal law on behalf of the House Republicans. Usually, the Justice Department defends federal laws in court, but last year, President Obama and Atty. Gen. Eric Holder announced they would not defend the disputed part of DOMA.

Clement said Congress had the right to maintain the traditional definition of marriage. “There are perfectly rational” reasons to uphold the law, and he urged the judges not to second-guess Congress. “Do you want to constitutionalize this issue, or leave it to the democratic process?” he asked in closing. This made for something of a role reversal for Clement as well for the Obama administration lawyers. Last week, Clement urged the Supreme Court to strike down the Affordable Care Act passed by Congress in 2010. He said it violated the “sovereign” rights of 26 Republican-led states because it would force them to expand the Medicaid program and its health care for low-income persons. But in his brief in the DOMA case, he stressed the more traditional conservative view that judges should defer to elected lawmakers. There is “a strong presumption accorded to Acts of Congress,” he wrote. “This is not a mere polite gesture. It is a deference due the deliberate judgment of constitutional majorities of the two houses of Congress.”

Last week, it was the Obama administration lawyers who were urging the court to defer “to the democratically accountable branches of government” and uphold the health care law. However, in the DOMA case, they urged the judges to strike down the key part of the 1996 law because it denies equal treatment to same-sex couples. A lawyer for Massachusetts also urged the judges to strike down the law on grounds that it interfered with the state’s right to define marriage for its own residents. Two years ago, a federal judge in Massachusetts declared unconstitutional the part of DOMA which denied equal benefits to legally married gay couples. That decision led to Wednesday’s appeal. Regardless of how the 1st Circuit rules, the losing side is expected to appeal the issue to the Supreme Court later this year. [Source: Tribune Washington Bureau David Savage article 5 Apr 2012 ++]

Student Veterans of America Update 02: Student Veterans of America has shut down chapters at 40 for-profit colleges after discovering that many of the groups were memberless fronts used to promote the schools as “veteran friendly.” Michael Dakduk, executive director of SVA, said the action came after a routine review of organization procedures uncovered a pattern of problems with the for-profit chapters. Numerous chapters were founded with a faculty member as the main point of contact, he said, instead of a student veteran. Those chapters were found to have no actual student members, and the SVA brand was being used by the schools’ marketing departments in recruiting efforts. “SVA will not allow institutions of higher learning, whether for-profit or not, to use the name Student Veterans of America for the sole benefit of the institution,” he said.

The news comes just weeks after lawmakers again took aim at the for-profit industry’s aggressive recruiting of student veterans and their GI Bill education benefits, offering new legislation limiting how much of the federal funding they could accept. Critics have accused the industry of exhausting veterans’ education benefits without offering credible degrees or learning support services. Industry representatives have disputed those charges, saying that the for-profit model of online classes and flexible learning schedules offers a critical alternative to traditional brick-and-mortar colleges. Dakduk said his group is not releasing the names of the 40 institutions believed to be operating chapter scams until after a full review of their records can be completed. But, he added, the group does plan to publicly out institutions found to be exploiting SVA’s reputation. He added that student veterans who believe they are being exploited or misrepresented by their school – regardless of the type of institution – should contact national SVA officials at <http://www.studentveterans.org>.

In a statement, Steve Gunderson, President of the Association of Private Sector Colleges and Universities, said officials there were unaware of any problems with members' SVA chapters before the 5 APR announcement. "Obviously, we take our commitments to and our service for veterans very seriously," he said. "Once we learn of the specific schools, we will reach out to them to determine if there are misunderstandings or problems that can be resolved. "We look forward to working with SVA and others to ensure that the chapters on all school campuses are meeting the expected standards." For more info on SVA refer to www.studentveterans.org. [Source: Stars & Stripes Leo Shane article 5 Apr 2012 ++]

Tricare Data Breach (SAIC) Update 09: On 3 APR Harris & Ruble, a California law firm, announced the filing of another class-action lawsuit against TRICARE Management Authority contractor, Science Applications International Corporation (SAIC). This is the eighth lawsuit filed against SAIC and/or the Defense Department due to the failure of SAIC in not properly safeguarding 4.9 million TRICARE patients’ medical records, which were stolen from an SAIC employee’s car in Sept 2011. A spokesperson for Harris & Ruble said, “SAIC’s statement that it withheld information about the breach from patients so as not to raise undue alarm among its beneficiaries is simply inexcusable.” For additional information, patients impacted by this data breach may contact: Alan Harris at Harris & Ruble 6424 Santa Monica Boulevard Los Angeles, CA 90038 (323) 962-3777 or <mailto:aharris@harrisandruble.com>.

SAIC has enough insurance to cover judgments or settlements that could result from the September 2011 theft of computer tapes containing the medical records of 4.9 million beneficiaries of the military TRICARE health insurance program. The company disclosed that information last week in a filing with the Securities and Exchange Commission. Seven lawsuits have been filed against the TRICARE contractor claiming as much as \$4.9 billion in damages. The computer tapes that held the data were taken from the parked car of an SAIC employee who was transporting the records from one facility to another. According to the SEC filing, the company's insurance policy will cover any judgments after it meets a \$10 million deductible payment. SAIC already has booked a \$10 million

loss related to the seven lawsuits, which it said in the SEC filing represented "the low end of the company's estimated loss. The company believes that if any loss is experienced by the company in excess of its estimate, such a loss would not exceed the company's insurance coverage." [Source: NAUS Weekly Update & GovExec.com Bob Brewin articles 6 & 9 Apr 2012 ++]

Commissary Elimination Update 02: Those authorized to shop in these two venues saved nearly \$5 billion last year. It is one of the most utilized and beneficial benefits earned by those on active duty and retired. You should know the benefits of shopping in the Commissary and Exchanges is increasingly being attacked by those who think they know better and want to reduce funds for these activities. The Armed Forces Marketing Council and the American Logistics Association have gotten together and have started a website where you can join the Coalition to help save these valuable benefits. Readers are encouraged to go to the Save our Benefits homepage http://www.saveourbenefit.org/Home_Page.html and join. Your help is needed to show those members of Congress that the Commissary and Exchange are very valuable benefits that need to be preserved.

In an unrelated intrusion into the military community's benefits the Directorate of Family and Morale, Welfare and Recreation at Fort Myer, VA, recently announced an exception to policy that allows non-Department of Defense federal employees residing in proximity to Joint Base Myer-Henderson Hall to use bowling center, club pools and tennis courts, as well as access to dining at the clubs or picnic areas, wedding packages and special event equipment rental, including grills and tents. Non-DoD federal employees still must provide proper identification and their official ID cards for entry. This wrongheaded decision severely waters down the benefits earned for a career in the military. It forces active duty troops, retirees and survivors to compete with many more civilians for spots in the gym, pool and other scarce MWR resources elsewhere on base. Bad judgment call and a dangerous precedent that other activities might try to emulate. [[Source: NAUS Weekly Update 6 Apr 2012 ++]

Rental Leases: When you agree to live in a rental, you usually have to sign a lease for a specified period of time. Often, landlords like to see you sign a lease for at least a year, depending on the landlord, and the situation. At the end of the lease period, you can renew for the same period, or switch to some other arrangement. Some landlords might let you go to a month-to-month lease at the end of the original term. Having a lease agreement has two real advantages. You know that you always have a place to live (as long as you pay the rent on time), and you are guaranteed that the rent rate won't increase during the term of the lease. The downside to having a lease agreement is that you are required to pay each month for the term of the lease — even if you move out. If you want to break your lease, though, there are some ways to do so without breaking the bank as well::

- **Sublet the Rental** - One option is to sublet your rental. This means that you find someone else to rent the apartment. You are still responsible for making sure the rent is paid each month, and you might also be responsible for damages done by the new tenant. With subletting, you can work things out so that the renter pays the landlord directly, or you are paid, and then you pay the landlord. Before subletting, though, it's important to make sure that it is allowed. Some landlords won't allow subletting. It's also vital that you carefully vet the person who will be living in the unit while you are gone. You are still responsible in many cases, so you want someone that you are fairly certain won't trash the place and skip out on rent. You can add a measure of protection for yourself by creating a sublease contract.
- **Transfer Your Lease** - In some cases, it's possible to transfer your lease to someone else. Not all landlords will allow you to do this, but it's a possibility if you don't want to pay on a rental you aren't inhabiting right now. This process is different from subletting, since the new renter becomes the lease holder. You find someone to replace you as a tenant, and he or she takes over the remainder of the lease. The advantage

to this process is that you aren't responsible like you are with a subletter. In some cases, you can negotiate with the person moving in. You can offer to pay \$100 for each month for the remainder of the lease, effectively reducing the rent the new tenant pays. If you still have six months left on your lease, and you don't want to keep paying \$900 a month (\$5,400 total), you can offer to pay the new tenant \$600. That essentially gets him or her the rental for \$800 a month for six months, and you pay much less overall. Make sure, though, that you understand the terms of the transfer, and make it clear that it is only to cover the remaining amount of time on the lease. Once everything is done, you are no longer responsible for the rental, so it doesn't matter to you if the new tenant doesn't pay rent.

- **Poor Living Conditions** - Most states have laws that allow tenants to break a lease if the landlord isn't holding up his or her end of the bargain. The landlord is responsible for making sure that the rental unit is livable, and in good repair. If the landlord isn't keeping up with these responsibilities, you can usually break the lease without having to pay anything extra, or pay what you still owe in rent until the end of the lease. Document cases of poor living conditions, and document when you contacted the landlord to have the problems addressed. If the landlord is showing neglect, you are within your rights (usually) to break the lease.

Bottom Line, just like any other agreement, a lease is subject to negotiation and amendment. If you plan to move, check the laws in your state, and the terms of your lease. You might have the ability to break your lease without having to pay a penny more. Your best bet, though, is to understand the lease terms before you sign, so that you know exactly what options are available to you. [Source: MoneyTalksNews Stacy Johnson article 6 Apr 2012 ++]

Tax Deductions Update 01: If you suffer a major casualty or theft loss you may get a bit of a break at tax time. That being said, your net loss is only deductible to the extent that it exceeds 10% of your Adjusted Gross Income (AGI). According to the IRS (see Topic 515, Publication 547, and Publication 584 for details) you can typically deduct casualty and theft losses relating to your home, household items, and vehicles from your Federal taxes. A "casualty loss" is defined as a loss from the damage, destruction, or loss of your property from any sudden, unexpected, or unusual event such as a flood, hurricane, tornado, fire, earthquake, or volcanic eruption. Loss of property by theft is defined as the taking and removing of money or property with the intent to deprive the owner of it. The taking must be illegal under the law of the state where it occurred and it must have been done with criminal intent. Losses you cannot deduct are:

- Money or property misplaced or lost
- Breakage of china, glassware, furniture, and similar items under normal conditions.
- Progressive damage to property (buildings, clothes, trees, etc.) caused by termites, moths, other insects, or disease.

The amount of loss you claim must be reduced by normal wear and tear and any amount reimbursed by insurance. If your property is damaged but not destroyed, then your loss is the lesser of the "adjusted basis" (i.e., your cost plus or minus improvements and depreciation) and the decrease in fair market value of your property due to the casualty. In addition to reducing the loss by any amount reimbursed by insurance, you also have to reduce it by the salvage value of the damaged property (e.g., if you can sell it for scrap, the amount you could recoup from that sale counts against the total loss). To claim a casualty or theft loss, you need to file Form 1040 and report it as an itemized deduction on Schedule A. For personal property, you figure the deductible amount by reducing the loss by salvage value and/or insurance payments. You then need to reduce this amount by \$100 per casualty or theft event claimed during the year. Add it all up and then subtract 10% of your AGI. The casualty or theft loss itself is reported on Form 4684.

Certain itemized deductions are subject to limits if your AGI is too high. If so, you may have to forgo a portion of your income tax deductions. According to IRS Publication 17 limited and unlimited deductions are:

- **Limited:** taxes paid, interest paid, gifts to charity, job expenses, and certain other miscellaneous deductions.
- **Not Limited:** medical and dental expenses, investment interest expense, gifts by cash or check that you choose treat as qualified contributions, casualty and theft losses of personal use property, casualty and theft losses of income-producing property, and gambling losses.

If your itemized deductions are subject to the limit, then the total of all such deductions is reduced by the smaller of 80% of your itemized deductions that are affected by the limit, or 3% of the amount by which your AGI exceeds the tax year's applicable income limit. That figure must then be reduced by two-thirds. [Note: IRS guidance states that the values should be "reduced by two-thirds," but what they really mean is that you should use "two-thirds of the value." They later state this more clearly when they say that you should divide the values by 1.5 (dividing by 3/2 is the same as multiplying by 2/3)]. There's a worksheet in the instructions to Form 1040, Schedule A that walks you through it. Note that the two-thirds reduction means that the (formerly) so-called 3% limit (the second bullet point, above) is now a 2% limit. Leave it to the IRS to make it so convoluted. [Source:

<http://www.fivecentnickel.com/2009/01/28/limits-on-itemized-income-tax-deductions/> Apr 2012 ++]

PTSD Update 96: A senior Pentagon official told U.S. Sen. Patty Murray at a hearing in Tacoma on 4 APR that cost isn't a consideration for the care of U.S. service members. Murray, a Washington Democrat, has been seeking answers about why a screening team at Madigan Army Medical Center reversed hundreds of post-traumatic stress disorder diagnoses. Last week, Murray launched her own probe into whether the nation's military hospitals are denying treatment and potential retirement benefits because it would cost too much. In a rare move, she held Wednesday's 3½-hour hearing of the Senate Veterans' Affairs Committee (SVAC), which she chairs, at a community center in South Tacoma. Murray asked Jo Ann Rooney, a senior adviser to Defense Secretary Leon Panetta, how the military is ensuring no member of the military is denied care due to cost concerns. "We need to make sure that message gets out loud and clear," Rooney told Murray. At least three separate investigations are reviewing the actions of the screening team at Madigan, but Murray said she wants permanent changes now. "I don't want an investigation that gets shoved under a rug, and two years from now we're in the same place and we're hearing the same stories," she said, echoing comments she's made in Washington, D.C. and in other venues. "We just can't allow that to happen."

Murray held the hearing to explore ways communities, organizations and businesses can help service members adjust to civilian life. But the bulk of her inquiries focused on the reversal of PTSD diagnoses. Military and veteran care officials acknowledged the system to evaluate so-called "invisible wounds" can be confusing and inconsistent. They stressed, however, that the Department of Defense and U.S. Department of Veterans Affairs are working together to fix problems and improve diagnoses and treatment. That work includes reducing backlogs, educating service members on the process and improving training given to providers. Two service members testified about their personal experiences dealing with mental-health stresses in a system they said wasn't committed to their care.

Sarah Lillegard of Olympia was diagnosed with PTSD after serving as an intelligence analyst in Afghanistan in 2009-2010 with the 5th Brigade, 2nd Infantry Division from Joint Base Lewis-McChord. Lillegard said in prepared remarks that she had sought only very basic care. She was leaving the Army and didn't want to start a program of treatment and then attempt to continue it through the VA because she had heard "horror stories." She testified that superiors in her unit were more concerned about soldiers committing violent acts back home than they were about the violent acts soldiers had experienced overseas. After returning home, Lillegard said she had to give up time with

family to attend several weeks of daylong presentations, screenings and interviews that made her feel more isolated and were mostly irrelevant to her. The briefings “gave us as soldiers the impression that we were incapable of behaving like normal citizens,” she said.

Staff Sgt. John Millan, 36, of Bonney Lake, testified the VA diagnosed him with PTSD after his call-up and deployment to Iraq with the Washington Army National Guard in 2004-05. It ruled him unfit to continue serving in 2010. He said a medical provider at Camp Murray, the National Guard’s state headquarters, dismissed his PTSD diagnosis, told him the VA hands them out “like candy” and pushed him to discharge immediately instead of seeking medical retirement. Millan said his case remains in limbo, and the stress and uncertainty led him to nearly take his life last summer. “I have an amazing support system and I still got to the brink of suicide,” he said after the hearing. “There are soldiers that don’t have that amazing support system and they follow through with suicide.”



John Millan testifying at Tacoma SVAC field hearing

Murray shared the experience of a sergeant who she said was being treated for PTSD and was called a “malingerer and liar” by a physician as he went through the **at a** process of medically retiring from the service. Retired Marine Corps Sgt. Kevin Phillips, who travelled from Winlock to attend the hearing, can relate. Phillips, 42, suffered foot and leg injuries in a training accident in 2003. He was diagnosed with a traumatic brain injury. Phillips did not testify Wednesday but told reporters afterward that a physician at Madigan who re-evaluated his injuries so he could obtain VA benefits didn’t believe him. Phillips recalled the physician saying, “I should have the MPs (military police) arrest you” and calling him “completely psychotic.” His diagnosis was changed to adjustment disorder, he said, resulting in reduced VA benefits. Phillips said he was encouraged by what he heard Wednesday. “We’re getting better,” he said. “That’s the good news.” [Source: The Bellingham-Herald Christian Hill article 5 Apr 2012 ++]

VA Paralympic Program Update 03: Community-based organizations that create or expand Paralympic sports and physical activities programs for disabled veterans are eligible for \$1.6 million in grants from U.S. Paralympics. Underwritten by the U.S. Department of Veterans Affairs, the Olympic Opportunity Fund offers grants of \$10,000 to \$25,000 to projects that “increase the number and quality of opportunities for physical and visually impaired veterans to participate in physical activities,” said Scott Blackmun, chief executive of the U.S. Olympic Committee, which includes U.S. Paralympics. “This funding will have a profound effect on programs across the country,” he added, benefiting both veterans interested in recreational activities in their communities as well as those eager to compete regionally or nationally in Paralympic sports. Chris Nowak, director of the Veterans Affairs’ sports and special events programs, said the grants will help adaptive sports programs to “stretch their resources further and serve more veterans. ... [That] is integral to the rehabilitation and health of our disabled veterans.” Eligible organizations include Paralympic Sport Clubs, USOC member organizations, military and

veteran groups, universities and community groups that provide Paralympic sports programming. Application documents are available online at <http://bit.ly/H94bBf>. That site also has details about online training sessions April 12 and April 19 on completing the applications, due May 11. Additional information is available from Tim Willis, USOC manager of Paralympic Grants, at 719-866-4536 or <mailto:tim.willis@usoc.org>. [Source: The Salt Lake Tribune Mike Gorrell article 3 Feb 2012 ++]

Defense Health Agency Update 01: DoD has unveiled a new governance plan for the military health care system. It is more modest than efficiency hawks on Capitol Hill wanted, so congressional approval is uncertain. Rather than moving to a joint medical command, a plan the House endorsed in 2011 but one the Air Force strongly has opposed, a DoD task force has recommended what Dr. Jonathan Woodson, assistant secretary of defense for health affairs, calls a “70-percent solution.” The plan would upgrade the TRICARE Management Activity (TMA) into a Defense Health Agency (DHA) that would have new authorities to make military medicine more efficient through use of common clinical and businesses processes across the health care system and particularly where more than one service operates base medical facilities. Woodson briefed several journalists, including Observation Post columnist Tom Philpott, on details of the plan 2 MAR, the day it was delivered to Congress. A summary of portions of the briefing can be read in the attachment to this Bulletin titles, “**DHA ASH (HD) Briefing**”. Note that it has been edited for length and, in some cases, clarity.

In early April, the newly established Defense Health Agency (DHA) will begin moving to new headquarters at 7000 Arlington Boulevard in Falls Church, VA. The new Defense Health Headquarters (DHHQ) will house the TRICARE Management Activity (TMA), all three of the armed services surgeons general and their staffs, as well as all Defense Health Affairs personnel not assigned to the Pentagon. It is interesting to note that the new facility will house 3,050 employees and provide 2,040 parking spaces. At this time, there is no metro access with limited bus service. At the same time they are moving to a new building and “consolidating” operations, which will cost an as yet undetermined amount of money, DoD wants service retirees and their families to pay higher TRICARE fees and prescription payments. [Source: MOAA Tom Philpott article & NAUS Weekly Update 20 & 30 Mar 2012 ++]

Bulletin Content Validation: One of the oldest pieces of advice to avoid getting duped by false information is to resist believing everything you read. This might be especially true on the Internet, where anybody can play expert and the pressure to break genuine news often leaves little time for fact-checking, even by reputable sources. The RAO Bulletin is no exception. Its makeup consist of articles sourced from the Internet and edited to fit its format. This is why in the Welcome Aboard message (you received upon being added to the Bulletin’s directory) it said, “... *The information contained in the Bulletin just that - informational (FYI). The objective is only to PASS THE WORD in order to keep the military community informed. The Bulletin is not an "Official" DoD sanctioned newsletter and as such should not be quoted as an authoritative source on DoD policy. It is the responsibility of readers to verify exactly how information applies to them if they intend to expend funds or time in following up on the data provided in the articles.*” Due to the number of articles presented in the Bulletin it is impossible for me to verify every item in the Bulletin and still have time remaining to edit and publish it.

Almost every Bulletin article contains its primary source to enable you to contact if your are uncomfortable with the content. To help you determine the accuracy of its information or any other you come across on the Web, plenty of sites provide tools for fact-checking and getting background material. Following are a few:

- **FactCheck.org**, [<http://www.factcheck.org/>] a project of the Annenberg Public Policy Center, was one of the first political fact-checking websites, founded in 2003. It describes itself as “a nonpartisan, nonprofit consumer advocate for voters that aims to reduce the level of deception and confusion in U.S. politics.”

- **PolitiFact**, [<http://www.politifact.com/>] launched by the Tampa Bay Times, and **Truth Needle** [<http://seattletimes.nwsources.com/html/truthneedle/>] launched by the Seattle Times, are two of the most visible newspaper-based fact-checking operations. Many newspapers are launching or joining fact-checking initiatives, which are typically open to the public, perhaps as a way to differentiate themselves from strictly Internet-based sources of news.
- **Snopes.com** [<http://www.snopes.com/>] founded by a husband and wife team of researchers and writers, Barbara and David Mikkelson, is the best-known site for getting to the bottom of “urban legends, folklore, myths, rumors, and misinformation.” You can do a keyword search or browse through categories from autos to weddings.
- **Infoplease** [<http://www.infoplease.com/>] a descendent of the paper almanac *Information Please* and before that a radio quiz show of the same name that first aired in 1937, is owned by Pearson, which publishes the *Financial Times* and numerous books through the Penguin Group of book publishers. At Infoplease, you can search by keyword through the entire site or browse through various categories. There’s also a biographical dictionary, atlas, compact encyclopedia, and homework center for kids.
- **Bio.com** [<http://www.biography.com/>], **Dictionary.com** [<http://dictionary.reference.com>], and **Acronym Finder** [<http://www.acronymfinder.com>] are specialized sites that can help you delve deeply into the background of people or words.
- **InteliHealth** [<http://www.intelihealth.com/IH/ihtIH/WSIH000/408/408.html>] affiliated with Harvard University, and **MayoClinic.com** [<http://www.mayoclinic.com>] are two excellent sites for checking health information.
- **RxList** [<http://www.rxlist.com/script/main/hp.asp>] and the **National Library of Medicine’s Medline Plus Drug Information** [<http://www.nlm.nih.gov/medlineplus/druginformation.html>] provide information about pharmaceutical drugs and nutritional supplements.

[Source: MOAA Reid Goldsborough article & RAO Bulletin Editor/Publisher 20 Mar 2012 ++]

Medicare Eligible Vets: If you are a veteran with Medicare eligibility you have the following options for health care:

- If you have or can get both Medicare and Veterans benefits, you can get treatment under either program. When you get health care, you must choose which benefits you are going to use. You must make this choice each time you see a doctor or get health care, like in a hospital. Medicare cannot pay for the same service that was covered by Veterans benefits, and your Veterans benefits cannot pay for the same service that was covered by Medicare. You do not have to go to a Department of Veterans Affairs (VA) hospital or to a doctor who works with the VA for Medicare to pay for the service. However, to get services paid by VA, you must go to a VA facility or have the VA authorize services in a non-VA facility.
- If the VA authorizes services in a non-VA hospital, but doesn't pay for all of the services you get during your hospital stay, then Medicare may pay for the Medicare-covered part of the services that the VA does not pay for. Example: John, a veteran, goes to a non-VA hospital for a service that is authorized by the VA. While at the non-VA hospital, John gets other non-VA authorized services that the VA refuses to pay for. Some of these services are Medicare-covered services. Medicare may pay for some of the non-VA authorized services that John received. John will have to pay for services that are not covered by Medicare or the VA.
- In some cases Can Medicare can help pay your VA co-payment. The VA charges a co-payment to some veterans. The co-payment is your share of the cost of your treatment, and is based on income. Medicare may be able to pay all or part of your co-payment if you are billed for VA-authorized care by a doctor or hospital that is not part of the VA.

- The VA gives fee basis ID cards to certain veterans. You may be given a fee basis card if you have a service connected disability; you will need medical services for an extended period of time; or there are no VA hospitals in your area. If you have a fee basis ID card, you may choose any doctor that is listed on your card to treat you for the condition. If the doctor accepts you as a patient and bills the VA for services, the doctor must accept the VA's payment as payment in full. The doctor may not bill either you or Medicare for any charges. If your doctor doesn't accept the fee basis ID card, you will need to file a claim with the VA yourself. The VA will pay the approved amount to either you or your doctor.

You can get more information on Veterans' benefits by calling your local VA office, or the national VA information number 1-800-827-1000. Or, you can use a computer to look on the Internet at <http://www.va.gov> . If you do not have a computer, your local library or senior center may be able to help you get this information using their computer. You can get more information on Medicare coverage by calling 1-800-MEDICARE (1-800-633-4227) or TTY/TDD: 1-877-486-2048 for the hearing and speech impaired). [Source: <http://www.ssa.gov/disabilityresearch/wi/medicare.htm#va> Apr 2012 ++]

Prescription Drug Disposal Update 04: Got any old, outdated prescription drugs you want to get rid of safely? The Drug Enforcement Administration (DEA) has scheduled another National Prescription Drug Take-Back Day which will take place on Saturday, April 28, 2012. This is a great opportunity for those who missed previous Take-Back events or who have subsequently accumulated unwanted, unused prescription drugs, to safely dispose of those medications. On the 28th from 10:00 a.m. to 2:00 p.m. (your time), collection sites will be available across the nation at designated police departments, military installations, fire departments and schools. To find the collection site that's closest to you, use one of the following:

- Links for MIL\RET\VETS" web site at <http://www.hostmtb.org>. Click on the "4th NATIONAL PRESCRIPTION DRUG TAKE BACK DAY- Saturday, April 28, 2012 10:00 am - 2:00 pm" link (middle of web page), and then click on "Collection Site Locator" or;
- "DEA" web site at http://www.deadiversion.usdoj.gov/drug_disposal/takeback/index.html. Click on "Collection Site Locator"

If you do not find a collection site near you, check back frequently as new sites are added every day. Take-Back Day pamphlets, posters, banners, etc., in English and Spanish, are available at http://www.justice.gov/dea/take-back/takeback-day_2012.html. If you are unable to connect to the above web . contact Take-Back officials at 1-800-882-9539. [Source: Tricare News Milton Bell msg. 3 Apr 2012 ++]

West Virginia Vet Retirement Credit: lawmakers have so far been unable to revisit a state policy that rewards public employees for their military service by enhancing their pensions. State law counts additional years toward the retirement of veterans, depending on their service and whether they are troopers, teachers or rank-and-file workers. For those enrolled in the Public Employees Retirement System, the state's main program, veterans can receive up to five years' credit for active duty service during a draft or "a period of armed conflict." A number of veterans allege that officials have not followed that policy fairly or consistently. The Legislature has considered proposals over at least the past decade addressing what kind of service qualifies for credits. None has gone very far.

- Some of these bills have sought to add specific conflicts to the list already found in state law. One 2012 measure, for instance, cites operations in Grenada, Panama, El Salvador, Somalia and Afghanistan. The list

in state law dates back to the late 1800s, and includes the Boxer Rebellion in China, the Spanish-American War and the subsequent Philippine Insurrection. Its most recent conflict is the 1990s Persian Gulf War.

- Another bill from this year's session would extend credits for National Guard and reserve service.
- A third measure would scrap the list of conflicts entirely, and offer the pension boost for any time served on active duty. Variations of these proposals have been introduced in prior years as well. But most have failed to emerge from the initial committee assigned to review them.

Several have been met by cost estimates from the Consolidated Public Retirement Board, which oversees the pension plans. It told lawmakers in 2009 that expanding credits for National Guard and reserve service would increase the funding shortfalls for the teachers' and public employees' plans by a combined \$47.3 million. "The Board Actuary is not aware of any state system providing military service credits for this service," that analysis said. "State support is normally provided to active reserve and guard members while working for West Virginia." An estimate accompanying a proposal to remove current limits to armed conflict service said it threatened to balloon the PERS liability alone by \$379 million. But several of these fiscal notes have also warned against violating a 2005 pension reform law. At the request of then-Gov. Joe Manchin, the Legislature that year barred PERS from increasing its benefits or creating new ones unless it's at least 85 percent funded. After losing ground following the Wall Street meltdown, it was 78 percent funded when the current budget year began July 1 with invested assets totaling \$4.3 billion.

Some veterans argue that no new legislation is needed. The state law that lists various military operations, they note, also awards credits for "any other period of armed conflict by the United States." Kanawha Circuit Judge Tod Kaufman agreed in a 2009 service credit appeal, citing an array of conflicts not mentioned in the law. Several pending appeals by veterans invoke that ruling. While governor, Manchin had also assigned his Administration secretary, Robert Ferguson, to examine the dispute over military service credits. Ferguson was a member of the board, as that department oversees this agency, and is also a veteran after more than 21 years as an officer in the Marines. Ferguson outlined several possible legislative options. One reduced the maximum credit from five years to two years, but offered it to all veterans. Another ended the credits entirely. The Veterans of Foreign Wars favored keeping credits higher for combat veterans. Hershel W. "Woody" Williams, a World War II veteran and the state's last living Medal of Honor recipient, wrote in a December 2008 letter to Ferguson that any policy should be applied evenly among veterans whether or not they saw combat. Thanking Williams for his response, Ferguson replied the following January. He noted the demands of combat, when duty requires an accounting of the support required for the fighting men and women. "At the top of that list always were the resources necessary to accomplish the mission," Ferguson wrote. "In this case, the resources are not ammunition, medical supplies, or air support; but, instead, scarce taxpayer dollars."

Before he resigned earlier this year from Gov. Earl Ray Tomblin's Cabinet, Ferguson sent the board a statement for its December 2011 meeting. He cited the failure of bills he and others had helped draft on the topic. Ferguson also recused himself from a veteran's service credit petition pending at that meeting, as he had in similar previous cases, but urged the board to act. "I think we have the authority and the will to address this issue once and for all," Ferguson's statement concluded. "Regardless of the outcome, the board deciding this issue this year is doable and the right thing to do." After initially balking at acting on the veteran's case, the board denied his petition. That veteran, Keith Wood, has since appealed in Kanawha Circuit Court. The Legislature may study the issue during this year's monthly interim meetings. A resolution proposing such a review was introduced during the recent regular session. [Source: Associated Press article 2 Apr 2012 ++]

Feres Doctrine Update 05: Victims' rights groups for decades have blasted the Feres doctrine as misguided and unjust. But from the military's perspective, the legal precedent is essential to making sure all troops are treated fairly. Defense officials — and federal attorneys, on their behalf — have consistently defended the limits on servicemembers' ability to sue the government. Without those limits, they say, the armed forces would get bogged down in lengthy and possibly frivolous lawsuits. Last year, in arguments to the Supreme Court not to undermine the Feres doctrine, the U.S. solicitor general's office argued that allowing military malpractice lawsuit could "substantially disrupt the military mission, by requiring officers ... to testify in court as to their decisions and actions" and "reallocate scarce resources away from compelling military needs" to avoid legal actions. Government officials insist that servicemembers receive compensation for on-duty injuries and medical errors by military physicians, just not through the civil courts system. Instead, it comes in the form of free medical care, military life insurance payouts and other military benefits. They argue that carving out exceptions in the Federal Tort Claims Act for things like military medical malpractice would create an uneven system for compensating troops. Right now, a soldier who loses an arm due to an Army physician's mistake cannot sue for a larger injury payout than another soldier who loses an arm in combat. But they could if the Feres doctrine disappears, they argue. The arguments have been persuasive in the courts. Last year, the Supreme Court declined once again to hear a serious Feres challenge. [Source: Stars & Stripes Leo Shane article 2 Apr 2012 ++]

Tricare User Fees Update 83: The battle over TRICARE fee increases continued unabated in late MAR when the Senate Armed Services Personnel Subcommittee held a hearing with Defense Department officials. Subcommittee Chairman Jim Webb (D-Va) questioned the administration's proposed TRICARE fee hikes that would begin in fiscal year 2013. "I've said many times that I believe that whether there is a specific contractual obligation or not, when someone has served a full career, we have a moral obligation to provide them with lifetime medical care," said Sen. Webb. "**You can't renegotiate the front end once the back end is done.** This is an obligation that has been made to people whose military careers are now done." Once again, witnesses from the Defense Department compared military service to that of the private sector. "If you look at particularly the private sector, and I know we don't want to talk about comparisons, over the course of the last decade or so, contributions to premium costs in health care have gone up 168 percent," said Dr. Jonathan Woodson, Assistant Secretary of Defense for Health Affairs. Woodson continued, "Premium costs have gone up 160 percent. The issue is that we have not been on a sustainable course, and we need to certainly slightly rebalance it. With all of the proposals, we will not go back to what was the original agreed-upon cost share. We'll only be at half of that. But we will be on a more sustainable course."

In response, Sen. Kelly Ayotte, R-N.H., said, "With all respect to the private sector, they do not endure what our soldiers do in battle. I don't find the comparison good, and I think that if we as Congress would actually say that this is a commitment we want to follow through on, that we could find a way to do it if we're willing to take on entitlements, if we're willing to take on the rest of the budget, rather than you all trying to find a way to pass this on to our veterans in the first instance. That's my big picture concern here, but I don't find "RT Chap FL - 07" <I understand that health care is going up everywhere, but I don't find the comparison the same." **During questioning, DoD officials at the hearing admitted the department does not take into account Medicare Part B premiums when summarizing the cost of TRICARE For Life for older retirees and their families.** The Association of the United States Army (AUSA) President Gen. Gordon R. Sullivan, USA, Ret., agrees with Sens. Webb and Ayotte and remains concerned by the perception that military benefits might be 'overly generous' and need to more closely mirror private sector benefits. He has over the last six months made a concerted effort through contact with key members of Congress and media outreach to send the message that:

- Military service requires extraordinary sacrifice by those serving and their families over two to three decades – in essence, they write a blank check to the United States for an amount up to and including their life.
- The unique nature of military retirement and healthcare benefits plays a key role in inducing high quality people to serve a full career under arduous conditions that civilians do not face.
- Our government imposes no limits on the sacrifices of those who serve a career in uniform – less than one percent of our population – and in turn it must provide a substantial and predictable compensation package.
- The richest nation on earth can afford to continue the current retirement system and health care benefits for those few who defend it with a lifetime of service, if we as a nation are truly committed to those who are willing to carry our colors into battle.

To these thoughts is added that Congress has provided military retirement and health benefits that exceed civilian benefits as an essential offset to the unique demands and sacrifices inherent in a military career, which far surpass the demands made on civilian workers. [Source: AUSA Leg Up 2 Apr 2012 ++]

Tricare User Fees Update 84: Recent reports indicate that Defense Secretary Leon Panetta is commuting on military aircraft to his home in northern California. NAUS wants to support the Secretary, but it is important to note that the more than two dozen roundtrips cost the Air Force as much as \$860,000. Also noted is reports that the General Services Administration held a lavish Las Vegas meeting for 300 employees spending more than \$830,000. And readers will recall reports on the Pentagon constructing a new soccer field for the enemy detainees in Guantanamo Bay, Cuba, costing nearly \$800,000. While these are only a few questionable expenditures, they begin to mount up. Our government has spent millions of dollars on hundreds of small projects, such as the Rock and Roll Hall of Fame, the Alaskan Bridge to Nowhere, and hundreds more. Reports continue to flow about Federal employees delinquent in tax payment and billions of dollars lost to criminals in the Medicare program year after year. Start adding up these \$800,000 expenditures and you soon start seeing some billions of waste or fraud or abuse. But the budget proposals still look to charge massive new fees to all military retirees using TRICARE. As Senator Kelly Ayotte said, "...for us (Congress and the Administration) to target them first, I think, is the wrong thing to do." Additional comments expressed by some of our politicians were:

- In a recent Politico interview, Sen. Kelly Ayotte (R-NH) questioned the need for increases to TRICARE fees for veterans, retirees and their survivors as proposed by DoD. "It's wrong to ask them to sacrifice more when Washington has not had the political courage to look at the big picture on the budget or the courage to address the big drivers of our debt."
- Sen. Jim Webb (D-VA), Chairman of the Senate Armed Services Personnel Subcommittee, also questioned the Pentagon TRICARE proposals. Sen. Webb said, "All of this boils down to what a Soldier or Marine or Sailor or someone in the Air Force can see about what happened to the people who went before them, how they were treated after they left the service."
- Rep. Ron Paul (R-TX) issued a statement calling the proposed TRICARE increases "unjust and immoral." Paul said the "proposed defense budget would require military families and retirees to pay exceedingly more for their health care...this is unacceptable."

[Source: NAUS Weekly Update 6 Apr 2012 ++]

Tricare User Fees Update 85: Older retirees like Air Force Master Sgt. Floyd Sears, 81, stand shoulder to shoulder with younger generations of retirees in opposing any of the higher fees being proposed for hard earned Tricare benefits. But Sears also agrees with many retirees of his own generation that there's something especially wrong with the Obama administration's plan to impose a first-ever enrollment fee on 900,000 retirees age 65 and older and their surviving spouses. The oldest among them entered service in World War II or during the Korean War. Some completed careers with tours in Vietnam. This older generation of retirees truly was promised free health care for life, routinely as they reenlisted, if they would serve at least 20-year careers. "I was in Strategic Air Command and even heard [SAC Commander] Gen. Curtis E. LeMay say it. The words came right out of his mouth," Sears recalled from his apartment in the Armed Forces Retirement Home in Gulfport, Miss., where monthly fees charged residents are based on income.

That promise of "free care" is why these retirees fought in federal court and in Congress, aggressively in the 1990s, to have the government acknowledge it and keep it. Even as the court fight was being lost, Congress by 2001 had approved Tricare for Life (TFL), designed to be a cost-free insurance supplement to Medicare for older retirees if they agreed to pay – or in most cases, to continue to pay – their Medicare Part B premiums. Given that history, Sears and other elderly retirees were surprised to see a new TFL enrollment fee proposed in February as part of multi-prong initiative endorsed by military leaders to slow the growth of health costs. "It's just a slap in the face," said Sears who retired in 1971 and receives \$1789 a month in military retirement. "It's an insult, a real insult, that we would get pushed around like that." The TLF fee, if Congress were to agree to it, would be "tiered" based on level of retired pay. Retirees who draw less than \$22,590 a year in military retired pay would pay \$35 to enroll in TFL for the fiscal year beginning Oct. 1. The fee would climb annually to reach \$150 by 2016. Thereafter it would be adjusted yearly to keep pace with the percentage rise in nationwide health care costs. Tier 2 retirees, with retired pay from \$22,590 to \$45,178 a year, would see an initial fee of \$75. That would rise incrementally to reach \$300 by 2016. Tier 3 retirees, those with retired pay in excess of \$45,178, would pay a \$115 next October and \$450 a year by 2016. "Could I pay it? Yes, I'm not destitute," Sears said. "But it's the principle. When principles don't matter anymore, boy we're in bad shape."

Heftier fee increases are proposed for working-age retirees who use Tricare Prime, the managed care network, or Standard, the fee-for-service insurance option. The budget also looks to save billions of dollars by raising co-payments on drugs, mostly at Tricare retail pharmacy outlets. But last week Sen. James Webb (D-Va.), chairman the Senate armed services subcommittee on military personnel, appeared most concerned about what Tricare for Life users already pay in Medicare Part B premiums. He called it "a very expensive" feature which Defense officials don't consider when arguing that cost shares paid by retirees have declined sharply compared to total military health costs since Tricare began in 1996. Webb presented a bar chart showing that a retiree and spouse age 65 and older can pay together almost \$7700 a year in Part B premiums.

Dr. Jonathan Woodson, assistant secretary of defense for health affairs, pointed out that Medicare Part B premiums are means tested, and only couples with combined incomes of at least \$428,000 a year would have to pay the highest premiums depicted on Webb's bar chart. Most TFL beneficiaries, Woodson said, pay \$1200 a year individually, \$2400 per couple, for Part B. He also estimated that 90 percent of Medicare-eligible retirees would elect to pay for Medicare Part B coverage whether or not it was required to participate in Tricare for Life. Webb said he wanted his staff to look deeper into Woodson's argument that retirees contributed 27 percent of their total health care costs out-of-pocket when Tricare began in 1996, and that their share has fallen to 10 percent today because Tricare fees were frozen until Congress allowed a modest increase in the Prime enrollment fees for retirees last October. The fee increases proposed, Woodson added, would return retiree cost shares only to 14 percent of medical costs when fully implemented by 2017. Tricare officials later clarified that the 27 percent share of total costs paid in 1996 referred to average costs for a retiree under 65 with two dependents and receiving private sector care through

Tricare Prime or Standard. As perhaps Webb suspected, that might not be relevant for arguing that elderly retirees should begin to pay an annual enrollment fee.

However Defense Comptroller Robert Hale, who testified with Woodson last week, made a separate argument for TFL fees. When the fees are fully phased in, Hale said, a Medicare-eligible retiree and spouse would pay an additional \$300 a year if their retired pay fell under Tier 1, and \$900 more a year for retired couples under Tier 3. He urged Webb to compare that cost to \$4000 a year that the same couple would have to pay to buy a good Medigap insurance plan to replace TFL. Webb seemed unimpressed. “We are talking about an obligation we made to people to provide them medical care for the rest of their life, based on a compensation package that begins the day that they enlist...,” Webb said. “It is not a direct comparison in my view.” Hale urged Webb to “keep this in the context that we owe them not only good medical care but we’ve got to provide training and equipment” to the force, “a balanced package,” in this era of tightening defense budgets. “I totally agree with that,” Webb said. “But what I am saying to you is you can’t renegotiate the front end once the back end is done. This is an obligation that was made to people whose military careers are now done.” [Source: Stars & Stripes Tom Philpott article 6 Apr 2012 ++]

TSP Update 27: All the funds in the Thrift Savings Plan continued their positive streak in March except the fixed income bond offering, according to the latest numbers from the Federal Retirement Thrift Investment Board.

- The F Fund decreased 0.61 percent “RT Chap FL - 07” <the only negative monthly return posted by any TSP fund so far this year “RT Chap FL - 07” <after increasing slightly in February. The other offerings saw modest gains last month, after posting robust returns in January.
- The C Fund, invested in common stocks on Standard & Poor’s 500 Index, rose 3.3 percent in March after climbing 4.34 percent in February. The C Fund has jumped 12.63 percent in 2012 and is up 8.6 percent from a year ago.
- The TSP’s S Fund, which invests in small and midsize companies and tracks the Dow Jones Wilshire 4500 Index, also has slowed since the start of 2012. In March, it grew 2.3 percent, after increasing 3.99 percent in February and 7.59 percent in January.
- The S Fund has climbed 14.45 percent since January but rose only 2.4 percent in the last 12 months.
- The I Fund, invested in international stocks, experienced a small bump in March “RT Chap FL - 07” <0.13 percent “RT Chap FL - 07” <but was sluggish compared to its positive returns of 5.36 percent in February and 5.14 percent in January. Still, the I Fund is up 10.91 percent since the beginning of the year.
- The plan’s most stable offering, the government-backed securities (G) fund, posted a positive return of 0.14 percent last month.

The TSP’s life-cycle funds “RT Chap FL - 07” <designed to move investors to less risky portfolios as they near retirement “RT Chap FL - 07” <performed decently in March. The L Income Fund for federal employees who have reached their target retirement date and have started withdrawing money, rose 0.54 percent in March and is up 2.72 percent since January. The L 2020 gained 1.23 percent last month; the fund has increased 6.93 percent since the start of 2012. The L 2030 grew 1.49 percent and is up 8.58 percent since January; the L 2040 was up 1.68 percent in March and is up 9.85 percent so far this year; and the L 2050 was the strongest performer last month among the life-cycle funds, posting a positive return of 1.86 percent. The L 2050 has grown 11.08 percent since January. [Source: GovExec.com Kellie Lunney article 2 Apr 2012 ++]

Maryland Erroneous Tax Letter: Several military retirees in Maryland have received a letter that states that the taxpayers have improperly taken a retirement exclusion on their 2008 taxes. The letter also reports a balance due, which is usually several thousand dollars. According to one representative at the Comptroller's Office, many of these letters were sent to retirees who had, in fact, properly reported their retirement income on their 2008 Maryland Income Tax Return. If you receive such a letter, call the Comptroller of Maryland at 1-800-648-9638 before you submit payment to verify whether or not you improperly reported your retirement income in 2008. Do not submit payment until someone has reviewed your case. [Source: Military.com Retirement Center notice 2 Apr 2012 ++]

Vet Toxic Exposure ~ C-123 Aircraft Update 01: For nine years they flew in them, they fixed them and they treated patients in them. Now, three decades later, veterans of the 439th Tactical Airlift Wing at Westover Air Reserve Base believe those airplanes are responsible for making them sick. Unknown to the veterans, the C-123 Providers, which had previously flown in Vietnam, were contaminated with Agent Orange. "We have crew members who are sick. We have crew members who have died ... We have people who aren't even sick yet," said retired Air Force Major Wesley T. Carter, who served as an air medical technician and flight instructor and examiner with Westover's 74th Aeromedical Evacuation Squadron for 20 years and flew in the C-123s from 1974 to 1980. While recovering from a heart attack last April, Carter was diagnosed with prostate cancer. Then he started hearing fellow crew members were also suffering from cancer, diabetes and heart disease. Through word-of-mouth the group has compiled a list of 48 people who have diseases possibly linked to Agent Orange. They are now waging their own war to win veterans' benefits for all the people who flew the C-123s who are ill and need medical or financial assistance. This would be the same benefit package given to veterans who served in Vietnam and who contract one of the "presumptive" illnesses known to be caused by the Agent Orange component dioxin.

For its part, the Veterans Administration acknowledges the C-123s were contaminated, but it contends the Agent Orange residue could not penetrate human skin. Others say it could. Department of Veterans Affairs officials ruled in August the pilots, medical crews, mechanics and others who flew on the C-123 Providers were ineligible for benefits. But Carter's unyielding effort has pushed the agency to refer the issue to the Institute of Medicine for a special report. The Air Force is also reviewing toxicology and other studies of the C-123s. The results, due sometime this month, will be sent to Veterans Affairs for examination, Air Force officials said. In its ruling, the Department of Veterans Affairs said it was impossible for Agent Orange residue to have infected the air crews, said Laurie Tranter, department spokeswoman. "We looked for secondary or residual Agent Orange exposure and there is no evidence of long-term health effects, therefore there is no presumption for Agent Orange exposure," she said. Veterans Affairs officials said dry residue of dioxin, the toxic element of Agent Orange, cannot be inhaled or absorbed and would be difficult to ingest, unlike the liquid form troops were exposed to in Vietnam. "After reviewing available scientific reports, (the) VA has concluded the potential for long-term adverse health effects from Agent Orange residue in these planes was minimal. Even if crew exposure did occur, it is unlikely that sufficient amounts of dried Agent Orange residue could have entered to body to have caused harm," the department ruling said. Studies done by the Veterans Affairs' office of public health said dioxin is stable in the absence of direct sunlight and does not readily cross through human skin. "Even if the dried material were to come into contact with perspiration or oils on skin, the skin would act as a barrier prohibiting further penetration of (dioxin). There is a low probability that (dioxin) penetrated through the skin of these air crews," according to the office of public health.

Experts question that ruling. "If you delve into it, there is a high likelihood of exposure," said Wayne Dwernychuk, a retired environmental scientist with a doctorate degree who has been working in Vietnam for 30 years. Dioxin is extremely toxic and it does not degrade quickly. Scientists are still finding the chemical in Vietnamese fields that have been farmed for 30 years, said Dwernychuk, of Canada. People can ingest dioxin,

absorb it and inhale the dust. Mechanics could have easily disturbed residue, anyone could put their hands or food on it and ingested it, and temperature changes could disturb the substance, he said. "There was a lot of spillage of Agent Orange around the aircraft and there was spillage within the aircraft," Dwernychuk said. "I think it is feasible. It is likely as not to have happened and in terms of presumptive service, it fits." Jeanne Mager Stellman, a professor at Columbia University in New York who has extensive experience in evaluating exposure of military herbicides including Agent Orange, said past testing on some of the C-123s shows amounts of dioxin on the surfaces exceed maximum recommended levels set by the U.S. Army Center for Health Promotion and Preventive Medicine. "In my opinion, there is every likelihood that you would have been exposed to both airborne herbicides and their contaminants, as well as come into contact with surfaces contaminated by these toxic substances. In my opinion, the extent and manner of exposure is analogous to that experienced by many Vietnam veterans," she wrote to Carter.

Raymond J. Janke, the Belchertown veterans' agent, said he has helped some win claims because of their exposure to Agent Orange and is now working with a handful of Westover veterans who worked on the C-123s. But he has had no success when filing a claim for the Westover veterans. The number of people who actually would be eligible for benefits is lower because some served in Vietnam and are already covered, others died, some will never fall ill and a number will never be contacted, he said. "We are a small amount of people, but I think the VA does not want to provide any more benefits," Harris said. "I think it is a political and money decision, not whether we were exposed or not." No one doubts the evidence showing the planes were contaminated with Agent Orange. "Every agency and institution with the exception of the VA has seen this," Battista said. "You scratch your head and wonder why we are having this fight.

Carter said he understands the dangers of dioxin were not confirmed until the late 1970s, but is frustrated that crews who flew the planes for hundreds of hours were never told about their exposure once tests established Agent Orange was still present. "Why didn't they tell us? How could our brother officers reach a conclusion like that and fail to notify us?" Carter said. The lack of notification was not an oversight. In an Oct. 30, 1996, memo, the Air Force assistant staff judge advocate [Moul] recommended against sharing the information, Carter said. "I do not believe we should alert anyone outside of official channels of this potential problem until we fully determine its extent," the memo said. Jonathan Stock, an Air Force medical service spokesman, could not comment on the lack of notification, but said the Air Force is reviewing the studies of the C-123s. [Source: The Republican Jeanette DeForge article 1 Apr 2012 ++]

Vet Toxic Exposure ~ C-123 Aircraft Update 02: The twin-engine propeller-driven C-123 Providers were designed in the 1950s to carry cargo. Around 1962, tanks and hoses were added to the planes so they could spray Agent Orange and other herbicides to defoliate forests so enemy fighters could not hide. Westover's 74th Aeromedical Evacuation Squadron had 16 of the planes. Records show at least 11 were used in the Vietnam War effort called Operation Ranch Hand. Shortly after the C-123s arrived at Westover in 1973, a team visited to make modifications on them, said Retired Lt. Col. Joseph E. Butler, of Somers, who was the chief of quality control and assistant chief of maintenance for the 439th Tactical Airlift Wing. "I remember one of them called me over and said 'We have to show you something,'" he said. "He showed me the residue and he told me that these planes are contaminated with Agent Orange." He said the stench in the planes was so bad, it would make people vomit. One, nicknamed Patches for the estimated 1,500 hits it took by enemy fire, was the worst, so he tried to avoid scheduling it, especially on long missions. "That airplane stunk all the time," Butler said. "As soon as you walked into the hangar you could smell it."

Eventually, Air Force officials noticed the plane wasn't being flown much and forced him to use it more. When he sent samples of the Agent Orange to the Brook Army Medical Center, officials there responded by sending back

boxes and boxes of Dawn detergent, Butler said. The crews would scrub them and use putty knives to scrape up the residue to reduce the smell. Nothing worked, he said. Butler worked full-time at Westover from 1973 to 1977. He transferred to a job at the Federal Aviation Administration, but continued as assistant chief of maintenance as a reservist and was involved in overseeing the change from the C-123 Providers to the C-130 Hercules in 1982. In 1987, Westover became home to the C-5 Galaxy jets. At 69, Butler is healthy. Because he served as a fighter pilot in Vietnam he would be eligible for veterans' benefits if he does develop one of the presumptive illnesses. "I want to take care of the rest of the people," he said. They are people like a former nurse suffering from heart failure and the widow of a former pilot who died from complications of diabetes. Both have been denied benefits.



Robert P. Patenaude who struggles with diabetes neuropathy and prostate cancer and is on dialysis from failed kidneys, with the Agent Orange spray plane he and others crewed during the war.

Some of the most compelling evidence that the planes were contaminated came long after they left Westover. In 1981, the military started decommissioning the C-123 Providers and brought them to Air Force's Aerospace Maintenance and Regeneration Group in Arizona and stored them for years. Staff toxicologists tested the Westover plane nicknamed Patches in 1994 to prepare it for display in a museum, only to discover the famous plane was "heavily contaminated" with dioxin. A memo from the Air Force's Armstrong Laboratory recommended any work on it should be conducted to limit exposure to dioxin. Two years later, 17 of the stored airplanes were tested. A 1996 memo reported: "All samples tested positive for traces of dioxins." The results led to 15 years of memos, safety reports and complaints from private companies and military workers. In 2000, the government canceled sales of the planes to private companies and foreign countries and tried to recall others, including two that were used in movies by the Walt Disney Company. "The potential for harm to individuals from dioxin contamination is great regardless of whether the aircraft are used as static displays in museums, to put out forest fires or as props in movie sets. ...We cannot take the risk of endangering human lives by releasing them from military control," said a Dec. 18, 1996, memo signed by Major Ursula P. Moul, Air Force assistant staff judge advocate.

In 2011, 18 C-123s, at least 13 of which were used to spray defoliants in Vietnam, were shredded and smelted, which was the only way to satisfy Environmental Protection Agency regulations. Patches, the plane so many remember flying because of its history and stench, is on display at the National Museum of the Air Force at Wright-Patterson Air Force Base in Ohio. Before it was exhibited, it was cleaned and inspected by the Environmental Protection Agency, said Jeff Duford, museum curator. [Source: The Republican Jeanette DeForge article 1 Apr 2012 ++]

BRAC Update 25: Overcoming stiff opposition on Capitol Hill to any new round of U.S. base closures and realignments could hinge on how ambitious Pentagon plans are for closing more military facilities in Europe.

The bolder the proposals for Europe, the better the chances of persuading lawmakers to endure two rounds of base realignments and closures (BRAC) at home as proposed for 2013 and 2015, some military experts say. Pentagon officials and senior commanders in Europe are drafting a new consolidation plan for Europe installations. The plan will contain a set of recommendations for Defense Secretary Leon Panetta to consider later this year, according to senior defense officials. “We definitely believe we can do more to consolidate in Europe,” Dorothy Robyn, deputy undersecretary of defense for installations and environment, told lawmakers during a recent hearing on BRAC before the Senate Armed Services Committee. Robyn, however, stopped short of naming what facilities are under particular scrutiny. Military officials have said only they are looking at a wide range of facilities. “First, we can reduce the number of discrete installation sites we maintain in Europe,” Robyn stated in testimony to Congress in March. “We have more than 300 such sites — ranging from small communications posts to robust Main Operating Bases — of which about 200 house most of our activities.” Excess support infrastructure such as warehouses, administrative space and housing also are being looked at, she said.

While the Pentagon has made clear it would like to close more military installations at home, and needs the congressionally authorized BRAC process to do it, several influential lawmakers have come out strongly against any such move. The mantra in Washington has been “target Europe first.” It was no different in 2005, when the Pentagon had to offer a detailed justification for every base abroad before congressmen were willing to consider closing bases in the U.S., according to Kori Schake, a National Security Council director of defense strategy and requirements during President George W. Bush’s first term. Schake said she’s surprised that the Pentagon didn’t conduct its overseas basing analysis before pushing for another BRAC. “That Secretary Panetta placed such a low priority on Europe in his defense guidance will increase lawmakers’ interest in closing bases there,” Schake said. “That forces in Europe are being cut, and seem set to be cut further if sequestration comes into effect, will incline Congress not to agree to any domestic base closures until they see the plan for how force cuts will be distributed geographically.”

The last time Congress authorized a BRAC commission was in 2005. Nine commissioners appointed by President Bush made a series of base closure and realignment decisions that ended up costing more than \$35 billion to execute, according to the Government Accountability Office. Actual savings aren’t expected to be achieved until 2018. While many on Capitol Hill are opposed to additional BRAC rounds in the coming years, Europe is another matter. “What other locations is the department considering closing in European Command?” Sen. Claire McCaskill (D-Mo.) asked during a recent Senate Armed Services Readiness and Management Support Subcommittee hearing on BRAC. “Is it considering closing Baumholder?” Earlier this year, the Pentagon announced that it will inactivate the 170th Infantry Brigade in Baumholder, though there are no plans yet to shutter the garrison that is regarded by the Army as one of its “enduring” communities in Europe. In place of the brigade, U.S. Army Europe plans to relocate smaller support units to Baumholder rather than close the installation.

Though decisions about base closures overseas are not directly part of the BRAC process, Pentagon assessments of foreign bases are done in tandem with assessments of domestic bases. While domestic bases have lawmakers and communities lobbying on their behalf, facilities in Europe do not. “It’s much easier to reduce installations overseas than it is anyplace that has (congressional) representation,” said retired Maj. Gen. Mike Jones, an adviser with the Spectrum Group, a firm that specializes in assisting communities targeted during the BRAC process. “That’s the path of least resistance, but that doesn’t necessarily make it the best choice for the nation.” During the base structure review in 2005, Schake said, a range of criteria was used to evaluate overseas bases. Such factors could offer a glimpse into how the Pentagon is looking at Europe today. According to Schake, key questions in assessing value of overseas installations include:

- Does it contribute to executing war plans and more rapid response?
- Are forces located where they can train and where they can train militaries of important partners?
- Does basing contribute to regional stability for U.S. allies?

- Do domestic bases exist that could serve as cost-effective alternatives?

Going forward, as the Pentagon looks for more places to consolidate, which facilities might be prime targets? “I don’t know that there’s anything that makes anything untouchable, or BRAC-proof,” Jones said. “But there are things that are very difficult to replace — from the Army’s perspective, large maneuver areas that don’t have environmental problems and have good ranges.” Overseas, there are additional intangible factors to consider, such as diplomatic implications of a closure, which are hard to measure, Jones said. “It’s a lot more complicated overseas in judging the military value,” Jones said. “Your presence is making a statement.” Given budgetary pressures, plans for downsizing the overall force and a desire in Washington to see more base closures abroad than at home are all factors. “My gut feeling is that it’s caused the military to take a hard look and see if they have it right (overseas) or if there is more to do,” said Jones, a former U.S. Central Command chief of staff.

Since the end of the Cold War, the military presence in Europe has gone from a high of 400,000 personnel to roughly 80,000 today. Current transformation plans will drive that number down to about 70,000 troops over the next couple of years. Whether the Pentagon is planning for sweeping changes or modest adjustments remains to be seen. Still, military officials have made clear there is infrastructure to shed. Robyn, the Pentagon’s point person for BRAC, during an appearance before the House Armed Services Committee hearing in March, made clear Europe would be dealt with as part of the push for BRAC. “However, even a significant reduction of our remaining footprint in Europe will not achieve the needed cuts to overall infrastructure,” Robyn told lawmakers. “Hence, our request for a parallel BRAC process.” [Source: Stars & Stripes John Vandiver 31 Mar 2012 ++]

DoD 2013 Budget Update 17: Defense Secretary Leon E. Panetta blasted Congress 30 MAR for threatening the Defense Department with sequestration he said would be devastating to the force. "Congress did a stupid thing," he told crewmembers of USS Peleliu during a shipboard visit off the Southern California coast. "What they essentially did was to put a gun to their heads and to the head of the country and basically say that if they did not come up with a plan to reduce the deficit, that this so-called sequester process would go into effect." That process, the secretary explained, would cut \$1.2 trillion in federal spending across the board “RT Chap FL - 07” <almost \$500 billion to come from the defense budget.



Defense Secretary Leon E. Panetta

The cuts would be implemented across the board, he said, guaranteeing that the force would be hollowed out in the process. "It would guarantee that every area would be cut," Panetta said. "It would guarantee that it would weaken our defense system for the future." Panetta expressed disappointment that a specially appointed congressional deficit-reduction committee hasn't been able to come up with solutions that will prevent sequestration from triggering in January 2013. "I'm doing everything possible to tell Congress that it would be irresponsible to let that happen," he told the crew. "But my biggest concern is that Congress has got to find the strength, the courage and the will to get this done." Panetta said he's pointed to the example of the U.S. military to encourage Congress to do the right thing. "I told the members of Congress, 'Look, I've got men and women that put their heads, their lives on the line every day to protect this country. I'm just asking you to assume just a little bit of risk here to do what's right for this country and to solve the problems that we face,'" he told the group. "If my men in women can do this, then you can do it as well," Panetta said he told Congress. "So I'm hoping that ultimately they'll do what's right and that [sequestration] won't happen." [Source: AFPS Donna Miles article 31 Mar 2012 ++]

World War I Memorial Update 03: Just when it seemed as if the battle over a memorial in Washington to the veterans of World War I couldn't get any more confusing, Rep. Eleanor Holmes Norton (D-DE) is co-sponsoring a bill that would help fund a foundation whose aims she says she opposes. The bill is H.R.4107, introduced 29 FEB by Rep. Doug Lamborn (R-CO). It would require the Treasury Department to mint silver coins in commemoration of the centennial of World War I. A \$10 surcharge on each coin would go to the World War I Memorial Foundation. That's the group that has been pushing H.R. 938, the "Frank Buckles World War I Memorial Act," which would re-dedicate the District's modest memorial on the Mall as the D.C. and National World War I Memorial. This has, to say the least, confused some people, including David DeJonge, one of the founders of the World War I Memorial Foundation. David, who lives near Grand Rapids, Mich., became interested in the issue after meeting and photographing veterans and learning there was no national monument to the Great War in Washington. "I'm just a photographer from the Midwest," David said. "I don't understand all the politics and how that all works."

Well, this one worked this way: Norton said she received a "dear colleague" letter soliciting co-sponsors for the coin bill. "As is often the case, the bill itself had apparently not been drafted, and was not enclosed, at the time the Dear Colleague was circulated," Norton's office said in a statement. She signed on, not knowing it would benefit that particular foundation. If this sounds familiar it might be because Norton was an honorary trustee of the foundation before the memorial got wrapped up in the D.C. voting rights issue and became just another reminder of the indignities the District suffers at the hands of Congress. "I'm upset that she's on the bill," said Nelson Rimensnyder, a District historian who testified against H.R. 938 in January. "The radar should have been up on that." For the record, Norton's statement said she "does not support a commemorative coin whose proceeds would go to the World War I Foundation if such funds were used for nationalizing or otherwise altering the D.C. War Memorial." She said it doesn't matter much anyway, because the National Park Service has testified that nothing more can be built on the Mall.

That hasn't cooled the ardor of the memorial foundation, which recently posted a video on its Web site recounting its efforts and spelling out its supporters' hopes. The 12-minute video features stirring music, images of Frank Buckles — who, until he died in 2011, was the country's last surviving World War I vet — and the sonorous voice of a guy who's done TV commercials for Chrysler. "This was not about taking away what Washington, D.C., built," the narrator intones, "but more about uniting and joining the rest of the nation with the brave soldiers from the District of Columbia and doing so in a simple and honorable way." David said he has compassion for the District's taxed-but-unrepresented residents but stressed that adding some "simple elements" near the existing memorial — some statues or bronzes, say — would in "no way, shape or form touch or alter the local memorial. David has been working for a WWI memorial for four years. He thought of his efforts recently when he took his son

to see “Red Tails,” the movie about the Tuskegee Airmen. “I think it was in that movie where someone said, ‘Politics is the art of delaying something until it goes away.’ Thousands of people in the United States are watching this to see if politicians are using this tactic.”

All these various bills and resolutions are in committee, including one sponsored by Norton, H.Res. 346, which would keep the District’s memorial solely for the city, while instructing Congress to search for a suitable place for a national memorial. In a perfect world, the District would happily offer its memorial to the country. But in a perfect world, the District would also have full representation in Congress and wouldn’t have to cling to what little shreds of its own identity it has. And in a perfect world, members of Congress would ask questions about the bills they’re invited to co-sponsor. [Source: Washington Post John Kelly article 28 Mar 2012 ++]

VA Lawsuit ~ Edgewood Update 02: Two veterans groups and eight former soldiers who say they suffered long-term illnesses from tests at military bases are asking a federal judge in California to allow them to collectively sue four government agencies. The request “RT Chap FL - 07” <filed in U.S. District Court in Oakland, Calif., on behalf of Vietnam Veterans of America and Swords to Plowshares as well as eight other people “RT Chap FL - 07” <is the latest volley in a case that has played out for more than three years. The soldiers say they were exposed to harmful agents during chemical and biological weapons tests concentrated at Army facilities in Maryland, including Fort Detrick and Edgewood Arsenal near Aberdeen Proving Ground. They did not give informed consent to the testing and have been unable to receive veterans benefits, the lawsuit states. The suit does not seek damages. What it does seek, however, is medical care for soldiers who said they have been denied veterans benefits because the government failed to provide them with documentation connecting their service to the testing, said plaintiff’s attorney Gordon Erspamer of Morrison and Foerster, which is handling the case pro bono.

The case names the Department of the Defense, the Army, the CIA and the Department of Veterans Affairs. Charles Miller, a spokesman for the U.S. Department of Justice, declined to comment on the case. Fort Detrick is not named as a defendant. Officials at the post referred questions to the Army, which declined to comment, citing ongoing litigation, spokeswoman Lt. Col. Peggy Kageleiry said in an email. A motion and discovery hearing was set for 5 APR. As many as 100,000 former soldiers could be involved, Erspamer said. Though much of the testing appears to have been based at Edgewood, Detrick is also named, in part because of its involvement in Project Whitecoat “RT Chap FL - 07” <in which some 2,300 soldiers who volunteered as conscientious objectors were exposed to agents, including the plague “RT Chap FL - 07” <and because it was home to the Army’s biological weapons testing program, which was discontinued by President Richard Nixon in 1969, Erspamer said. In all, soldiers were subjected to more than 400 agents, including anthrax, Agent Orange, botulism and LSD, Erspamer said. Some soldiers have been unable to completely disclose their cases to doctors because of secrecy oaths, Erspamer said. The class-action lawsuit would seek to lift that oath for all qualifying soldiers.

None of the eight plaintiffs named in the suit were subjected to testing at Detrick, Erspamer said. He knows veterans whose cases originated at Detrick, he said, but they have been unwilling to speak publicly for fear of retribution. Defendants’ ailments include post-traumatic stress disorder, Parkinson’s disease, memory problems and nightmares, which they link to testing, according to Erspamer and court documents. Maria Glover, a Harvard Law School lecturer and associate professor at Georgetown University Law Center who studies class action, said a case will be interesting to watch. It follows the 2011 U.S. Supreme Court decision in *Dukes v. Wal-Mart Stores*, a gender discrimination case that sought punitive damages and back pay on behalf of 1.5 million female employees. The court held that class certification was improper because commonality among such a large pool of plaintiffs could not be proved, potentially making it more difficult to establish a class before future courts, Glover said. “There’s no doubt that the court will have to grapple with the class action (status) in this post-Dukes landscape,”

Glover said, adding, "Dukes may make certification more difficult for plaintiffs." [Source: Frederick News Post Courtney Mabeus article 28 Mar 2012 ++]

USERRA Update 12: (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 Justice Department has filed suit against The Home Depot U.S.A. Inc., alleging the company fired an employee because of his military obligations in violation of federal law. The Home Depot officials, however, deny that the employee was fired because of his military obligations. In a lawsuit filed 5 APR in U.S. District Court in Arizona, Justice Department lawyers allege The Home Depot fired Brian Bailey, a California Army National Guardsman, on May 25, 2010. Bailey was initially hired as a sales associate at a Home Depot in Flagstaff in November 2007, and was later promoted to department supervisor. Before his employment with The Home Depot, he served in the Army and had been deployed to Iraq. Justice lawyers allege The Home Depot violated the Uniformed Services Employment and Reemployment Rights Act of 1994, which protects employees from being discriminated against because of their past, current or future military obligations. An employer cannot fire employees who miss work due to military obligations.

The suit alleges that managers responsible for the store where Bailey worked expressed their desires to remove him from his position as department supervisor "because of the leave from work he required due to his military obligations." After he was fired, he filed a complaint with the Labor Department's Veterans' Employment and Training Service, which conducted an investigation and found that the case had merit. Justice lawyers have asked that Bailey be reinstated to an appropriate position and receive compensation for lost wages and other benefits. They ask that the court prevent The Home Depot from taking any action against Bailey or any other service member that violates USERRA. The Home Depot officials said their records show that Bailey was continuously provided with time off for military service and training when he requested it. "In fact, the store manager who terminated this associate is the wife of a veteran and her daughter was also honorably discharged from active duty just last year," said company spokesman Steve Holmes. "This store manager was a 17-year associate who personally valued the importance The Home Depot places on treating our military associates with respect, and she probably would have been the last person to fire someone for anything even remotely connected to their military obligations."

The Home Depot's website says: "We offer a work environment that values the skills learned through military service, while providing the flexibility needed by those who serve in the National Guard, reserves or who are military spouses." In the past eight years, the company has hired more than 60,000 veterans. Home Depot launched an effort in 2004 with the Defense and Labor departments to hire veterans, separating active-duty members, National Guard and Reserve members, and military spouses. The company has long been a member of the Military Spouse Employment Partnership and its predecessor, the Army Spouse Employment Partnership, committing to hire military spouses. [Source: NavyTimes Karen Jowers article 5 Apr 2012 ++]

Vet Jobs Update 56: (Note: Military Times Copyrighted material - Not authorized for reproduction on any publicly accessible website or website accessed newsletter . Forwarding via email in personal communications is authorized.)

A major veterans group wants federal affirmative action laws expanded to include veterans among the classes of Americans that are specifically protected from employment discrimination. Under their plan, laws barring discrimination on the basis of gender, religion, race, disability or sexual orientation would be altered to include veterans among the protected classes. The Uniformed Services Employment and Reemployment Rights Act already makes it illegal for an employer to refuse to hire someone solely because he is a

veteran. But AMVETS, a 187,000-member organization based in Lanham, Md., believes this isn't enough. "There is discrimination against veterans in the workplace," said Stewart Hickey, executive director of AMVETS. Adding veterans to affirmative-action laws would improve protections against both overt and subconscious hiring discrimination, Hickey said. In some cases, employers fear hiring veterans out of concern they might be recalled to active duty or because of worries that Iraq and Afghanistan veterans may have post-traumatic stress disorder or traumatic brain injuries, Hickey said. At a minimum, putting veterans into a protected status is likely to result in employers giving extra attention to their hiring, Hickey said. "If current laws and programs were effective, that would be great. But they aren't," Hickey said. "If there is any group in the U.S. who deserve special attention in employment, it is veterans."

AMVETS has been pushing the idea in talks with lawmakers and with other veterans groups. So far, no member of Congress has agreed to sponsor legislation to change the law, but Hickey is far from alone in talking about employment discrimination. Sen. Patty Murray, D-Wash., the Senate Veterans' Affairs Committee chairwoman, said at a 29 FEB hearing that she hears from veterans "who still find themselves confronted by obstacles to employment and who are even afraid to write the word 'veteran' on a job application because of the stigma they believe employers attach to it." Diane Zumatto, AMVETS legislative director, said she believes veterans have been hit "disproportionately hard" by the tight job market. In 2011, the unemployment rate for Iraq- and Afghanistan-era veterans averaged 12.1 percent. But the rate appears to be falling. The Labor Department reported March 9 that the jobless rate for people separated from the military since 2001 fell in February to 7.6 percent, below the 8.3 percent national unemployment rate.

Affirmative-action laws got their start in the 1960s with civil rights legislation but have expanded over the years to include laws like the Americans with Disabilities Act of 1990, which prohibits an employer from refusing to hire someone because he is disabled. This protection applies to veterans with service-connected disabilities. The Equal Employment Opportunity Commission has issued guidance requiring employers to make reasonable accommodations for disabled veterans, with a new definition of disabilities that includes post-traumatic stress disorder and traumatic brain injuries as the types of disabilities covered by the law. The law makes it illegal to discriminate in hiring, including asking about a disability, and requires employers to take steps to make it possible for someone with a disability to hold a job as long as it does not cause the business an "undue hardship." [Source: ArmyTimes Rick Maze article 29 Mar 2012 ++]

Vet Jobs Update 57: Gary Profit remains unimpressed with the military-to-civilian skills translators available to veterans looking for jobs. So he convinced his company to build its own. "The ones I've seen out there tend to focus on hard technical skills, rather than the huge investment the nation makes in developing these people into leaders," said Profit, senior director of military programs at Walmart. "Our career path tool is designed to demonstrate to candidates some possible careers, what kinds of things would interest you." The Walmart skills translator is available on their "careers with a mission" website <http://walmartcareerswithamission.com/> which also includes openings at the company and advice for veterans on how to land a job. Profit said many young veterans he speaks with about jobs haven't thought about a long-term career path, only an immediate paycheck. "You'll especially see it in their resumes, which are a wonderful summary of their lives but don't tell me anything about their career aspirations," he said.

He hopes the career path tool can change that. Profit said he's also working with corporate managers to better educate hiring managers about the skills veterans can bring, but he said it's a "work in progress" getting them to understand which military specialties fit best in different jobs. Here's a look at how military skills can translate into the retail industry, according to Walmart executives:

Military specialty

Walmart suggestion

| | |
|----------------------------|--|
| Combat operations | Store manager, field project supervisor |
| Communications | Information technology, technical support |
| Intelligence.. | Corporate fraud examiner, asset protection |
| Mechanic | Fleet mechanic, shop technician |
| Supply and Logistics | Area manager, floor manager |
| Aviation | Corporate pilot, travel coordinator |

[Source: Stars & Stripes Leo Shane article 3 Apr 2012 ++]

Vet Jobs Update 58: A bill sponsored by Hoboken Assemblyman Ruben J. Ramos and four other Assembly Democrats meant to help 9/11 veterans find employment through an expedited teacher program was signed into law last week. The new law will establish the “VETeach Pilot Program” in the state Department of Education and create a 36-month teacher preparation program at Richard Stockton College of New Jersey for veterans who served in the armed forces on or after September 11, 2001. The bill was previously approved by unanimous votes in both chambers of the state Legislature before being signed into law last Thursday. Ramos said in a release the program addresses two problems: an anticipated teacher shortage and high unemployment among veterans. “Through this program, our veterans will be able to pursue teaching professions, which will help tackle the unemployment issue, and bring a unique perspective to the classroom, which could enhance learning and benefit our students,” he said.

According a March report by the U.S. Bureau of Labor Statistics, the unemployment rate for young male veterans ages 18-24 who have served since September 11, 2001 was 11.5 percent higher in 2011 than the national average. The average unemployment rate for veterans serving since September 11, 2001 was around 12 percent for both men and women, according to the report. A 2009 report by the National Commission on Teaching and America’s Future found that more than a third of the nation’s 3.2 million teachers could retire in the next four years. The program will lead to a baccalaureate degree and completion of the requirements necessary to apply to the state Board of Examiners to earn certification to teach grades K-8 and certain secondary education fields. The legislation was co-sponsored by Assembly members Mila Jasey, Wayne DeAngelo, Cleopatra Tucker, and Daniel R. Benson. [Source: The Jersey Journal Travis Fedtschun article 10 Apr 2012 ++]

Mobilized Reserve 10 APR 2012: The Department of Defense announced the current number of reservists on active duty as of 10 APR 2012. The net collective result is 900 fewer reservists mobilized than last reported in the 1 APR 2012 RAO Bulletin. At any given time, services may activate some units and individuals while deactivating others, making it possible for these figures to either increase or decrease. The total number currently on active duty from the Army National Guard and Army Reserve is 51,631; Navy Reserve 4,635; Air National Guard and Air Force Reserve 10,292; Marine Corps Reserve 4,609; and the Coast Guard Reserve 814. This brings the total National Guard and Reserve personnel who have been activated to 71,981 including both units and individual augmentees. A cumulative roster of all National Guard and Reserve personnel who are currently activated may be found online at <http://www.defense.gov/news/d20120410ngr.pdf>. Reservists deactivated since 9/11 total 773,775. [Source: DoD News Release No. 259-12 dtd 11 Apr 2012 ++]

PTSD Update 95: Fearing that the Army may be mishandling the matter, the top senator on the veterans affairs panel said 28 MAR that she has begun an investigation into whether military hospitals across the country are denying treatment to service members with post-traumatic stress disorder because of cost considerations. Democrat Patty Murray, the chairwoman of the Senate Veterans' Affairs Committee, said she decided to take the step to make sure that Army officials "don't just bury this under the rug" as they investigate the issue on their own. "I will not be satisfied until I know that they have done an absolutely in-depth evaluation and found every soldier that may have been misdiagnosed - in a timely manner - and get them the care they need," Murray said in an interview. The Army already is conducting at least three separate probes amid disclosures that the Madigan Army Medical Center on Joint Base Lewis-McChord in Murray's home state of Washington has reversed hundreds of PTSD diagnoses for patients who were up for medical retirement.

Murray's office said last week that a review of PTSD cases dating to 2007 found that 290 of 690 diagnoses - more than 40 percent - had been reversed by a medical screening team. The Army now is re-evaluating how those diagnoses were changed. Murray said she fears the same type of misdiagnoses may be happening at other military hospitals. She said she already has directed her committee staff to start looking for other cases. While Murray's committee does not oversee the Army, it has oversight over all issues involving veterans and the federal services they receive as soon as they leave the active military. "Obviously, there's a very intense focus, necessarily, on Madigan right now and that has to be ongoing," Murray said. "But I've directed my VA staff to start looking at cases nationwide, and we are finding them. I want to make sure that the Army is not just saying, 'Well, this was just Madigan,' because if we do that we're going to lose a lot of people who have the same issue across the country. ... I'm going to absolutely stay on top of the Army."

The fourth-term senator announced her investigation earlier in the day when she questioned Army Surgeon General Lt. Gen. Patricia Horoho, who is also the commanding general of the U.S. Army Medical Command, at a hearing of the Senate Defense Appropriations Subcommittee. Horoho oversees all of the Army's medical facilities. Murray told Horoho that her aides "have already encountered cases" that raise questions. As part of their work, Senate investigators want to make sure that the Pentagon and the Department of Veterans Affairs are using the same standard to diagnose PTSD. Horoho, a former Madigan commander, did not reveal any details of the Army's investigations, but she told Murray and the other subcommittee members that the Army is using the same diagnostic tools for PTSD used by the Air Force, Navy and civilian doctors. "It's the best standard that's out there for diagnosing," she said.

PTSD is a mental condition that results when a person experiences a traumatic event, such as war. Symptoms include nightmares, flashbacks and irritability. A service member with the diagnosis becomes eligible for more financial benefits. The Army began investigating at Madigan in January after complaints that officials there had adjusted diagnoses to make sure that soldiers did not receive full disability benefits for PTSD. The issue of mental health care has been a top concern for the Veterans' Affairs Committee, both for Murray and Sen. Richard Burr of North Carolina, the top Republican on the panel. In November, the two scolded the VA, saying it was not moving quickly enough to help returning service members with PTSD and other afflictions who all too often face long wait times in trying to get mental health appointments. [Source: Stars & Stripes Rob Hotakainen article 29 Mar 2012 ++]

Vet License Plates WI: Wisconsin women who have served in the military can now buy "Woman Veteran" license plates. The Wisconsin military plates feature blue numbers on a red, white and blue background with "Wisconsin" across the top and "Woman Veteran" at the bottom. A decal representing the veteran's military branch is displayed on the left side of the plate.



The state Department of Motor Vehicles offers 56 different plates inclusive of 10 military plate options for veterans and recipients of military medals and honors. Military plates are available to active, reserve or retired U.S. military members, military academy students or alumni. The cost for the new "Woman Veteran" plates is \$90 - \$75 for the basic annual vehicle registration fee and \$15 for the Veterans Trust Fund at the Wisconsin Department of Veterans Affairs. The \$15 fee is charged when the plate is issued; subsequent annual vehicle registration stickers will cost \$75. The Veterans Trust Fund pays for programs and services such as job fairs, outreach efforts for veteran benefits and the new Veterans Welcome Resource Center scheduled to open next month in Madison. Personalized military plate plates cost an additional \$15 a year. Military plates do not carry special parking privileges. To view and obtain ordering info on the other veteran related plates refer to the attachment to this Bulletin titled, "**Vet License Plates - WI**". [Source: <http://www.dot.wisconsin.gov/drivers/plateguide/special.htm> & Milwaukee Wisconsin Journal Sentinel Meg Jones article 5 Ape 2012 ++]

GI Bill Update 115: Eligible sailors separating due to the Enlisted Retention Board (ERB) who have ten years of qualifying service before their separation date will be allowed to transfer Post 9/11 GI Bill benefits to qualified dependents. ERB sailors without ten years of qualifying service must affiliate with the Reserves and commit to serving four years as a drilling Reservist to transfer their benefits. For information on transferability, visit the Post 9/11 GI Bill website http://www.gibill.va.gov/benefits/post_911_gibill/transfer_of_benefits.html or call the NPC customer service center at 1-866-U-ASK-NPC. Sailors can apply for transferability of benefits online. An individual approved to transfer an entitlement to educational assistance may transfer the individual's entitlement to the following in accordance with the conditions noted::

- The individual's spouse.
- One or more of the individual's children.
- Any combination of spouse and child.
- A family member must be enrolled in the Defense Eligibility Enrollment Reporting System (DEERS) and be eligible for benefits, at the time of transfer to receive transferred educational benefits.
- A child's subsequent marriage will not affect his or her eligibility to receive the educational benefit; however, after an individual has designated a child as a transferee under this section, the individual retains the right to revoke or modify the transfer at any time.
- A subsequent divorce will not affect the transferee's eligibility to receive educational benefits; however, after an individual has designated a spouse as a transferee under this section, the eligible individual retains the right to revoke or modify the transfer at any time.
- An eligible Service member may transfer up to the total months of unused Post-9/11 GI Bill benefits, or the entire 36 months if the member has used none (unless DoD/DHS limits the number of months an individual may transfer).

Family member use of transferred educational benefits is subject to the following:

Spouse:

- May start to use the benefit immediately.

- May use the benefit while the member remains in the Armed Forces or after separation from active duty.
- Is not eligible for the monthly housing allowance while the member is serving on active duty.
- Can use the benefit for up to 15 years after the service member's last separation from active duty.

Child:

- May start to use the benefit only after the individual making the transfer has completed at least 10 years of service in the Armed Forces.
- May use the benefit while the eligible individual remains in the Armed Forces or after separation from active duty.
- May not use the benefit until he/she has attained a secondary school diploma (or equivalency certificate), or reached 18 years of age.
- Is entitled to the monthly housing allowance stipend even though the eligible individual is on active duty.
- Is not subject to the 15-year delimiting date, but may not use the benefit after reaching 26 years of age.

To apply for this TEB (Transfer Eligible Benefit) first go to the DoD transferability application website to determine if your dependents are eligible to receive the transferred benefits. This website [https://www.dmdc.osd.mil/milconnect/faces/index.jspx?_afzLoop=41071052823000&_afzWindowMode=0&_adf.ctrl-state=9mrz6gxv4_4] is only available to military members. Upon approval, family members may apply to use transferred benefits with VA by completing VA Form 22-1990e. VA Form 22-1990e should only be completed and submitted to VA by the family member after DoD has approved the request for TEB. Do not use VA Form 22-1990e to apply for TEB. To access the paper version of VA-Form 22-1990e (VONAPP) go to <http://www.vba.va.gov/pubs/forms/VBA-22-1990e-ARE.pdf>. To access the electronic version of VA Form 22-1990e go to https://www.ebenefits.va.gov/ebenefits-portal/ebenefits.portal?_nfpb=true&_portlet.async=false&_pageLabel=ebenefits_myeb_vonapp1. [Source: NAUS Weekly Update 6 Apr 2012 ++]

GI Bill Update 116: The Veterans Affairs Department is planning to resume a policy of cutting into the tuition payments from the Post-9/11 GI Bill for veterans with outstanding debts, drawing protests from higher education associations who say that the policy will force colleges to become debt collectors themselves. Veterans who owe debt to the department -- including advance payments under the Post-9/11 GI Bill that require repayment, as well as debt incurred from other Veterans Affairs benefit programs for housing and medical expenses -- can have future aid withheld to repay the money they owe. But tuition benefits have been exempt from such withholding since shortly after distribution of educational benefits began under the Post-9/11 GI Bill. In December, the department quietly indicated its intention to resume withholding unpaid debts from veterans' tuition and fee payments.

On 9 APR, in a strongly worded letter to Veterans Affairs Secretary Eric Shinseki, higher education associations warned that the new policy could have "unintended consequences" and "violates the faith and intent of the enrollment certification process," in which a veteran enrolls in college under the assumption that the Post-9/11 GI Bill will cover the costs. "*We fully recognize the fiduciary responsibility VA must uphold in collecting any non-tax debts owed to the federal government by the recipients of VA benefits,*" John Walda, president and CEO of the National Association of College and University Business Officers, wrote in a letter also signed by the major associations representing public and nonprofit higher education. "*However, the proposed policy exposes veterans to even greater debt liabilities and unduly stresses the partnership between the federal government and colleges and universities in their mutual goal to provide educational opportunity to our nation's veterans.*"

Colleges allow students paying for college with the GI Bill to enroll in and begin attending classes before benefits arrive. If those payments are docked to cover past debts, the college can be left without enough money to cover the cost of attendance, said Anne Gross, NACUBO's vice president for regulatory affairs. In effect, the colleges become debt collectors themselves: while the department has been repaid, the veteran now owes the same amount to the college or university he or she attends. Many veterans don't understand why they didn't receive the full cost of tuition and fees in benefits, and the result is frequently confusion, Gross said. "Instead of owing the VA, they now owe the school, but the school didn't know this ahead of time," she said. Veterans who owe back tuition to institutions usually can't register for another term, meaning that the practice puts their future educational success in jeopardy, the associations wrote.

Docking benefit payments for debt collection is standard practice for the VA. But because before the Post-9/11 GI Bill payments for educational benefits were made directly to the veterans, not to colleges, the practice hadn't been an issue in the past, Gross said. Educational benefits were made exempt amid the initial difficulties in processing benefits in 2009, when the bill first took effect. Adding to the problem, the associations say, is that colleges and universities have no way of knowing if veterans have outstanding debts to the VA -- and thus won't get a payment to cover all tuition and fees -- until the benefit checks arrive, so the financial aid office can't advise them to take out loans or seek other financial aid to cover the remaining costs. In addition to asking the department to continue exempting educational benefits from debt collections, the college associations have requested a system in which college officials can check on veterans' benefit eligibility, overpayment amounts and other factors that can affect the amount of aid they receive. Under the plans to resume withholding debts from tuition benefits, colleges would not be notified that payments are being withheld, the associations wrote, warning that the approach will lead to "a flurry of inquiries" among colleges, students and the department. "When offsets against tuition payments were allowed," they warned, "confusion reigned." [Source : <http://www.insidehighered.com> Libby A. Nelson article 11 Apr 2012 ++]

WWII Vets Update 17: Benjamin O. Davis, Jr. was born in 1912 to Benjamin O. Davis, Sr., an Army officer who would go on to become the Army's first African-American general. When the young Davis went on a flight as a teenager with a barnstorming pilot in Washington, D.C., he became hooked on flying. But it would be another 16 years before he would pin on his pilot wings. At West Point he was shunned by his classmates and was given the silent treatment throughout his four years at the Academy, never having a roommate and taking meals alone. Despite the hardships, Davis graduated 35th in his class out of 278, and pinned on second lieutenant as one of only two line officers in the Army - his Dad being the other. He initially applied for the Army Air Corps, but was rejected because of his race. He was assigned to an all-black 24th Infantry Regiment, one of the old Buffalo Soldier regiments. To avoid placing him in an all-white unit, Davis was next assigned to the all-black Tuskegee Institute in Alabama.



In 1941, Davis was assigned to the first training class at Tuskegee Army Air Field and earned his pilot's wings in early 1942 as one of five black officers to complete the course. He was the first black officer to solo an Army Air

Corps aircraft. Four months later he was promoted to lieutenant colonel and named commander of the first all-black air unit, the 99th Pursuit Squadron. It was the beginning of the famed “Tuskegee Airmen.” They would see their first combat action over the skies of North Africa flying the Curtiss P-40 fighter, but later that year Davis would be called back to the U.S. to take command of the larger 332nd Fighter Group, preparing to head overseas. After reports from senior leaders that his old unit had performed poorly during combat, Davis held a news conference in the Pentagon to defend his unit and present his case to the War Department studying the use of black servicemen. Critics were silenced in early 1944 when black pilots shot down 12 German planes over a two-day period while protecting the beachhead at Anzio, Italy. Davis and his unit, nicknamed “Red Tails,” for the distinctive markings on their planes, flew missions deep into German territory. His pilots flew more than 15,000 sorties, downed 111 enemy planes and destroyed or damaged 273 on the ground. Davis led many of those missions and was awarded the Silver Star and the Distinguished Flying Cross for his efforts.



In July of 1948, President Harry S. Truman signed an executive order ending segregation within the military and Colonel Davis was instrumental in drafting the Air Force plan to implement this move. Over next two decades, Davis would serve in the Pentagon and at overseas posts, and again see combat during the Korean War as the commander of the 51st Fighter-Interceptor Wing in Korea. He would serve in important posts in post-war Japan and Germany and in 1961 returned to the U.S. where he served as the Director of Manpower and Organization at Headquarters, U.S. Air Force. He would later serve as chief of staff for U.S. Forces Korea, the commander of the 13th Air Force in the Philippines and as deputy commander in chief of the U.S. Strike Command at MacDill Air Force Base in Tampa, Fla. He retired from active duty in 1970 as a lieutenant general. After his retirement, Davis continued serving in government, overseeing the development of airport security and highway safety as the Assistant Secretary of Transportation for Environment, Safety and Consumer Affairs. In 1998, President Bill Clinton promoted Davis to four-star rank and on July 4, 2002, he passed away at the age of 89. He was buried with full honors at Arlington National Cemetery. [Source: Air Force News Service article 10 Feb 2012 ++]

World War II Posters (3)





1-15 Apr 2012

POW/MIA Update 17: The following MIA/POW's have been identified. 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 :

Korea. DPMO announced 27 MAR that the remains of Army Sgt. **William E. Brashear**, 24, of Owensboro, Ky., missing in action from the Korean War, have been identified and were returned to his family for burial with full military honors. Brashear was scheduled for burial 31 MAR in his hometown. In November 1950, Brashear of Company B, 70th Tank Battalion, along with almost 600 other 8th Cavalry Regiment soldiers, was killed during a battle south of Unsan, North Korea. Their bodies were not able to be recovered at the time and were likely buried on the battlefield by Chinese or North Korean forces. In 2000, a joint U.S./Democratic People's Republic of Korea (DPRK) team led by the Joint POW/MIA Accounting Command (JPAC), excavated a mass grave that had been discovered in Unsan. Human remains, of at least five individuals, and U.S. military uniforms were recovered but they were unable to be identified given the technology of the time. In 2007, because of advances in DNA technology, scientists from the Armed Forces DNA Identification Laboratory (AFDIL) reanalyzed the remains. Among forensic identification tools and circumstantial evidence, scientists from the JPAC and AFDIL used dental records and mitochondrial DNA – which matched that of Brashear's sister and cousin – in the identification of his remains.

Korea. DPMO announced 3 APR that the remains of Army Cpl. **Henry F. Johnson**, 20, of Conway, Ark., missing in action from the Korean War, have been identified and were returned to his family for burial with full military honors. He was scheduled for burial 7 APR, in Wichita, Kan. In November 1950, Johnson, of L Company, 3rd Battalion, 9th Infantry Regiment, was deployed in a defensive line that ran east-west across the center of North Korea. On Nov. 25, after Chinese forces had attacked, Johnson was listed as missing in action. In 1953, returning Americans who had been held as prisoners of war reported that Johnson had been captured by the Chinese and died in the spring of 1951 as a result of malnutrition while in a prisoner of war camp known as “Camp 5” in North Phyongan Province, North Korea. Between 1991 and 1994, North Korea gave the United States 208 boxes of remains believed to contain the remains of 200-400 U.S. servicemen. North Korean documents, turned over with some of the boxes, indicated that some of the human remains were recovered from North Phyongan Province, where Johnson was reported to have been held. Beginning in the mid-1990s and continuing through the present, hundreds of samples from these remains have been submitted to the Armed Forces DNA Identification Laboratory (AFDIL) for DNA testing to be identified. To identify Johnson’s remains, scientists from the Joint POW/MIA Accounting Command and the AFDIL used circumstantial evidence, forensic identification tools such as dental records and mitochondrial DNA – which matched Johnson’s cousins.

Korea. DPMO announced 6 APR that the remains of Army Cpl. **Patrick R. Glennon**, 18, of Rochester, N.Y., missing in action from the Korean War, have been identified and will be returned to his family for burial with full military honors at Arlington National Cemetery near Washington D.C. On Nov. 1, 1950, Glennon, and the G Company, 8th Cavalry Regiment, 1st Cavalry Division, were holding a defensive position along the Nammyon River near Unsan, North Korea, when they were attacked by Chinese forces. Glennon was listed as missing in action following the heavy fighting. In April 2007, the Democratic People’s Republic of Korea (DPRK) handed over six boxes of remains of American service members to New Mexico Governor Bill Richardson and former U.S. Secretary of Veterans Affairs Anthony Principi, who were visiting North Korea. The remains had been recovered from areas near Unsan, where Glennon had been lost. Metal identification tags bearing Glennon’s name, and other material evidence were included with the remains. To identify the remains, scientists from the Joint POW/MIA Accounting Command and the Armed Forces DNA Identification Laboratory used circumstantial evidence and forensic identification tools such as dental records and mitochondrial DNA – which matched Glennon’s cousins.

Korea. DPMO announced 6 APR that the remains of Army Sgt. 1st Class **Richard L. Harris**, 23, of Spokane, Wash. missing in action from the Korean War, have been identified and will be returned to his family for burial with full military honors on 10 APR in Kent, Wash. In late Nov. 26, 1950, Harris, and elements of the 2nd Infantry Division were in a defensive line north of Kujang, North Korea, when they were attacked by Chinese forces, in what became known as the Battle of the Chongchon. Harris was reported missing in action on Nov. 30, 1950. In 1953, after Operation Big Switch, in which captured soldiers were returned, American soldiers reported that Harris had been captured and died on Jan. 22, 1951, from malnutrition while in a prisoner of war camp in North Korea. His remains were not among those returned by Communist forces after the war. In 2005, a joint U.S./D.P.R.K. recovery team excavated a burial site in Unsan County, North Korea. The site correlated with the position of the 2nd Infantry Division in late November, 1950. The team recovered human remains, and submitted a total of 69 samples to the Joint POW/MIA Accounting Command (JPAC) and the Armed Forces DNA Identification Laboratory (AFDIL) for analysis. Among forensic identification tools and circumstantial evidence, scientists from the JPAC and AFDIL used dental records and mitochondrial DNA – which matched that of Harris’s cousins

Korea. DPMO announced 11 APR that the remains of Army Pfc. **Frank P. Jennings**, 20, of Parsons, Tenn. missing in action from the Korean War, have been identified and will be returned to his family for burial with full military honors on 13 APR in Holladay, Tenn. In late April 1951, Jennings and E Company, 2nd Battalion, 7th Infantry Regiment were battling Chinese Communist Forces near Jeon-Gog, South Korea. After three days of fighting, many Americans were killed, captured, or went missing. On April 25, Jennings was reported as missing in action, and his status was later changed to killed in action. His remains were not recovered in the years immediately

following the end of the conflict, and there was no evidence that he had been taken to a prisoner of war camp. In October 1986, members of the South Korean Army uncovered human remains while working near Jeon-Gog, which is north of current-day Camp Casey. The soldiers notified U.S. officials and on Oct. 23, 1986, personnel from the U.S. Army exhumed the remains. Additional material evidence, including a unit crest from the 7th Infantry Regiment, was also recovered from the site. The remains were not able to be identified at that time. In 2002, due to advances in identification technology, the remains were submitted for DNA testing and dental comparisons. To identify Jennings' remains, scientists from the Joint POW/MIA Accounting Command and the Armed Forces DNA Identification Laboratory used circumstantial evidence and forensic identification tools such as radiography, dental records and mitochondrial DNA – which matched Jennings' sister.

Vietnam. DPMO announced 3 APR that the remains of a U.S. serviceman, Air Force Tech. Sgt. **Allen J. Avery**, 29, of Arlington, Mass, missing in action from the Vietnam War, have been identified and returned his family for burial with full military honors. Avery was scheduled for burial April 6 at Arlington National Cemetery near Washington, D.C. Exactly 40 years prior, on April 6, 1972, six airmen were flying a combat search and rescue mission in their HH-53C Super Jolly Green Giant helicopter over Quang Tri Province in South Vietnam, when they were hit by enemy ground fire and crashed. In 1988, the Socialist Republic of Vietnam (S.R.V) turned over remains they attributed to an American serviceman, however, the name provided did not match anyone lost or missing from the Vietnam War. The remains were held by JPAC pending improved technology which might have facilitated a later identification. From 1989 to 1992, Joint U.S./S.R.V field investigations, led by the Joint POW/MIA Accounting Command (JPAC), found evidence leading to an aircraft crash site as well as two reported burial sites. Team members recovered human remains and personal effects as well as aircraft debris. As a result, the crew was accounted-for in 1997 and buried as a group at Arlington National Cemetery near Washington, D.C. Three of them were also individually identified at that time. In the mid-2000s, JPAC's laboratory gained increased scientific capability to associate the 1988 remains to the correct loss. The Armed Forces DNA Identification Laboratory (AFDIL) tested these remains against all servicemen who were MIA from the Vietnam War with negative results. Later AFDIL expanded its search to make comparisons with previously-identified individuals. In 2010, as a result of mitochondrial DNA testing, the remains were associated with four of the six airmen from the 1972 crash, including Avery.

Veteran Support Organizations (08): Military families are bearing heavy burdens as they repeatedly watch their loved ones go off to fight conflicts halfway around the world. Long rotations in dangerous areas mean that wives, husbands, children and parents must handle the workload at home short one helper as they try to stave off the fears and worries associated with caring about someone in a war zone. Because most people in the country lack an understanding of this situation, these families can feel isolated or unappreciated, and National Guard and Reserve families may not even have the support of a base community. For those who have lost a loved one on the battlefield, the number of people who can empathize is even smaller. To help ease the challenges military families face and to thank them for all they do, groups around the country are striving to provide some modicum of comfort and caring for military families in many situations. One of the most well known and highly rated charities helping military families is the Fisher House Foundation. Each year the foundation offers the feelings of home to thousands of members of the military community, including veterans, when someone in their families is in a military hospital.

Fisher House runs a network of 54 homes on the grounds of major military and Veterans Affairs medical centers. Sizes range from 5,000- to 16,500-square-foot homes with up to 21 suites. Each is donated by the foundation, which estimates that every 20-suite home added to the network provides the capacity to support approximately 600 families per year. The homes ensure that families of armed forces are not burdened with unnecessary expenses during a time of crisis because stays in the houses are free. "It's important because without a Fisher House, many of

these families would have nowhere to go, and many wouldn't be able to be with their loved one at all," says Cindy Campbell, the organization's vice president for community relations and media affairs. "Hotels are expensive; without the free lodging provided by the Fisher House, they would have to pay out of pocket. For so many, that simply is not an option." Since its beginning in 1990, Fisher House estimates it has saved families \$167 million in lodging and transportation costs by accommodating families for more than 3.6 million days. It has served close to 150,000 families. Some families stay more than a year. In 2010 alone, Fisher House helped approximately 12,000 families who stayed for an average of 15 days; for combat casualties that number jumped to 45 to 60 days. To support those numbers, volunteers logged 75,000 hours.

Campbell would like to express Fisher House's gratitude to the many members of the AFCEA community who help make this mission possible. "Our biggest supporters are military and defense contractors," she says. "We cannot build more houses without funds. Those funds come from those who understand the sacrifice of our nation's military." Anyone who could benefit from staying at Fisher House is strongly encouraged to contact the local facility. A complete list is available on the website. "We're there to help," Campbell says. That assistance goes beyond food and shelter. The foundation's Hero Miles Program enables people to donate their frequent flier miles to transport families to the bedsides of their wounded warriors. To date, more than 24,000 tickets have been issued. Fisher House also offers a grant program that supports other military charities and funds scholarships for military children. For additional information on the FHF call (888) 294-8562, email <mailto:info@fisherhouse.org>, or refer to <http://www.fisherhouse.org>. [Source: AFCRA Veterans Focus Rita Boland article Nov 2011 ++]

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>:

April 16, 2012. HVAC-Health will hold a legislative hearing on the following bills:

- [HR 1460](#), to provide for automatic enrollment of Veterans returning from combat zones into the VA medical system;
- [HR 2619](#), the Veterans Affairs Active Shooter Training Act of 2011;
- [HR 3016](#), to direct the Secretary of Defense and the Secretary of Veterans Affairs to jointly operate the Federal recovery Coordination Program;
- [HR 3245](#), the Efficient Service for Veterans Act;
- [HR 3279](#), to amend Title 38, to clarify that caregivers for Veterans with serious illnesses are eligible for assistance and support services provided by the Secretary of Veterans Affairs;
- [HR 3337](#), the Open Burn Pit Registry Act of 2011;
- [HR 3723](#), the Enhanced Veteran Healthcare Experience Act of 2011
- [HR 4079](#), the Safe Housing for Homeless Veterans Act. 4:00 P.M.; 334 Cannon

April 18, 2012. HVAC will conduct a Full Committee hearing entitled "From the Inside Out: A Look at Claims Representatives' Role in the Disability Claims Process." 10:00 A.M.; 334 Cannon

April 21, 2012. SVAC Field Hearing: Improving Access to Quality Healthcare for Rural Veterans. Parmly Billings Library, 510 North Broadway, Billings, MT

April 23, 2012. HVAC, Subcommittee on DAMA will conduct a field hearing entitled “Discovering a More Efficient Process: Improving Timeliness and Adequacy of VA Compensation and Pension Examinations.” 11:00 A.M.; Ocean County College Auditorium, 1 College Dr., Toms River, NJ, 08754

April 25, 2012. SVAC will conduct a hearing entitled, “VA Mental Health Care: Evaluating and Assessing Care.” 10:00 A.M.; 138 Dirksen

[Source: Veterans Corner w/Michael Isam 13 Apr 2011 ++]

Saving Money: Men’s shampoos aren’t that different from any other shampoo. As long as men can find a fragrance they like – or one that’s fragrance-free – they really don’t need the special bottle. It doesn’t matter if the bottle is gray or pink. The ingredients are often the same for men and women. But what about the price? Marketing companies want you to believe that men need manly shampoos, but a study by the marketing firm Integer shows 50 percent of men lather up every morning with their wife’s shampoo. Are the other half missing out on a manly scalp? Or are all shampoos basically the same? If you look closely at men’s and women’s shampoos, you’ll see they’re not much different. Both contain similar ingredients and offer similar benefits. The only real difference is the scent. Well, that and the cost.

1. **Ingredients** - While men’s and women’s shampoos contain a few different ingredients, those aren’t gender-specific. For example, if you compare the ingredients in L’Oreal Vive Pro for Men and L’Oreal Vive Pro for Women, you’ll see some differences. From Walgreens.com...

- **L’Oreal Pro Vive for Men:** Ingredients: Aqua (Water), Sodium Laureth Sulfate, Coco-Glucoside, Sodium Chloride, Glycol Distearate, Fragrance, Sodium Benzoate, Sodium Methylparaben, Cocamide MIPA, Carbomer, Salicylic Acid, Polysilicone-8, Ethylparaben, Polyquaternium-16, Limonene, Linalool, Butylphenyl Methylpropional, Aminomethyl Propanol, Isopropanolamine, Citric Acid
- **L’Oreal Pro Vive for Women: Ingredients:** Water, Sodium Laureth Sulfate, Sodium Chloride, Dimethicone, Cocamidopropyl Betaine, Cyclodextrin, PPG-5-Ceteth-20, Fragrance, Sodium Methylparaben, Carbomer, DMDM Hydantoin, Guar Hydroxypropyltrimonium Chloride, Jojoba Wax PEG-120 Esters, Limonene, Hexyl Cinnamal, Butylphenyl Methylpropional, Linalool, Citronellol, Alpha-Isomethyl Ionone, Hydrolyzed Conchiolin Protein, CI 17200 (Red 33)

What’s the difference? So are the different ingredients in the men’s shampoo specifically tailored toward men? Nope. They’re just common ingredients used in cosmetics – even the kind women use. Here’s what the different ingredients used in the men’s formula actually do, according to the Skin Deep Cosmetics Database...

- Coco-Glucoside – a foaming cleanser
- Glycol Distearate – a skin conditioner
- Sodium Benzoate – a preservative
- Cocamide MIPA – a foam booster
- Salicylic Acid – fights dandruff
- Polysilicone-8 – forms film
- Ethylparaben – a preservative
- Polyquaternium-16 – fights static

- Aminomethyl Propanol – adjusts pH levels
- Isopropanolamine – adjusts pH levels
- Citric Acid – mostly just a fragrance

The Skin Deep Cosmetics Database also found those ingredients in dozens of women’s shampoos, so nothing special there.

2. **Benefits** - Men’s shampoos are marketed as solving men’s specific haircare problems. For example, Redken offers four different shampoos for men, but all of them mimic the women’s versions. It doesn’t matter if the bottle is pink or gray. From the Redken website...

- ✓ Redken shampoo for men
 - Densify Texturing Shampoo: Strengthens hair and adds fullness
 - Mint Clean Invigorating Shampoo: Removes dirt build-up
 - Go Clean Daily Care Shampoo: Adds moisture and shine
 - Clean Spice 2-n-1 Shampoo and Conditioner: Strengthens and nourishes hair
- ✓ Redken shampoo for women
 - Body Full Shampoo: Plumps hair strands and adds body
 - Refreshing Detox Shampoo: Removes hair product and dirt build-up
 - Clear Moisture Shampoo: Replenishes hair moisture and adds shine.
 - Extreme Shampoo: Strengthens damaged hair

3. **Scent** - This is one area where why men look for their own shampoos. Women’s shampoos often smell flowery, and the heavy perfume lasts for hours. Most men probably wouldn’t want to smell like a field of daisies either. But not all women’s shampoos have a feminine fragrance. Several shampoos exist with a unisex fragrance, or no fragrance at all....

- Saue Daily Clarifying: Has almost no scent but leaves a trace of fresh laundry fragrance
- Biolage Cooling Mint Shampoo: Has a light, minty fragrance
- Desert Essence Fragrance Free Shampoo: Leaves no fragrances behind

4. **Cost** - How much you pay for your shampoo depends on the brand you buy, not your gender. In fact, all of the men’s and women’s shampoos researched had the same price point. For example, Drugstore.com sells L’Oreal Pro Vive and L’Oreal Pro Vive for Men for \$4.99 each. The real difference in pricing is based on availability. Right now, there are more women’s shampoos than shampoos for men, so men who don’t mind lathering up with their wife’s shampoo have a better chance of finding one on sale. For example, in the week’s ads when this article was written Walgreens has four different brands of women’s shampoos on sale, and one brand that caters to men. CVS Pharmacy had eight different women’s shampoo brands on sale – but only one men’s brand.

[Source: MoneyTalksNews Angela Colley article 5 Apr 2012 ++]

VA Fraud Waste & Abuse Update 46:

- **Pascagoula MS** “RT Chap FL - 07” <A 41-year-old St. Martin woman who admitted to stealing \$62,637 from a dead World War II veteran in her care was sentenced in Jackson County Circuit Court 29 MAR to 8 years in prison and 2 more on post release supervision. Melissa Elaine Webster, who pleaded guilty to 3 counts of exploitation of a vulnerable person in January, must also pay \$62,637 in restitution at a rate of \$2,500 a month. "I made a bad choice and I'll just say I'm sorry and I'm ready for whatever," Webster said in court. Judge Robert Krebs said 82-year-old Donald Dahl did not have an advocate in the 33 days after he left the hospital and was released to Webster's care at the Alternative Care Personal Care facility in St. Martin. The facility, which Webster owns, is currently being closed down by the state Health Department.

Krebs said on 12 FEB 09, Dahl was admitted at Singing River Hospital and diagnosed with septicemia, a urinary track infection, acute renal injury, incarcerating renal hernia with obstruction, and a stage four decubitus ulcer involving his entire heel. "He was in severe pain relating to him being septic, which is a blood infection," Krebs said, "and a bowel obstruction that was gangrenous. In 33 days, in the condition he was in, you (Webster) stole \$62,000 plus dollars from him."

Sue Perry, an assistant attorney general who prosecuted the case, said Webster was a heartless woman who deposited Social Security and Veterans Administration checks into her personal account on the day Dahl died and several more days after he had passed away. "When he arrived at her facility, he had \$35,000 in cash," Perry said. Perry said a text message exchange between Webster and a family member stated, "I'm holding \$35,000 in cash in my hands. Headed to Vegas this weekend." Perry said when the family member inquired what Webster meant she replied, "Let's just say I got the right patient today." Before Krebs sentenced Webster, Dahl's family members said Webster essentially kept Dahl from them by not reporting his whereabouts to authorities. Dahl had left Florida after family members put the elderly man in a nursing home because he had been diagnosed with dementia and authorities were searching for him. As Webster's mother cried hysterically and was escorted from the courthouse by family members, Cathy McSteen, Dahl's daughter, told reporters justice was served. "It's wonderful and I would not have asked for more," McSteen said. "What happened to our father can happen to anyone if there is a person who is unethically involved in the care of the elderly." [Source: The Mississippi Press Cherie Ward article 29 Mar 2012 ++]

- **Boise ID** - Paul Richard McLeod, 57, was sentenced in United States District Court in Boise for receiving stolen government money. According to the plea agreement, from 2008 through July 2010, the VA paid monthly dependant compensation payments to McLeod's mother. McLeod and his mother shared a joint account, where the payments were deposited. VA records show that McLeod's mother passed away on June 4, 2008. From July 1, 2008 to July 1, 2010, the VA continued to pay monthly compensation payments into the joint account. According to the plea agreement, McLeod admitted converting 26 dependant compensation payments for his personal use. McLeod pled guilty to the charge on January 9, 2012. McLeod was sentenced to serve one month in prison and five months of home confinement. Additionally, he will serve 60 hours of community service, followed by three years of supervised release, and has to pay \$35,782 in restitution to the U.S. Department of Veteran Affairs. [Source: KIVI TV Boise ID Jaclyn Brandt article 3 Apr 2012 ++]
- **Kansas City** - A contractor pleaded guilty 9 APR to defrauding a federal government program designed to steer projects to companies owned by disabled veterans. In his plea, Warren Parker, 70, of Blue Springs, Mo., admitted that he falsely claimed to be a disabled vet, helping his company, Silver Star Construction LLC, land roughly \$7.5 million in contracts it wasn't eligible to receive. When he announced the charges against Parker last summer, Kansas U.S. Attorney Barry Grissom said Parker's company wasn't doing well in a down economy when he devised a scheme to take advantage of the Service-Disabled Veteran-Owned Small Business Program, in which a smaller pool of companies compete for work. Parker pleaded guilty to single counts of conspiracy to commit wire fraud, major program fraud, wire fraud, money laundering and making a false statement. Parker's son, Michael J. Parker, 37, and wife, Mary Parker, 67, and Thomas Whitehead, 59, also have been charged in the case, which was filed in Kansas because some of the contracts were for projects in the state.

Warren Parker served in the Missouri National Guard from 1963 through 1968, but spent only six months on active duty to attend basic training and his military occupational school. Prosecutors said he never left Missouri while on active duty or while assigned to the Guard, and was honorably discharged in 1968 as a senior engineer equipment mechanic. That didn't stop him from submitting to the government a false resume in March 2011 in which he manufactured a history as a war hero. That included a record of service in Vietnam, where he said he was awarded three Silver Stars, three Purple Heart Medals, four

Bronze Stars with valor and more than a dozen other commendations, including 32 citations for heroism. In reality, his only decoration in the military was an expert rifle badge. Grissom said the Government Accountability Office became aware of fraud in the veterans program in 2009. Investigators began looking into Silver Star Construction after a background check on Warren Parker showed he had grossly inflated his military credentials and hadn't been certified as a service-disabled veteran. In his plea, Parker agreed to forfeiture counts that will result in a \$6.8 million judgment entered against him in favor of the United States. He also agreed to the immediate forfeiture of personal property, which prosecutors said includes a notebook Parker labeled "Book of Death," containing a list of fabricated Vietnam War "sniper kills." He faces up to 30 years in federal prison without parole when he is sentenced at an undetermined. [Source: AP article 9 Apr 2012 ++]

- **Saddle Brook NJ** - Police are hunting for whoever took a pair of grave monuments from Peter & Paul's Russian Orthodox Cemetery. They're also asking all metal recycling businesses to immediately call them if someone tries to sell the government-issued markers for scrap. Loved ones summoned authorities after finding the flat, solid-bronze markers given by the U.S. Veterans Administration missing, along with their granite bases, Saddle Brook Police Chief Robert J. Kugler said late this afternoon. "It is a very significant unlawful act which is not only a crime, but causes the family and other concerned and caring people, especially veterans, to get emotionally upset and outraged," Kugler said. "All cemetery environments, especially those of deceased military veterans, deserve honor and dignity, not pilfering and desecration of their grave sites," the chief added. "It shocks the conscience to comprehend someone stooping so low as to steal for scrap metal a memorial commemorating those brave men and women who sacrificed their lives for our freedom." If someone tries to sell you one of the monuments, or you have any information that would help police recover them, call Saddle Brook police: 201-843-7000 [Source: Cliffview Pilot Jerry DeMarco article 9 Apr 2012 ++]



Example of the missing markers

Notes of Interest:

- **DFAS Scam Letter.** A letter is making the circuit purporting to be from DFAS asking military member's fiancées to register in our system entitling them to benefits in the event of the member's death. All for only a \$350 fee. Bottom line, save your money. It's not true, it's not a DFAS letter, it's a scam.
- **Shift Colors.** The Spring 2012 issue of the Navy retiree newsletter, Shift Colors, is now online at <http://www.public.navy.mil/bupers-npc/reference/publications/shiftcolors/Pages/default.aspx>.
- **Express Scripts Holding Company.** On 2 APR, Express Scripts, the St. Louis headquartered company that handles TRICARE home delivery accounts, announced the completion of its acquisition of MEDCO Health Solutions, a related pharmacy benefits business. Following an 8-month investigation into possible competition problems, the Federal Trade Commission endorsed the merger this week. The new company

will be called Express Scripts Holding Company and becomes the largest pharmacy benefits manager in the country, filling a combined 1.4 billion prescriptions a year.

- **TRIAP.** The online behavioral health counseling service known as the TRICARE Assistance Program (TRIAP) ended 31 MAR. DoD officials cited “lack of use” as the principal reason behind the decision to end the program. Military OneSource offers a broad range of similar services. They can also be reached via phone at (800) 342-9657.
- **Vet Jobs.** Unemployment among recent veterans ticked up in March, a month after hitting its lowest point in nearly four years. The Bureau of Labor and Statistics report shows 10.3 percent of post-9/11-era veterans were jobless in March, up from 7.6 percent in February. For all veterans, the unemployment rate increased only slightly, to 7.5 percent from 7 percent.
- **VN Vets.** DoD will host the National Announcement and Proclamation Ceremony for the Commemoration of the 50th Anniversary of the Vietnam War on 28 May 2012 at the Vietnam War Memorial on the National Mall in Washington, D.C. (The Wall). The event will thank and honor those who served in the Vietnam War. This is the first of many celebrations over the next few years honoring our Vietnam Veterans.
- **College Meningitis Vaccinations.** Expect to pay up to \$200 for the shot and the doctor’s office visit to obtain it. Check out your County Health Department where it can be obtained in many areas for less than \$10.
- **VAVS.** If you want to give your time and talents to support the care of America's veterans, or if you want to help, but don't have time, there have many ways you can help. Fill out VA’s volunteer form at <http://www.volunteer.va.gov/apps/VolunteerNow> and a local VAVS representative will contact you.

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

Medicaid Fraud Update 61:



- **Arkansas** - A judge on 11 APR fined Johnson & Johnson and a subsidiary more than \$1.1 billion after a jury found that the companies downplayed and hid risks associated with taking the antipsychotic drug **Risperdal**. Judge Tim Fox determined that Johnson & Johnson and its subsidiary, Janssen Pharmaceuticals Inc., committed nearly 240,000 violations of the state's Medicaid fraud law — or one for each Risperdal prescription issued to state Medicaid patients over a 3½-year period. Each violation carried a \$5,000 fine, the state's mandatory minimum amount, bringing the total to more than \$1.1 billion. Fox issued an additional \$11 million fine for more than 4,500 violations under the state's deceptive practices act, but he rejected the state's request to levy fines in excess of the \$5,000 minimum for the Medicaid violations.

Janssen issued a statement in which it said, "We are disappointed with the judge's decision on penalties. If our motion for a new trial is denied, **we will appeal.**" Janssen attorney Ed Posner argued that there was no evidence that harm had been done and that the penalties were inappropriate. Arkansas was one of several states to sue over Risperdol. A South Carolina judge upheld a \$327 million civil penalty against the J&J and Janssen in December. Meanwhile, Texas reached a \$158 million settlement with the companies in January in which the company didn't admit fault.

Jurors in Arkansas were not told about the financial stakes during 10 days of testimony, beyond that Janssen could have seen a \$200 million swing in its revenues if it issued alarming warnings that the drug could cause weight gain, diabetes and other health effects. If upheld, the award would go toward the state's Medicaid fund, which is facing a projected \$400 million deficit next year. Risperdal, introduced in 1994, is a "second-generation" antipsychotic drug that earned Johnson & Johnson billions of dollars in sales before generic versions became available several years ago. It is used to treat schizophrenia, bipolar disorder and irritability in autism patients. It is **used by the VA** in the treatment of their treatment of these medical conditions. Risperdal and similar antipsychotic drugs have been linked to increased risk of strokes and death in elderly dementia patients, seizures, weight gain and diabetes.

Janssen continued to maintain after the verdict that it did not break the law, pointing out that the package insert included with the medication was approved by the U.S. Food and Drug Administration. Risperda is one of the drugs

- **McAllen TX** - The owner of a Pharr home healthcare supply company faces federal allegations that he paid kickbacks to a San Juan business owner who has admitted to defrauding the federal government — the second such company to become tangled in the case this month. Pedro “Pete” Medrano, owner of All Valley Medical Supply, was named in criminal information filed in U.S. District Court in McAllen on 11 APR. He faces one count of conspiracy to defraud the United States after he allegedly paid kickbacks to receive referrals for clients represented by Medicaid. Court documents state Medrano paid more than \$4,300 in kickbacks to Alicia Vasquez, the owner of David’s Star Loving Vision, a San Juan-based “health care resource center” that referred Medicaid and Medicare beneficiaries to healthcare providers in exchange for kickbacks. Altogether, prosecutors say in court records that Vasquez collected more than \$70,000 in kickbacks through her company. Court records state Medrano wrote 16 kickback checks to Vasquez between September 2009 and January 2010. A phone number for All Valley Medical Supply, 200 E. Expressway 83, Pharr, has been disconnected. Medrano is the second home healthcare supplier to be accused by federal investigators of paying kickbacks to Vasquez.

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

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

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

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

Military History: General of the Army Douglas MacArthur is an icon of American military history, a soldier who served his country for more than a half-century and is best known for his pivotal roles in World War II and the Korean War. Yet in the years between those conflicts, MacArthur undertook one of his most challenging assignments: On Aug. 29, 1945, just days before the formal Japanese surrender aboard USS *Missouri* in Tokyo Bay, President Harry S. Truman tapped MacArthur to oversee the occupation, rebuilding and democratization of Japan. Though his official title was supreme commander for the Allied powers (SCAP), he became in effect that defeated nation's American viceroy. His pattern of distant command and remote governance worked, as he retained the country's institutions and culture. On June 25, 1950, MacArthur learned of the communist invasion of South Korea by telephone from Seoul but dismissed it as so much "hot air." As SCAP he had no responsibility for Korea, and he claimed to be astonished by orders from Washington to furnish troops. Truman had little choice: He could not abandon South Korea to a Stalinist aggressor and leave Japan at risk, and MacArthur was nearby with an army and an air force. Eventually, after his Inchon landing, U.N. forces drove the enemy north toward the Yalu River, but then the Chinese, who had threatened to intervene in the conflict, did so, driving the U.N. forces back south. In Tokyo, MacArthur beat the drum for an expansion of the war into China and pleaded with Washington for atomic bombs. As he pressed for a larger war with China he gave little heed to cautionary language directed at him from Washington. He saw himself almost as a sovereign power and sabotaged diplomatic efforts to end hostilities. He told invited friendly journalists that a failure to defeat communism in Asia would make World War III and the loss of Europe to Stalin inevitable. In a public statement he warned China to lay down its arms or face "a decision by the United Nations to depart from its tolerant efforts to contain the war...[that] would doom Red China to the risk of imminent military collapse." Courting dismissal while inviting political resurgence at home, MacArthur exhorted Republican leaders to promote war with China under the banner, "There is no substitute for victory." MacArthur's insubordination violated the president's authority as commander in chief. On April 11, 1951, Truman held an early morning press conference and addressed the nation by radio that evening to announce a change of command. To read more in depth details of these events refer to the attachment to this Bulletin entitled, "**Post WWII MacArthur**". [Source: <http://www.historynet.com/american-proconsul-how-douglas-macarthur-shaped-postwar-japan.htm> Apr 2012 ++]

Military History Anniversaries: Significant 16-30 April events in U.S. Military History are:

- Apr 16 1945 - WWII: American troops enter Nuremberg Germany
- Apr 16 1953 – Korean War: Battle of Pork Chop Hill (Hill 255) began .
- Apr 17 1961 - Bay of Pigs Invasion: A group of CIA financed and trained Cuban refugees lands at the Bay of Pigs in Cuba with the aim of ousting Fidel Castro.
- Apr 18 1775 - American revolutionaries Paul Revere and William Dawes ride through the towns of Massachusetts warning that "the British are coming."
- Apr 18 1942 - WWII: James H. Doolittle bombs Tokyo and other Japanese cities.
- Apr 18 1943 - WWII: The mastermind of the Japanese attack on Pearl Harbor (Admiral Isoroku Yamamoto) is shot down by American P-38 fighters while traveling in a bomber.
- Apr 19 1775 - American Revolution: Conflict begins as fighting breaks out at Lexington Massachusetts.
- Apr 20 1861 - Civil War: Robert E. Lee resigns his commission in the United States Army in order to command the forces of the state of Virginia.
- Apr 20 1945 - World War II: US troops capture Leipzig, Germany, only to later cede the city to the Soviet Union.

- Apr 21 1836 - General Sam Houston defeats Santa Anna at the Battle of San Jacinto. Texas wins independence from Mexico
- Apr 21 1918 - WWI: German fighter ace Manfred von Richthofen, known as "The Red Baron", is shot down and killed over Vaux sur Somme in France.
- Apr 22 1898 - Spanish-American War: The United States Navy begins a blockade of Cuban ports and the USS Nashville captures a Spanish merchant ship.
- Apr 22 1915 - WWI: The use of poison gas in World War I escalates when chlorine gas is released as a chemical weapon in the Second Battle of Ypres.
- Apr 22 1945 - WW II: Fuehrerbunker - After learning that Soviet forces have taken Eberswalde without a fight, Adolf Hitler admits defeat in his underground bunker and states that suicide is his only recourse.
- Apr 22 1951 - Ticker-tape parade for General MacArthur in NYC
- Apr 24 1805 - U.S. Marines attack and capture the town of Derna in Tripoli from the Barbary pirates.
- Apr 24 1918 - WWI: First tank-to-tank combat, at Villers-Bretonneux, France, when three British Mark IVs met three German A7Vs.
- Apr 24 1944 – WWII: 1st Boeing B-29 arrives in China "over the Hump"
- Apr 24 1948 - Cold War: The Berlin airlift begins to relieve surrounded city.
- Apr 24 1967 - Vietnam: American General William Westmoreland says that the enemy had gained support in the U.S. States that gives him hope that he can win politically that which he cannot win militarily.
- Apr 24 1980 - A rescue attempt of the U.S. hostages held in Iran fails when a plane collides with a helicopter in the Iranian desert.
- Apr 25 1915 – WWI: 78,000 ANZAC troops land at Gallipoli
- Apr 25 1951 - Korean War: After a three day fight against Chinese Communist Forces, the Gloucestershire Regiment is annihilated on Gloucester Hill in the Battle of the Imjin River.
- Apr 26 1945 - WWII: Battle of Bautzen - last successful German tank-offensive of the war and last noteworthy victory of the Wehrmacht.
- Apr 27 1813 - War of 1812: United States troops capture the capital of Upper Canada York (present day Toronto, Canada).
- Apr 27 1975 - Vietnam: Saigon is encircled by North Vietnamese troops.
- Apr 28 1942 – WWII: As result of a Gallup Poll the war is titled WWII
- Apr 28 1965 - Latin America Interventions: The U.S. Army and Marines invade the Dominican Republic.
- Apr 28 1965 - U.S. Marines invade Dominican Republic, stay until October 1966
- Apr 29 1945 - WWII: The German Army in Italy surrenders unconditionally to the Allies.
- Apr 28 1970 - Vietnam: U.S. President Richard M. Nixon formally authorizes American combat troops to fight communist sanctuaries in Cambodia.
- Apr 29 1975 - Vietnam War: Operation Frequent Wind: The U.S. begins to evacuate US citizens from Saigon prior to an expected North Vietnamese takeover. U.S. involvement in the war comes to an end.
- Apr 29 1990 - Cold War: Wrecking cranes began tearing down Berlin Wall at Brandenburg Gate
- Apr 30 1943 - World War II: Operation Mincemeat - The submarine HMS Seraph surfaces in the Mediterranean Sea off the coast of Spain to deposit a dead man planted with false invasion plans and dressed as a British military intelligence officer.
- Apr 30 1945 WWII: Adolf Hitler commits suicide in his bunker. Karl Donitz becomes his successor.
- Apr 30 1972 - Vietnam: The North Vietnamese launch an invasion of the South.
- Apr 30 1975 - Vietnam: North Vietnamese troops enter the Independence Palace of South Vietnam in Saigon ending the Vietnam War.
- Apr 18 1944 - WWII: USS Gudgeon (SS-211) missing. Most likely sunk by Japanese naval aircraft (901st Kokutai) southwest of Iwo Jima. 79 killed

- Apr 22 43 - WWII: USS Grenadier (SS-210) scuttled after Japanese seaplane attacks (936 Kokutai) damaged the boat the previous day, off Penang, Malaysia. 76 POWs, 4 later died.

[Source: Various Apr 2012 ++]

Military Trivia 49: Do you know which of the following was the hero associated with the conflict stated?

QUESTIONS:

1. This American who commanded the troops that routed the British at the Battle of New Orleans during the War of 1812.

General Horatio Gates - Colonel Andrew Jackson - Adm. John Paul Jones - General George Washington

2. This Revolutionary War general led the troops that attacked the German mercenaries known as Hessians at the Battle of Trenton.

General Gates - General George Washington - General Knox - General Andrew Jackson

3. What Civil War General led the Union Army against the Army of Northern Virginia (led by General Lee) at the Battle of Gettysburg?

General Meade - General Hood - General Halleck - General Pope

4. This colonel held off the determined Confederate Army's assault at Little Round Top. He won the Medal of Honor for his heroism.

Col. Jones - Col. Williams - Col. Chamberlain - Col. Sanders

5. What Civil War General accepted Lee's surrender at Appomattox Court House?

Gen. Meade - Gen. Grant - Gen. Hancock - Gen. Stuart

6. Which future president led the charge of the Rough Riders up San Juan Hill?

Teddy Roosevelt - W. H. Taft - William McKinley - Benjamin Harrison

7. What American general commanded all Allied troops during the Normandy Invasion?

Field Marshal Montgomery - General Patton - General Eisenhower - General Bradley

8. What American General received fame for his heroics in North Africa, Sicily, and the Battle of the Bulge?

General Patton - General MacArthur - General Eisenhower - General Stuart

9. What American soldier captured 132 German soldiers by himself during one battle in World War 1?

John D. Simms - Audie Murphy - Alvin C. York - Gary Cooper

10. What American General led the troops in Desert Storm?

Dan Quayle - Bob Dole - Jim Baker - Norman Schwarzkopf

ANSWERS:

1. Colonel Andrew Jackson . The peace treaty ending the war had already been signed when the battle took place. This resulted in great national pride for all Americans.
2. General George Washington. Washington's troops had just completed their famous crossing of the Delaware.
3. General Meade
4. Col. Chamberlain
5. Gen. Grant
6. Teddy Roosevelt
7. General Eisenhower
8. General Patton
9. Alvin C. York
10. Norman Schwarzkopf

[Source: <http://www.funtrivia.com/playquiz.cfm?qid=6197> Apr 2012 ++]

State Tax Comparisons Update 03: Under federal law, taxpayers may be required to include a portion of their Social Security benefits in their taxable adjusted gross income (AGI). Most states begin the calculation of state personal income tax liability with federal AGI, or federal taxable income. In those states, the portion of Social Security benefits subject to personal income tax is subject to state personal income tax unless state law allows taxpayers to subtract the federally taxed portion of their benefits from their federal AGI in the computation of their state AGI. Many states exclude Social Security retirement benefits from state income taxes. The District of Columbia and 27 states with income taxes provide a full exclusion for Social Security benefits “RT Chap FL - 07” <Alabama, Arizona, Arkansas, California, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Virginia and Wisconsin. The remaining 14 states with broad-based income taxes tax Social Security to some extent:

- Minnesota, Nebraska, North Dakota, Rhode Island, Utah, Vermont and West Virginia tax Social Security income to the extent it is taxed by the federal government.
- Connecticut, Iowa, Kansas, and Missouri tax Social Security income above an income floor.
- Iowa will gradually phase out its Social Security tax levy by 2014.
- Montana subjects Social Security benefits to income tax on the same basis as the federal government, but uses a slightly different income measure to determine the amount of benefits subject to tax.
- Missouri will phase out its Social Security tax levy in 2012.
- Kansas residents can exclude Social Security income if their adjusted gross income is less than \$75,000.
- Colorado, Utah and West Virginia provide a general retirement income exclusion or credit that may result in the exclusion from taxation of part or all of Social Security benefits, or a credit against taxes otherwise due on Social Security benefits.

States are prohibited from taxing benefits of U.S. military retirees if they exempt the pensions of state and local government retirees. Most states that impose an income tax exempt at least part of pension income from taxable income. Different types of pension income (private, military, federal civil service, and state or local government) are often treated differently for tax purposes. States are generally free from federal control in deciding how to tax pensions, but some limits apply. State tax policy cannot discriminate against federal civil service pensions.

- Ten states exclude all federal, state and local pension income from taxation. These include Alabama, Hawaii, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Mississippi, New York and Pennsylvania.
- Among these 10 states, only Kansas taxes any Social Security income, but only to the extent it is subject to federal taxation.
- These 10 states differ on the taxation of retirement income from private-sector sources. Kansas and Massachusetts do not exclude any private-sector retirement income, but most of the others allow a fairly broad exclusion. Kansas residents with an adjusted gross income of less than \$75,000 may exclude Social Security income from state taxes. Pennsylvania allows a full exclusion. Alabama excludes income from defined benefit plans. Hawaii excludes income from contributory plans. Illinois and Mississippi exclude income from qualified retirement plans. Louisiana, Michigan and New York cap the private-sector exclusion at \$6,000, \$34,920 and \$20,000, respectively.

Five states (California, Connecticut, Nebraska, Rhode Island, and Vermont) allow no exemptions or tax credits for pension and other retirement income that is counted in federal adjusted gross income. Most in-state government pensions are taxed the same as out-of-state government pensions. However, Arizona, Idaho, Kansas, Louisiana, New York, and Oklahoma provide greater tax relief plans than they do for out-of-state government pension plans. The District of Columbia also provides greater tax relief for DC government pensions than for state government pensions. Three states (New Jersey, Massachusetts and Pennsylvania) do not allow IRA contributions to be deducted from taxable income. Of the three, only Pennsylvania does not tax IRA earnings of taxpayers age 59 ½ years or older, since earnings are treated like pension income, which is tax exempt. Some states provide special tax benefits to military retirees. Others simply follow the federal tax rules. The states that have an income tax but do not tax retired military pay are: Alabama, Hawaii, Illinois, Kansas, Kentucky*, Louisiana, Massachusetts, Michigan, Mississippi*, Missouri*, New Jersey, New York, North Carolina*, Ohio, Pennsylvania, and Wisconsin. (* With conditions). [Source: MOAA General State Tax Overview Mar 2012 ++]

Tax Burden for Minnesota 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 **Minnesota**:

Sales Taxes

State Sales Tax: 6.875% (food, clothing, prescription and non-prescription drugs exempt); Liquor and beer taxed at 9.375%. The sales tax rate does not apply to motor vehicles that are subject to the state excise tax on motor vehicles. A few cities and counties also add a sales tax which can be as high as 9.53%.

Gasoline Tax: 28.1 cents/gallon

Diesel Fuel Tax: 27.6 cents/gallon

Cigarette Tax: \$1.586/pack of 20

Personal Income Taxes

Tax Rate Range: Low – 5.35%; High – 7.85%

Income Brackets: Three. Lowest – \$23,100; Highest – \$75,891. The tax brackets reported are for single taxpayers. For married taxpayers filing jointly, the same rates apply to income brackets ranging from \$33,770 to \$131,171 (2011). A 6.4% AMT rate is also applicable.

Personal Exemptions: Single – \$3,700; Married – \$7,400; Dependents – \$3,700. Minnesota allows personal exemption or standard deductions as provided in the Internal Revenue Code.

Standard Deduction: Single – \$7,250; Married filing jointly – \$10,800

Medical/Dental Deduction: Federal amount

Federal Income Tax Deduction: None

Retirement Income Taxes: Social Security income is taxed by Minnesota to the same extent it is on your federal return. A married couple that receives the average Social Security benefit of \$22,800 and has total income from all sources of less than \$43,400 is not subject to tax on any Social Security benefits, while a couple with average benefits and total income over \$71,141 must include 85 percent of the Social Security, or \$19,380, in taxable income. If your only income is Social Security, you would not be required to file an income tax return. Pensions, including federal pensions, received while a Minnesota resident are taxable by Minnesota regardless of where your pension was earned. Railroad retirement benefits paid to you by the Railroad Retirement Board are not taxed by Minnesota. If these benefits are included in your federal taxable income, you may subtract them from your taxable income. Taxpayers 65 and older may subtract some income if federal adjusted gross income is under certain limits.

Retired Military Pay: Pensions are taxable.

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

There is a Senior Citizen Property Tax Deferral Program (<http://taxes.state.mn.us/property/documents/pfs3.pdf>) that allows people 65 years of age or older, whose household incomes are \$60,000 or less, to defer a portion of their property tax on their home. This deferral program has two primary advantages for senior citizens. It limits the maximum amount of property tax you pay to three percent of your total household income, and it provides predictability. The amount of tax you pay will not change for as long as you participate in this program. It is not a tax forgiveness program. It is a low interest loan from the state. The deferred tax is paid by the state to your county. Interest will be charged on this loan. The interest rate will be adjusted annually, but will never exceed five percent. A lien will attach to your property.

Minnesota has two property tax refund programs for homeowners: the regular property tax refund, and the special property tax refund. You may be eligible for one or both, depending on your income and the size of your property tax bill. For details refer to <http://taxes.state.mn.us/property/pages/index.aspx>.

Inheritance and Estate Taxes

There is no inheritance tax and a limited estate tax related to federal estate tax collection.

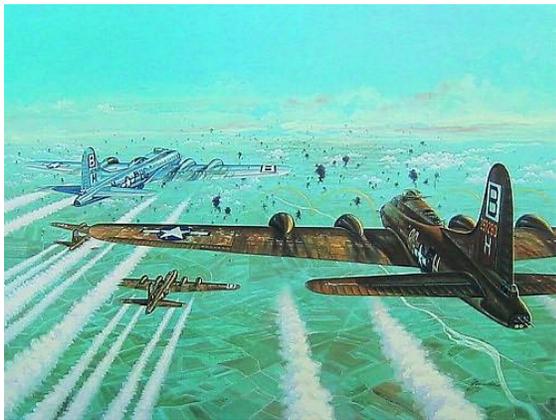
For further information, visit the Minnesota Department of Revenue site <http://taxes.state.mn.us/Pages/index.aspx>.

[Source: www.retirementliving.com Apr 2012 ++]

Veteran Legislation Status 13 APR 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.

Aviation Art:



The Gauntlet by John Amendola



**B17 Black Thursday By Art Schultz
(Boeing B-17 Flying Fortress)**

[Source: <http://aviationartcentral.com/> & <http://www.wallchan.com/wallpaper/41099/> Apr 2012 ++]

Have You Heard?

U. S. NAVY, THEN and NOW

THEN - If you smoked, you had an ashtray on your desk.
NOW - If you smoke, you get sent outside and treated like a leper, if you're lucky.

THEN - Mail took weeks to come to the ship.
NOW - If the ship is near land, there's a mob topside to see if their cell phones work.

THEN - If you left the ship it was in Blues or Whites, even in home port.
NOW - The only time you wear Blues or Whites is for ceremonies.

THEN - You wore bell bottoms everywhere on the ship.
NOW - Bell Bottoms are gone and 14 yr-old girls wear them everywhere.

THEN - You wore a Dixie cup all day, with every uniform.
NOW - It's not required and you have a choice of different hats.

THEN - Say "DAMN," people knew you were annoyed and avoided you.
NOW - Say "DAMN," you'd better be talking about a hydro electric plant.

THEN - The Ships Office yeoman had a typewriter on his desk for doing daily reports.
NOW - Everyone has a computer with Internet access and they wonder why no work is getting done.

THEN - We painted pictures of pretty girls on airplanes to remind us of home.
NOW - We put the real thing in the cockpit.

THEN - Your girlfriend was at home, praying you would return alive.
NOW - She is on the same ship, praying your condom worked.

THEN - If you got drunk off duty, your buddies would take you back to the ship so you could sleep it off.
NOW - If you get drunk off duty, they slap you in rehab and ruin your career.

THEN - Canteens were made out of steel and you could heat coffee or hot Chocolate in them.
NOW - Canteens are made of plastic, you can't heat them because they'll melt, and anything inside always tastes like plastic.

THEN - They collected enemy intelligence and analyzed it.
NOW - They collect our pee and analyze it.

THEN - If you didn't act right, they'd put you on extra duty until you straightened up.
NOW - If you don't act right, they start a paper trail that follows you forever.

THEN - Medals were awarded to heroes who saved lives at the risk of their own.

NOW - Medals are awarded to people who show up for work most of the time.

THEN - You slept in a barracks, like a soldier.

NOW - You sleep in a dormitory, like a college kid.

THEN - You ate in a Mess Hall or Galley. It was free and you could have all the food you wanted.

NOW - You eat in a Dining Facility. Every slice of bread or pat of butter costs, and you can only have one.

THEN - If you wanted to relax, you went to the Rec Center , played pool, smoked and drank beer.

NOW - You go to the Community Center and can still play pool, maybe.

THEN - If you wanted a quarter beer and conversation, you could go to the Chief's or Officers' Club.

NOW - The beer will cost you three dollars and someone is watching to see how much you drink.

THEN - The Exchange had bargains for sailors who didn't make much money.

NOW - You can get better merchandise and cheaper at Wal-Mart.

THEN - If an Admiral wanted to make a presentation, he scribbled down some notes and a YN spent an hour preparing a bunch of charts.

NOW - The Admiral has his entire staff spending days preparing a Power Point Presentation.

THEN - We called the enemy things like "Commie Bastards" and "Reds" because we didn't like them.

NOW - We call the enemy things like "Opposing Forces" and "Aggressors or Insurgents" so we won't offend them.

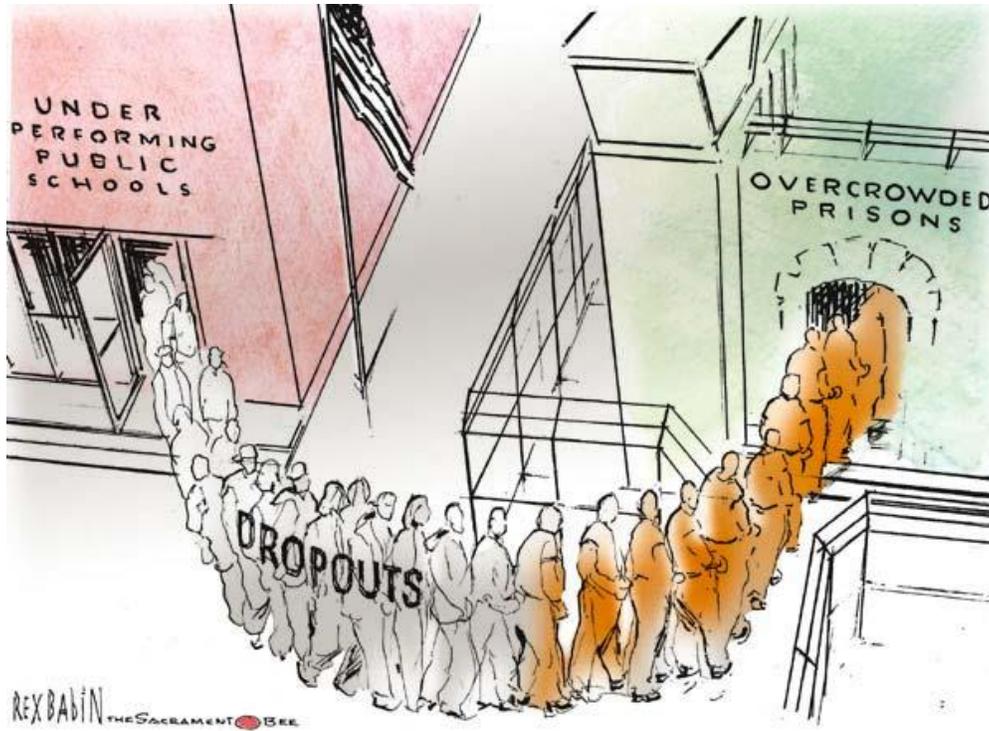
THEN - We declared victory when the enemy was dead and all his things were broken.

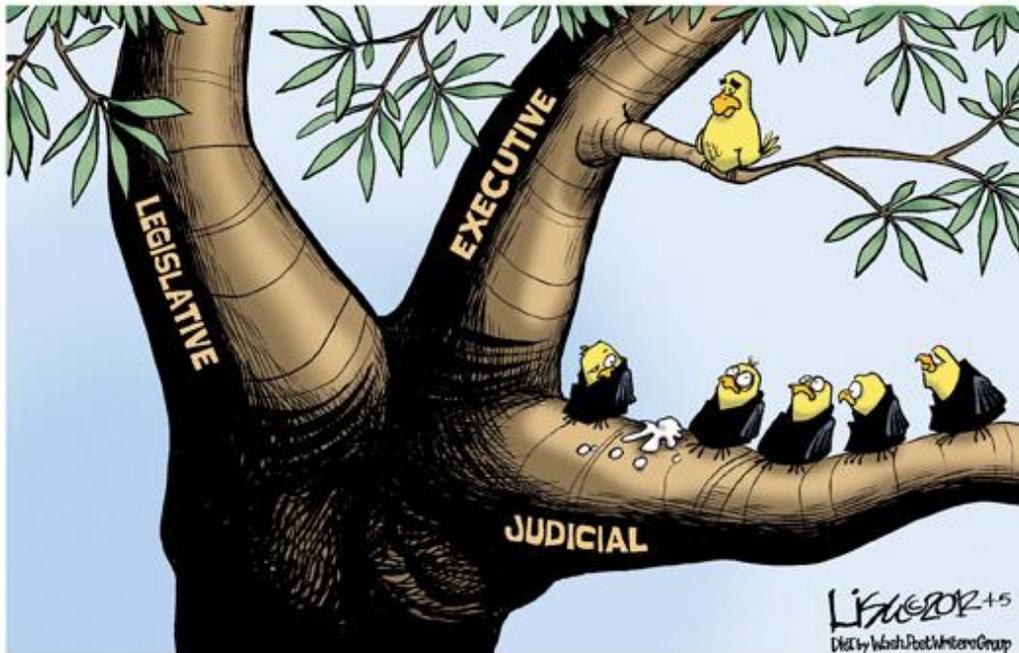
NOW - We declare victory when the enemy says he is sorry and won't do it again.

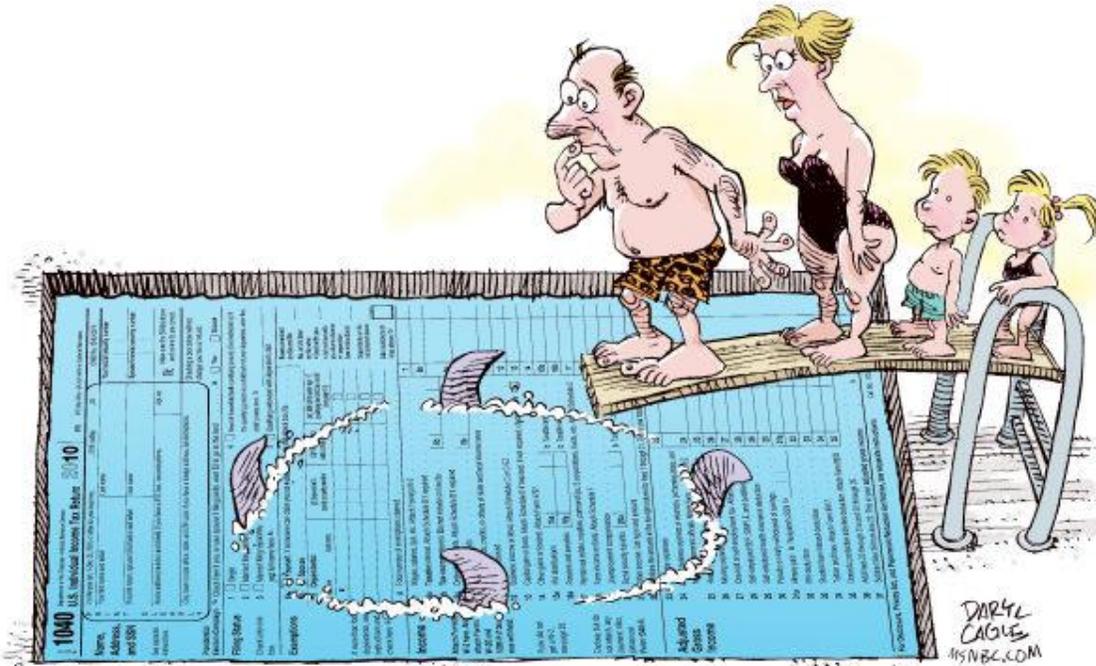
Thank God I was in the "OLD NAVY." And proud of it.

"Military justice is to justice what military music is to music."

Groucho Marx (American comedian and film star | 1890-1977)







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