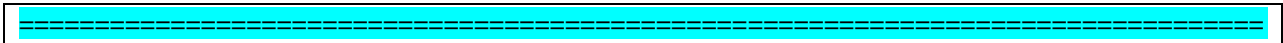


# ***RAO BULLETIN***

***1 March 2011***

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== Tax Burden for West Virginia Retirees ----- (2010)  
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Last WWI Vet Dies

**WW1 Vet Search Update 08:** Frank Buckles, the last surviving U.S. veteran of World War I, died of natural causes Sunday at his home in Charles Town WV at age 110. He was repeatedly rejected by military recruiters and got into uniform at 16 after lying about his age. He also survived being a civilian POW in the Philippines in World War II, Buckles had been advocating for a national memorial honoring veterans of the Great War in the nation's capital. When asked in FEB 08 how it felt to be the last of his kind, he said simply, "I realized that somebody had to be, and it was me." And he told The Associated Press he would have done it all over again, "without a doubt." On Nov. 11, 2008, the 90th anniversary of the end of the war, Buckles attended a ceremony at the grave of World War I Gen. John Pershing in Arlington National Cemetery. He was back in Washington a year later to endorse a proposal to rededicate the existing World War I memorial on the National Mall as the official National World War I Memorial. He told a Senate panel it was "an excellent idea." The memorial was originally built to honor the District of Columbia's war dead.

Born in Missouri in 1901 and raised in Oklahoma, Buckles visited a string of military recruiters after the United States entered the "war to end all wars" in April 1917. He was repeatedly rejected before convincing an Army captain he was 18. He was actually 16 1/2. "A boy of [that age], he's not afraid of anything. He wants to get in there," Buckles said. Details for services and arrangements will be announced later this week. The family asks that donations be made to the National World War One Legacy Project. The project is managed by the nonprofit Survivor Quest and will educate students about Buckles and WWI through a documentary and traveling educational exhibition. More than 4.7 million people joined the U.S. military from 1917-18. As of spring 2007, only three were still alive, according to a tally by the Department of Veterans Affairs: Buckles, J. Russell Coffey of Ohio and Harry Richard Landis of Florida. The dwindling roster prompted a flurry of public interest, and Buckles went to Washington in May 2007 to serve as grand marshal of the national Memorial Day parade. Coffey died Dec. 20, 2007, at age 109, while Landis died Feb. 4, 2008, at 108. Unlike Buckles, those two men were still in basic training in the United States when the war ended and did not make it overseas. The last known Canadian veteran of the war, John Babcock of Spokane, Wash., died in February 2010. There are no French or German veterans of the war left alive.

Buckles served in England and France, working mainly as a driver and a warehouse clerk. The fact he did not see combat didn't diminish his service, he said: "Didn't I make every effort?" An eager student of culture and language, he used his off-duty hours to learn German, visit cathedrals, museums and tombs, and bicycle in the French countryside. After Armistice Day, Buckles helped return prisoners of war to Germany. He returned to the United States in January 1920. Buckles returned to Oklahoma for a while, then moved to Canada, where he worked a series of jobs before heading for New York City. There, he again took advantage of free museums, worked out at the YMCA, and landed jobs in banking and advertising. But it was the shipping industry that suited him best, and he worked around the world for the White Star Line Steamship Co. and W.R. Grace & Co.

In 1941, while on business in the Philippines, Buckles was captured by the Japanese. He spent more than three years in prison camps. "I was never actually looking for adventure," Buckles once said. "It just came to me." He

married in 1946 and moved to his farm in West Virginia's Eastern Panhandle in 1954, where he and wife Audrey raised their daughter, Susannah Flanagan. Audrey Buckles died in 1999. In spring 2007, Buckles told the AP of the trouble he went through to get into the military. "I went to the state fair up in Wichita, Kansas, and while there, went to the recruiting station for the Marine Corps," he said. "The nice Marine sergeant said I was too young when I gave my age as 18, said I had to be 21." Buckles returned a week later. "I went back to the recruiting sergeant, and this time I was 21," he said with a grin. "I passed the inspection ... but he told me I just wasn't heavy enough." Then he tried the Navy, whose recruiter told Buckles he was flat-footed. Buckles wouldn't quit. In Oklahoma City, an Army captain demanded a birth certificate. "I told him birth certificates were not made in Missouri when I was born, that the record was in a family Bible. I said, 'You don't want me to bring the family Bible down, do you?' " Buckles said with a laugh. "He said, 'OK, we'll take you.' " He enlisted Aug. 14, 1917, serial number 15577.



Frank Buckles is honored by members of Congress and veterans in June 2008 on Capitol Hill. (Karen Bleier, AFP/Getty Images)

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**Military Funeral Disorderly Conduct Update 18:** Funeral protesters would have to stay farther away from those services under a bill Nebraska lawmakers advanced Thursday from the first of three rounds of debate. Omaha Sen. Bob Krist designated the measure as his priority bill this session. It would require funeral protesters to stand 500 feet away from a service — 200 feet more than the 300 feet state law now requires. Krist's bill and the current law passed in 2006 target anti-gay protests held by members of a Kansas church at military burials and others across the country. The Topeka-based Westboro Baptist Church contends U.S. soldiers are being struck down by God for defending a nation that tolerates homosexuality. The group has protested at dozens of funerals in Nebraska.

The measure must advance through two more rounds of consideration in the Legislature and be signed by the governor to be enacted into law. "I believe there is a compelling state interest to protect family privacy and prevent emotional distress at funerals or memorial services," Krist said 24 FEB as he outlined his bill. "My primary concern in trying to make a good law better is to have enforceable legislation which meets constitutional muster, in the event of a court challenge." Currently, 20 states have funeral protest distance laws that require picketers to stay at least 500 feet from services, Krist said. Of those, Maine, Mississippi, South Carolina, South Dakota and Texas require protesters to stay 1,000 feet from services. Montana keeps funeral protesters 1,500 feet away. Nebraska's bill found no opposition, advancing 45-0. Even staunch defenders of constitutional free speech rights lauded the measure.

"I would venture to say the First Amendment is designed to protect the speech we dislike most — more so than the speech we like," Sen. Greg Adams of York said Thursday on the legislative floor. However, Adams said, the sanctity of funerals must be honored. "Can that be done without intruding on protesters' First Amendment rights? Yes. I think this bill does that," he said. Others, particularly lawmakers who have family members serving in the

military, said they would like to see protesters pushed back even farther from funeral services. State Sen. Dave Bloomfield of Lincoln, a Vietnam veteran, said he would like to see a requirement that protesters stay at least five miles from funeral sites. Bloomfield has a son currently serving in Afghanistan. He said if his son were to die in service, he could "not guarantee the safety of anybody protesting that funeral." [Source: Sioux City Journal AP Margery A. Beck article 24 Feb 2011 ++]

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**Welcome Home Vietnam Veterans Day:** Senator Richard Burr (R-NC) last week sponsored a resolution designating 30 MAR as "Welcome Home Vietnam Veterans Day" The proposed resolution S.RES. 55, presently has 5 cosponsors. It states and resolves that the Senate:

- (1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;
- (2) encourages States and local governments to also establish 'Welcome Home Vietnam Veterans Day'; and
- (3) encourages the people of the United States to observe 'Welcome Home Vietnam Veterans Day' with appropriate ceremonies and activities that:
  - a. provide the appreciation Vietnam War veterans deserve, but did not receive upon returning home from the war;
  - b. demonstrate the resolve that never again shall the Nation disregard and denigrate a generation of veterans;
  - c. promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home;
  - d. promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and
  - e. promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

[Source: TREA Washington Update 25 Feb 2011 ++]

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**Veteran Charities Update 16:** You may have seen people dressed in camouflage fatigues outside your local mall or grocery store. They are part of a group called VSO -- Veterans Support Organization-- that collects money for veterans. However, where the money actually goes raises questions about their credibility. The state of Tennessee is moving forward with its own investigation of VSO. The state wants answers to questions first raised by Nashville's NewsChannel 5 Investigates, questions about how the group is raising money and spending it. The state sent a letter to the national headquarters of the Veterans Support Organization asking them to turn over all of their records regarding their operation in Tennessee. The Veterans Support Organization claims to help needy veterans. One of their fundraisers told NewsChannel 5 undercover teams, "We're collecting donations for our veterans today, needy and homeless veterans." Another fundraiser said, "Twenty bucks will help get a homeless or needy veteran off the street." But the team's investigation found that the VSO keeps most of what you give to pay for its own expenses and that what VSO fundraisers will say to get donations isn't always true.

Todd Kelley, director of the state Division of Charitable Solicitations and Gaming, said, "I'm very concerned about the NewsChannel 5 report. It's illegal for a charity to misrepresent itself. In fact, one of the VSO fundraisers told me that he was volunteering to stand out in front of a Mt. Juliet business and ask for donations. He insisted that he was not getting paid. We later discovered that he received 30 percent of everything he collected". Kelley added, "Obviously when one of the individuals said he was a volunteer when, in fact, we know they were paid, that's a

concern." When we asked a VSO fundraiser how the donations would help veterans, he told us that the VSO was building a shelter in Madison. "Our shelter will just be for veterans who are homeless," he explained. And that statement also caught the attention of state regulators because, as it turns out, there is no shelter in the works. "It's a concern when they misrepresent the fact that there's going to be a homeless shelter that's going to be built with the money they're raising," Kelley said.

Another concern was how a VSO fundraiser told us donations would be used to help the Fisher House build housing for veterans' families in Murfreesboro. "It's a \$2 million dollar project. We're still working on it. It's going to happen. We're going to help fund that." The fundraiser also specifically mentioned the Fisher House by name even though the Fisher House Foundation had asked the VSO not to. Now, the national office of the Fisher House Foundation informed NewsChannel 5 Investigates, "We were horrified to find out how they were raising funds." The group goes on to say that it's now completely cutting ties with the VSO and will no longer accept donations from them. But questions remain about just where your donations are going. Hank Edney, the chief administrative officer of the Tennessee Chapter of the VSO, said, "We just had a certified public audit done -- and our current donation rate is at 65%." But we got a copy of that audit and it says last year, the VSO donated just 16 cents out of every dollar to other programs that assist veterans. Refer to <http://ftpcontent.worldnow.com/wtvf/PDF/2009%20VSO%20FS.pdf> for a copy of the report.

So where did the VSO get the 65 percent figure? According to the VSO, they count the money they spend on uniforms for their fundraisers, rent, and auto expenses. They also count the money they pay their solicitors, even though some of these men are not veterans. Todd Kelley from the state's Charitable Solicitations Division said of that practice, "I think that's creative accounting." Kelley also admitted that he was surprised to see that last year the VSO spent nearly \$800,000 to pay the salaries of its fundraisers. "So almost twice as much money went to the people who were raising the money than actually went to the programs that they say they're supporting," Kelley remarked. "I think if I were giving my money to that organization that would give me great pause," he replied. Another concern of the state is that when the VSO registered to solicit money in Tennessee, the VSO maintained that it did not have an office or chapter there. The group now has both, but has never informed the state that they do. The group has now put out a statement saying it uses people with PTSD and other mental health problems as fundraisers and that we should not have relied on the information they were giving out. The state though says charities are responsible for what their employees say. For information on VSO refer to <http://www.theveteranssupport.org>. [Source: NewsChannel5.com Jennifer Kraus story 11 Mar 2010 & MYFOXNY.COM 3 Feb 2011 ++]

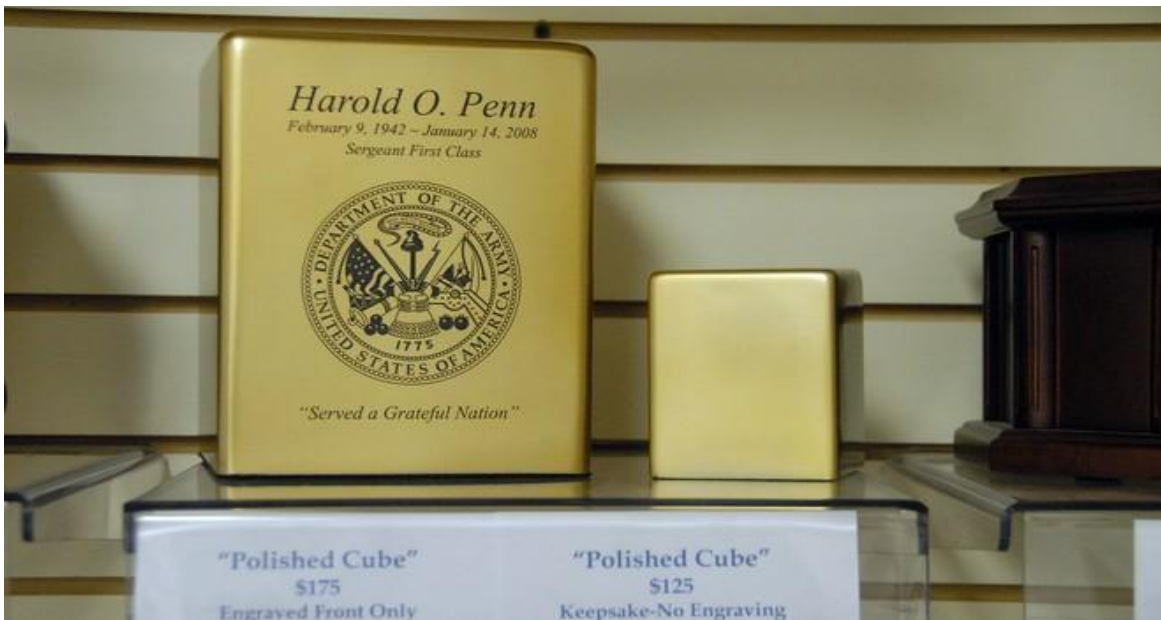
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**Vet Cemetery Florida Update 08:** Three out of every four veterans buried in Florida are cremated, about double the national percentage for civilians. The trend emerged in the multi-million dollar expansion plans for the Sarasota National Cemetery, which will create more space for cremated remains than traditional burial sites. The expanding cemetery – just two years old – is getting an infusion of \$15.9 million and when the work is finished in the summer of 2012, there will be 9,000 in-ground burial spaces for cremated remains and 7,000 above-ground niches for urns. Graves for casket burials will increase by 11,500. The expansion is part of a nationwide effort to create more spaces in the national cemeteries. It's the most ambitious push since the Civil War, Veterans Affairs officials say. Wesley Jones, Sarasota National Cemetery director, said more veterans are opting for cremation and he suspects convenience and cost as the reasons. Cremation, he said, "surely is a trend. We opened in JAN 09 and over the first two years of operation we interred 2,900 individuals. Of that, 71% were cremation." Flexibility in a mobile society is why, he said. "If a veteran is cremated, the family has a lot of time to make up their mind about what they want to do. If you're in a casket, you have to be in the ground in four or five days. We've got one cremated veteran interred here, whose family had the urn for 14 years." Moving ashes from one

cemetery to another also is an option. Families are allowed to relocate ashes to other national cemeteries as survivors move around the country. "If you're relocating a casket," he said, "the cost factor is much bigger there."

The trend is not unique to veterans. U.S. Census figures show that cremations are gathering momentum. In 1975, just 6% of all deaths ended in cremation. In 2002, 27% were cremated. Last year, 35% of all funeral services were over cremated remains according to Census figures. Jim Rudolph, president of Veterans Funeral Care in Clearwater said, "Veterans are extraordinarily no-nonsense people. They are a product of their lifestyle. That means they don't want any fuss when they pass on." The trend toward cremation is higher in Florida. Veterans who return to their hometowns to work and live out their lives tend to have traditional funerals. Still, about 35% of veterans who die in their hometowns are cremated. Cremated remains sites represent a fraction of the space that a casket takes. Urns, which now come emblazoned with military insignias for veterans, can be interred below ground in a plot, or above ground in a columbarium. The National Cemetery Expansion Act of 2003 directed Veterans Affairs to build new national cemeteries in selected areas with large veteran populations. Jacksonville and Sarasota were chosen in Florida. About 185,000 veterans live within 75 miles of Jacksonville and more than twice that live around Sarasota. For Veterans Affairs to consider placement of a national cemetery, at least 170,000 veterans must live within a designated 75-mile area.

Florida is home to seven national cemeteries. All but the St. Augustine National Cemetery still have space for interments. The expansion in Sarasota includes a new administrative office building, a new maintenance facility, a ceremonial area, roads and drainage and landscaping. In all, the project will take up about 75 acres. The project also adds an electronic grave site locator and a memorial wall. Officials estimate that at least 378,000 veterans live within 75 miles of the Sarasota National Cemetery and the closest national cemetery, open to burials of casket and cremated remains, is the Florida National Cemetery in Bushnell, 110 miles north of Sarasota. The Bay Pines National Cemetery in Pinellas County has limited space and only can accommodate cremated remains. The sprawling Florida National Cemetery in Bushnell covers 500 acres of woods and rolling hills. Since opening in 1988, more than 100,000 veterans and their family members have been buried there. There are 131 national cemeteries in 39 states and Puerto Rico. More than 3.5 million veterans of every war and conflict are buried in national cemeteries on more than 19,000 acres of land. [Source: Tampa Tribune Keith Morell article 20 Feb 2011 ++]



Veterans Funeral Care in Clearwater offers military urns for the cremation of veterans.

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**Vet Legal Website:** A website designed to be the nation's leading resource for the legal needs and rights of military families, Statesidelegal.org, is up and running thanks to the work of Maine's largest legal aid provider. Portland-based Pine Tree Legal Assistance was the lead agency in the creation of the site, which was officially launched in NOV 2010 during a conference at the White House. The site serves as an online hub for legal information -- including videos, self-help tools and other resources -- specifically for military personnel, veterans and their families. Topics addressed on the site range from foreclosure to disability benefits. Legal experts say many military families are not aware of their unique rights or how to access help for civil legal needs. Information is by legal problem, military status and state of residence. Through the end of January, the site had received about 60,000 page views and 10,000 unique visitors. Those visitors include people from all 50 states and 68 countries worldwide, including 14 visitors from Iraq. To build the site, Pine Tree received a \$300,000 grant from the Legal Services Corp. in Washington, D.C. Legal Services is a nonprofit corporation, created and funded by Congress, whose sole mission is to help poor Americans gain equal access to the civil justice system.

William Russo of the office of general counsel at the U.S. Department of Veterans Affairs, believes it will help veterans improve the quality of their lives. "The content of the site is excellent and very useful for veterans and for VA employees," Russo said. "In particular it allows the VA employees who are assisting veterans to help them obtain legal services. In terms of legal assistance, I'm not aware of any comparable resource," he said. Robert Nelson, who was assistant secretary of the Army under President Carter, was among the volunteer advisers who helped develop the website. Nelson, a lawyer who is now retired, also was the first general counsel for Paralyzed Veterans of America. Nelson said, "We find that a lot of veterans don't know what their rights are. That's a problem," Nelson said. He hopes <http://www.Statesidelegal.org> will help as many veterans as possible. [Source: Portland Press Herald Trevor Maxwell article 22 Feb 2011 ++]

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**Bathtub/Shower Safety:** A warm bath can soothe the spirit as well as aching joints and muscles, but make sure you practice bathtub safety. The National Safety Council reports that each year, more than 400 people drown in bath tubs. And that doesn't include many hundreds more who slip or fall and injure themselves while getting into or out of a tub. In general, falling injuries are on the rise, especially for older adults. These bathtub safety tips suggested by Dynamic Living will help you improve bathtub safety in your home:

**If you can stand, but need additional help standing up or sitting in the tub, or getting out of the tub:**

- Use a bath tub rail as you enter or leave the tub. There are many different styles that fit over the tub edge without damaging the tub. Be sure to select the right height and grip style to suit your needs.
- Have grab bars professionally installed wherever they are needed. Grab bars come in a variety lengths, textures and styles, and will help you balance as you stand or sit, as well as giving you something to hold if you begin to fall. [Note: a towel bar is not a substitute for a properly installed grab bar—towel bars are not designed to hold your weight and are not safe.]
- Have a professional install a tension pole between the floor and the ceiling in your bathroom. This will give you additional support in the bathroom as you move around.

**If your balance is poor or your legs are weak:**

- Purchase a bathtub bench or chair that helps you get into the tub. These products fit over the edge of the tub with legs inside and outside the tub and you sit on the bench and slide across. Once you are in the tub, your body is even with the edge of the tub. Tub benches with back rests provide back support.

- Mechanical bath lifts (powered by batteries or water) will help you lower yourself into the tub. Dynamic Living recommends battery-operated models because they reduce the risk of developing mold in the mechanism. Inflated bath chairs come with an air compressor you can use to inflate them, and they take up less space so they're better for traveling.

**Tips for Everyone**

- No slippery tubs. Install non-slip treads or a bath mat inside the tub. Keep the tub clean to avoid slippery soap scum or mold.
- No slippery floors. Use non-slip bath rubs wherever you walk. A weighted shower curtain will help to ensure that no water leaks onto the floor. If the toilet is near the tub, keep the lid down so you have a safe place to sit if needed.
- Plan plenty of time for your bath or shower; rushing can increase your risk of falling.
- If you feel unsure when taking a bath or shower, ask a friend or family member to stay nearby room in case you need help. Installing a call button or intercom can also help you feel more secure.

If you enjoy baths, there's no reason to avoid them. With a few simple precautions and bathtub safety tools, you can enjoy the restorative properties of a warm bath in your home or even while traveling. [Source: About.com Guide Sharon O'Brien article 22 Feb 2011 ++]

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**IRS/SSA Name Change:** If you changed your name as a result of a recent marriage or divorce you'll want to take the necessary steps to ensure the name on your tax return matches the name registered with the Social Security Administration. A mismatch between the name shown on your tax return and the SSA records can cause problems in the processing of your return and may even delay your refund. Here are five tips from the IRS for recently married or divorced taxpayers who have a name change.

- If you took your spouse's last name or if both spouses hyphenate their last names, you may run into complications if you don't notify the SSA. When newlyweds file a tax return using their new last names, IRS computers can't match the new name with their Social Security Number.
- If you were recently divorced and changed back to your previous last name, you'll also need to notify the SSA of this name change.
- Informing the SSA of a name change is easy; you'll just need to file a Form SS-5, Application for a Social Security Card at your local SSA office and provide a recently issued document as proof of your legal name change.
- Form SS-5 is available on SSA's website at <http://www.socialsecurity.gov>, by calling 800-772-1213 or at local offices. Your new card will have the same number as your previous card, but will show your new name.
- If you adopted your spouse's children after getting married, you'll want to make sure the children have an SSN. Taxpayers must provide an SSN for each dependent claimed on a tax return. For adopted children without SSNs, the parents can apply for an Adoption Taxpayer Identification Number - or ATIN - by filing Form W-7A, Application for Taxpayer Identification Number for Pending U.S. Adoptions with the IRS. The ATIN is a temporary number used in place of an SSN on the tax return. Form W-7A is available on the IRS website at <http://www.irs.gov>, or by calling 800-TAX-FORM (800-829-3676).

[Source: IRS TAX TIP 2011-23 10 Feb 2011 ++]

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**USFSPA & Divorce Update 17:** Legislation has been introduced in Oklahoma to protect veterans' retainer pay and VA Disability from the abuse of Oklahoma divorce courts and attorneys. State Senator Steve Russell (LT Col USA retired) has taken up the fight for veterans and on 7 FEB introduced the Oklahoma Military Retainer Pay Protection Act (SB528) and the Wounded Warriors Protection Act (SB917). Efforts were sidelined last year due when Senate leadership would not allow a similar legislation to be heard. Military retainer/retirement pay is an income, not a pension. However, divorce courts in Oklahoma, as in many other states, often treat military retirement benefits as a marital asset, dividing the portion of the benefits accrued during the marriage equitably if the parties cannot agree to a division. According to information from DFAS as a result of a FOIA request Oct 2010, DFAS pays out \$1.4+ Million every month for Oklahoma military divorces and that's just veterans married over 10 years. Double that figure conservatively for vets married less than 10 who have to pay out of pocket for life. Between DFAS and Veterans, payments exceed \$1 Billion annually to ex-spouses worldwide. There is no limit to how many times a non military ex-spouse can remarry other veterans and collect multiple awards for life. This year's bill (S.B.528) was heard 22 FEB in the Senate Judiciary Committee which open to the public. Secretary of Oklahoma Veterans Affairs, Rita Aragon (Brig General USAF, retired) has been briefed on the legislation and is supporting both SB's. You can find a list of Senate committee members, an alphabetical list of all Senators and contact numbers, and the two bills at <http://www.oksenate.gov>. Veteran concerned about this issue are encouraged to contact these legislators and let them know their feelings on the subject. [Source: USFSPA Liberation Support Group Newsletter 18 Feb 2011 ++]

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**Tricare User Fees Update 59:** In the rollout of their fiscal year 2012 budget submission, the Department of Defense on 12 FEB announced plans to offset huge Tricare medical program expenses by increasing the annual enrollment fees paid by working-age military retirees. The new plan entails no changes for TRICARE Standard or TRICARE For Life, and no means-testing of fees. It proposes modest, gradual changes in TRICARE Prime enrollment fees, and would exempt military disability (chapter 61) retirees and survivors from those changes. It also proposes changes to all beneficiaries' pharmacy benefits. Specifically, the plan calls for:

- Raising the 2012 Prime enrollment fees by 13% -- from \$230 single/\$460 family per year to \$260/\$520 (survivor and chapter 61 retiree fees would remain at current rates)
- Indexing those fees in 2013 and beyond to a medical inflation index (based on a measure of Medicare cost growth projected to rise at 6.2% per year)
- Changing TRICARE pharmacy copays to Generic \$5 Retail - Zero home delivery. Brand Name \$12 retail - \$9 home delivery, Nonformulary \$25 retail - \$25 home delivery. Note that retail is a 30 day supply whereas home delivery is a 90 day supply.

The Veterans of Foreign Wars of the U.S. is against both plans. VFW National Commander Richard L. Eubank, a retired Marine and Vietnam combat veteran from Eugene, Ore., believes tying future increases to medical inflation is an escalator clause that will raise Tricare premiums so high that retirees will disenroll and look elsewhere for coverage. "Asking someone to voluntarily give up 20 or more years of their youth on the simple promise of a pension and lifelong medical care for themselves and their spouses is a cost this nation and our government should be more than willing to bear," he said. "Any changes to how military retirees are treated will send an ominous signal to hundreds of thousands of servicemen and women who may be contemplating military careers." [Source: VFW Washington Weekly 18 Feb 2011 ++]

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**Tricare User Fees Update 60:** Lawmakers seeking guidance from military associations on whether to support the new Defense Department plan to raise TRICARE Prime enrollment fees modestly for working-age retirees next year, and then to adjust them annually for inflation, will get mixed signals this time around. Joyce Wessel Raezer, national director of the National Military Family Association (NMFA), is not alone in calling the fee hikes of \$60 a year for under-age-65 retiree families and \$30 for individual coverage amazingly reasonable. She noted that the higher fees would affect only the managed care program and the most vulnerable users -- those medically retired and surviving spouses -- still would see no increase. No hikes are sought for the TRICARE Standard, the traditional fee-for-service benefit, or for TRICARE for Life, the prized supplement to Medicare available for elderly retirees. TRICARE fees haven't been raised since 1995. Assuming increases are inevitable at some point, Raezer said, accepting these surprisingly small increases now, when the military is so deeply appreciated, is better than waiting until lawmakers come looking for a peace dividend.

But other associations remain committed to blocking any TRICARE fee increase. Retired Army Major Gen. William M. Matz, Jr., president of the National Association for Uniformed Services (NAUS), argues that the proposed hikes will be the first of many. He said Robert Hale, undersecretary of Defense, hinted as much last week when asked why the proposed fees are so small. Congress, Hale said, has turned down "flat" more ambitious increases. "We are hopeful that, by starting slowly and [with] modest proposals, we will get their agreement," Hale explained. "I will admit, sir, it is a modest increase," said Matz. "But you must look through it, around it, above and into it. This is a nose under the tent." Major veterans service organizations, including American Legion and Veterans of Foreign Wars (VFW), also oppose any fee increase. National Commander Jimmie Foster said the Legion is "proud of the fact that TRICARE fees have never been raised in the 15-year history of the program." But some of the most popular organizations representing military retirees, all of which lobbied hard against past TRICARE fee hikes, say they are "encouraged" by the new proposal and by what they perceive as a changed tone from senior Defense officials.

"Our belief is that if you keep putting your head in the sand and say 'No fee increases ever,' you take yourself out of the equation. People stop listening to you and eventually, given the deficit tide the country is facing, the budget change washes over you," said Steve Stobridge, director of government relations for Military Officers Association of America. MOAA, he said, "has never taken the position that there should never be a single dollar increase in health care fees. What we have always said is there needs to be a reasonable process" for setting and adjusting fees. Absent such a process, Stobridge said, DoD went "for more than a decade not proposing any fee increases, which makes people believe there is never going to be any. And then, all of a sudden, a new defense secretary comes in and proposes tripling or quadrupling them. To us that was unacceptable." Defense officials, he said, finally seem to embrace arguments that their earlier plans for TRICARE fees were unreasonable and failed to take into account that retirees have paid much of their cost for a promised lifetime health care benefit "up front" through unique hardships of military careers. Under the new plan, working-age retirees would see TRICARE Prime enrollment fees climb by 13% -- from \$460 to \$520 for families and from \$230 to \$260 for individual coverage. After 15 years, and with surviving spouses and medically retired members unaffected, Stobridge said, "it is hard to make the argument that that's unaffordable."

Raezer with NMFA said if Prime enrollment fees had been adjusted for inflation since 1995, using cost-of-living adjustments given to military retirees, the family fee today would be \$652 and individual enrollees would pay \$327 a year -- or 25% more than DoD now proposes. One feature of the plan that every military association seems ready to challenge is indexing Prime fees for retirees to "medical inflation." Joe Barnes, national executive director of the Fleet Reserve Association (FRA), noted that Defense officials, in briefing their plans, identified up to eight different indices that purport to track medical inflation. But the department hasn't decided yet which one to use to adjust enrollment fees. That doesn't build confidence that any of them are right for tracking medical costs for this population of under-65 retirees, Barnes said. MOAA argues that annual adjustments to Prime fees for working age

retirees should be set no higher than COLAs used to adjust retired pay. “Is that a better deal than civilians get [on health insurance]? Yes it is,” Strobbridge said. “And the reason it’s better is because no civilian had to contribute those 20 or 30 years of service and sacrifice.”

On Capitol Hill, lawmakers have begun to choose sides. Matz said NAUS takes comfort in a vow from Sen. Jim Webb (D-VA), military personnel subcommittee chairman, to oppose any TRICARE fee hike. But in the House, Tea Party freshmen are looking to make cuts. “They are primed to do everything about everything,” said one seasoned committee staffer. “I don’t know why this wouldn’t be on the list.” FRA, like many associations, still is studying the proposed changes to TRICARE, including adjustments to pharmacy co-payments. Barnes suggested FRA might support the Prime fee increase and indexing to retiree COLAs. But in return FRA could urge Congress to remove from the defense secretary his independent authority to raise TRICARE fees when needed. Congress granted that authority when it established TRICARE in 1995. As a result, lawmakers on several occasions, all since 2006, have had to step in and block planned fee increases that most associations had opposed.

[Source: Military.com Tom Philpott article 24 Feb 2010 ++]

### Monetary Impact of DoD-Proposed Fee Adjustment Methodology

Year	Cap at Retired Pay COLA* Percentage	DoD Proposal (tied to HC inflation)**	Difference (loss of purchasing power)	Year	Cap at Retired Pay COLA* Percentage	DoD Proposal (tied to HC inflation)**	Difference (loss of purchasing power)
2011	\$460	\$460	\$0	2029	\$859	\$1,446	\$586
2012	\$520	\$520	\$0	2030	\$885	\$1,535	\$650
2013	\$536	\$552	\$17	2031	\$912	\$1,631	\$719
2014	\$552	\$586	\$35	2032	\$939	\$1,732	\$793
2015	\$568	\$623	\$55	2033	\$967	\$1,839	\$872
2016	\$585	\$661	\$76	2034	\$996	\$1,953	\$957
2017	\$603	\$702	\$100	2035	\$1,026	\$2,074	\$1,048
2018	\$621	\$746	\$125	2036	\$1,057	\$2,203	\$1,146
2019	\$640	\$792	\$153	2037	\$1,089	\$2,339	\$1,251
2020	\$659	\$841	\$183	2038	\$1,121	\$2,485	\$1,363
2021	\$678	\$894	\$215	2039	\$1,155	\$2,639	\$1,483
2022	\$699	\$949	\$250	2040	\$1,190	\$2,802	\$1,612
2023	\$720	\$1,008	\$288	2041	\$1,225	\$2,976	\$1,750

2024	\$741	\$1,070	\$329	2042	\$1,262	\$3,160	\$1,898
2025	\$764	\$1,137	\$373	2043	\$1,300	\$3,356	\$2,056
2026	\$787	\$1,207	\$421	2044	\$1,339	\$3,564	\$2,225
2027	\$810	\$1,282	\$472	2045	\$1,379	\$3,785	\$2,406
2028	\$834	\$1,361	\$527	2046	\$1,421	\$4,020	\$2,600

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**VA Benefits Update 01:** A Newburgh law firm has convinced a federal judge to sanction the Department of Veterans Affairs for waiting more than two years before explaining what benefits a veteran should be receiving, the firm announced this week. Katrina J. Eagle, director of the Veteran Service Group at Finkelstein and Partners, said the \$20,000 sanction was believed to be the first ever imposed on the VA. Eagle represented Brea, Calif., resident Cleveland Harvey in a case involving Harvey's VA benefits. She said the agency had delayed a decision for nearly two years on Harvey's request for a review of his veterans benefits. "For the first time in the history of the Department of Veterans Affairs, the U.S. Court of Appeals for Veterans Claims found the VA in civil contempt for failure to expeditiously handle a veteran's claim after the court had issued a previous decision on the case," Finkelstein spokeswoman Danielle Mackey said. Eagle said she hoped the court's sanction would help other veterans receive more timely service from the VA. "This is a significant decision for the rights of veteran claimants. Instead of receiving the benefits he was due for his sacrifice and service to our nation, Mr. Harvey dealt with a nightmare of unnecessary delays and distractions. With this decision, it is our hope that other veteran claimants will not have to suffer the same poor treatment," she said. [Source: Poughkeepsie Journal Larry Hertz article 18 Feb 2011 ++]

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**DoD/VA VLER Update 03:** The Virtual Lifetime Electronic Record (VLER) now under development by the Veterans Affairs and Defense departments will provide active-duty service members and veterans with a seamless benefits system that includes links to burial and memorial systems, VA said in its fiscal 2012 budget narrative released on 14 FEB. The electronic records will include exchange of burial and memorial information with VA's current memorial affairs operations and its Burial Operational Support System, which the department is in the process of modernizing, budget documents said. The system will help to automatically determine the eligibility of a veteran for burial benefits, support request for grave markers and provide digital mapping of all headstones and grave markers in the 131 national cemeteries that VA operates. VA requested a budget of \$70 million for VLER, down \$13.5 million from the proposed \$83.5 million in the 2011 budget still awaiting passage by Congress.

The department's budget documents said VLER will end up not as a new record system but as a means to pull reliable information from a number of existing Defense and VA systems "in the shortest possible time." VA officials said the connectivity that VLER will provide "has never been accomplished before and will greatly improve access to electronic health, benefits and administrative information for authorized service partners within the federal government and, most importantly, with private sector partners nationwide." VLER will use the Nationwide Health Information Network to exchange health care information with private health care providers such as Kaiser Permanente, as demonstrated in a pilot project in 2009. Officials said they plan to continue these pilots in 2011 using an additional 10 private health care providers. VA said VLER also will incorporate information exchanged with the

Social Security Administration and Defense to ensure delivery of a full package of benefits to injured and severely ill service members. Defense and Veterans Affairs already share health records on 250,000 patients eligible for treatment in military or VA hospitals and clinics. VA has promised this year to allow its doctors to view clinical notes on these patients from the Defense AHLTA electronic health record. Both Defense and VA, the budget narrative said, have agreed that the objective of VLER is to provide a seamless record from time of enlistment to burial, when "the last benefit is administered." [Source: <http://www.nextgov.com> Bob Brewin article 16 Feb 2011

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**Vet Housing Update 01:** JPMorgan Chase & Co. on 15 FEB announced new programs geared toward military customers and veterans, and apologized for overcharging thousands of active-duty service members on mortgages and improperly foreclosing on more than a dozen. The steps include a program making certain military personnel eligible for reduced-rate mortgages; enhancing a mortgage modification program for personnel who are having trouble making payments; and a pledge not to foreclose on any active personnel while they're deployed. JPMorgan Chase Chairman and CEO Jamie Dimon said those programs and other initiatives "are a start, but in no way a finish" to the bank's recent missteps involving military clients. "This company has a great history of honoring military and veterans, and the mistakes we made on military foreclosures are a painful aberration on that track record," Dimon said in a news release. "We deeply apologize to our military customers and their families for these mistakes. We cannot undo them, but we can take accountability for them, fix them and learn from them."

The New York-based company admitted the mistakes last month, including breaking a law that limits fees and interest charged to active-duty service members. Service members on active duty can't be charged more than 6% for most debts that they incur before they are deployed. Their homes can't be foreclosed on until after they return from active duty. On 1 FEB, the head of a new government office charged with protecting military personnel from financial tricks and traps wrote CEOs of the 25 biggest mortgage banks. In the letters, Holly Petraeus said the CEOs needed to make sure their employees understand military legal protections. Petraeus heads the Office of Servicemember Affairs within the government's new Consumer Financial Protection Bureau. Her letter came after the violations involving mortgage rates and foreclosures were reported by NBC News. Some of the steps JPMorgan announced they will be taking are:

- **Mortgage rate reductions:** Beginning April 1, Chase Home Lending, the bank's mortgage business, will implement a rebate or similar program for military personnel protected by pricing caps under the Servicemembers Civil Relief Act. Eligible borrowers may have their mortgage rate reduced to 4 percent while on active duty, and for a year afterward. That maximum rate is 2 percentage points lower than the 6 percent rate current required under the act.
- **Loan modifications:** In April, Chase will enhance a program to modify mortgage terms for military borrowers who are delinquent or having trouble making payments. The program is open to all members of the military who have served on active duty as far back as Sept. 11, 2001. The program will go beyond the requirements of the government's current mortgage modification initiative, the Home Affordable Modification Program.
- **Home ownership assistance:** The bank said Chase will not foreclose on any currently deployed active military personnel. The change goes beyond current requirements of the the Servicemembers Civil Relief Act. Those requirements protect military borrowers against foreclosure only if they took out their loans before going on active duty. Chase also will donate 1,000 homes to military and veterans over the next five years through non-profit partners. By the end of this year, Chase will open five new homeownership service centers in cities near the following military bases: Fort Hood, in Texas; Naval Station Norfolk, in Virginia; Fort Bragg/Pope Air Force Base in North Carolina; Camp Lejeune in North Carolina; and Fort Campbell in Kentucky.

[Source: Yahoo News AP Article 15 Feb 2011 ++]

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**Veteran Charities Update 15:** The Oregon Department of Justice has sued the founder of two charities and his organizations for allegedly illegally diverting money raised on behalf of veterans. Attorney General John Kroger on 15 FEB announced a lawsuit against Gregory Warnock, accused of personally stashing more than \$690,000 raised by the Oregon War Veterans Association (OWVA) and the Military Family Support Foundation to help the state's veterans, and of improperly using the charitable donations to make unreported political contributions. "Oregonians deserve absolute assurances that their generous charitable contributions are spent properly," said Keith Dubanevich, Kroger's chief of staff and special counsel. "The Department of Justice is committed to cracking down on charities that misuse donations raised to benefit veterans, law enforcement and other worthy causes."



Founder Gregory Warnock



President Ken Jacroux

In the suit, Kroger alleges that Warnock falsely claimed that Military Family Support had been granted charitable status by the IRS and that donations to it were tax-deductible. The suit alleges the organization was little more than a corporate shell used to solicit donations that Warnock transferred to himself or entities under his control. Meanwhile, Warnock allowed OWVA, a 501c(19) non-profit, to make unreported political contributions -- in violation of Oregon's campaign finance laws, Internal Revenue Service regulations and OWVA's status as a charitable, public-benefit corporation. Another alleged violation: leading donors to believe that they could claim a charitable tax deduction for contributions intended to be used for political purposes. OWVA pre-empted the lawsuit last week by filing a request for a federal investigation of the Attorney General and the Department of Justice for, according to Warnock's Twitter feed, "abuse of vets and fraud." The group's letter asked for a federal investigation into issues relating to th15 FEB is part of a larger Kroger campaign to stop charities that keep most of the money they raise and crack down on non-profits and fundraisers that fraudulently claim to help U.S. veterans. The goal? To shut down OWVA, prevent Warnock from operating charities in the future, and force Warnock redirect improperly diverted funds to charitable organizations that provide assistance to veterans. For more information on OWVA refer to <http://www.owva.org>. [Source: The Oregonian Kimberly A.C. Wilson article 15 Feb 2011 ++]

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**DoD Veteran Rape Lawsuit:** More than a dozen U.S. veterans who say they were raped or assaulted by comrades filed a class-action suit in federal court Tuesday attempting to force the Pentagon to change

how it handles such cases. The current and former service members — 15 women and two men — describe circumstances in which servicemen allegedly got away with rape and other sexual abuse while their victims were ordered to continue to serve with them. The suit names Defense Secretary Robert Gates and his predecessor, Donald H. Rumsfeld. The plaintiffs say individual commanders have too much say in how allegations are handled and that they want reforms in the system. The alleged attackers in the lawsuit include an Army criminal investigator and an Army National Guard commander. The abuse alleged ranges from obscene verbal abuse to gang rape.

In one incident, an Army Reservist says two male colleagues raped her in Iraq and videotaped the attack. She complained to authorities after the men circulated the video to colleagues. Despite being bruised from her shoulders to elbows from being held down, she says charges weren't filed because the commander determined she "did not act like a rape victim" and "did not struggle enough" and authorities said they didn't want to delay the scheduled return of the alleged attackers to the United States. "The problem of rape in the military is not only service members getting raped, but it's the entire way that the military as a whole is dealing with it," said Panayiota Bertzikis, who is a plaintiff in the lawsuit and claims she was raped in 2006. "From survivors having to be involuntarily discharged from service, the constant verbal abuse, once a survivor does come forward your entire unit is known to turn their back on you. The entire culture needs to be changed." Although The Associated Press normally does not identify the victims of sexual assault, the plaintiffs in the lawsuit have publicly discussed the cases. Bertzikis, 29, of Somerville, Mass., now is executive director of the Military Rape Crisis Center. She says she was raped by a Coast Guard shipmate while out on a social hike with him in Burlington, Vt. Bertzikis complained to her commanding officer, but she said authorities did not take substantial steps to investigate the matter. Instead, she said, they forced her to live on the same floor as the man she had accused and tolerated others calling her a "liar" and "whore."

Pentagon spokesman Geoff Morrell said in a statement that sexual assault is a wider societal problem and that Gates has been working to ensure the military is doing all it can to prevent and respond to it. "That means providing more money, personnel, training and expertise, including reaching out to other large institutions such as universities to learn best practices," Morrell said. "This is now a command priority, but we clearly still have more work to do in order to ensure all of our service members are safe from abuse." The military had already planned to roll out a new hotline victims can call in April, said Pentagon spokeswoman Cynthia O. Smith. It has another initiative that encourages service members to help those who are assaulted or raped. In 2005, the military created an office charged with preventing sexual assault. Victims can opt to file a "restricted" or confidential report that allows them to get medical attention without an investigation being triggered. Smith said in a statement that when commanders learn of accusations of misconduct they are responsible for investigating it and taking appropriate action. She said commanders have demonstrated "time and time again" in sexual assault cases and in others that they "take seriously the trust that comes with leadership and the need for good order and discipline."

Sarah Albertson, a former Marine corporal who is one of the plaintiffs in the lawsuit, said that one of the hurdles in getting improvements in the system is that military commanders do not want any marks on their record such as a rape in their unit. Albertson alleges she reported she was raped in 2006 by a fellow Marine, but instead of helping her, she was forced to live one floor below the alleged perpetrator for two years. "People who did believe me and had my back and were supportive of me were still telling me, 'Don't tell anybody about this, don't go to the public, don't let this get out because it will make the military look bad,'" Albertson said. In many of the described cases, no charges were filed. In other cases, the alleged attackers faced lesser charges and were allowed to remain in the military, according to the lawsuit. Anuradha Bhagwati, 35, executive director of the Service Women's Action Network, said the Defense Department's own statistics show that fewer than one in five of these cases are even referred for court martial. She said unit commanders are the judge and the jury in these types of cases. Too often, she said, perpetrators are given non-judicial punishments. "A lawsuit like this is needed because change cannot happen on the inside. DoD has had literally decades, perhaps more, to change the culture within the military. They've proven that they can't, and even the minor changes they've made the last few years are so superficial," Bhagwati said. [Source: NPR AP article 15 Feb 2011++]

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**Indiana Vet Education Benefits:** Indiana veterans' groups are fighting a proposal that would reduce college tuition help for children of some Indiana veterans. The bill would change a longstanding practice of guaranteeing full college scholarships to children of disabled military veterans. The current remission of fees is good for 124 semester hours of education and may be used for either undergraduate or graduate level work. The amount remitted is 100% of tuition and all mandatory fees. The term "mandatory fees" is defined as any fee that must be paid by every student attending the institution. Eligibility extends to children of military veterans who served on active duty in the U.S. Armed Forces during a period of wartime, and had been a resident of the State of Indiana (filed state income taxes) for not less than 36 consecutive months during his/her lifetime, and:

- Is rated by the VA at 0% or above.; or
- Received a Purple Heart Medal; or
- Was a resident of Indiana at the time of entry into the service and was declared a POW or MIA after January 1, 1960; or
- The student was a veteran-related pupil at the Indiana Soldiers' and Sailors' Children's Home.

The proposal by Republican Sen. Luke Kenley of Noblesville would allow full scholarships to children of deceased veterans and to those of veterans who are at least 80 percent disabled. Benefits for other students would be staggered based on the parent's level of disability. Veterans' groups say the changes go against the goal of educating children and keeping them in the state. Kenley says the state is not cutting the money for the program but wants to ensure funds are available for children of those serving in Iraq and Afghanistan. [Source: Chicago Tribune AP article 13 Feb 2011 ++]

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**VA Caregiver Program Update 03:** Nine months after President Obama authorized a broad expansion of benefits for those caring for service members severely wounded in the nation's two current wars, none of the assistance has materialized and it is caught up in a bureaucratic tangle that could shrink the number of families eligible for the help. Obama made care for military veterans and their families a priority in his role as commander in chief, and in MAY 2010 he signed into law a measure that for the first time would give cash assistance, counseling and fill-in help known as "respite care" to people overseeing the convalescence of wounded troops returning from Iraq and Afghanistan. As veterans and their families looked on during a White House signing ceremony, Obama called the Caregivers and Veterans Omnibus Health Services Act a "major step forward in America's commitment to families and caregivers who tend to our wounded warriors every day." But the Department of Veterans Affairs has since missed the 31 JAN deadline for fully implementing the program, leaving the families of wounded troops to wonder when the promised help will arrive. The delays appear to be, in part, the result of an overly optimistic assessment of how long it would take to get the complex program up and running.

Chairman of the Senate Veterans' Affairs Committee, Senator Patty Murray (D-WA), along with 17 Senators from both sides of the aisle, have written to Secretary of Veterans Affairs, Eric Shinseki, and the Director of the Office of Management and Budget, Jack Lew, to urge the Administration to carry out the law and begin providing supportive services to caregivers of wounded veterans. It has been reported that some family members of seriously injured veterans have had to leave their jobs and make tremendous sacrifices without training, counseling, and financial benefits. Senator Murray's letter is available on the U.S. Senate Committee on Veterans' Affairs website. [http://veterans.senate.gov/press-releases.cfm?action=release.display&release\\_id=d58b9621-6fa0-4ad8-95ff-3ee707041f5c](http://veterans.senate.gov/press-releases.cfm?action=release.display&release_id=d58b9621-6fa0-4ad8-95ff-3ee707041f5c). [Source: Washington Post Scott Wilson article 14 Feb 2011 +]



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**Vet Cemetery Pennsylvania Update 05:** Legislation to grant formal burials to veterans buried at Washington Crossing National Cemetery won unanimous approval in the House Veterans Affairs and Emergency Preparedness Committee on 15 FEB. State law does not provide for honor guard burial details at Washington Crossing National Cemetery as it does at Indiantown Gap National Cemetery in Lebanon County and National Cemetery of the Alleghenies in Washington County. State House Bill 345 expands the authority of the Pennsylvania Department of Military and Veterans Affairs (DMVA) to arrange for formal military burials at Washington Crossing, enabling veterans interned there to receive paid military honors. “Under present law, the Department of Military and Veterans Affairs contracts with veterans’ service organizations to perform honor guard burial details at Fort Indiantown Gap and National Cemetery of the Alleghenies,” said State Rep. Scott Petri, who proposed the bill. “For these services, DMVA pays the veterans groups \$150 per day. My bill will rightfully extend this honor and burial allowance to veterans interned at Washington Crossing.” Petri sponsored the same legislation last legislative session and managed to get it passed in the House last October. However, the session ended before the bill could make its way through the Senate. H.B.345 will now go to the full House for consideration. [Source: <http://buckslocalnews.com> 14 Feb 2011 ++]

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**VA Blue Water Claims Update 14:** The VA updated their list of Navy and Coast Guard ships and vessels presumed to have been exposed to Agent Orange. The list is intended to provide VA regional offices with a resource for determining whether a particular US Navy or Coast Guard veteran of the Vietnam era is eligible for the presumption of Agent Orange herbicide exposure based on operations of the veteran's ship. According to 38 CFR § 3.307(a)(6)(iii), the presumption of herbicide exposure requires that the veteran's service involved duty or visitation in the Republic of Vietnam. For those veterans who served aboard ships operating primarily or temporarily on the inland waterways of Vietnam, their service involved duty in Vietnam. In such cases, the evidence must show that the ship was on the inland waterways and the veteran was aboard at that time. For those veterans who served aboard ships that docked and the veteran went ashore or served aboard ships that did not dock but the veteran went ashore, their service involved "visitation" in Vietnam. In cases involving docking, the evidence must show that the veteran was aboard at the time of docking and the veteran must provide a statement of personally going ashore. In cases where shore docking did not occur, the evidence must show that the ship operated in Vietnam's close coastal waters for extended periods, that members of the crew went ashore, or that smaller vessels from the ship went ashore regularly with supplies or personnel. In these cases, the Veteran must also provide a statement of personally going ashore. VA's updated list is shown in this Bulletin's attachment titled **“AO Exposed Ship list Jan 2011”**. This list is not complete. Therefore, the presumption of herbicide exposure should not be denied solely because the veteran's ship is not on this list. Additionally, when regional office personnel obtain evidence showing that a ship fits into any of these categories. The evidence should be forwarded to the Compensation and Pension Service Agent Orange Mailbox VAVBAWAS/CO/211/AGENTORANGE so that the ship can be added to the listing. [Source: Various Jan 2011 ++]

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**VA Budget 2012:** In announcing the proposed budget for the Department of Veterans Affairs (VA) during the next fiscal year, Secretary of Veterans Affairs Eric K. Shinseki emphasized “making every dollar” count in the \$132 billion budget proposal for VA. “In the current constrained fiscal environment, every dollar counts. We will continue to wisely use the funds that Congress appropriates for us to further improve the quality of life for Veterans and their families through the efficiency of our operations,” said Secretary of Veterans Affairs Eric K. Shinseki. The

budget request for the fiscal year that begins 1 OCT 2012 must be approved by Congress before taking effect. an overview of what the request covers follows. Further information about VA's budget proposal for fiscal year 2012 is available online at <http://www.va.gov/budget/products.asp>.

**Health Care** - The budget request seeks nearly \$51 billion for medical care. It would provide care to more than 6.2 million patients, including nearly 540,000 Veterans of military operations in Iraq and Afghanistan. It also includes almost \$1 billion for a contingency fund and \$1.2 billion of operational improvements to manage the appropriated funds in a fiscally responsible manner. Major health care provisions include:

- \$6.2 billion for mental health programs, including \$68 million directly for suicide prevention;
- \$344 million to activate newly constructed medical facilities;
- \$208 million to implement new benefits for Veterans' caregivers;
- Nearly \$509 million for research; and

Shinseki noted the department has created "a portfolio of initiatives" to improve the quality of VA care while making it easier for patients to access services. Primary care providers will put more emphasis upon disease prevention and healthy living. New technology – securing e-mails, social networking and telehealth – will be harnessed to meet the evolving needs of patients. For example, in 2010, a daily average of more than 31,000 patients took advantage of VA's telehome health care. The budget proposal will allow more than 50,000 people daily to use this innovative, at-home care. Among the department's operational improvements is a provision that calls for VA to implement Medicare's standard payment rates, a measure that will free \$315 million for other health care needs.

**Benefits** - The proposed budget for the new fiscal year includes more than \$70 billion in "mandatory" benefits programs, a category consisting mostly of VA disability compensation and pension payments. Shinseki reaffirmed his commitment to "break the back of the backlog" of claims from Veterans for disability compensation and pensions. VA's goal is to provide Veterans with decisions on their claims within 125 days at a 98 percent accuracy rate by 2015. Various initiatives support continued redesign of VA's business processes and development of a paperless claims system to improve the efficiency of VA's handling of applications for compensation and pensions. Among the major projects is one to provide Veterans with streamlined forms to present to non-VA physicians who are evaluating Veterans for disability benefits, while another new program allows online application for claims related to exposure to Agent Orange.

**Homelessness Prevention** - The funding request includes nearly \$940 million for specific programs to prevent and reduce homelessness among Veterans and their families. This funding is a 17 percent increase over the current budget of nearly \$800 million. "Homelessness is both a housing and a health care issue," Shinseki said. "Our 2012 budget plan supports a comprehensive approach to eliminating Veterans' homelessness by making key investments in homeless and mental health programs."

**Education and Training** - The requested budget for "mandatory" benefits programs includes nearly \$11.5 billion for VA education, training, vocational rehabilitation and employment programs, including educational benefit programs VA administers for the Department of Defense. Approximately 925,000 people will receive benefits under these programs. Nearly three-quarters of the funds will go to recipients of the new Post-9/11 GI Bill. The budget proposal continues development of an automated Post-9/11 GI Bill claims processing system that will speed tuition and housing payments to eligible Veterans.

**Information Technology** - VA will seek nearly \$3.2 billion for the new fiscal year to operate and maintain its information technology (IT). "IT is the key to bringing VA into the 21st century," Shinseki said. "It allows for the efficient delivery of health care and benefits." A recent independent study found that VA invested \$4 billion in

medical IT from 1997 to 2007, which generated \$7 billion in savings, mostly from the elimination of duplicate medical tests and the reduction of medical errors. VA has a major role in the development of the “virtual lifetime electronic record” as part of an inter-agency federal initiative to provide complete and portable electronic health records for service members, Veterans, other family members and, eventually, all Americans. Through a disciplined approach to IT projects, VA transformed its software development processes, meeting product delivery schedules over 80 percent of the time. VA is consolidating its IT requirements into 15 major contracts, which will lower costs and increase oversight and accountability. Seven of the 15 contracts are set-aside for Veteran-owned businesses, and four of those seven are reserved for small businesses owned by service-disabled Veterans.

**Construction** - Nearly \$590 million in major construction is included within next year’s budget request. “This reflects the department’s continued commitment to provide quality health care and benefits through improving its facilities to be modern, safe and secure for Veterans,” Shinseki said. The funding proposal provides for the continuation of seven ongoing construction projects at health care facilities – New Orleans; Denver; San Juan, Puerto Rico; St. Louis; Palo Alto, Calif.; Bay Pines, Fla., and Seattle – plus new projects in Reno, Nev.; Los Angeles and San Francisco. Also in the budget request is \$550 million for minor construction for such purposes as seismic corrections, improvements for patient safety, and enhancements for access and patient privacy. Additionally, the spending proposal includes funds for a gravesite expansion project at the National Memorial Cemetery of the Pacific in Hawaii.

**National Cemeteries** - VA is seeking more than \$250 million next year for the operation and maintenance of its 131 national cemeteries. The department expects to inter about 115,000 people next year at its national cemeteries. Nearly 90 percent of the U.S. population is within 75 miles of a VA-run national cemetery or a state-run Veterans cemetery. For the fourth consecutive time in 10 years, VA’s system of national cemeteries has bested the nation’s top corporations and other federal agencies in a prestigious, independent survey of customer satisfaction. The fiscal year 2012 budget plan includes \$46 million to fund creation and improvement of state Veterans cemeteries and tribal government Veterans cemeteries.

[Source: Business Wire 14 Feb 2011 ++]



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**VA Budget 2012 Update 01:** While many agencies are cutting back or barely holding steady, the Department of Veterans Affairs' budget is growing. The agency would get a modest 4% increase in its budget next year over its request for this year, bringing its funding to \$132 billion. As has been the case the last two years, the focus of the increased spending is on the needs of Iraq and Afghanistan veterans. More than \$6 billion will go to mental health and traumatic brain injury needs. Also:

- TBI/PTSD efforts: The department is requesting \$483 million in additional funding this year for dealing with mental health and traumatic brain injury issues.
- Prosthetics: The VA requested an additional \$380 million to provide prosthetics for those who lost limbs, bringing the program to \$2.5 billion.
- Homeless veterans outreach: The agency is dedicating \$939 million to keep expanding services for homeless veterans with both private and public partnerships. This helps VA Secretary Eric Shinseki with his ambitious goal of "ending" veteran homelessness by 2014.
- Builders: The VA is requesting half the amount of money for major construction projects that it did last year.
- Computer geeks: Although the VA has promised to improve its electronic record systems and ditch its paper-centric ways, there will be \$146 million less in the agency's information technology budget.
- VA and DOD civilians: There will be no cost-of-living raise for federal employees for either 2011 or 2012, saving \$713 million from the VA's budget over the two years. Servicemembers get a scant 1.6 pay bump next January.
- \$183 million — Money for the long-ago-promised paperless system to cope with the backlog of benefits claims.
- \$28 million increased amount allocated for female veterans-specific care.
- Number of VA employees in 2012 is projected to be 295,410

[Source: Stars and Stripes Megan McCloskey article 14 Feb 2011 ++]

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**Credit Report Update 04:** While it's definitely a good idea to monitor your credit history and score at <https://www.annualcreditreport.com/cra/index.jsp>, don't believe for a second those are the only sources your bank has for checking up on you. They could be trying to figure out what you make, whether your house is worth less than you paid for it, and whether you were recently laid off, among other things. While all this snooping around may seem unsettling, it obviously offers benefits to those properly playing the credit game. And those not so lucky are finding that the information age is making it harder to hide. Check out the following for a few clever and paranoia-inducing ways your bank might be scoping you out.

1. Checking your checking. ChexSystems is a clearing house for bad banking behavior. Or, to use their corporate-speak, "The Chex Systems, Inc. network is comprised of member Financial Institutions that regularly contribute information on mishandled checking and savings accounts to a central location." If you want to see what ChexSystems might have on you, you can order a once-a-year free report here. Even if you've never bounced a check, getting a free annual report is a good way to make sure nobody else has opened an account with your Social Security number. Go to <https://www.consumerdebit.com/consumerinfo/us/en/chexsystems/report/index.htm>

2. Giving you a "behavior score". A behavior score looks at the money going into and out of your account. Behavior scores are another product of Fair Isaac, the company that invented credit scoring. While your credit score is all about credit, your bank-deposit behavior score is all about cash – it's used by your bank to track your deposits and

withdrawals. If you are accumulating a big balance maybe it's time the bank contacted you for some financial planning advice. If your direct deposit recently stopped it could be a sign you just got laid off.

3. Seeing how much your home is worth and what you owe. While the nation's ongoing housing slump has forced many Americans to stop regarding their houses as piggy banks, your lender still might. If you've checked home prices in your neighborhood lately, you know how easy it is to use sites like Zillow <http://www.zillow.com> to find out what they're worth. And mortgages are public record. So it's not hard for your bank to find out if you're among the millions of homeowners who owe more than their house is worth. If so, red flag. If you own your home outright? Credit offers.

4. Checking your income. There's nothing in your credit history or score that in any way references your income. But that doesn't mean a computer program can't try to figure it out. Information already in the hands of credit bureaus – like how much credit you have, how big your mortgage is, and how well you've done paying your debts – can be used to estimate your income. And the Federal Reserve recently started to allow credit bureaus to furnish these estimates to banks in order to satisfy new requirements that credit card issuers show their applicants have the ability to shoulder the payments. Low income estimates might impact your ability to get a credit card, while high estimates may result in more offers for one.

5. Receiving reports on changes in your financial status. If you have an account in collection, a bank or collection agency can get information as often as daily from credit bureaus. If your situation is changing for the better – say, your debt levels are dropping – expect more calls from the collection agency.

6. Finding out how rich you are. Like your income, there's nothing in your credit history that indicates how much money you have. But also like your income, that's no reason credit bureaus can't use computer modeling to try to figure it out. Paying more than the minimum on your mortgage or other debts? Paying off big loans with lump sums of cash? You must have some money somewhere. And if you've ever gotten a friendly check-in call from your bank's investment department, you already know they're keeping an eye on your savings balances.

7. Seeing if you pay your rent on time. RentBureau at <http://www.experian.com/rentbureau/rental-payment.html> is a company that collects and distributes payment information from property management companies for use in screening potential tenants. Credit bureau Experian recently purchased the company and is starting to include that history in credit files. A poor rent history could damage your file and your credit history.

[Source: MoneyTalksNews Stacy Johnson article 2 Feb 2011 ++]

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**Military Discounts Update 07:** In the “**Military Discounts Feb 2011**” attachment to this Bulletin are 199 stores and services doing their part to make life easier by offering discounts to active, reserve, and retired members of the US Military and their immediate family members. Two important caveats regarding the list. First, some stores offer discounts only at the owner's discretion and other discounts vary by state. Second, many stores that give a military discount don't advertise it. It is always worth asking a store whether they have one or not and to have your military ID on you. [Source: <http://blog.bradsdeals.com> Feb 2011 ++]

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**Saving Money:** Millions of low-income Americans who don't have bank accounts are finding an alternative to check-cashing stores at an unusual place: their local big-box retailer. Kmart has begun testing check cashing, money transfers and prepaid cards in stores in Illinois, California and Puerto Rico, with plans to roll out the

services nationally later this year. Best Buy has installed kiosks in its stores for shoppers to pay utility, cable and phone bills. Wal-Mart has opened roughly 1,500 MoneyCenters that process as many as 5 million transactions each week. The retailers are mainstreaming a \$320 billion industry of alternative financial services that has long operated in the shadow of the formal banking system and under the radar of federal regulators. The new Consumer Financial Protection Bureau was established in part to plug the gaps in oversight, but it remains unclear how much authority it will have over stores. One thing, however, does seem certain: Demand for alternative services is only expected to grow as strict new rules force banks to charge higher fees for checking accounts, placing them out of reach of many financially strapped households.

According to a recent government survey, nearly 30 million households either do not have a bank account or use one sparingly. Nearly 70% of families considered "unbanked" earn less than \$30,000 a year and many say they will never do business at a bank. These households have traditionally relied on a patchwork of services to manage their money, and retailers have begun to realize that those same consumers are shopping in their stores. Wal-Mart, for example, has said that one in five of its customers does not have a checking account. Many consumers think that they don't make enough money to warrant a bank account, the government survey found. But others simply don't trust banks or come from cash-based cultures. That is part of the impetus for the bill-payment service Best Buy launched last year in a handful of markets. The kiosks, operated by Tio Networks, cater to Hispanic shoppers who are often wary of banks. But many are willing to sign up for complicated cellphone plans at Best Buy, and executives say it was a short step to paying the bills in the store as well.

Kmart began wading into the market when it reintroduced layaway in its stores at the start of the recession. Many shoppers had lost their jobs and were wary of building up credit card debt, making layaway an attractive alternative. The program was so successful that Kmart began offering it year-round. And Susan Ehrlich, president of financial services for Kmart and parent company Sears, said executives learned another important lesson: Shoppers turned to the store to help them manage their money. "That sort of drew us up the value chain," Ehrlich said. Customers were reliant on cash, so check cashing was the next logical extension. That cash could then be loaded on to a prepaid card, used to pay bills or send money to family in another country. The combination of services closely matches those provided by a checking account - without the hassle of going through a bank. Consumer groups have criticized the services traditionally available to the unbanked as being riddled with high fees and for not offering clear disclosures. The average fee for cashing a check ranges from 2 to 4 percent of the value, according to consumer groups. Yet as larger companies enter the field, they are bringing economies of scale to a market that has been dominated by mom-and-pop players. Wal-Mart, for example, lowered its fee to cash a check to \$3, and slashed the cost of its prepaid card from nearly \$9 to \$3. [Source: The Washington Post Ylan Q. Mui article 31 Jan 2011 ++]

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## Notes of Interest:

- **AF Academy.** The Air Force Academy is accepting fewer new cadets under a mandate to reduce the size of the student body by about 9% to save money, according to an Air Force times report. Lt. Gen. Michael Gould, the academy superintendent, says the Air Force ordered the school to reduce enrollment to 4,000 by Oct. 1, 2012, from about 4,400 today.
- **VA Clothing Allowance.** The Veterans Affairs Department is amending rules for providing a clothing allowance to disabled veterans whose garments are subject to wear because of prosthetic or orthopedic devices." Before "now, veterans have been limited to getting one payment, currently \$716 a year, but rules proposed 2 FEB will allow two payments if a veteran has multiple devices wearing out his clothing. The change results from a federal court ruling involving a Vietnam veteran...who requested two clothing payments because he had lost both legs and an arm during the war."

- **VA Cemetery.** Department of Veterans Affairs announced they are taking action to begin the process of locating a National Veteran Cemetery in Western New York. 7 in New York State currently has seven national veteran cemeteries, However, the closest to Western New York is located in Bath, NY, approximately 80 miles away.
- **Baghdad.** Iraq's capital city government demanded the United States apologize to the Iraqi people and pay \$1 billion for the damage done to the city not by bombs but by blast walls and Humvees since the U.S.-led invasion that toppled Saddam Hussein.
- **Baldness.** A team of researchers from UCLA and the Veterans Administration that was experimenting with mice to learn more about how stress affects gastrointestinal function injected...bald mice with a chemical compound called astressin-B, which blocks the action of a stress hormone that caused hair loss in the mice. The researchers "expected to monitor how astressin-B affected the mice guts, but when they returned to the mice three months later, they couldn't tell the treated mice from their hairy brethren."
- **Tricare fees.** The Pentagon's controversial push to ratchet up health care fees for working-age retirees got a surprisingly warm reception from military associations in Washington, setting the stage for the first fee hike since the Tricare health system began 15 years ago."
- **COLA 2012.** After more than two years the CPI is back above zero early this year. Inflation rose 0.5% in January and now stands at plus 0.3% for the year. Perhaps we may yet see a modest COLA increase in 2012.

[Source: Various 15-28 Feb 2010 ++]

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## Medicare Fraud Update 62:

- **Detroit MI -** Medical assistant Guy Ross, 51, was sentenced to 3 years in prison plus 3 years of supervised release following his prison term and ordered him to pay \$472,623 in restitution 11 FEB for his role in a conspiracy to defraud the Medicare. He pleaded guilty in JUL 2010 to one count of conspiracy to commit health care fraud. Ross admitted to receiving \$500 per patient in exchange for providing co-conspirator Mohammed Shahab with Medicare beneficiary information for patients he recruited. Shahab, an owner of Patient Choice and All-American, then billed Medicare for home health visits purportedly made to the beneficiaries recruited by Ross. Ross referred 21 patients to Patient Choice and All American, which in turn submitted claims for \$172,573 in improper benefits. Shahab pleaded guilty in FEB 2010 to health care fraud charges in connection with this case. Ross also admitted to engaging in a similar scheme with Visiting Nurses Services (VNS), a home health agency that purportedly provided physical therapy services. Ross admitted he accepted money in exchange for providing 80 patient referrals to VNS who in turn submitted claims for \$300,050 because of those referrals. In total, Ross's kickback arrangements with Patient Choice, All American and VNS resulted in \$472,623 in fraudulent billing to Medicare.
- **Oklahoma City OK -** Lance E. Faulkner, 44, was indicted 10 FEB for health care fraud in connection with sales of prosthetic limbs and components. Faulkner owned and operated Heartland Orthotic Prosthetic Lab, Inc., d/b/a Faulkner Prosthetic Designs of Oklahoma, LLC ( "Heartland" ). Heartland was in the business of providing durable medical equipment, specifically prosthetic limbs and related components. Faulkner billed Medicare and Medicaid for beneficiaries who did not have a prescription for the prosthetics from a licensed physician or other qualified health care provider. Instead, Faulkner submitted physician names and identification numbers to Medicare and Medicaid even though many of those physicians had never treated the patients or prescribed the prosthetic limbs. Also, Faulkner submitted claims for expensive, computerized prosthetic limbs, when the beneficiaries actually received less sophisticated prosthetics or none at all. Faulkner billed Medicare \$47,000 on three separate occasions and \$23,501 on three other occasions for prosthetic leg components when the beneficiaries never received the prosthetic leg components at all. In total from JAN 06 to JUN 2010, Faulkner used this scheme to obtain approximately

\$4,948,699 from Medicare and \$600,348.64 from Medicaid. If convicted, he faces up to 10 years in prison, a \$250,000 fine, and mandatory restitution.

- **Tampa FL** - Senior Care Group Inc. said it will pay \$953,375 to settle a case, which involved Sunrise Rehabilitation Center (formerly known as McDowell Nursing Center) in McDowell County and Brookside Rehabilitation Center (formerly known as Yancey Nursing Center) in Yancey County. Federal investigators alleged that Evergreen Rehabilitation, which handled rehabilitation for Senior Care, had pressured employees at the two facilities to maximize billings for what the government said were unnecessary services. The government alleged that Evergreen then forwarded the billings to Senior Care, which submitted them to Medicare. Investigators said Evergreen routinely instructed employees to get their numbers up or they would be fired. As part of the agreement, Senior Care Group will be monitored closely by federal investigators over the next five years.
- **Miami FL** - -- Three doctors and 18 other people were charged 15 FEB with billing Medicare for roughly \$200 million in bogus mental health services for patients suffering from Alzheimer's and severe dementia. Prosecutors allege American Therapeutic Corp. and its sister companies faked medication and care charts and paid the owners of assisted living facilities and halfway houses to bring patients to their seven mental health centers for therapy sessions that were never held. Some patients also cashed in on the scheme by providing their Medicare numbers, while others were not coherent enough to demand kickbacks. The grand jury indictment alleges that ATC routinely billed Medicare for therapy and other services for patients suffering severe dementia even though they weren't eligible because their mental capacity was so impaired they couldn't benefit from therapy. The therapy was supposed to be intensive counseling for patients suffering acute mental illness and on the verge of hospitalization, but federal officials said ATC didn't provide any counseling. Instead, patients were bused in and sat in rooms watching TV for hours, unaware of what was happening to them, authorities said. Authorities say mental health scams are the latest in Medicare fraud as crooks have moved from medical equipment and infusion scams to physical therapy and home health care. Miami is the crime's epicenter, where experts estimate about \$3 billion of the \$60 billion to \$90 billion a year of fraud occurs.
- **Miami FL** - Ramon Moreira, 82, of Miami-Dade County, pled guilty 15 FEB to one count of health care fraud and has been scheduled for sentencing 17 MAY. The fraud involved false billing of durable medical equipment to the Medicare Program. In MAR 07, Moreira became the president of J&G Health Care, Inc., a Miami-Dade County DME company. From February 27, 2007 to May 16, 2007, Moreira caused J&G to submit more than \$5 million in false claims to Medicare for, among other items, urinary leg bags. Medicare paid approximately \$1 million on these false billings. Moreira was indicted in 2007 and subsequently fled the United States upon learning of the health care fraud charges. He was found attempting to re-enter the United States at the Port of Miami in late 2010 and was taken into custody.
- **Houston TX** - Mento Nnana Kaluanya, age 50, a Nigerian man living in Texas has been sentenced to almost six years in prison in a nearly \$1.6 million Medicare scam. Kaluanya was arrested in MAY 09 in New Hampshire on charges that he set up a fraudulent medical supply company. He pleaded guilty last March to health care fraud and aggravated identity theft. He was sentenced 23 FEB to 70 months in federal prison. Investigators say Kaluanya owned HyCentral Medical Supplies and Equipment in Derry, N.H., and billed the U.S. government for items not prescribed by doctors or not sought by patients.

[Source: Fraud News Daily 15-28 Jan 2011 ++]

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### **Medicad Fraud Update 33:**

- **Georgia** - Under a settlement on fraud charges announced 22 FEB, APS Healthcare Midwest (A New York health care company) will pay \$7.8 million to the state and \$5.2 million for the federal share of Medicaid expenditures. Under its state contract, APS Healthcare agreed to provide case and disease management to



Georgia Medicaid recipients and was paid a monthly fee for each member who received the services. But the company failed to provide those services to a large portion of the Medicaid recipients and over-billed the state in its invoices. As part of the settlement, APS Healthcare executed a corporate integrity agreement, which requires an aggressive compliance program, authorities said. In addition, APS Healthcare will be subject to external review of its compliance with state Medicaid contracts. Atlanta lawyer Julie Bracker, who represented a whistle-blower who initially brought the complaint, said the agreement will help protect Georgia's most vulnerable citizens while allowing taxpayers to recover millions of dollars.

- **Roxbury MA** - A 64-year-old pharmacist pleaded guilty in federal court 22 FEB to two counts of conspiracy to defraud the government after he was accused of submitting false claims to Medicare Part D and Medicaid. Egleston Square Pharmacy owner Aloysius Nsonwu paid non-HIV customers for use of their insurance cards to submit claims for HIV/AIDS medications. In addition to forging prescriptions, Nsonwu received at least \$46,000 in Medicaid reimbursements from one HIV positive customer who agreed to be paid cash by Nsonwu instead of receiving medication. Nsonwu is scheduled to be sentenced May 10, when he faces up to 10 years in prison and a \$250,000 fine for each count.
- **Marrero LA** - Jo Ann Girod, 36, was convicted of nine counts of health care fraud 23 FEB in connection with receiving kickbacks from A New Beginning of New Orleans Inc., to help the company defraud Medicaid. Girod is 11th person convicted in connection with fraud at the company and faces up to 90 years in prison and more than \$2 million in fines. The company's owner, Akasia Lee, pleaded guilty in NOV 09 and received a 5-year sentence. Girod allowed the company to pretend to provide personal care services to her three children, who were Medicaid recipients, in order to receive cash payments. Medicaid paid the company slightly more than \$65,000 on her behalf, but it is unclear how much money Girod received in kickbacks. Overall Harvey company defrauded Medicaid of nearly \$4 million.
- **Brooklyn Park MN** - Anita Gayle Soledolu, 39, owner of Sole Provider Nursing Services, and her husband, Stephen Adewale Soledolu, 32, are accused of overbilling the state's Personal Care Assistance program (PCA) by allegedly submitting false claims for home care and nursing services between 2006 and 2008. The charges against Sole Provider also says the agency submitted bills showing care aides working more than 24 hours in a single day and, in one case, 42 hours a day for a week straight. In all, it alleges overbilling of \$975,295.

[Source: Fraud News Daily 15-28 Feb 2011 ++]

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**State Veteran's Benefits:** The state of Louisiana provides several benefits to veterans as indicated below. To obtain information on these refer to the “**Veteran State Benefits LA**” attachment to this Bulletin for an overview of those benefits listed below. Benefits are available to veterans who are residents of the state. For a more detailed explanation of each click on “**Learn more about ...**” wording highlighted in blue on the attachment.

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

[Source: <http://www.military.com/benefits/veteran-benefits/louisiana-state-veterans-benefits> Feb 2011 ++]

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**Military History:** Following the battles at Lexington and Concord which were a victory for the Colonials in the War for Independence, the British soldiers returned to the relative safety of Boston. Their commander, General Thomas Gage, was concerned about the city's vulnerable position, lying as it did in the shadows of surrounding hills. The wisdom of securing those heights was considered, but not acted upon. Word of the bloody

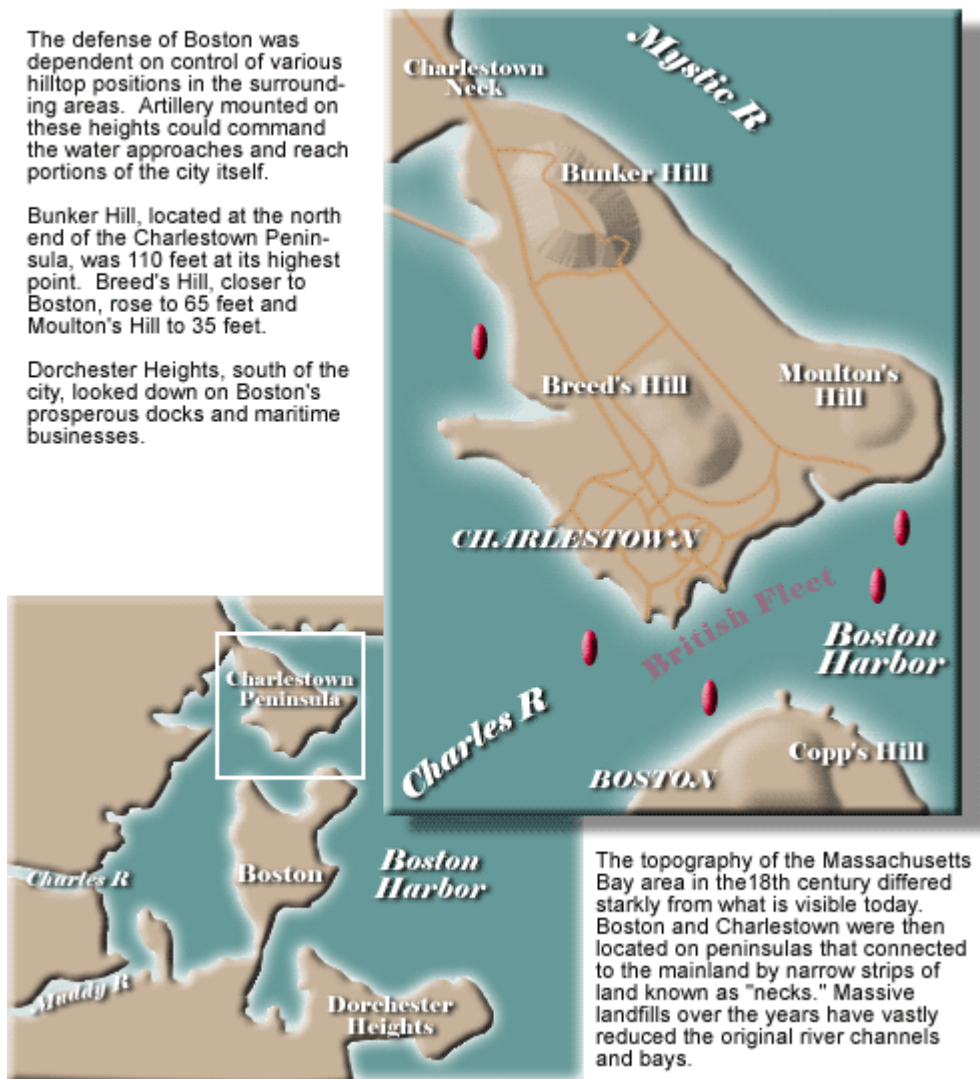
encounters in Massachusetts was received with astonishment in England. Edmund Burke, one of America's most ardent supporters in Parliament, expressed a minority view when he urged the withdrawal of soldiers from Boston. His plea made little headway with Prime Minister Lord North, who dispatched additional soldiers to the rebellious colonies. Further, North hoped that a more aggressive British response would result from new military leadership and sent three generals, William Howe, Henry Clinton and John Burgoyne. These forces arrived in Boston in May 1775.

On June 16, colonial soldiers under Colonel William Prescott were sent onto the Charlestown Peninsula to occupy Bunker Hill, but for reasons that are not entirely clear, they took possession of neighboring Breed's Hill. The Americans worked through the night constructing extensive earthworks for their protection at the crest of the hill. On the morning of the 17th, the British command in Boston was shocked to see a colonial army putting the finishing touches on their fortification. The Americans continued their labors until midday despite bombardment by British ships below.

The defense of Boston was dependent on control of various hilltop positions in the surrounding areas. Artillery mounted on these heights could command the water approaches and reach portions of the city itself.

Bunker Hill, located at the north end of the Charlestown Peninsula, was 110 feet at its highest point. Breed's Hill, closer to Boston, rose to 65 feet and Moulton's Hill to 35 feet.

Dorchester Heights, south of the city, looked down on Boston's prosperous docks and maritime businesses.



Clearly the best strategy for the British at this point would have been to seal off the Charlestown Peninsula by taking control of the Neck. That move, accompanied by a naval blockade, would have starved out the American

force in short order. The British commanders, however, felt a strong need for aggressive action. At about 3 p.m. General William Howe led a force of 3,000 soldiers ashore near Moulton's Hill south of Breed's Hill. After a short march to the foot of the American position, the redcoats launched two uphill assaults against the entrenched colonists. Colonel Prescott reputedly cautioned his men not to fire until they saw the whites of their opponents' eyes. Both assaults were repulsed and resulted in very heavy losses for the British. Action ceased for an hour while Howe counseled with his subordinates and awaited the arrival of 400 additional soldiers. A third charge found the Americans running low on powder and unable to resist the fixed bayonets of the British. Prescott grasped the hopelessness of the situation and gave the order to retreat. American soldiers fled down the north slope of Breed's Hill and sought escape across the Neck. Many were shot in the back during this retreat.

The fighting on the Charlestown Peninsula resulted in 1,054 British casualties, their heaviest toll of the war; the Americans suffered 441 casualties, most of them during the retreat. Despite these losses, there was little military consequence to the battle. Nothing had really changed. The American army still encircled the British position in Boston, the only difference being that the colonists were a bit farther away. George Washington had been named commander-in-chief of the Continental Army on June 15 and was en route to Massachusetts when the fighting occurred. He assumed command on July 3 and then devoted months to the organization and training of the soldiers. In early March of the following year, Washington occupied the area known as Dorchester Heights south of Boston. The cannon taken from Fort Ticonderoga were installed here and commanded much of the Boston waterfront. Howe realized that his position in the city was again untenable; he was occupying a city that was impossible to defend and was located in the heart of enemy territory. On March 17, 1776 the British army and 1,000 Loyalists evacuated Boston by sea and headed for more welcoming surroundings in Halifax, Nova Scotia. [Source: <http://www.u-s-history.com/pages/h666.html> Feb 2011 ++]

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**Military History Anniversaries:** Significant March events in U.S. Military History are:

- Mar 01 1916 - WWI: Germany begins attacking ships in the Atlantic
- Mar 01 1941 - WWII: German troops invade Bulgaria
- Mar 01 1942 - WWII: 3 day Battle of Java Sea ends. US suffers a major naval defeat
- Mar 01 1945 - WWII: U.S. infantry regiment captures Mönchengladbach, Germany
- Mar 01 1954 - Cold War: U.S. explodes 15 megaton hydrogen bomb at Bikini Atoll.
- Mar 02 1941 - WWII: First German military units enter Bulgaria after it joined the Axis Pact.
- Mar 02 1943 - WWII: Battle of the Bismarck Sea - U.S. and Australian forces sink Japanese convoy ships.
- Mar 02 1991 - Gulf War: Battle at Rumaila Oil Field brings end to the 1991 Gulf War.
- Mar 02 2002 - Iraq War: U.S. invasion of Afghanistan: Operation Anaconda begins (ending on March 19 after killing 500 Taliban and al Qaeda fighters, with 11 Western troop fatalities).
- Mar 02 2004 - Iraq War: Al Qaeda carries out the Ashoura Massacre killing 170 and wounding over 500.
- Mar 03 1776 - Revolutionary War: The first amphibious landing of the United States Marine Corps begins the Battle of Nassau.
- Mar 03 1942 - WWII: Ten Japanese warplanes raid the town of Broome Western Australia killing more than 100 people.
- Mar 03 1945 - WWII: The American and Filipino troops liberate Manila, Philippines after 30 days of fighting.
- Mar 04 1776 - Revolutionary War: The Americans capture "Dorchester Heights" dominating the port of Boston Massachusetts.
- Mar 04 1944 - WWII: 1st US bombing of Berlin Germany.

- Mar 05 1770 - Boston Massacre. British troops kill 5 in crowd. Crispus Attacker becomes 1st black to die for American freedom.
- Mar 05 1912 - Italian forces are the first to use airships for military purposes using them for reconnaissance behind Turkish lines.
- Mar 05 1915 - WWI: The LZ 33 a zeppelin is damaged by enemy fire and stranded south of Ostend.
- Mar 05 1927 – 1,000 US marines land in China to protect American property
- Mar 05 1942 - WWII: Japanese troop march into Batavia
- Mar 05 1942 - WWII: US Navy's Mobile Construction Battalions "SEABEES" officially formed and placed in action in New Caledonia an island in the southwest Pacific as they landed and began construction of base facilities.
- Mar 05 1943 - WWII: In desperation due to war losses, fifteen and sixteen year olds are called up for military service in the German army.
- Mar 05 1943 - WWII: RAF bombs Essen, Germany
- Mar 05 1945 - WWII: Allies bombs The Hague, Netherlands
- Mar 05 1945 - WWII: The "Battle of the Ruhr" begins.
- Mar 05 1945 - WWII: US 7th Army Corps captures Cologne, Germany.
- Mar 05 1946 - Ho Chi Minh signs an agreement with France which recognizes Vietnam as an autonomous state in the Indochinese Federation and the French Union.
- Mar 06 1862 - Civil War: Battle of Pea Ridge, AR (Elkhorn Tavern)
- Mar 06 1865 - Civil War: Battle of Natural Bridge, Florida
- Mar 06 1943 - WWII: Battle at Medenine North-Africa: Rommel's assault attack.
- Mar 06 1944 - WWII: U.S. heavy bombers staged the first full-scale American raid on Berlin.
- Mar 06 1991 - Following Iraq's capitulation in the Persian Gulf conflict Pres Bush told Congress that "aggression is defeated. The war is over"
- Mar 07 1942 - Japanese troops land on New Guinea.
- Mar 07 1951 - Korean War: U.N. forces in Korea under General Matthew Ridgeway launch Operation Ripper an offensive to straighten out the U.N. front lines against the Chinese.
- Mar 07 1968 - Vietnam War: The Battle of Saigon begun on the day of the Tet Offensive ends.
- Mar 07 1971 - Vietnam War: A thousand U.S. planes bomb Cambodia and Laos.
- Mar 08 1862 - Civil War: On the second day of the Battle of Pea Ridge Confederate force including some Indian troops under General Earl Van Dorn surprise Union troop but the Union troops win the battle
- Mar 08 1942 - WWII: Japanese troops capture Rangoon Burma
- Mar 08 1943 - WWII: Japanese forces attack American troops on Hill 700 in Bougainville. The battle will last five days.
- Mar 08 1965 - Vietnam War: More than 4,000 Marines land at Da Nang in South Vietnam and become the first U.S. combat troops in Vietnam
- Mar 09 1847 - Mexican-American War: The first large-scale amphibious assault in U.S. history is launched in the Siege of Veracruz
- Mar 09 1862 - Civil War: The USS Monitor and CSS Virginia fight to a draw in the Battle of Hampton Roads the first fight between two ironclad warships.
- Mar 09 1862 - Civil War: The USS Monitor and CSS Virginia fight to a draw in the Battle of Hampton Roads the first fight between two ironclad warships.
- Mar 09 1944 - WWII: Japanese troops counter-attack American forces on Hill 700 in Bougainville in a battle that would last five days.
- Mar 09 1945 - WWII: U.S. B-29 bombers launched incendiary bomb attacks against Japan resulting in an estimated 100,000 deaths.
- Mar 09 1966 - Vietnam War: The North Vietnamese capture a Green Beret camp at Ashau Valley.

- Mar 09 1968 - Vietnam War: General William Westmoreland asks for 206,000 more troops in Vietnam.
- Mar 10 1942 - WWII: General Douglas MacArthur abandons Corregidor.
- Mar 10 1945 - WWII: The Imperial Japanese Navy attempts a large-scale kamikaze attack on the U.S. Pacific fleet anchored at Ulithi atoll in Operation Tan No. 2
- Mar 10 1953 - Korean War: North Korean gunners at Wonsan fire on the USS Missouri. The ship responds by firing 998 rounds at the enemy position.
- Mar 10 1975 - Vietnam War: The North Vietnamese Army attacks the South Vietnamese town of Ban Me Thout the offensive will end with total victory in Vietnam.
- Mar 11 1863 - Civil War: Union troops under General Ulysess S. Grant give up their preparations to take Vicksburg after failing to pass Fort Pemberton north of Vicksburg.
- Mar 11 1865 - Civil War: Union General William Sherman and his forces occupy Fayetteville N.C.
- Mar 11 1942 - WWI: General Douglas MacArthur leaves Bataan for Australia.
- Mar 14 1947 The United States signs a 99-year lease on naval bases in the Philippines.
- Mar 14 1951 - Korean War: U.N. forces recapture Seoul for the second time during the Korean War.
- Mar 14 1954 - The Viet Minh launch an assault against the French Colonial Forces at Dien Bien Phu.
- Mar 14 1943 - WWII: The Kraków Ghetto is 'liquidated'.
- Mar 14 1864 - Civil War: Union troops occupy Fort de Russy, Louisiana.
- Mar 14 1915 - WWI: German cruiser Dresden blows itself up near coast of Chile.
- Mar 14 1916 - WWI: Battle of Verdun - German attack on Mort-Homme ridge West of Verdun.
- Mar 15 1781 - Revolutionary War: Battle of Guilford Court House, SC 1,900 British troops under General Charles Cornwallis defeat an American force numbering 4,400.
- Mar 15 1939 - World War II: German troops occupy the remaining part of Bohemia and Moravia; Czechoslovakia ceases to exist.
- Mar 15 1943 - World War II: Third Battle of Kharkov - the Germans retake the city of Kharkov from the Soviet armies in bitter street fighting.
- Mar 15 1944 WWII: Battle of Monte Cassino. Cassino, Italy is destroyed by Allied bombing.
- Mar 15 1916 - President Woodrow Wilson sends 12,000 United States troops over the U.S.-Mexico border to pursue Pancho Villa.
- Mar 15 1989 - VA elevated to a Cabinet-level agency under Public Law 100-527

[Source: Various Feb 2011 ++]

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## Military Trivia 23:

1. The **Battle of Gettysburg** during the Civil War is one of the most famous battles in US History. It was fought in Maryland and marked the northernmost incursion by the Confederate Army.
2. The **Battle of Bunker Hill** was actually fought on Breed's Hill in Charleston, Massachusetts, during the Revolutionary War. The result of the battle was a victory for the British, however, they suffered heavy losses. The Colonial Forces "lost", but suffered few casualties.
3. The **Battle of Antietam** fought in Maryland is also known as the Battle of Sharpsburg. It was fought on September 17, 1862 and was one of the first major battles of the Civil War. It was also the bloodiest single-day battle in US history, with about 23,000 casualties.

4. One of the key battles in the Revolutionary War was the **Battle of Saratoga** fought in New York. Actually, two battles were fought at Saratoga in New York State - on September 19, 1777 and October 7, 1777. The British, under General John Burgoyne, were defeated.

5. A key battle in the Civil War was the **Battle of Fredericksburg** fought in Virginia between December 11–15, 1862. The Union forces under General Burnside were badly beaten by Confederate forces under General Robert E. Lee.

6. The **Battle of Fort Mifflin** was fought in Pennsylvania. The Battle took place on September 26, 1777 and was one of the first battles of the French and Indian War. It was George Washington's only military surrender. In Europe, the French and Indian War was considered part of the Seven Years' War

7. The first shots of the Revolutionary War were fired during the **Battles of Lexington and Concord** on April 19, 1775 in Massachusetts. The battles were a victory for the Colonials, forcing the British troops back to Boston.

8. The deciding battle of the Civil War was the **Battle of Appomattox Courthouse** in Virginia. Following his defeat, General Robert E. Lee surrendered to General U.S. Grant. Many people believe the surrender took place in the Courthouse. However, it took place in a private home, that of Wilmer McLean.

9. The **Battle of San Jacinto**, a decisive battle in US history, was fought in Texas. General Sam Houston's Texas Army defeated General Santa Anna's Mexican forces in this battle that lasted just eighteen minutes on April 21, 1836. Santa Anna, the President of Mexico, was captured the next day and forced to sign a treaty paving the way for independence for Texas and requiring Mexican forces to leave the area.

10. During World War II, the Japanese invaded the Aleutian Islands, which are part of Alaska. Initially, the US did not resist the invasion, but later retook the islands in the **Battle of the Aleutian Islands**. This battle marked the only time since the War of 1812 that U.S. territory in North America had been occupied by a foreign power.

[Source: <http://www.funtrivia.com/submitquiz.cfm?quiz=320137> Feb 2011++]

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**Tax Burden for West Virginia 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. Following are the taxes you can expect to pay if you retire in West Virginia:

**Sales Taxes**

**State Sales Tax:** 6% (prescription drugs exempt). Food taxed at 3%. Seniors age 60 and older are eligible for the Golden Mountaineer Discount Card that can be used for pharmaceutical discounts, retail and professional discounts. To apply or obtain more information, call 304-558-3317 or 877-987-3646.

**Gasoline Tax:** 32.2 cents/gallon

**Diesel Fuel Tax:** 32.1 cents/gallon

**Cigarette Tax:** \$0.55/pack of 20

**Personal Income Taxes**

**Tax Rate Range:** Low - 3%; High - 6.5%

**Income Brackets:** Five: Lowest - \$10,000; Highest - \$60,000. For joint returns, the taxes are twice the tax

imposed on half the income.

**Personal Exemptions:** Single - \$2,000; Married - \$4,000; Dependents - \$2,000

**Standard Deduction:** None

**Medical/Dental Deduction:** For tax year 2007, if you had no employer and were not self-employed, you may claim as a subtraction from income 33.4% of the amount you paid for medical care insurance. If you had an employer or were self-employed, you may be able to claim a subtraction from income for the amount you paid for medical insurance. It does not include long-term care insurance.

**Federal Income Tax Deduction:** None

**Retirement Income Taxes:** The beginning point for West Virginia taxation is federal adjusted gross income. Therefore, any amount of the IRA distribution or pension income that is taxable and included in federal adjusted gross income is taxable on the West Virginia income tax return. \$2,000 of civil, and state pensions are exempt. Social Security income is taxable only to the extent that the income is includable in your federal adjusted gross income. Taxpayers 65 and older or surviving spouses of any age may exclude the first \$8,000 (individual filers) or \$16,000 (married filing jointly) of any retirement income. Out-of-state government pensions qualify for the \$8,000 exemption. An individual, regardless of age, may deduct up to \$2,000 of benefits received from the West Virginia Teachers Retirement System, West Virginia Employees Retirement System, and military and federal retirement systems.

**Retired Military Pay:** First \$2,000 is exempt (see above). Military retirees are able to take an additional decreasing modification for military retirement up to \$20,000.

**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

Property tax is administered by county officials and officials of several state government agencies. Although the Department of Tax and Revenue plays a major role in the administration of this tax, less than one-half of one percent of the property tax collected goes to state government. The primary beneficiaries of the property tax are county boards of education. Property taxes are paid to the sheriff of each of the state's 55 counties. Each county and municipality can impose its own rates of property taxation within the limits set by the West Virginia Constitution. Property is assessed at 60% of fair market value.

The West Virginia legislature sets the rate of tax of county boards of education. This rate is used statewide by all county boards of education. However, the total tax rate for county boards of education may differ from county to county due to excess levies. The total tax rate is a combination of the tax levies from four state taxing authorities: state, county, schools, and municipal. This total tax rate varies for each of the four classes of property, which consists of personal, real, and intangible properties. Property is assessed according to its use, location, and value as of July 1. The amount of property tax paid depends on the following factors: the assessed property value as determined by a county assessor, and the tax rate levied against each \$100 of the property's assessed valuation. The assessed value of the property must be 60 percent of the property's true and actual value, which is defined as the amount of money the property would be worth in a sale. For more information on county taxes, refer to [http://www.wva.state.wv.us/taxqna/b\\_answers.asp?s\\_Tax\\_type=Property+Tax&ID\\_Q=208](http://www.wva.state.wv.us/taxqna/b_answers.asp?s_Tax_type=Property+Tax&ID_Q=208).

Senior citizens eligible for the Homestead Exemption Program may be entitled to a Senior Citizen Tax credit. The credit is based on the amount of property taxes paid on the first \$10,000 or portion thereof, of the taxable assessed

value over the \$20,000 Homestead Exemption. The credit is based on the amount of property taxes paid on the first \$20,000, or portion thereof, of the taxable assess value over the \$20,000 Homestead Exemption. Taxpayers who pay the federal alternative minimum tax cannot claim this credit.

Seniors who are 65 or older and who experience a property tax increase of at least \$300 on their owner-occupied West Virginia home over the past year may qualify for the Senior Citizen property Tax Deferment if their income was no more than \$35,000. The credit must be approved by your county assessor's office.

The state's homestead Excess Property Tax Credit is a refundable personal income tax credit for real property taxes paid in excess of your income. The maximum refundable tax credit is \$1,000.

For more information on the above, refer to <http://www.state.wv.us/taxrev/tsdPublications/tsd411.pdf> and <http://www.wva.state.wv.us/wvtax/seniorCitizens.aspx>.

### **Inheritance and Estate Taxes**

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

For further information, visit the West Virginia State Tax Department site

<http://www.wva.state.wv.us/wvtax/default.aspx> or call 304-558-3333 or 800-982-8297. Also visit the West Virginia Department of Revenue <http://www.revenue.wv.gov/Pages/default.aspx>. [Source: [www.retirementliving.com](http://www.retirementliving.com) Feb 2011 ++]

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**Veteran Legislation Status 26 FEB 2011:** For a listing of Congressional bills of interest to the veteran community introduced in the 112<sup>th</sup> Congress refer to the Bulletin's "**House & Senate Veteran Legislation**" attachment. Support of these bills through cosponsorship by other legislators is critical if they are ever going to move through the legislative process for a floor vote to become law. A good indication on that likelihood is the number of cosponsors who have signed onto the bill. Any number of members may cosponsor a bill in the House or Senate. At <http://thomas.loc.gov> you can review a copy of each bill's content, determine its current status, the committee it has been assigned to, and if your legislator is a sponsor or cosponsor of it. To determine what bills, amendments your representative has sponsored, cosponsored, or dropped sponsorship on refer to <http://thomas.loc.gov/bss/d111/sponlst.html>.

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

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### **Have You Heard? Why Grandmas Are Smart**

I was out walking with my grandson. He picked up something off of the ground and started to put it in his mouth. I took the item away from him and I asked him not to do that.

"Why" my grandson asked.



"Because it's been on the ground; you don't know where it's been, it's dirty, and probably has germs," I replied.

At this point, my grandson looked at me with total admiration and asked, "Grandma, how do you know all this stuff?? You are so smart."

I was thinking quickly and said to him. "All grandmas know stuff. It's on the Grandma Test. You have to know it, or they don't let you be a grandma."

We walked along in silence for 2 or 3 minutes, but he was evidently pondering this new information.

"Oh...I get it! He beamed, So if you don't pass the test you have to be the grandpa."

"Exactly," I replied with a big smile on my face.

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"I am not worried about the deficit. It is big enough to take care of itself. "

--- **Ronald Reagan** [ Joke at the Gridiron Club annual dinner 1984]

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