

RAO BULLETIN

15 January 2011

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THIS BULLETIN CONTAINS THE FOLLOWING ARTICLES

- == Tricare Young Adult Program [02] ---- (DoD Announcement)
- == VAMC Marion IL [01] ----- (Full Accreditation)
- == Mobilized Reserve 11 JAN 2011 ----- (242 Increase)
- == Doolittle's Raiders Last Surviving Pilot ----- (Died 10 JAN)
- == CA Vet Services ----- (State Budget Cut Impact)
- == DoD Office of the Actuary ----- (Data Source)
- == Tricare Retired Reserve [02] ---- (Sign-up Options Expanded)
- == Combat Veteran Health Care [06]----- (Enrollment Deadline)
- == What to Ask Your Doctor ----- (Become Fully Informed)
- == Traffic Fines ----- (Sign of the times)
- == Vet Toxic Exposure ~ Asbestos ----- (Mesothelioma)
- == Fisher House Expansion [06] ----- (Now 53)
- == Fisher House [02] ----- (Mission & Amenities)
- == VA Quality of Care [01] ----- (Better than Private Sector)
- == SBP DIC Offset [27] ----- (Repeal Legislation Reintroduced)
- == Counterfeit Check Scams ----- (How to Avoid)
- == HASC [06] ----- (Reintroduced Bills)
- == GI Bill [90] ----- (New Law Winners & Losers)
- == GI Bill [91] ----- (New Law Change Schedule)
- == Mt. Soledad Veterans Memorial ----- (Cross Unconstitutional)
- == Vet Toxic Exposure ~ Ft. Detrick [04] ----- (Deeper Probe)
- == Tax Tips 2010 [01] ----- (Tax year 2010)
- == SBA Vet Issues [13] ----- (New Verification Requirement)
- == VA Service Dogs [02] ** ----- (Disabled Troops./Vets Misled)
- == TSP [18] ----- (Strong 2010 Finish)
- == Vet Cremains [04] ----- (New York)
- == Vet Unclaimed Money ----- (Where to Look)
- == Federal Holidays ----- (2011)
- == Tricare Retired Reserve [03] ----- (Online Sign Up)
- == CRDP/CRSC Option [03] ----- (2011 Open Season)
- == Saving Money ----- (Checking Accounts)
- == Notes of Interest ----- (1-14 Jan 2011)
- == Medicare Fraud [56] ----- (Biometric Palm Vein Scanner)
- == Medicare Fraud [57] ----- (1-14 Jan 2011)
- == Medicaid Fraud [29] ----- (Detecting Upcoding)
- == Medicaid Fraud [30] ----- (1-14 Jan 2011)
- == State Veteran's Benefits ----- (Iowa)

- == Military History ----- (Battle of Belleau Wood)
- == Military History Anniversaries ----- (January 16-31 Summary)
- == Military Trivia 20 ----- (Vietnam Era Lingo ++)
- == Tax Burden for Utah Retirees ----- (2010)
- == Veteran Legislation Status 13 JAN 2011 ----- (Where we stand)
- == Have You Heard? ----- (The Perks of Being Over 40)
- Attachment - Veteran Legislation
- Attachment - Iowa State Veteran's Benefits

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Tricare Young Adult Program Update 02: The Department of Defense announced 13 JAN its introduction of the premium-based Tricare Young Adult Program (TYAP) which extends medical coverage to eligible military family members to the age of 26. The program had previously been referred to as "Tricare 26". Expected to be in place later this spring, TYAP implements the National Defense Authorization Act (NDAA) of fiscal 2011. Premium costs are not yet finalized, but the NDAA specifies rates must cover the full cost of the program. The Patient Protection and Affordable Care Act of 2010 required civilian health plans to offer coverage to adult children until age 26. Tricare previously met or exceeded key tenets of national health reform, including restrictions on annual limits, lifetime maximums, "high user" cancellations, or denial of coverage for pre-existing conditions – but did not include this expanded coverage for adult children. Dependent eligibility for Tricare previously ended at age 21 or age 23 for full-time college students.

The fiscal 2011 NDAA now gives the DoD the authority to offer similar benefits to young adults under Tricare. "We've been working hard to make sure we could put Tricare Young Adult on a fast track," said Tricare Deputy Director, Rear. Adm. Christine Hunter. "Fortunately for our beneficiaries concerned about health care coverage for their adult children, the law signed by the President includes opportunities for military families to elect this new premium-based plan retroactive to 1 JAN." Beginning later this spring, qualified, unmarried dependents up to age 26 will be able to purchase Tricare coverage on a month-to-month basis – as long as they are not eligible for their own employer-sponsored health coverage.

"This program has the potential to extend Tricare coverage to several hundred thousand additional beneficiaries," said Hunter. "The premium allows us to provide this excellent benefit to our military families while responsibly addressing the impact of health care costs on the DoD budget." Initially, the benefit offered will be a premium-based Tricare standard benefit. Eligible family members who receive health care between now and the date the program is fully implemented may want to purchase TYAP retroactively and should save their receipts. Premiums will have to be paid back to 1 JAN 2011, in order to obtain reimbursement. Adults who are no longer eligible for Tricare, but need health insurance coverage, may wish to explore the Continued Health Care Benefit Program (CHCBP). CHCBP is a premium-based program offering temporary transitional health coverage for 18-36 months. Coverage must be purchased within 60 days of loss of Tricare eligibility. For more information on TYAP and CHCBP refer to <http://www.Tricare.mil/>. [Source: DoD News No. 035-11 13 Jan 2011 ++]

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VAMC Marion IL Update 01: An independent organization that monitors health care standards has fully accredited the once-troubled Marion Veterans Affairs Medical Center. Hospital officials announced the full accreditation by the Joint Commission 12 JAN. It follows an October facility visit. The accreditation covers the hospital, behavioral care, home care, long-term care programs and surgeries. Hospital director Paul Bockelman says the accreditation demonstrates the hospital's commitment to safety and quality care for veterans. The news is a change from several years ago. The facility had been under intense scrutiny since AUG 07, when a surgeon Veizaga-Mendez resigned after a patient bled to death following gallbladder surgery. All inpatient surgeries were suspended within a month. Investigators later found at least nine deaths between OCT 06 and MAR 07 resulted from substandard care. A report filed by the Veterans Affairs Administrative Investigation Board (AIB) indicated the hospital administration ignored warnings about Veizaga-Mendez's credentials. The AIB is responsible for making

decisions on future employment of the Marion VA's former administrators, many of whom have been replaced. [Source: Chicago Tribune AP article 12 Jan 2011 ++]

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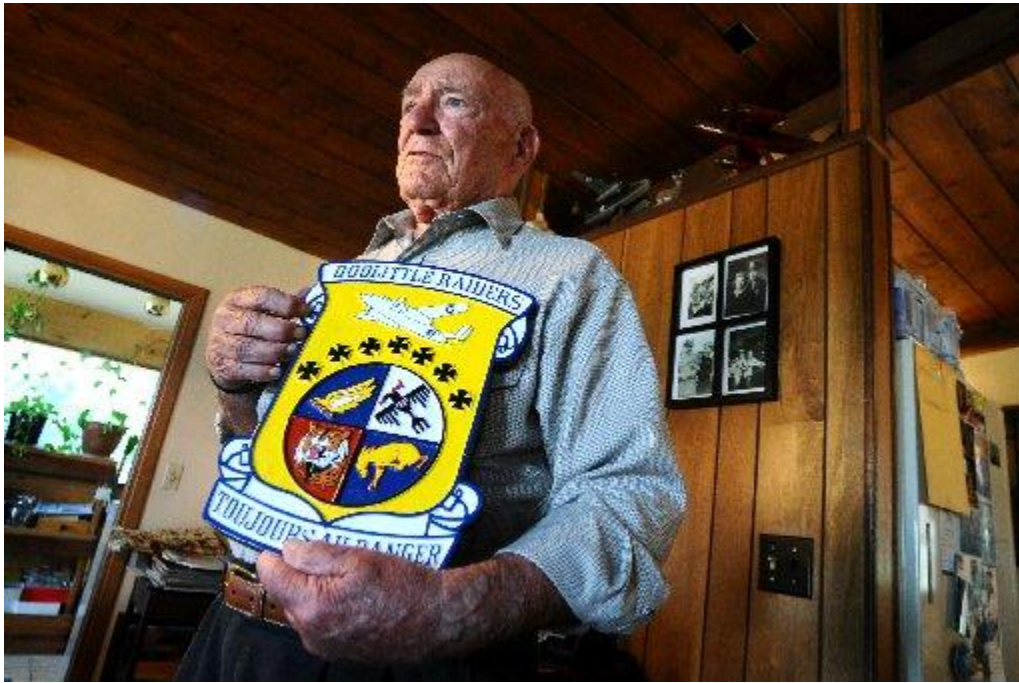
Mobilized Reserve 11 JAN 2011: The Department of Defense announced the current number of reservists on active duty as of 11 JAN 2011. The net collective result is 242 more reservists mobilized than last reported in the 1 JAN 2011 RAO Bulletin. At any given time, services may activate some units and individuals while deactivating others, making it possible for these figures to either increase or decrease. The total number currently on active duty from the Army National Guard and Army Reserve is 71,544; Navy Reserve, 5,678; Air National Guard and Air Force Reserve, 8,831; Marine Corps Reserve, 5,017; and the Coast Guard Reserve, 770. This brings the total National Guard and Reserve personnel who have been activated to 92,082 including both units and individual augmentees. A cumulative roster of all National Guard and Reserve personnel who are currently activated may be found at <http://www.defense.gov/news/d20110111ngr.pdf>. [Source: DoD News Release No. 031-11 dtd 12 Jan 2011 ++]

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Doolittle's Raiders Last Surviving Pilot: Col. William Marsh "Bill" Bower, the last surviving pilot of "Doolittle's Raiders" who bombed Japan in 1942, died 10 JAN at his home in south Boulder. He was 93 and "lived a completely full life," said his son Jim Bower. "My dad was a hell of a guy," he said. "He was a brave soul, a warrior. He was everybody's friend. He did all kinds of volunteer work. He was an exceptional human being." Bill Bower was hailed as a hero for his role in the United States' first air attack on Japan following the bombing of Pearl Harbor on Dec. 7, 1941. He volunteered and was chosen for the mission, which was planned and led by Lt. Col. James "Jimmy" Doolittle. On April 18, 1942, 16 B25B Mitchell medium bombers took off from the decks of the U.S.S. Hornet in the western Pacific Ocean. Because landing planes of that size on the Hornet was impossible, the pilots continued toward China after bombing their targets in Japan. All but one of the aircraft, which landed in the Soviet Union, crashed in China or were ditched at sea. Of the 80 crew members, 11 were either captured or killed; the rest returned to the United States.

On his return, Bower married Lorraine Amman in 1942. Bower continued to serve during World War II, assuming command of the 428th Bombardment Squadron and joining Allied invasion forces in Africa. He remained there and in Italy until September 1945. He was awarded the Distinguished Flying Cross for his role in the raids. After the war, he worked as a planner and accident investigator for the U.S. Air Force and served in the Arctic as commander of a U.S. Air Force transport organization. He also served as commander at Dobbins Air Force Base in Marietta, Ga. In 1966, he retired and moved with his wife and four children to Boulder, where he was involved in the real estate and sporting goods businesses for many years. His family described him as deeply involved in the community, from volunteering with Second Harvest, Community Food Share and Meals on Wheels to founding the Central Optimist Club to serving on city of Boulder committees. His family described him as "the best outdoorsman," saying he was a big-time fisherman who also enjoyed bird hunting and guiding hunters in the Colorado mountains. He also enjoyed annual "Raider" reunions. Five Raider crew members, including two co-pilots, survive him. But Bower was the last living pilot.

In 2008, he was recognized for his distinguished service to his country at the Bolder Boulder Memorial Day race. But to the children in his neighborhood, he was simply a handyman and caretaker, his family said. "All the kids on the block at the time gravitated to him," Jim Bower said. "He took care of all the kids." Michael Carrigan, a University of Colorado regent whose family lived on the same cul-de-sac as the Bowers, said part of his daily routine as a child was to ring the bell at Bower's house for a Jolly Rancher. "He would give us a Jolly Rancher," Carrigan said. "Every day was Halloween at Col. Bower's house." It wasn't until he was in college that he learned that the man who helped with the neighborhood children's projects and passed out candy was a war hero. "He never drew attention to himself," Carrigan said. "He was very humble, kind and generous. I'm grateful that my children will continue to enjoy the liberties and freedoms that he fought so hard for." He is survived by his children, Jim Bower, of Arvada; Bill Bower, of Chapman, Kan.; Mary Brannaman, of Sheridan, Wyo.; and Mindy Bower, of Kiowa; and six grandchildren. His wife died in 2004. [Source: Boulder Daily Camera Amy Bounds article 12 Jan 2011 ++]



Boulder's Bill Bower, one of Doolittle's Raiders, shows off the crest used by the four units that participated in the 1942 air raid on Japan in this April 2009 photo.

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CA Vet Services: Gov. Jerry Brown's plan to slash \$12.5 billion from California's budget could slam the door on the state's fledgling Operation Welcome Home program for troops returning from Afghanistan and Iraq, and drastically reduce the services provided by county veterans offices. The governor's proposed budget, unveiled 10 JAN, would trim nearly \$10 million from the California Department of Veterans Affairs by eliminating general fund support specifically for the two programs. The department operates veterans homes, and provides medical care and a variety of other services under its current annual budget of about \$420 million. About \$229 million of that money comes from the state's general fund. "I absolutely know we can find \$10 million in this budget to support those efforts, said state Sen. Mark Wyland, R-Carlsbad. Wyland, a member of the Senate Veterans Affairs Committee, said closing programs that help veterans during wartime is wrong. "Because of what veterans have given to this country and the importance of them knowing what services are available, it is nearly unconscionable to cut that budget," he said.

Assemblyman Paul Cook, R-Yucca Valley called the proposal a "short-sighted move that serves neither state finances nor our veterans well." Cook, who heads the Assembly's Veterans Affairs Committee, said studies have shown that county veterans services offices actually produce more money for the state than they cost to operate. They do so because veterans wind up obtaining an array of services from the federal government they might not otherwise get. "Each year, with minimal funding, these officers help thousands of veterans gain \$250 million in new federal aid for California, money that goes into the state's economy," he said. "They bring in over \$100 in federal funding for every \$1 that is budgeted to them." California has nearly 2 million veterans, according to a September report from the Department of Veterans Affairs. About 234,000 live in San Diego County, which has the largest concentration of active duty and retired military personnel in the country. Riverside County is home to about 130,000 veterans. Bill Earl, who runs the Riverside County Veterans Services office, said he may be forced to close satellite offices in Hemet and Indio and eliminate walk-in services. "It would be devastating," Earl said of the proposed funding cuts. "We figure we would lose about \$350,000, and our hope would be that maybe the county would give us some of that money back, but it's broke, too."

In San Diego County, Veterans Services Officer Tom Splitgerber said it was too early to say how his operations in San Diego, Escondido and Oceanside would be affected. "We're taking a wait-and-see attitude right now," he said. The Riverside and San Diego County offices combined assisted about 40,000 veterans in the last year.

It was just last June that then-California Gov. Arnold Schwarzenegger unveiled Operation Welcome Home, a statewide effort to connect the estimated 30,000 veterans who return from overseas each year with services to help them "transition from the battlefield to the home front." Pete Conaty, a longtime Sacramento lobbyist whose clients include veterans groups, said cutting the two services ignores 15 years of data showing that investing in the service offices is a good deal. "The bean counters just don't get it," he said. "The point is, we are an income generator." The groups Conaty represents will lobby the Legislature and Brown to keep the funding in place, he said. Former Oceanside City Councilman Rocky Chavez, acting director of the Department of Veterans Affairs, issued a prepared statement saying the agency could continue providing the help veterans need. The statement did not explain how that would be accomplished if the cut goes through. [Source: North County Times Mark Walker article 11 Jan 2011 ++]

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DoD Office of the Actuary: The DoD Office of the Actuary provides actuarial expertise on all matters relating to military compensation and benefits inclusive of annual valuations of the military retirement system, education benefits under the Montgomery G. I. Bill, health care for the military retired population, and the Voluntary Separation Incentive program. These valuations include projecting personnel, pay, and benefits, and calculating annual DoD contribution costs, as well as determining program unfunded liabilities and their amortizations. The Office also responds to requests for cost estimates of proposed changes in benefits from DoD, other government agencies, military service support groups, and private industry. On their website <http://actuary.defense.gov/> can be found Military Retirement Fund, Education Benefits Fund, and Retiree Health Care valuation reports. In addition it provides a 300 page annual Statistical Report on all aspects of the Military Retirement System (such as how many reside in each state pg. 25, etc.), a Chief Financial Officer report, and email point of contacts for asking questions about the report contents. Of use to anyone contemplating whether or not to sign up for the Survivor Benefit Plan (SBP) is a program in which one can enter their personal data to obtain statistical projections to aid them in making their decision. [Source: <http://actuary.defense.gov/> Jan 2011 ++]

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Tricare Retired Reserve Update 02: Gray-area retirees from the National Guard and Reserves who want to purchase TRICARE health care coverage now have a new way to get a DoD Self-service Logon (DS Logon). Most will need a DS Logon to qualify for and purchase TRICARE Retired Reserve (TRR) health coverage. Since 1 SEP 2010, members of the Retired Reserve who aren't 60, the so-called "gray area" retirees, have been able to purchase TRR to provide health coverage for themselves and their eligible family members. To make purchasing TRR easier, gray area retirees can now get a DS Logon by contacting the Defense Enrollment Eligibility Reporting System/Defense Manpower Data Center Support Office (DSO) and remotely verify their identity. Gray area retirees can use the DS Logon to access the Web-based Reserve Component Purchased TRICARE Application (RCPTA) to qualify for and purchase TRR. If a gray area retiree doesn't have a DS Logon, but has a retired military ID card, he or she can call the DSO at 1-800-538-9552 (1-866-363-2883 for the hearing impaired) to request remote proofing documentation. DSO will provide step-by-step instructions and the appropriate documentation to get a DS Logon via remote proofing. The DSO's hours of operation are M-F, 05-1700 Pacific time. The DSO is closed on all federal holidays.

To use the remote proofing process, the gray area retiree will identify his or herself with a Social Security number to the DSO. The DSO will then fax, e-mail or send by regular mail, a document the retiree can take with their ID card to a notary public to remotely verify his or her identity. The retiree will return this document to the DSO and, if the notarized photocopy of the ID card matches the ID card on file in DEERS, a DS Logon can be issued. Gray area retirees who don't have a retired ID card and a DS Logon can get both, and complete the in-person proofing process at a RAPIDS ID card issuing site. To locate the nearest RAPIDS site, go to www.dmdc.osd.mil/rsl. Alternatively, they may still go to designated Veterans Administration (VA) regional offices to complete in-person proofing and get a DS Logon. To locate a VA regional office, visit <http://www.vba.va.gov/vba/benefits/offices.asp>. Retired Reservists may qualify to purchase TRR coverage if they are under the age of 60 and are not eligible for, or

enrolled in, the Federal Employees Health Benefits (FEHB) program. They must be members of the retired Reserve and qualified for non-regular retirement. For instructions on how to qualify for and purchase TRR go to <http://www.tricare.mil/trr>. [Source: Tricare Press Release No. 11-04 dtd 11 JAN 2011 ++]

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Combat Veteran Health Care Update 06: Certain combat Veterans who were discharged from active duty service before 28 JAN 03 have until 27 JAN 2011 to take advantage of their enhanced health care enrollment opportunity through the Department of Veterans Affairs (VA). "While there is no time limit for Veterans to apply for the VA health care they earned with their service, I highly encourage this group of combat Veterans to take advantage of the enhanced enrollment window to use their health care benefits through this simplified process," said Secretary of Veterans Affairs Eric K. Shinseki. "VA has health care eligibility specialists online and at every medical center eager to help Veterans take advantage of this opportunity." The enhanced enrollment window was provided for in Public Law 110-181, the National Defense Authorization Act for Fiscal Year 2008. That law gave combat Veterans who served after 11 NOV 98 but separated from service before 28 JAN 03, and did not enroll before 28 JAN 08, three years, beginning on Jan. 28, 2008, to apply for the enhanced enrollment opportunity.

These Veterans will still be able to apply for health benefits with VA after 27 JAN, but will have their status for receiving VA health care determined under normal VA procedures that base health care priority status on the severity of a service-connected disability or other eligibility factors. This would mean some Veterans could face income or asset-based restrictions, as well as delays in establishing their VA health care eligibility while their disability status is determined. Since the inception of the enhanced enrollment opportunity, VA has sent more than 750,000 personal letters to eligible Veterans and hosted thousands of outreach efforts through OIF/OEF and enrollment coordinators stationed at every VA medical center. Since JUN 2010, VA sent another 194,000 personal letters to give every eligible Veteran a chance to take advantage of this opportunity, but to date only 13,000 of these Veterans have enrolled.

The law does continue to provide the enhanced health care enrollment window to combat Veterans who were discharged or released from active service on or after 28 JAN 03. For these Veterans, the five-year enrollment period begins on the discharge or separation date of the service member from active duty military service, or in the case of multiple call-ups, the most recent discharge date. Veterans can apply for enrollment online at <http://www.1010ez.med.va.gov/sec/vha/1010ez>, by contacting VA at 1-877-222-8387 or with the help of a VA health care eligibility specialist at any VA medical center. Go to www2.va.gov/directory/guide/home.asp for locations. For more information regarding enrollment, visit VA's eligibility site at <http://www.va.gov/healtheligibility>. [Source: VA News Release 10 Jan 2011 ++]

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What to Ask Your Doctor: We all want to think our doctors are infallible. We'd like to think our doctors know everything there is to know about medical treatment for our particular conditions. Yet the truth is, at some point in time the doctor has to learn by doing. Doctors endure intensive education and rigorous training, but there is a world of difference between textbook learning and the unpredictability of real-life practice. Even established professionals can go an entire career without performing many medical treatments firsthand. This doesn't mean you should avoid visiting a doctor, or be fearful about the quality of medical treatment you will receive. It's important to regard your doctor as a friendly advocate for your health and well-being. But don't be a passive spectator when medical treatment, medication, or surgery is proposed. Anytime you or a loved one experience a health problem, be prepared to actively participate in the decision-making process. You should be ready to ask questions—not to be confrontational, but to become fully informed. With that in mind, the following questions will help you get started.

1. How long have you been in practice?
2. What is your experience in treating this condition?

3. What are the treatment options, and what other options are available that you or the health plan are not offering? If you don't understand the doctor's basic explanation of your condition and treatment, then by all means ask him or her for more information.
4. What will my recovery process include once the surgery is performed? The doctor or hospital may provide a followup care sheet, but it's good to know--in advance--what you can expect. Find out how much pain you can expect and how that will be managed, how long you will stay in the hospital, if you need to transition to a nursing facility before going home, the length of your at-home recovery, when you can resume normal activities, number of followup appointments, types of medication, and other important details. If possible, have your primary caregiver present during these discussions, and take notes.)
5. What are the possible complications of the proposed medical treatments or surgeries?
6. If there are any complications, how will you correct the problem?
7. Aside from your own partners, who would you go to for medical treatment if you had this condition? These are the doctors you could see for second and third opinions.
8. Are you personally going to perform the surgery?
9. Will others assist and participate, in a major way, in this medical treatment?
10. Can I ask your bookkeeper what my financial responsibility will be? You need to know in advance...and don't be afraid to negotiate!

These questions may seem basic to you, but they are very important because they will help you get a better sense of whether your doctor is someone you truly want as your partner in assisting you back to wellness. Medical crises are frightening, and patients and their guardians often feel overwhelmed. By taking responsibility and actively participating in the decision-making process about your medical treatment, you can work with your doctor for your highest good. This will help to dispel your fears, and will allow you and your doctor to focus on the ultimate goal: returning you to wellness. [Source: About.com | Senior Living Sharon O'Brian article 11 Jan 2011 ++]

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Traffic Fines: If you haven't received a ticket in a while for a traffic violation make sure you continue to comply with your state's traffic laws. States in need of funds to balance their budgets have been raising the maximum limits for fines. As an example, the California Vehicle Code (VC) for 2010 reflects the following maximum fines:

- VC 12814.6 Failure to obey license provisions \$214
- VC 14600(A) Failure to notify DMV of address change within 10 days \$214. Note: The fine may be reduced with valid proof of correction.
- VC 16028(A) Failure to provide evidence of financial responsibility (insurance) \$796. Note: This fine may be reduced with proof of insurance on or after the violation date.
- VC 21453(A) Failure to stop at a red signal \$436.
- VC 22349 & VC 22350 Unsafe Speed, 1 to 15 miles over the limit \$214
- VC 22349 & VC 22350 Unsafe Speed, 16 to 25 miles over the limit \$328
- VC 22450 Failure to stop at a stop sign \$214
- VC 22454(A) Passing a school bus with flashing red signals \$616
- VC 23123(A) Drive using wireless phone not hands free, First offense \$148
- VC 23123(A) Drive using wireless phone not hands free, For each subsequent offense \$256
- VC 23123.5(A) Drive while wireless device to send, read or write text \$148
- VC 23124(B) Minor drive using wireless phone \$148
- VC 22500(I) Parking in a bus loading area \$976
- VC 22507.8(A through C) Violation of disabled parking provisions, first offense \$976
- VC 22507.8(A through C) Violation of disabled parking provisions, second offense \$1876

- VC 26708(A) Unlawful material on vehicle windows \$178
- VC 27150(A and B) Adequate muffler required \$178
- VC 27315(D and E) Mandatory use of seat belts \$148
- VC 27360(A and B) Mandatory use of child passenger restraints \$436. Note: This fine may be reduced by completing a court authorized child seat diversion program.
- VC 27400 Headsets/Earplugs over both ears \$178
- VC 27803 (A through C) Motorcycle safety helmet requirements \$178
- VC 34506.3 Commercial Driver - Log book violation \$616
- VC 4000(A) No evidence of current registration \$256. Note: The fine may be reduced with valid proof of correction.
- VC 4159 Notify DMV of change of address within 10 days \$178. Note: The fine may be reduced with valid proof of correction.
- VC 5200 Display of license plates \$178. Note: The fine may be reduced with valid proof of correction.
- VC 9400 (A through C) Commercial weight fees due \$178. Note: The fine may be reduced with valid proof of correction

[Source: Mr. Ticket <http://www.4mrticket.com/california-traffic-tickets-fines-2010.html> Jan 2011]

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Vet Toxic Exposure ~ Asbestos: Mesothelioma is a rare form of cancer that primarily affects the lining of the lungs. Approximately 2,000 to 3,000 cases of Mesothelioma are diagnosed each year in the United States. According to the U.S. Department of Veterans Affairs, there are currently 25 million living individuals who have served in the Armed Forces; hundreds of thousands, if not millions of these living veterans were exposed to toxic asbestos-containing materials during military service. Asbestos.com's online Mesothelioma Center at <http://www.asbestos.com/veterans> offers assistance with filing your VA claim and can make the process much easier. The Veterans Assistance department offers extensive experience in filing VA claims and can help any veteran coping with Mesothelioma. For more information or assistance regarding VA benefits, programs and eligibility, call (800) 615-2270. For more info on Mesothelioma refer to the Bulletin article on Asbestosis or <http://www.asbestos.com>. [Source: Military.com article 3 Jan 2011 ++]

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Fisher House Expansion Update 06: The Fisher House Foundation isn't basking in past achievements as it prepares to commemorate the 20th anniversary of the opening of its first home on the grounds of the National Naval Medical Center here. As the first military families move this week into one of three new Fisher Houses just across the street from the original, the foundation is moving full steam ahead on nine more being built nationwide, many to be completed by the year's end. The Fisher House program started as a relatively modest endeavor, with Zachary and Elizabeth Fisher donating a home to provide free temporary lodging for military families while their loved ones received care at the Navy's flagship medical center. That original Fisher House, perched on a hillside overlooking the towering hospital, opened its doors 24 JUN 91. Soon the Fishers presented the second Fisher House, which opened a month later on the grounds of the Army's Walter Reed Army Medical Center in Washington. Within a few short months, the third opened at the Air Force's Wilford Hall Medical Center in San Antonio.

Three Fisher Houses led to five, then 10. By the time of Zachary Fisher's death in 1999, he and his wife had personally financed more than 20 Fisher Houses. The Fisher House Foundation, led by the Fishers' grandnephew, Ken Fisher, is keeping their vision alive. Today, 53 Fisher Houses grace the grounds of dozens of major military and Veterans Affairs medical facilities in the United States and in Landstuhl, Germany. Collectively, they have served more than 142,000 families since the program's inception. During 2010, their 651 guest suites accommodated 12,000 families. With the last of 10 Fisher Houses donated in late 2010 about to begin receiving families, and more houses under construction, it is anticipated capacity will increase to 16,000 families this year. Among the newest Fisher Houses is one at Dover Air Force Base, Del. Unlike other Fisher Houses that accommodate families of hospitalized service members and veterans, the Dover house serves grieving families as they prepare to witness the dignified transfer of their loved ones. "Having the house there lets us how these families how much we appreciate

their loved one's sacrifice. That's No. 1," foundation president Dave Coker said. "Hopefully, it provides an environment where they can receive a little bit of comfort."

Loving comfort always has been at the heart of the Fisher House mission. "When you have a loved one who is catastrophically injured or has died, your world turns upside down," Coker said. "So if we can help provide a little stability during that time, something to make these families' loads a little lighter, that's our priority. This isn't charity," Coker said, borrowing Ken Fisher's mantra. "It's our duty, our way of giving back for all that the military has enabled us to do, and for protecting our freedoms."

For the Fisher House Foundation, that mission requires always looking ahead so it's ready to respond to military families' needs. For example, three new Fisher Houses were built on the grounds of the National Naval Medical Center to accommodate an expected surge in demand as the hospital merges with Walter Reed Army Medical Center later this year. "It was very important for us to have these open before Walter Reed closed," Coker said. "[Washington] D.C. has always been underserved, and we wanted to get ahead of the game." One of the new Bethesda houses already is accommodating families, and another is expected to accept its first families this week. The third, to be dedicated to families whose loved ones are being treated at the National Intrepid Center of Excellence for Traumatic Brain Injuries and Psychological Health Problems, will house its first families soon.

Meanwhile, a new Fisher House is being built at Joint Base Elmendorf-Richardson, Alaska. The foundation will be laid as soon as the weather allows so the project can be completed by year's end. Another new Fisher House, under construction at Wright-Patterson Air Force Base, Ohio, will replace the Nightingale House, which is scheduled to be torn down along with the aging family housing that surrounds it. Coker said he hopes to see the new house finished by late March and dedicated in April. In addition, several Fisher House projects are under way at VA medical facilities. While they weren't part of the Fisher House Foundation's original vision, Coker said, he called the VA houses a natural extension of the support provided at military hospitals. "What we didn't foresee in the beginning was the continuity that exists between DOD and the VA," he said. "DOD focuses on saving the lives, and VA is rehabbing, giving these veterans back their life and regaining and optimizing their potential for recovery. "These young people getting hurt are going to need care throughout their lives," he continued. "And so we have a chance to support them through the VA health care system."

The Minneapolis VA Medical Center in Minnesota will receive its second Fisher House in the spring to accommodate families whose loved ones are receiving Level 1 polytrauma care. The initial Fisher House there has eight suites. "But we understand that on any given night, there are 30 families making do in hotels," Coker said. "So getting a house like this one will better allow them to meet the needs of the community. We're going to open it as soon as we get it furnished." Also in the April-May time frame, other Fisher Houses are expected to open at VA medical centers in Washington, D.C., and Augusta, Ga. As these houses take shape, construction is expected to begin on new Fisher Houses at VA medical centers in Salt Lake City, Pittsburgh, San Antonio, and Murfreesboro, Tenn. The Fisher House Foundation also is looking into building a replacement house in the fall at Fort Bragg, N.C. [Source: AFPS Donna Miles article 4 Jan 2011 ++]

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Fisher House Update 02: While numbers tell the story of the Fisher House Foundation's growth, one has to step inside a Fisher House to appreciate fully just how well it delivers on its pledge to support military families in their time of need. Fisher Houses aren't simply cozy. They're upscale. When you open the door, your eyes go in every direction trying to take it all in: the magazine-quality décor, the gleaming stainless-steel-and-granite kitchens, the attention to detail in every nook and cranny. "When somebody walks through the door, we want them to know there are others who care about them in their time of need, and we think we achieve that," Foundation President Coker said. "If they walk in and they can inhale twice, it is going to hopefully make it a little more manageable when life starts beating them down. And if there is one thing we have learned, it's that life happens." Each new Fisher House incorporates lessons learned from other houses.

Coker remembers visiting one facility and overhearing several wives discussing using a sheet to carry a husband who had been released from the hospital to his wife's upstairs room just long enough to see where she had been staying. "You hear that once and you recognize that we can do better," Coker said, "and that the right thing is to put in an elevator and make all the rooms handicapped-accessible." Today, all new Fisher Houses now have elevators as

well as wheelchair-accessible rooms and kitchen facilities. The military services and VA, who manage the facilities after the Fisher House Foundation turns them over, have renovated many of the original Fisher Houses to accommodate wheelchairs. Coker called their dedicated staffs, along with armies of volunteers, the unsung heroes who maintain what the Fisher House Foundation set out to accomplish. They ensure the pantries and refrigerators are stocked, the rooms are clean and the washing machines are in working order, complete with complimentary laundry soap. And as families gather to share morning coffee or a quick dinner between hospital visits, they're close at hand, ready to provide an understanding ear or, when needed, a shoulder to cry on.

Even after passing control of the Fisher Houses at the dedication ceremonies, the Fisher House Foundation quietly maintains contact with its houses by picking up the \$10 per night fee the services must charge by regulation for families to stay in a Fisher House. This year alone, the foundation will pay more than \$1 million to cover that cost. The idea, Coker said, is to enable families to forget everything else and focus on what's most important: their loved one's recovery. "I believe Fisher House is something that improved the quality of health care," he said. "And the reason it improves it is you [as a patient] are not concerned about your family. [Patients] are getting the same world-class health care, but because they know their families are being taken care of, the quality of care, in the eye of the patient and the family, has just increased." As the Fisher House Foundation looks ahead to future projects, Coker said it's working closely with the military surgeons general and VA to ensure it builds where the long-term need is greatest. And as many charities have struggled since the economic downturn, Coker reports that the Fisher House Foundation has weathered the storm intact. The foundation doesn't do direct-mail marketing, yet receives more than \$40 million a year in donations. Last month, its online donations averaged \$400 to \$500.

"The American public has been phenomenal," Coker said. "Part of it is the model. We are always going to new communities and bringing something exciting to town. That inspires giving. "But the other thing is the tremendous respect that the American people have for those who serve," he continued. "We have a program that focuses on helping people when they need to most, when their world is turned upside down. And people appreciate the opportunity to be able to support people at that point." Becky Wood, manager of the five Bethesda Fisher Houses, sees the families' appreciation firsthand every day. "Over and over, I have heard families say, 'I can't believe somebody who doesn't know us has done this for us' – from the Fisher House itself, to the bakery items and home-cooked meals volunteers bring to the families," Wood said. "They just can't believe that they are staying here, at no cost to themselves," she said. "They're overwhelmed by the beauty of the home and the spirit of generosity that's here." Wood said she gets tremendous gratification knowing that Fisher House Foundation and the Fisher House staff and volunteers are helping fulfill Zachary and Elizabeth Fisher's dream. "There's great satisfaction in knowing that we have provided these families comfort at what might for many of them be the hardest time they will every have in their life, and hearing them say thank you over and over again, and know that in some way, we've made a difference," she said. [Source: AFPS Donna Miles article 4 Jan 2011 ++]

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VA Quality of Care Update 01: The Department of Veterans Affairs (VA) issued the 2010 annual VA Facility Quality and Safety Report on 5 JAN that reports on VA health care for Congressional review and offers Veterans the opportunity to see the quality and safety findings specific to their VA medical center. "We believe in our mission to provide the best care anywhere for Veterans," said VA Under Secretary for Health Dr. Robert Petzel. "This posted report shows we are providing high quality overall and identifies the areas where we have opportunities to improve." This is the third year VA is posting the annual report and the second year to do so voluntarily. The Quality and Safety Report, at <http://www1.va.gov/health/HospitalReportCard.asp>, provides a comprehensive snapshot of the quality of care VA provides at each of 153 medical facilities across the nation. When compared to private sector plans, VA's findings showed higher quality marks for VA health care. VA used industry-standard measures to score the quality of the care it delivers, and the report shows that, overall, VA's scores are better than private sector health plans.

In addition to allowing VA to provide the public with an accounting of the quality and safety of its care, the report cards provide an opportunity for VA to make improvements where clinical indicators reflect cause for concern. For instance, the findings related to quality of care for women and the perceptions of quality of care by ethnic minorities highlight that VA shares the same challenges as the private sector in providing equal care to all patients. Committed to reversing these trends, VA has responded to these challenges in a variety of ways. For

example, VA is evaluating emergency room (ER) care for women, rolling out an education plan for ER providers, implementing breast cancer registry to assist in follow-up of abnormal mammograms, and training 400 more providers in basic and advanced "mini-residencies" in women's health. Also, VA medical centers and clinics each have a minority Veterans program coordinator to provide outreach to minority Veterans, as well as educate and sensitize VA staff to minority needs. The coordinators advocate for minority Veterans by identifying gaps in services and making recommendations to improve service delivery. The annual Facility Quality and Safety Report is just one of several public postings of various health care quality metrics for VA's medical facilities. [Source: VA News Release 6 Jan 2011 ++]

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SBP DIC Offset Update 27: Following on the legacy of former Rep. Henry Brown (R-SC), who retired last year from Congress, Rep. Joe Wilson (R-SC) introduced legislation to eliminate the Survivor Benefit Plan/Dependency Indemnity Compensation (SBP/DIC) offset. Wilson is the Chairman of the House Armed Services Personnel Subcommittee, the congressional panel with key jurisdiction over uniformed services quality of life issues. Wilson's bill, H.R.178, called the "Military Surviving Spouses Equity Act," is identical to the previous bill. It repeals the dollar-for-dollar reduction of SBP, fully restoring eligibility for all survivors; it eliminates "recoupment" of repayments of SBP premiums on remarriage of the survivor; and, it allows restoration of eligibility to survivors who passed the benefit to "dependent children." Passage of Wilson's legislation is even more critical this year as DFAS now demands repayment, with interest, of refunded premiums from the survivors who have chosen to remarry after age 57. Last year, remarried widows won a suit against the Government to restore both full SBP and DIC after age 57 marriage. In response, DFAS now demands a full repayment of the refunded SBP Premium money. Moreover, DFAS requires payment with 6% interest, despite the fact that the original payment to survivors was paid without interest and despite the fact that survivors paid taxes on the payment, too. Present law makes it a penalty if the survivor remarries prior to the age of 57, by denying full payment of SBP and DIC. The new DFAS policy makes it a penalty now if a survivor remarries after age 57. It's become a penalty for remarriage both before age 57 and after age 57.

This is the sixth year in a row that legislation has been introduced to eliminate this widow's tax. Those who would like to see it happen this year are encouraged to contact their legislators and request they take action. An easy way to do this is to refer to <http://capwiz.com/usdr/issues/alert/?alertid=21785541&type=CO> and send them the editable preformatted message shown. [Source: NAUS Weekly Update 7 Jan 2011 ++]

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Counterfeit Check Scams: Under federal law, banks must make funds available to you from U.S. Treasury checks, official bank checks (cashier's checks, certified checks, and teller's checks), and checks paid by government agencies at the opening of business the day after you deposit the check. For other checks, banks must similarly make the first \$100 available the day after you deposit the check. Remaining funds must be made available on the second day after the deposit if payable by a local bank, and within five days if drawn on distant banks. However, just because funds are available on a check you've deposited doesn't mean the check is good. It's best not to rely on money from any type of check (cashier, business or personal check, or money order) unless you know and trust the person you're dealing with or, better yet — until the bank confirms that the check has cleared. Forgeries can take weeks to be discovered and untangled. The bottom line is that until the bank confirms that the funds from the check have been deposited into your account, you are responsible for any funds you withdraw against that check. Here's how to avoid a counterfeit check scam:

- Throw away any offer that asks you to pay for a prize or a gift. If it's free or a gift, you shouldn't have to pay for it. Free is free.
- Resist the urge to enter foreign lotteries. It's illegal to play a foreign lottery through the mail or the telephone, and most foreign lottery solicitations are phony.
- Know who you're dealing with, and never wire money to strangers.
- If you're selling something, don't accept a check for more than the selling price, no matter how tempting the offer or how convincing the story. Ask the buyer to write the check for the correct amount. If the buyer refuses to send the correct amount, return the check. Don't send the merchandise.

- As a seller, you can suggest an alternative way for the buyer to pay, like an escrow service or online payment service. There may be a charge for an escrow service. If the buyer insists on using a particular escrow or online payment service you've never heard of, check it out. Visit its website, and read its terms of agreement and privacy policy. Call the customer service line. If there isn't one — or if you call and can't get answers about the service's reliability — don't use the service. To learn more about escrow services and online payment systems, visit ftc.gov/onlineshopping.
- If you accept payment by check, ask for a check drawn on a local bank, or a bank with a local branch. That way, you can make a personal visit to make sure the check is valid. If that's not possible, call the bank where the check was purchased, and ask if it is valid. Get the bank's phone number from directory assistance or an Internet site that you know and trust, not from the check or from the person who gave you the check.
- If the buyer insists that you wire back funds, end the transaction immediately. Legitimate buyers don't pressure you to send money by wire transfer services. In addition, you have little recourse if there's a problem with a wire transaction.
- Resist any pressure to "act now." If the buyer's offer is good now, it should be good after the check clears.

If you think you've been targeted by a counterfeit check scam, report it to the following agencies:

- The Federal Trade Commission Visit ftc.gov or 1-877-382-4357 , The U.S. Postal Inspection Service Visit www.usps.gov/websites/depart/inspect or call your local post office. The number is in the Blue Pages of your local telephone directory.
- Your state or local consumer protection agencies Visit www.naag.org for a list of state Attorneys General, or check the Blue Pages of your local telephone directory for appropriate phone numbers.

[Source: FTC Consumer Protection www.ftc.gov/bcp/edu/pubs/consumer/credit/cre40.shtm Dec 2010 ++]

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SBP for Reservist Update 01: A new update in computation rules for the Reserve Component Survivor Benefit Plan (RCSBP) will end the practice of deducting RCSBP premiums from the survivors' SBP annuities. RCSBP provides coverage for Guard and Reserve retirees in the so-called "gray area" between the time they retire from drilling status and attainment of retired pay eligibility at age 60. Unlike regular SBP, the beneficiary receives the coverage before the premiums start. Also unlike regular SBP, RCSBP is not subsidized by the government, which means premiums must be set at rates that fully cover the cost of the interim coverage. RCSBP premiums are paid in addition to regular SBP premiums. And because members who die in the "gray area" will never pay any premiums, RCSBP premiums until now have been deducted from both the retirees' retired pay and the survivors' SBP annuities, with premiums calculated individually for each couple based on their relative ages.

DoD has revised RCSBP premiums periodically to reflect changes in mortality rates and other changing factors (projected COLAs and interest rates, etc.) and has established different premium schedules for members who retired at different times. The most recent calculation update allowed DoD to stop deducting premiums from RCSBP survivors' annuity checks -- a significant benefit improvement. That change will be applied immediately for survivors of retirees passing away in December 2010 or later. The premium relief also will be extended to all 44,000 existing RCSBP survivors, but that won't happen until next summer. That's because the individual nature of the premium calculation means DFAS must reconstruct each deceased member's original retired pay base to calculate the premium rebate for each eligible survivor. The new change will increase the average eligible Guard/Reserve survivor's SBP annuity by about \$18 a month. The new update also reduces RCSBP premiums by an average of about \$5 per month for RCSBP-enrolled retirees who began receiving retired pay on or after May 1, 2010. [Source: MOAA Leg Up 7 Jan 2011 ++]

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HASC Update 06: House champions of the military and veterans' communities have wasted no time in reintroducing several 111th session bills in the new 112th session of Congress - including a number offered by the new Military Personnel Subcommittee Chairman Joe Wilson (R-SC).

- H.R. 115 (Rep. Bob Filner, D-CA) would increase the maximum age for dependent children to be covered by the CHAMPVA program.
- H.R. 178 (Rep. Wilson) would repeal the SBP/DIC offset for military survivors.
- H.R. 179 (Rep. Wilson) would restore TRICARE eligibility for Guard/Reserve members whose active service earns them early retirement (under current law, they start retired pay early, but must wait until age 60 for TRICARE coverage).
- H.R. 181 (Rep. Wilson) would authorize early Guard/Reserve retirement credit for all active service performed since 9/11/01 (under current law, only service after 1/28/08 qualifies).
- H.R. 186 (Rep. Wilson) would phase out the VA disability offset for all chapter 61 (disability) retirees, regardless of years of service.

[Source: MOAA Leg Up 7 Jan 2011 ++]

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Tricare User Fees Update 58: On 6 JAN Secretary of Defense Robert Gates outlined an ambitious plan of cuts and efficiencies to squeeze more than \$78 billion in savings from the defense budget over five years. The proposal included a wide range of changes that would affect all facets of defense spending including civilian and uniformed personnel, command structures, weapons systems, intelligence, and benefits. As he has done repeatedly in recent months, Gates told reporters that health costs are "eating the Department alive", in part because working-age retirees who have access to civilian health coverage are foregoing that coverage to use TRICARE. Gates said the FY2012 defense budget will propose "modest" increases in fees for retirees under 65 and propose adjusting those fees every year at the rate of medical inflation. Gates also noted that military retirees pay significantly lower fees than federal civilians do for their health care. It is to be seen what is meant by "modest fees". But back in 2007 and 2008, he proposed increasing fees by \$1,000 to \$2,000 per year. Final details on the FY2012 budget proposals may not be known until the President formally submits the FY2012 budget to Congress on 14 FEB. Among other initiatives, the budget will propose:

- Reducing future Army and Marine Corps active duty forces -- by 27,000 and 20,000-25,000, respectively, starting in FY2015.
- Dramatic reductions in the number of DoD contractors (nearly 800 in TRICARE alone).
- Elimination/downgrade of more than 100 general officer billets and 200 senior civilians.
- Cancellation of the Marine Corps expeditionary fighting vehicle.
- Consolidation of intelligence and information technology programs

[Source: MOAA Leg Up 7 Jan 2011 ++]

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GI Bill Update 90: President Obama has signed the Post-9/11 Veterans Education Assistance Improvement Act (GI Bill 2.0) into law. The reforms are being praised for making the GI Bill simpler to administer – mainly by doing away with the state-by-state tuition and fee rates. However, the law also adds some complicating factors, like an annual cap which only applies to private schools and new housing stipend limits based on the number of classes a student takes each term. For details of the upcoming changes, refer to <http://military-education.military.com/2011/01/va-offers-more-details-on-gi-bill-changes/>. Most of these changes go into effect in August and October of this year. While no one would argue the need for change, the bill comes with several trade-offs that some vets, and veterans program administrators, find hard to accept. Like most legislation there is always unintended consequences — both winners and losers. Some would argue that the trade-offs are necessary to cover the cost of expanding the benefits. But this is of little comfort to those who will find themselves on the losing end of these compromises. White House Press Secretary, Robert Gibbs, told reporters that the administration will work with Congress to continue improving this important program this coming year.

The Winners:

- National Guard members, who didn't qualify under the old rules, can now use both AGR and title 32 time to count toward their Post-9/11 GI Bill eligibility.
- Active duty servicemembers and their eligible spouses will qualify for the \$1000 annual book stipend.
- Students attending 100 percent of their classes online (distance learning) can now qualify for a housing (living) stipend of up to \$673.50 a month for full-time enrollment.
- Veterans seeking degrees of all levels – under-grad through doctorate – will have 100 percent of the tuition and fees paid by VA, as long as they attend a state operated (public) institution of higher learning.
- Veterans seeking vocational, technical, certificate, on-the-job-training, and apprenticeship programs will be able to use the Post-9/11 GI Bill.
- Veterans who need to take placement exams to apply for school (LSAT, GRE, GMAT, SAT, ACT) will be able to take the exams under the GI Bill.
- Eligible NOAA and USPHS personnel will be able to transfer Post-9/11 benefits to dependents.
- Voc-Rehab participants will have the option to use their Post-9/11 housing stipend instead of the VR&E subsistence rate.

The Losers:

- Veterans who must rely on the housing stipend to cover their living expenses during mandatory school break periods will find the payments end during such breaks.
- Veterans taking enrolled at less than full-time will see their housing stipend prorated to match their rate of pursuit — the number of credit hours taken each term.
- Veterans whose private school tuition exceeds \$17,500 a year will have to find alternative means for covering their tuition. Note: Yellow Ribbon still applies and may be available to help cover the additional expenses.
- The Department of Veterans Affairs who is just now getting the kinks worked out with GI Bill 1.0. Some are forecasting that it will take up to 18 months to adapt the application and enrollment process to meet the new rules. Hopefully this won't mean increased back logs and payment errors next fall when this new law goes into effect.

[Source: Military.com | Education Terry Howell article 5 Jan 2011 ++]

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GI Bill Update 91: The Post-9/11 Veterans Education Assistance Improvements Act of 2010 was recently signed into law. The VA has provided the following amplification in chronological order of the rule changes within the new law:

Effective August 1, 2009, but not payable until October 1, 2011.

- Certain National Guard members mobilized on Title 32 orders on-or-after September 11, 2001 are now eligible for the Post-9/11 GI Bill and any qualifying Title 32 mobilization may be used to increase your percentage of eligibility

Effective August 1, 2011

- The Post-9/11 GI Bill will now pay all public school in-state tuition and fees; this includes graduate training, etc.
- For students attending private institutions of higher learning or foreign schools, the tuition and fee reimbursement is capped at the lesser of net out-of-pocket cost or \$17,500 annually — however the Yellow Ribbon Program still exists.
- College fund payments will now be paid on a monthly basis instead of a lump-sum at the beginning of the term. Those training at ½ time or less are now eligible for college fund payments.
- Reimbursement is now available for multiple Licensing and Certification Tests.
- Reimbursement is now available for fees paid to take national examinations used for admission to an institution of higher learning (e.g. SAT, LSAT, ACT, GMAT, etc).
- Vocational Rehabilitation participants may now elect the higher housing allowance offered by the Post-9/11 GI Bill if otherwise eligible for the Post-9/11 GI Bill.

- Break or interval pay is no longer payable under any VA education benefit program unless under an Executive Order of the President or due to an emergency situation such as a natural disaster or strike. Entitlement which previously would have been used for break pay will be available for use during a future enrollment. This means that if your semester ends December 15 your housing allowance is paid for the first 15 days of December only. Your benefits will begin again when your new semester begins (e.g. January 15) and you will be paid for the remaining days of that month and term.
- Students using other VA education programs are included in this change. Monthly benefits will be prorated in the same manner.
- NOAA and PHS personnel are now eligible to transfer their entitlement to eligible dependents

Effective October 1, 2011

- If you are training at greater than ½ time your housing allowance is now prorated according to the training time you are enrolled in, i.e. full housing allowance for you is \$1000, you are attending ¾ time — your housing allowance would be \$750 (¾ of \$1000).
- Housing allowance is now payable to students enrolled solely in distance learning, the housing allowance is ½ the national average BAH for an E-5 with dependents (the rate would be \$673.50 for 2011).
- Non-college degree programs, on-the-job training, and flight training programs are now covered under the Post-9/11 GI Bill.
- The book stipend is now payable to active duty members

[Source: Military.com | Education Terry Howell article 5 Jan 2011 ++]

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Mt. Soledad Veterans Memorial: A federal appeals court ruled 4 JAN in a two decade old case that a war memorial cross located at the Mount Soledad Veterans Memorial, 6905 La Jolla Scenic Drive South, La Jolla, CA 92037 is unconstitutional because it conveys a message of government endorsement of religion, . A three-judge panel of the 9th U.S. Circuit Court of Appeals issued the unanimous decision in the dispute over the present cross, which was dedicated in 1954 in honor of Korean War veterans. The court said modifications could be made to make it constitutional, but it didn't specify what those changes would be. "In no way is this decision meant to undermine the importance of honoring our veterans," the three judges said in their ruling. "Indeed, there are countless ways that we can and should honor them, but without the imprimatur of state-endorsed religion."

Federal courts are reviewing several cases of crosses on public lands being challenged as unconstitutional, including a cross erected on a remote Mojave Desert outcropping to honor American war dead. The ruling could influence future cases involving the separation of church and state. U.S. Justice Department spokesman Wyn Hornbuckle said the federal government, which is defending the San Diego cross, is studying the ruling and had no comment. Gina Coburn, spokeswoman for the San Diego's city attorney's office, which was once a defendant in the case, said the cross will have to be removed from Mount Soledad unless a full panel of 9th Circuit judges reverses the 4 JAN decision or the Supreme Court agrees to rule on it. The American Center for Law and Justice, an evangelical Christian legal group which has fought to preserve the cross, called it "a judicial slap in the face" to military veterans and said they planned to ask the Supreme Court to intervene.

The legal fight over the Mount Soledad cross began in 1989 when atheist Philip Paulson sued the city of San Diego. Paulson, a Vietnam War veteran, contended that the cross excludes veterans who aren't Christian. A Jewish war veterans group has also been a plaintiff in the case along with the American Civil Liberties Union. State and federal judges have ordered the cross removed, saying it represents an unconstitutional endorsement of one religion. But in 2006, the U.S. Supreme Court blocked an order that the city take it down that summer, giving lower courts time to hear appeals. City officials have argued that the cross is part of a secular war memorial, and the cross has been embraced by San Diego residents who in 2005 overwhelmingly approved a measure to preserve it by donating it to the federal government. The land under the cross was eventually transferred to the federal government but the courts have said that did not protect it from the constitutional dispute.

Joe Infranco, senior counsel of The Alliance Defense Fund, an Arizona-based Christian legal group, said the memory of troops should not be dishonored because the ACLU and a few others are offended by the presence of the cross. "It's tragic that the court chose a twisted and tired interpretation of the First Amendment over the common

sense idea that the families of fallen American troops should be allowed to honor these heroes as they choose," he said. David Blair-Loy of the ACLU in San Diego County said the court acted correctly. "We honor those who have served, but the Constitution does not allow the government to exclude non-Christians by endorsing a clearly religious symbol," he said. The Rev. John Frederickson of Orlando, Fla., was among a steady stream of people who visited the white cross 4 JAN atop Mount Soledad, which affords spectacular views of the Pacific Ocean and the surrounding upscale suburb of La Jolla. "For those who are offended, they can move or look somewhere else," the 56-year-old Christian pastor said. "Christians are not asking every mosque or synagogue to be torn down. Why tear down a symbol of Christianity? Let them find or make their own memorial."

Michael Aguirre, a former San Diego city attorney who has followed the case closely, said cross supporters will have to counter the court's analysis that the cross was used historically to promote Christianity. The ruling recounts that the cross was dedicated on Easter Sunday and used for religious gatherings for nearly three decades before it became a war memorial. It said La Jolla has a "well-documented history" of anti-Semitism from the 1920s to around 1970. "This cross marks La Jolla as a Christian community, that's basically what (the judges are) saying," said Aguirre, who is now in private practice. "It was a cross for decades in a community with a history of anti-Semitism." Three differently shaped Christian crosses have been constructed since 1913 at the apex of Mt. Soledad (Mt. Soledad Natural Park) in the community of La Jolla.

The original wooden cross on Mt. Soledad was erected in 1913 by private citizens living in La Jolla and Pacific Beach, but was stolen in 1923; later that year it was affixed back in the ground in Mt. Soledad Natural Park only to be burned down by the Ku Klux Klan. The second cross was erected in 1934 by a private group of Protestant Christians from La Jolla and Pacific Beach. This sturdier, stucco-over-wood frame cross was blown down by blustery winds in 1952. The present cross, 29 feet (9 m) tall with a twelve-foot arm spread on top of a 14-foot (4 m)-tall stepped platform, was installed in 1954. A windstorm damaged one of the flimsily constructed cross members in 1955 and the concrete structure had to be repaired. In AUG 06, the Memorial, which is open to the public, was officially transferred to the Department of Defense. It is presently managed and operated by Commander, Navy Region Southwest located in San Diego, California. [Source: Associated Press Julie Watson article 4 Jan 2011 ++]

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Vet Toxic Exposure ~ Ft. Detrick Update 04: Maryland public health officials say certain cancers appear to occur at younger ages among people living near Fort Detrick in Frederick than in people statewide. Clifford Mitchell of the Department of Health and Mental Hygiene said 3 JAN that investigators will probe deeper into the discrepancies involving liver, bone and endocrine cancers. The most marked difference involves liver cancer. The median diagnosis age among people living near the Army installation from 2000 to 2007 was 55 versus 65 statewide. Mitchell says researchers will examine the cases in greater detail and look at others as far back as 1992. The investigation reflects concerns about Agent Orange testing and industrial chemical dumping at Fort Detrick decades ago. [Source: Washington Post AP article 4 Jan 2011 ++]

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Tax Tips 2010 Update 01: The following applies to income earned in tax year 2010:

1. **Tax Forms.** To encourage electronic filing, the IRS is no longer mailing tax forms to most individuals. Forms can be downloaded at <http://www.irs.gov>, purchased from commercial sources (normally on CD), or picked up at some Federal locations such as the post office or IRS sites. Because of late-year revisions in the tax code, revised tax forms may not be available until February.
2. **Tax Deadlines Extended.** The IRS announced that taxpayers have until 18 April this year to file and pay any taxes due. Those taxpayers requiring an extension will have until 17 October to file their 2010 tax returns.
3. **Delay to File.** The IRS said that they will not even process certain tax returns until mid- to late February because Congress was late in its final tax legislation and the IRS requires the time to publish and deliver the changes to the tax forms. Those who need to wait include:
 - Those who itemize on Form 1040 Schedule A;
 - Those who claim higher education tuition and fees;

- Those who claim the educator expense deduction.

Except for those facing a delay, the IRS will accept e-file and Free File returns beginning 14 January.

4. Requirement to File a Tax Return. You must file a federal income tax return if your income is above a certain level; which varies depending on your filing status, age and the type of income you receive. Check the Individuals section of the IRS website at <http://www.irs.gov> or consult the instructions for Form 1040, 1040A, or 1040EZ for specific details that may help you determine if you need to file a tax return with the IRS this year. You can also use the Interactive Tax Assistant (ITA) available on the IRS website to determine if you need to file a tax return. The ITA tool is a tax law resource that takes you through a series of questions and provides you with responses to tax law questions. There are some instances when you may want to file a tax return even though you are not required to do so. Even if you don't have to file, here are seven reasons why you may want to:

- **Federal Income Tax Withheld.** You should file to get money back if Federal Income Tax was withheld from your pay, you made estimated tax payments, or had a prior year overpayment applied to this year's tax.
- **Making Work Pay Credit.** You may be able to take this credit if you had earned income from work. The maximum credit for a married couple filing a joint return is \$800 and \$400 for other taxpayers.
- **Earned Income Tax Credit.** You may qualify for EITC if you worked, but did not earn a lot of money. EITC is a refundable tax credit; which means you could qualify for a tax refund.
- **Additional Child Tax Credit.** This refundable credit may be available to you if you have at least one qualifying child and you did not get the full amount of the Child Tax Credit.
- **American Opportunity Credit.** The maximum credit per student is \$2,500 and the first four years of postsecondary education qualify.
- **First-Time Homebuyer Credit.** The credit is a maximum of \$8,000 or \$4,000 if your filing status is married filing separately. To qualify for the credit, taxpayers must have bought - or entered into a binding contract to buy - a principal residence located in the United States on or before April 30, 2010. If you entered into a binding contract by April 30, 2010, you must have closed on the home on or before September 30, 2010. If you bought a home as your principal residence in 2010, you may be able to qualify and claim the credit even if you already owned a home. In this case, the maximum credit for long-time residents is \$6,500, or \$3,250 if your filing status is married filing separately.
- **Health Coverage Tax Credit.** Certain individuals, who are receiving Trade Adjustment Assistance, Reemployment Trade Adjustment Assistance, or pension benefit payments from the Pension Benefit Guaranty Corporation, may be eligible for a Health Coverage Tax Credit worth 80 percent of monthly health insurance premiums when you file your 2010 tax return.
- For more information about filing requirements and your eligibility to receive tax credits, visit www.irs.gov.

5. Withholding. Your employer withholds an amount based on your expected annual earnings as required by IRS Pub 15. Those withholdings are sent to the US Treasury and held in an account not unlike your mortgage escrow account for later distribution for payment of your taxes owed and return of any excess to you. You control much of the amount withheld by the use of your W-4 form filed with your employer. The IRS wants you to estimate the amount that will be owed and adjust your W-4 such that your "escrow" account has enough, but no excess next year at tax time.

6. Mileage Rates for 2011. Beginning 1 Jan 2011, the standard mileage rates for use of a car, van, pickup, or panel truck will be:

- Business -- 51 cents per mile (Up from 50 cents in 2010)
- Medical or Moving -- 19 cents per mile (this is the new rate for mileage after 1 Jan to be used with FSA claims -- the mileage rate for 2010 was 16.5 cents)
- Service for Charitable Organizations -- 14 cents (same as 2010).
- The rate for using a motorcycle also increased by a cent to 48 cents per mile, while the rate for using a personal airplane held steady at \$1.29 per mile.

7. Taxpayer Advocacy. The IRS has an office dedicated to taxpayer advocacy to assist when you have made every other effort to resolve your problems with the IRS? The Taxpayer Advocacy Service (TAS) will assist cases that have reached an impasse with IRS customer service representatives -- they are not there to take complaints about

taxes. The IRS sponsors several outreach programs to assist the public via citizen volunteers. One most recognized is the Volunteer Income Tax Assistance (VITA) program which helps folks prepare routine (mostly low income and basic returns), the Low Income Taxpayer Committee (LITC), and the Taxpayer Advocacy Panel (TAP). TAP solicits comments from the public as to how the IRS might improve its interface with the taxpayers (ex., clarify language on forms and pubs, change telephonic procedures, etc). The mission of TAP is "to listen to taxpayers, identify taxpayer issues, and makes recommendations to the IRS for improving IRS service and customer satisfaction." There is at least one citizen volunteer in each state who serves for three years on several TAP committees and subcommittees. TAP has counterparts in TAS and other IRS offices for directly communicating issues brought forward; and a report is prepared by TAS each year for Congressional presentation. Your TAS person can be found via the IRS website www.irs.gov/advocate/article/0,,id=97402,00.html) and issues can be provided to TAP via <http://www.improveirs.org> . Your comments about the tax code should be referred to your Congressional representative -- the IRS can only administer what your representatives have legislated.

8. **Documentation retention.** The Internal Revenue Code and Income Tax Regulations require that every person liable for any tax imposed by the Internal Revenue Code keep books and records available at all times for inspection by IRS. As all military know, the "school solution as to how long is, 'it depends'". This is not a cop-out answer -- NORMALLY, the answer would be three years after filing a return; BUT there are many exceptions requiring nearly a lifetime or even generational requirements for documentation. Check IRS Pub 522 (<http://www.irs.gov/publications/p522/ar02.html>) for your own specific need.

9. **Military Taxes.** There are many differences for military related expenses -- moves, uniforms, combat exclusions, etc. Check IRS Pub 3.

- **Moving Expenses.** If you are a member of the Armed Forces on active duty and you move because of a permanent change of station, you can deduct the reasonable unreimbursed expenses of moving you and members of your household.
- **Combat Pay.** If you serve in a combat zone as an enlisted person or as a warrant officer for any part of a month, all your military pay received for military service that month is not taxable. For officers, the monthly exclusion is capped at the highest enlisted pay, plus any hostile fire or imminent danger pay received.
- **Extension of Deadlines.** The time for taking care of certain tax matters can be postponed. The deadline for filing tax returns, paying taxes, filing claims for refund, and taking other actions with the IRS is automatically extended for qualifying members of the military.
- **Uniform Cost and Upkeep.** If military regulations prohibit you from wearing certain uniforms when off duty, you can deduct the cost and upkeep of those uniforms, but you must reduce your expenses by any allowance or reimbursement you receive.
- **Joint Returns.** Generally, joint returns must be signed by both spouses. However, when one spouse may not be available due to military duty, a power of attorney may be used to file a joint return.
- **Travel to Reserve Duty.** If you are a member of the US Armed Forces Reserves, you can deduct unreimbursed travel expenses for traveling more than 100 miles away from home to perform your reserve duties.
- **ROTC Students Subsistence.** Allowances paid to ROTC students participating in advanced training are not taxable. However, active duty pay - such as pay received during summer advanced camp - is taxable.
- **Transitioning Back to Civilian Life.** You may be able to deduct some costs you incur while looking for a new job. Expenses may include travel, resume preparation fees, and outplacement agency fees. Moving expenses may be deductible if your move is closely related to the start of work at a new job location, and you meet certain tests.
- **Tax Help.** Most military installations offer free tax filing and preparation assistance during the filing season.
- **Tax Information.** IRS Publication 3, Armed Forces' Tax Guide, summarizes many important military-related tax topics. Publication 3 can be downloaded from <http://www.IRS.gov> or may be ordered by calling 1-800-TAX-FORM (800-829-3676).

[Source: Herbert Hayes, Huntsville, Alabama Special Tips msg 6 Jan 2011 ++]

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Fisher House Hero Miles: A popular program that turns donated frequent-flyer miles into no cost airline tickets for wounded warriors receiving medical care as well as their families will expand this year so families of the fallen and combat wounded can participate in two upcoming events. The Fisher House Foundation, which administers the "Hero Miles" program, plans to offer airline tickets so grieving families needing assistance can fly to Washington, D.C., this Memorial Day weekend to participate in the Tragedy Assistance Program for Survivors seminar. The annual conference, to run 27 thru 30 MAY, offers a camp for children, a workshop for adults and comfort for families whose military member died in service to the nation, regardless of the cause. In addition, the Hero Miles program will help families to attend the second annual Warrior Games held in the spring in Colorado Springs, Colo.. Some 200 disabled active-duty servicemembers and military veterans will compete in the second annual Warrior Games, scheduled for May 16 thru 21 MAY at the U.S. Olympic Training Center. Participants will put their long recuperations and months of training to the test as they go for the gold in events to include shooting, swimming, archery, track and field, cycling, sitting volleyball and wheelchair basketball, officials said.

Foundation President Dave Coker said, "We will use Hero Miles to bring in any families that need assistance, and eliminate the cost of getting to these events as a barrier." Coker called it fitting that the Hero Miles program helps families who might otherwise not get the opportunity to participate in these events. The Fisher House Foundation has been underwriting all administrative costs and ticketing charges for the Hero Miles program since 2005. The program provides a way for passengers of participating airlines to donate their unused frequent-flier miles to reunite military men and women undergoing treatment at a military or Veterans Affairs medical center with their families. It provides round-trip airline tickets at no charge to two categories of passengers.

- Servicemembers on at least five days of approved leave from their medical center who don't qualify for government-funded airfare.
- Family or close friends of qualified servicemembers while they're treated at the medical center.

To date, the program has provided more than 21,000 airline tickets -- valued at more than \$27 million -- to combat veterans of operations in Iraq and Afghanistan and their families. Coker marveled at the generosity of people who donate their frequent-flyer miles to support the program. "The miles have no intrinsic value, and [donors] aren't getting a tax deduction for donating the miles," he said. "They are doing it because they want to support the military." For as little as \$5, or more typically, \$10, the program can provide airline tickets to servicemembers or families that otherwise might cost them about \$1,400. Anyone desiring to participate in this program can find more info plus how to donate their miles at http://www.fisherhouse.org/programs/heromiles_donate.html. [Source: AFPS Donna Miles article 5 Jan 2011 ++]

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SBA Vet Issues Update 13: To further advocate for Veterans, VA announced that companies identifying themselves as small businesses or Veteran-owned businesses to gain priority for some Department of Veterans Affairs (VA) contracts must now provide documentation verifying their status within 90 days of receiving notice from the agency. "VA is committed to doing business with as well as supporting and protecting Veteran-owned small businesses," said Secretary of Veterans Affairs Eric K. Shinseki. "Although the verification process may initially be a challenge to some small business owners and to VA, it's a necessary step to eliminate misrepresentation by firms trying to receive contracts that should go to service-disabled and other Veteran-owned vendors." The Veterans Benefits Act of 2010, signed by the President 13 OCT, expanded VA's requirement to verify the status of businesses claiming Veterans preference to compete for VA contracts by being listed in VA's VetBiz.gov "Vendor Information Pages" (VIP) database. Companies will have to submit an application to substantiate their status as owned and controlled by Veterans, service-disabled Veterans or eligible surviving spouses. Only companies that submit the information will be listed in the VIP database.

The law requires VA to notify currently listed businesses that within 90 days of the Veteran-owned business receiving the notice they must submit certain business documents. VA sent notices to more than 13,000 listed businesses by email and mail 10-11 DEC. Other companies, wanting to be listed in the database and considered for future set-aside VA contracts, also have to submit application packages. VA will work on those verifications after the existing listings are verified. The department plans to post additional information at www.VetBiz.gov in early February informing applicants how to submit their documents electronically. In the meantime, VA's notice to currently listed businesses encourages them to submit their information on CD-ROM. Priority processing will be

given to those Veteran-owned firms that are in line to receive a set-aside contract from VA, those that already conduct business with VA, and those that have already filed an application for verification. For more information, visit the Office of Small and Disadvantaged Business Utilization's website at www.va.gov/OSDBU/veteran/verification.asp or the main page at www.va.gov/osdbu/. [Source: VA News Release 3 Jan 2010 ++]

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VA Service Dogs Update 02: [Note: Military Times Copyrighted material - Not authorized for reproduction on any website or website accessed newsletter. However, it can be forwarded via email in personal communications.]

Some service members and veterans are being misled and possibly harmed by well-meaning charities promising to provide a trained service dog to help with medical needs, according to representatives of AMVETS, a major veterans service organization. What often happens is that disabled veterans who might benefit from a dog trained to do certain tasks may end up with an animal that a charity group has rescued from a pound, has been taught no special skills and might not be a true service dog for legal purposes. "A dog with little or no training might be a great companion, but that's all," said Cristina Roof, AMVETS legislative director. To be a real service dog it must meet minimum training standards for service dogs established by Assistance Dogs of America which are:

- 90 percent of the time, a service dog must respond the first time it is asked to do a basic obedience and skill task.
- By voice command or hand signal, a service dog must sit, stay, lie down, come and heel.
- A service dog must perform at least three tasks to mitigate a disability.
- The dog must be clean, well-groomed and not have an "offensive odor."
- Unnecessary barking, growling, whining or soliciting attention from other people is not allowed. That includes begging for or stealing food from the general public.
- When working, a dog should be calm and quiet, and not distracted (even by cats or squirrels). When not working, it should lie quietly without blocking aisles or doorways.
- Unless told otherwise, a dog should be within two feet of its handler at all times.
- In public, a service dog must wear a cape, harness, backpack or other clothing or equipment identifying it as a service dog.

Some media stories about nonprofit groups providing veterans with dogs rescued from shelters give the incorrect impression that an untrained dog is essentially the same as a trained service dog. Roof says, "It is incredibly important to remember a service dog may not be a good fit for everyone. It is also crucial to remember that a service dog is in no way a replacement for your rehabilitation, either. Service members and veterans should never pay for a service dog and should try to deal only with groups accredited by Assistance Dogs International, which sets training guidelines and placement standards." Dogs not officially recognized as service dogs — sometimes called therapy dogs or emotional support dogs — are pets, and although they may have some basic training, they are not covered by the Americans with Disabilities Act. They may not have access to public spaces and may not enter military and veterans hospitals and clinics. ADA rules cover guide dogs for the blind or deaf, seizure-alert dogs, and mobility dogs trained to pull a wheelchair, pick up dropped items and perform similar tasks. A month-old ADA policy revision now also allows public access for psychiatric service dogs if they are trained to perform a specific task. According to Roof the Veterans Affairs and Defense departments don't have to abide by ADA rules. VA operates on rules dating to 1994 that allow only seeing-eye dogs into VA facilities, but allow case-by-case access for other types of service dogs. DoD has similar rules, giving discretion about allowing dogs into hospitals and clinics to base commanders.

Roof said access restrictions on dogs can be embarrassing for service members and veterans who believe they have a trained and officially recognized dog but are later barred from bringing the animal into public buildings and medical facilities. Having a companion dog rather than a recognized service dog also can make a difference in terms of benefits. VA can provide financial help to veterans for service dogs, covering some costs for food and health care, but those benefits don't extend to emotional support or therapy dogs. It's a confusing situation, said AmVets spokesman Ryan Gallucci. One example of a potentially confusing message is from Pets For Vets, a California-based charity that takes animals from shelters and pairs them with veterans. Pets for Vets does not claim its dogs are certified as service dogs, but says in promotional material that their program is "a win-win way to give back to our

troops who have given so much to us.” Veterans with physical and mental injuries can have a difficult transition to civilian life, and having a companion can help, the group says. “Our goal is to heal their wounds by bringing together man’s best friend and our returning soldiers while showing them both that we have not forgotten,” the group says. Pets for Vets did not respond to calls for comment.

Roof said there is no industry wide standard for what skills a dog may need to be certified to help a veteran with post-traumatic stress disorder or other mental health issues. VA is in the early stages of research to devise standard requirements for dogs to be trained to help veterans suffering from PTSD. A Laurel, Md., nonprofit group, Fidos for Freedom, trains dogs in specific skills. They can be trained to open and close doors, retrieve objects, help someone keep their balance while walking, help someone get in or out of a chair, pull a wheelchair for short distances, assist in dressing or undressing, or help someone who has fallen get back on their feet. The group also trains dogs to help the deaf or hearing impaired by responding to the phone, smoke detector, alarm clock, microwave, someone knocking at the door or calling a name, the sound of something being dropped or even a baby’s cry. [Source: ArmyTimes Rick Maze article 30 Dec 2010 ++]

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TSP Update 18: The investment options in the federal employee retirement savings plan performed well in DEC 2010, following a volatile November:

- ❖ The Thrift Savings Plan's I Fund, invested in international stocks, grew the most last month, gaining 8.12% after a large loss in November. The I Fund was up 7.94% for the year.
- ❖ The S Fund, which invests in small and midsize companies and tracks the Dow Jones Wilshire 4500 Index, was close behind, advancing 7.38% in December. It also boasted the biggest increase for 2010, spiking 29.06%.
- ❖ The C Fund -- invested in common stocks of large companies on the Standard & Poor's 500 Index -- grew 6.68%. The C Fund had a solid year, posting 15.06% gains in 2010.
- ❖ The stable government securities (G) fund had the lowest monthly growth, at only 0.20%. The G Fund gained 2.81% for 2010.
- ❖ The fixed income bonds in the F Fund were the only offerings in the red for December, losing 1.05%. But the fund remained positive for the year, with a 6.71% increase.

All the life-cycle funds, designed to move investors to less risky portfolios as they get closer to retirement, saw gains in December following a month of small losses. The L 2040 rose 5.67% for the month; L 2030 increased 4.96%; L 2020 gained 4.08%; L 2010 was up 1.49%; and L Income, for people who have reached their target retirement date and have started withdrawing money, also rose 1.49%. L 2040 was up 13.89% for 2010, with L 2030 close behind at 12.48%. L 2020 gained 10.59% for the year; L 2010, 5.65%; and L Income, 5.74%. The L 2010 Fund closed on Dec. 31, 2010, and all investments were transferred to the L Income Fund. [Source: GovExec.com Emily Long article 3 Jan 2011 ++]

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Vet Cremains Update 04: This past Veteran’s Day, New York State announced the passing of a new law regarding the interment of veterans’ remains. Under this law, if a funeral home is in possession of the unclaimed remains of a veteran for which they’ve received no direction regarding delivery or burial of the remains, they may now be relinquished to a veterans’ service organization so that they may be appropriately interred as befits their service to our country. To support this new law, Orange County Executive Edward A. Diana has announced that the county will provide proper interment of the unclaimed remains of any Orange County veteran transferred to the county’s veterans’ cemetery by a local funeral home. There will be no cost to the funeral home or the family, if any is known. The funeral home must provide appropriate paperwork identifying that the remains are that of a veteran from Orange County. Funeral homes in possession of unclaimed remains that have the appropriate documentation identifying them as veterans from Orange County should contact Tony Zippo, director of Orange County Veterans’ Services, to make arrangements for the transfer of the remains. He can be reached at 291-2464 or by email at azippo@orangecountygov.com. [Source: The Chronicle Goshen article 2 Jan 2011 ++]

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Vet Unclaimed Money: Approximately \$33million dating back to WWI for veterans and their families are sitting unclaimed. The money typically represents life-insurance policy payouts or dividend checks and premium refunds that were mailed to policyholders. If payments couldn't be delivered, the Department of Veterans Affairs holds the money indefinitely, says Thomas Lastowka, the department's director for insurance. About 25 million people have enrolled in the insurance programs since WWI. The bulk of the unclaimed funds date from World War II, when about 22 million people enrolled. The \$33 million in unclaimed funds is unrelated to the insurance programs for soldiers in active duty, the Servicemembers' Group Life Insurance and Veterans Group Life Insurance programs. The Department of Veteran Affairs is not the only agency sitting on unclaimed benefits. State treasurers and other agencies hold some \$32.877 billion in unclaimed funds for 117 million accounts, according to the National Association of Unclaimed Property Administrators.

To see if you or a family member has any unclaimed VA money, check on the Veterans Affairs website (<https://insurance.va.gov/liability/ufsearch.htm>). You'll need to input the veteran's full name, date of birth and date of death (if applicable). Be careful when searching common names -- say, John Smith. To verify an identity, you also may need the veteran's VA insurance file number or service number, which can be found on enlistment or discharge documents (many of which are on file at county courthouses). You also can claim money by calling 1(800) 669-8477 or writing to the Department of Veterans Affairs Regional Office and Insurance Center. Between JAN 07 and NOV 2010, \$6.4 million have been claimed, Mr. Lastowka says. Life-insurance claims usually average about \$4,500 while other checks range from \$1 to \$750. When it comes to collecting money owed to a deceased veteran, generally the surviving spouse has access first, followed by children and parents. [Source: The Wall Street Journal Emily Glazer article 2 Jan 2011 ++]

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Federal Holidays: Federal law (5 U.S.C. 6103) establishes the following public holidays for federal employees. Note that most federal employees work on a Monday through Friday schedule. For these employees, when a holiday falls on a non-workday -- Saturday or Sunday -- the holiday usually is observed on Monday (if the holiday falls on Sunday) or Friday (if the holiday falls on Saturday).

Friday, December 31, 2010*	New Year's Day
Monday, January 17	Birthday of Martin Luther King, Jr.
Monday, February 21**	Washington's Birthday
Monday, May 30	Memorial Day
Monday, July 4	Independence Day
Monday, September 5	Labor Day
Monday, October 10	Columbus Day
Friday, November 11	Veterans Day
Thursday, November 24	Thanksgiving Day
Monday, December 26***	Christmas Day

* January 1, 2011 (the legal public holiday for New Year's Day), falls on a Saturday. For most Federal employees, Friday, December 31, 2010, will be treated as a holiday for pay and leave purposes. (See 5 U.S.C. 6103(b).)

** This holiday is designated as "Washington's Birthday" in section 6103(a) of title 5 of the United States Code, which is the law that specifies holidays for Federal employees. Though other institutions such as state and local governments and private businesses may use other names, it is our policy to always refer to holidays by the names designated in the law.

*** December 25, 2011 (the legal public holiday for Christmas Day), falls on a Sunday. For most Federal employees, Monday, December 26, will be treated as a holiday for pay and leave purposes. (See section 3(a) of Executive order 11582, February 11, 1971.)

[Source: <http://www.myfederalretirement.com/public/786.cfm> Jan 2011 ++]

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Tricare Retired Reserve Update 03: The new Tricare benefit for Grey Area Reservists, under age 60, is now available for purchase. It is a premium based service for qualified retired Reserve members. There are no pre-existing condition exclusions or up-charges. Premiums vary annually based on group experience. Monthly rates for 2011 are \$408.01 for member, \$1,020.05 for member and family. Applications are only accepted online. You must have all your DEERS information current; as the Tricare system relies on DEERS for the coverage eligibility. You must have an acceptable form of online credentials to log on to the DMDC Reserve Component Purchased Tricare Application. The premium payment is due no later than the last day of the month for the next month's coverage. Failure to pay total premium amounts due will result in a termination of coverage due to nonpayment. A 12-month TRR purchase lockout will go into effect.

Members must meet the outpatient deductible each federal fiscal year (i.e. 1 OCT thru 30 SEP) before Tricare outpatient cost-sharing begins. The annual deductible is currently \$150 a year for individuals and \$300 a year for families. The amounts of member payments for outpatient services after their annual deductible is met are 20% of the negotiated rate for Tricare Network providers and 25% of the Tricare-allowable charge, plus fees up to 15% above the Tricare-allowable charge for Tricare-Authorized Non-Network providers. The TRR catastrophic cap is \$3,000. The catastrophic cap is the maximum amount you will pay for health care each federal fiscal year. The cap applies to all Tricare-covered services inclusive of annual deductibles, outpatient and inpatient cost-shares, and pharmacy copayments based on Tricare-allowable charges. Monthly premiums, payments above the Tricare-allowable charge, and payments for non-covered services are not credited toward the TRR catastrophic cap.

[Source: JAN Veteran Eagle & www.TriCare.mil/tr Jan 2011 ++]

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CRDP/CRSC Option Update 03: Retired service members who are eligible for both Concurrent Retirement and Disability Pay (CRDP) and Combat-Related Special Compensation (CRSC) can select which payment they prefer to receive during the CRDP/CRSC open season that runs for the entire month of January, 2011. According to federal law, retirees can receive either CRDP or CRSC, but not both. All eligible retirees should have received a CRDP/CRSC Open Season Election Form in the mail, which includes a comparison of the CRDP and CRSC entitlement amounts and information about tax implications. Retirees should return the form only if they wish to make a change from CRDP to CRSC or vice versa. If a retiree prefers to keep things the way they are, no action is needed and the current payment will continue uninterrupted. Forms must be postmarked no later than 31 JAN 2011, for the changes to be implemented. Typical processing time is 30 days and most changes will take effect on the first business day of February 2011. All elections remain in effect unless changed in a subsequent annual open season. To determine which program might be better for you, review the CRSC/CRDP comparison table below.

	CRSC	CRDP
Qualified Injury	combat-linked disabilities	service-connected disabilities
Classification	Special Compensation (not subject to rules and regulations governing military retired pay)	Military retired pay (subject to rules and regulations governing military retired pay)
Full Concurrent Receipt?	Yes - Retirees can receive either partial or full concurrent receipt of their military retirement pay and VA disability compensation	No - Restoration of pay is phased in over 10 years (from 2004 to 2014)
Claim Process	Application required (Click here for instructions)	Automatic

Eligibility	<p>Eligible claimants:</p> <p>Are retired with 20 years Active or Reserve Duty* Are receiving retired pay Have a 10% + VA disability rating Have at least one combat-related disability</p> <p>*See Section 641 of the National Defense Authorization Act (NDAA), signed into law in 2008, which expanded the CRSC eligibility definition</p>	<p>Eligible claimants:</p> <p>Are retired with 20 years Active or Reserve Duty* Are receiving retired pay (that is offset by Va payments) Have a 50% + VA disability rating Reservists and national guardsmen must be at least 60 years old</p> <p>*See Section 642 of the National Defense Authorization Act (NDAA), signed into law in 2008, which expanded the CRDP eligibility definition</p>
Retroactive Entitlement	<p>Beginning June 1, 2003, for any month in which all eligibility requirements* are satisfied</p> <p>*Note the effective date for those who qualify based upon the expanded authority under the NDAA 2008, is either January 1, 2008, or the date of the qualifying VA disability award, whichever is later</p>	<p>Beginning January 1, 2004, for any month in which all eligibility requirements* are satisfied</p> <p>Note the effective date for those who qualify based upon the expanded authority under the NDAA 2008, is retroactive to January 1, 2005</p>
Federal Taxation	Tax Free	Taxable, according to your current retired pay Federal Income Tax Withholding (FITW) tax rate
Issue of Payment	CRSC payment are deposited to the same account where you receive your retired pay. In the event your VA disability compensation offset exceeds your retired pay, it will be deposited to the account where you receive VA payment	CRDP payment are issued by DFAS and direct deposited or mailed based on your current retired pay information. CRDP payment will reflect as a decrease in the VA waiver deduction on your retired Account Statement; however, you will continue to receive the same amount from the DVA
Subject to division of retired pay with a former spouse (Uniform Services Former Spouse Protection Act (USFSPA))?	No	Yes
Subject to Collection / Garnishment	Yes	Yes
SBP (Survivor Benefit Plan)	No	Yes

A retiree may be due funds from DFAS, the DVA or from both agencies. DFAS and the DVA remain in communication with each other to successfully recognize and process CRDP and CRSC accounts.

For more information, call 1-877-327-4457. This phone number is exclusively for CRDP and CRSC related questions. Customer service representatives are available Monday through Friday from 8 a.m. to 4:30 p.m. (ET). Questions concerning disability ratings or payments due from the VA should be directed to the Department of Veterans' Affairs at 1-800-827-1000. For additional information, visit [Source: JAN Veteran Eagle & <http://www.dfas.mil> Jan 2011 ++]

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Saving Money: Pay attention to the notices and fine print from your bank and it may save you more than \$100 in 2011. Fees are rising with many major banks, and there may be more you have to do to get or keep a free checking account. When Congress passed regulations on the financial industry, banks warned the restrictions would cause them to raise rates and fees to recover the lost revenue. Banks have proved many times they weren't bluffing. Banks have added a number of new fees in the past two years, and now they are testing fees on checking accounts, something that could affect millions of consumers by the end of 2011. "Banks could lose billions of dollars in revenue this year from regulations," says Bill Hardekopf, CEO of LowCards.com and author of The Credit Card Guidebook. "Banks can't just absorb that loss – they have to make it up somewhere, and checking accounts are the hot topic right now." Free checking was a nice gift that banks used to attract customers, hoping it would lead to a deeper banking relationship with loans, mortgages, credit card, and mutual funds. But free checking is not "sacred." Some banks started adding new checking account fees last year and a number of banks have followed. [Editors Note - I found out the hard way on my January statements that I was being charged \$30 a month on our 3 checking accounts at Chase and Provident banks. I immediately closed the accounts and will now only use my NFCU checking account. Credit Unions should be the last, if at all, to implement fees on checking accounts]. Stand by for the following changes and more:

- ❖ **Bank of America** - Bank of America is testing a new fee system. It will divide customers into four groups and charge monthly fees based on how much money and how many accounts a customer has with the bank. The fees could range from \$6 to \$25 a month but customers can avoid the fees if they maintain a certain minimum balance, make a minimum number of deposits (both determined by account level), or bank in certain ways such as linking multiple accounts and credit cards.
- ❖ **Chase** - Starting 8 FEB, Chase will enroll new customers in Total Checking. The monthly fee is \$12, but it can be waived if you maintain a \$1,500 balance, make \$500 in monthly direct deposits, or keep a \$5,000 balance across your deposit accounts. Older accounts will get a \$6 monthly fee that can be waived with \$500 in monthly deposits or if you make five debit card purchases. Chase is also increasing fees on some account activities. According to the Chicago Tribune, ATM and debit card withdrawals at non-Chase ATMs will cost \$5, up from \$2. It will also charge \$1 to print recent account transactions at ATMs for most customers. Overdraft protection fees are rising from \$10 a day to \$12 (waived if the account is overdrawn by \$5 or less). The insufficient funds fee is increasing from \$10 to \$12. Outing wire transfers will cost \$30, an increase from \$25. Online transfers jump from \$20 to \$25. Stopped payment requests increase from \$32 to \$34.
- ❖ **Citi** - Last fall, Citi stated charging monthly maintenance fees. The basic checking account now has an \$8 monthly fee that is waived after a minimum of five transactions each month. A higher level account charges \$20 each month if you don't maintain a \$6,000 balance across all linked checking, savings, and investment accounts.
- ❖ **Wells Fargo** - Starting 3 FEB, Wells Fargo will replace free checking with an account that charges a \$5 monthly maintenance fee and a \$6.95 monthly online bill pay fee. This is for new customers and fees can be waived if a minimum balance or other requirements are met.

Here are a few consumer tips on avoiding or minimizing new bank fees:

- If you have an account requiring a minimum number of deposits or balance amount, pay close attention to your statements. Use account alerts to notify you of deposits, payments, and account balances. For example, if your minimum balance requirement is \$500, an online alert can notify you when your balance drops close to that so you can take action before you get hit with the fee.

- Keep up with monthly debit card transactions. Some banks are adding fees if you don't use your debit card enough.
- Find out what activities will waive your monthly maintenance fee. Banks may waive the fee for online banking, a certain number of deposits, or more debit card usage.
- Check out your local credit union. These may have better rates and lower fees than the major banks.
- Contact your bank customer service. You can complain about the fees and even ask them to waive the fees charged to your account. Keep an eye on your monthly statement for strange or new fees.
- Know yourself and how you use your account. Is it difficult to keep a \$500 minimum balance? How often do you use an ATM? Do you need the monthly copy of your canceled checks? Know how you use your checking account and then find a bank that gives you the best rate and lowest fees for those services.
- If you didn't opt out of overdraft protection, contact your bank and opt out now. Banks are still promoting its benefits but this protection can be very costly to you should you overdraw your account.

[Source: Money Talks News Stacy Johnson article 12 Jan 2011 ++]

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Notes of Interest:

- **Signs of the times:** According to the editors at Merriam-Webster.com, the words most searched on the popular dictionary website were:
2010: Austerity, "enforced or extreme economy."
2009: Admonish, "to indicate duties or obligations to."
2008: Bailout, "a rescue from financial distress."
- **Acoustic cloak.** Researchers have developed a new material that bends and twists sound waves which could allow stealth submarines to evade underwater sonar. The material essentially tricks the sonar — a system used to identify underwater objects by analyzing the differences between the emitted sound waves and the returning waves, which have bounced off of the submarine. The material is made up of concentric rings that guide sound waves around its surface thus masking anything with its center.
- **Smoking on subs.** Effective January 1, 2011, the U.S. Navy no longer allows smoking onboard their submarines. The ban was instituted to protect non-smokers against secondhand smoke, which has been linked to an increase in developing heart and lung disease and cancer. The ban also matches the Department of Defense's "quit smoking" campaign.
- **Gulf oil spill.** The national oil spill commission released its long-awaited final report 11 JAN on the Gulf of Mexico oil spill. One of the most significant and controversial aspects of the report was its conclusion that the root causes of BP's Macondo well blowout are systemic throughout the industry, and if both the oil industry and federal government don't implement major reforms, another spill could happen again.
- **Female Vets.** U.S. Sen. Mark Warner (D-VA) released a new Veterans Affairs Office of Inspector General study that "says female military members returning from Iraq and Afghanistan are more likely to be diagnosed with mental-health conditions than their male counterparts." The study, which "also found that the benefits administration denies payment" for post-traumatic stress disorder claims at a higher rate for women than for men, "advises that the Veterans Benefits Administration better inform female veterans about specific services available to them." Warner has "asked Secretary of Veterans Affairs Eric Shinseki to correct" such issues.
- **Gen. Vang Pao burial.** California Reps. Jim Costa and Dennis Cardoza," as well as "Guam's delegate to Congress, Madeleine Bordallo," and Pennsylvania Rep. Tim Holden, have asked Secretary of Veterans Affairs Eric Shinseki and Defense Secretary Robert Gates to allow Laotian Gen. Vang Pao, a key US ally in the Vietnam War, to be buried at Arlington National Cemetery. The general led Hmong guerrillas in a CIA-backed battle against communists in Laos. According to the AP, a letter, signed by the aforementioned lawmakers, has been sent to Shinseki and Gates, asking for a waiver for an Arlington burial for the general.
- **Vet foreclosures.** Freddie Mac recently instructed its mortgage servicers to hold off on starting foreclosure proceedings against servicemembers who are released from active duty. These companies must now wait at least nine months from the time of discharge before taking any kind of foreclosure action. Any veteran or servicemember should contact his or her mortgage servicer for more information. The Department of Veterans Affairs also offers counseling and resources.

- **Families At Ease.** The Department of Veterans Affairs' new "Families At Ease" program attempts to reach new veterans through their concerned family members and provides information and support to help them help their veterans access VA facilities for services and benefits. A multi-site call center has been developed to answer calls from family members and friends, as well as veterans. Callers can get information on how to help their vets enroll in VA care. They can also get free telephone-based coaching by a mental health consultant to help the family member talk to a veteran who is reluctant to admit having difficulties. Family members or veterans can reach "Families At Ease" at 888-823-7458 (8 a.m. -5:30 p.m. ET) or by visiting <http://www.mirecc.va.gov/FamiliesAtEase>.
- **Air Reserve Handbook.** The 2011 edition of the United States Air Force Reserve Handbook is now available on the Air Force Reserve Command Public website at <http://www.afrc.af.mil//shared/media/document/AFD-101227-003.pdf>. Click on the link to download a reference copy.
- **POW/MIA.** Defense Department's POW/Missing Personnel Office announced 12 JAN that it had identified the remains of Air Force Col. James E. Dennany and those of fellow Michigan resident Maj. Robert L. Tucci. Now, 41 years after his plane was shot down over Laos, he will finally be buried, along with those of the other Michigan Airman who disappeared with him. A funeral with full military honors was scheduled 14 JAN for both Airmen at Dallas-Fort Worth National Cemetery.
- **Correction.** In the 1 JAN RAO Bulletin under Military Trivia it stated, "General Patton was killed in a traffic accident while in occupied Luxembourg on the 21st of December 1945." It should have said, "He was injured in a traffic accident on 9 DEC in occupied Germany while traveling along the road near Bad Nauheim, to a pheasant shoot at Mannheim. His limo hit a truck almost head-on. The driver and his friend General Gay were unhurt, but Patton was in a heap on the floor, perfectly conscious, he had been thrown against the front seat, and had felt his neck snap...it was broken. Twelve days later (Dec 21, 1945), Patton died of an embolism. He was originally buried among the soldiers who died in the Battle of the Bulge in The American Cemetery in Hamm, Luxembourg. However, so many people came to view his grave each year that all the fine grass on his and nearby graves was killed by the heavy foot traffic. The problem was solved by moving his grave to the area between the flagpoles and paving in front of it with stone.

[Source: Various 1-14 Jan 2011 ++]

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Medicare Fraud Update 56: Hagan Benefits has a solution that could save the federal government billions of dollars by preventing Medicare fraud. The company has created a biometric device that scans fingers and palms and works to prevent health care fraud. Michael Hagan, director of the health care division for Hagan Benefits, said the company has been working to create Biometric Palm Vein Solutions for two years. They were one of 30 companies from around the world to demonstrate new technology 11 JAN in Washington D.C., at the 14th annual Congressional Internet Caucus Advisory Committee Kickoff Technology Policy Exhibition. Biometric Palm Vein Solutions is an efficiency tool for health care clinics that eliminates the need for insurance verification. Instead of showing an insurance card, patients scan their palm or finger, and the images immediately go to the insurance company to be verified. Policy information is sent back to the clinic. New York, Maryland and Florida began using the devices in more than 100 health care facilities about six weeks ago as a way to prevent Medicaid fraud. There is no precise measure of health care fraud, but in 2010 the Office of the Inspector General opened more than 1,300 health care fraud investigations that resulted in almost \$3 billion in expected civil and criminal recoveries. [Source: Sioux Falls Business Journal Sarah Reinecke article 30 Dec 2010 ++]

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Medicare Fraud Update 57:

- **Hospitals** - Eliza Coffee Memorial Hospital in Florence is among seven hospitals in six states that have agreed to settle allegations that they submitted false claims to Medicare between 2000 and 2008. ECM Hospital, which was owned at the time by the not-for-profit Coffee Health Group, settled the claim with the United States for \$676,038. The settlements with the seven hospitals, which also include Decatur General Hospital in north Alabama, were announced 4 JAN by federal officials. Decatur settled for \$537,893. The government's investigated inpatient admissions in connection with kyphoplasty procedures at Eliza Coffee

Memorial Hospital.”Kyphoplasty is a minimally invasive procedure used to treat certain spinal fractures that are often the result of osteoporosis. In many cases, the procedure can be performed as a less costly out-patient procedure. The government contends the hospitals performed the procedure on an in-patient basis in order to increase their Medicare billings, and therefore, their reimbursements. The hospitals involved in the settlements have agreed to pay the government a total of more than \$6.3 million. They include Lakeland Regional Medical Center, Lakeland, Fla. (\$1,660,134); St. Dominic-Jackson Memorial Hospital, Jackson, Miss. (\$555,949); Seton Medical Center, Austin, Texas (\$1,232,956); Greenville Memorial Hospital, Greenville, S.C. (\$1,026,764); and Presbyterian Orthopaedic Hospital, Charlotte, N.C.(\$637,873).

- **Columbus OH** - Dr. Charles C. Njoku, 60, was sentenced 29 DEC to 366 days in jail and \$132,000 in restitution for wrongly billing Medicaid and Medicare programs. Between AUG 08 and MAR 09 he claimed to have made visits or seen patients when he did not or was out of the country, according to investigators. Sometimes when he was out of the country, he allowed his office manager to see patients and write prescriptions with a signed prescription pad. Njoku billed federal healthcare programs as though he had been there. Njoku pleaded guilty Sept. 28 to healthcare fraud and illegal distribution of a controlled substance. His office manager Veronica Scott-Guiler, 41, pleaded guilty to fraud and was sentenced to three years of probation, which includes one year of house arrest. She was ordered to share in restitution payments.
- **Buffalo NY** - A foot doctor who was charged with 28 felony counts of health care fraud in late 2009 pleaded guilty to one misdemeanor charge on 5 JAN. Dr. William Holley, 47, took a plea deal and acknowledged that in APR 05, he submitted a false claim to Medicare stating that he performed a procedure called a “wedge excision” on a patient when, in fact, he did not. In an indictment unsealed in DEC 09, he was accused of submitting numerous false billings to Medicare. Holley's attorney, Steven M. Cohen, vehemently denied the allegations at the time, saying Holley, an ordained minister, had been unfairly charged. If the judge adheres to advisory federal court sentencing guidelines, Holley could face 10 to 12 months in prison. Sentencing is scheduled for 13 APR.
- **Chicago IL** - Patricia Young, 51, who owned and operated a defunct business, Healthy People 2000, Inc., through which she fraudulently purported to provide psychotherapy services using social workers and a physician, pleaded guilty in a plea agreement to a federal health care fraud charge, admitting that she defrauded Medicare of more than \$1.25 million. Sometime before 2006, Young and an unnamed physician agreed that the physician would obtain a Medicare provider number associated with Healthy People, which he designated to receive third-party payments for claims billed under his provider number. Under this arrangement, the physician allowed Young to submit insurance claims for psychotherapy services performed by social workers and other providers. Medicare then directly reimbursed Healthy People for these services and Young paid a portion of the funds to the physician, knowing that he had taken no part in the therapy sessions. Further, she directed her social workers to perform group therapy sessions with patients and, if that was not possible, to perform individual therapy lasting no more than 20 minutes.
- **New Orleans LA** - Dr. Dahlia V. Kirkpatrick and Emmanuel M. Komandu, the owner and operator of a durable medical equipment (DME) company were sentenced 7 JAN to 30 and 48 months in prison, respectively, for their roles in a Baton Rouge-area DME health care fraud scheme. In addition to their prison terms, Judge Jackson both were sentenced to three years of supervised release ordered to pay \$302,811 in restitution jointly and severally with each other. Between JAN 05 and FEB 2010, they submitted and caused the submission, on behalf of the DME company Alpha, approximately \$775,019 in fraudulent claims to the Medicare program. The majority of Alpha's fraudulent claims were based on prescriptions for medically unnecessary DME that were written and provided by Kirkpatrick. Kirkpatrick wrote prescriptions for medically unnecessary DME, such as power wheelchairs, wheelchair accessories, and feeding nutrients. Medicare paid \$302,811 to Alpha based on these fraudulent claims.
- **Brunswick FL** - Cecil Risher Jr., 36, pleaded guilty 10 JAN to conspiracy. He was the first of two co-defendants arrested in a case that the FBI and U.S. Department of Health and Human Services are still investigating. Samuel Curtis III, 37, of Houston faces nine federal charges in the case. Curtis has been Risher's friend since they attended Brunswick High School together and later was his boss at the medical

supply businesses were they worked. Risher, Curtis and two other co-conspirators conspired to use forged prescriptions and phony claims for braces to defraud Medicare of more than \$500,000 between JAN 05 and JUN 08.

- **Houston TX** - Dr. Howard Grant, Obisike Nwankwo and John Lachman were sentenced 11 JAN to 41 months in prison, 21 months in prison, and 26 months in prison, respectively, for their roles in a multi-million dollar durable medical equipment (DME) Medicare fraud scheme. In addition to the prison terms, the Judge sentenced each to three years of supervised release. Grant was ordered to pay \$121,742 in restitution jointly and severally with co-defendants. Nwankwo was ordered to pay \$29,052 in restitution jointly and severally with co-defendants. Lachman was ordered to pay \$1.14 million in restitution jointly and severally with co-defendants. Evidence at trial established that Onward Medical Supply, a Houston-area DME company, billed Medicare for fraudulent DME, including power wheelchairs and orthotic devices, beginning in 2003 and continuing until late 2009. In addition to the three co-conspirators sentenced, one additional individual was convicted at trial, and seven individuals have pleaded guilty for their participation in various parts of Onward's Medicare fraud scheme, including Onward's owner, Doris Vinitski.

[Source: Fraud News Daily 1-14 Jan 2011 ++]

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Medicaid Fraud Update 29: A recent study revealed that Medicaid's chief problem that was uncovered by auditors was clinics overcharging for their services. "Upcoding" is one of the most common types of health care fraud, but the amount of money that can be recovered from any single provider is small, says an attorney who helps states pursue fraud claims in court. And it's difficult to prove, which is why states tend to focus more on investigating fraud with potential for bigger payback. Upcoding is when a provider exaggerates the level of service performed then that is referred to as upcoding. For instance, if a patient sees a doctor for ten minutes on a simple matter such as a cold and the doctor then submits a bill for an hour-long complex visit, that doctor has upcoded. It is improper for a doctor to falsely "upcode" the level of service from a short, simple visit to one of greater length designed for analyzing a much more complicated medical matter, when that is not what happened.

The difficulty of assessing possible upcoding is illustrated by the 10 providers flagged by the Utah legislative auditor general for submitting high numbers of high-dollar claims in 2009. These providers submitted a level-five charge of \$89, for basic office visits, the highest amount allowed, 37 to 125 times more frequently than the state average, the probe showed. Auditors examined individual claims at only two of the clinics; none of the 10 is accused of fraud. Due to the fact that most of the cases are small, many don't even get noticed. The automatic, timed nature of the way the system operates prevents many scammers from even being noticed. In fact, statistics show that more than 50% of the time a scammer can get away with it. And then once caught, many keep on scamming the system until their license is legally removed. [Source: AOMID News Ben Adder article 1 Jan 2011 ++]

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Medicaid Fraud Update 30:

- **Boston MA** - Attorney General Martha Coakley's Office announced that recoveries by the Office's Medicaid Fraud Division totaled more than \$66 million during 2010, breaking the previous recovery record, set in 2009, by over \$14.3 million and marking the fourth consecutive year of increased recoveries. Over \$191 million has been recovered for the state Medicaid program by the Medicaid Fraud Division in the last four years. The Medicaid Fraud Division is responsible for the investigation and prosecution of fraud against the state Medicaid program.
- **Toms River NJ** - CVS Pharmacy has agreed to reimburse taxpayers \$900,000 after a state investigation revealed the company received state Medicaid funds for prescriptions filled at its Toms River store by a pharmacist who had been banned from the Medicaid program. After an investigation by the Office of the State Comptroller, authorities determined the pharmacist, Athanasios Mastrokostas, had been previously convicted of Medicaid fraud in New York. As a result of that conviction, the federal government excluded him from the Medicaid program on 20 SEP 05, so any drug store that employed him could not be reimbursed with Medicaid funds for any items or services he provides. Of the \$900,000, the state had

withheld \$325,000 in reimbursements before the agreement was reached. CVS forfeited that money to the state and must now pay the remaining amount — a little more than \$574,000, according to the settlement agreement, which was signed 4 JAN.

- The federal government has accused New York City of overbilling Medicaid by “at least tens of millions of dollars” by improperly approving 24-hour home care for thousands of patients. In a lawsuit filed 11 JAN, the U.S. attorney’s office in Manhattan also insinuated that the city had cheated the federal government after a 2006 change in Medicaid rules relieved the city of having to contribute to the cost of the round-the-clock care. In many cases, the government said, the city enrolled patients who did not need such services. And in some cases, the lawsuit alleged, the city approved in-home care for people who needed more intensive services, like nursing home care, but which would have required the city to contribute to the cost. The lawsuit, which followed a whistle-blower’s complaint, also said the city ignored rules requiring recommendations from doctors, nurses and social workers before patients could be enrolled in the home care program, or sometimes rejected doctors’ findings that the services were not needed. The lawsuit did not say exactly how much overbilling the federal government believed had occurred, but it asked the court to award it triple damages. The suit addressed the roughly 17,500 people who have received Medicaid coverage for 24-hour “personal care services” in the city over the last decade. The cost ranges from \$75,000 a year for a single aide to \$150,000 a year for several aides who work around the clock, sleeping at clients’ homes.
- **Tampa FL** - Lilian J. Pagkaliwangan, 40, was sentenced 12 JAN to 46 months for making false statements in connection with health care benefits. Her husband, Raymundo P. Arellano, 43, received 42 months for that charge and a charge of aggravated identity theft. The judge also entered a forfeiture judgment against the couple for almost \$320,000 and ordered each defendant to pay restitution of \$278,440 to Medicare and \$40,975 to Medicaid. The couple operated Lakeland Therapy Providers Inc. and Optimum Therapy Inc. They submitted claims APR 06 through JUN 09 for services not rendered. Pagkaliwangan also falsified patient records relating to physical therapy treatments and lied to investigators about patient files. In a defense filing, Pagkaliwangan said the fraud happened because she and her husband were caught up in the grief of her 2005 miscarriage, as well as the demands of their growing business. The couple are naturalized U.S. citizens who came from the Philippines.

[Source: Fraud News Daily 1-14 Jan 2011 ++]

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State Veteran's Benefits: The state of Indiana provides several benefits to veterans as indicated below. To obtain information on these refer to the “**Veteran State Benefits – IA**” 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
- Financial Assistance Benefits
- Education Benefits
- Other State Veteran Benefits

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

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Military History: During WWI, the German government in early 1918, freed from fighting a two-front war by the Treaty of Brest-Litovsk, chose to launch a massive offensive on the Western Front. This decision was largely motivated by a desire to end the war before the full strength of the United States could be brought into the conflict. Beginning on March 21, the Germans attacked the British Third and Fifth Armies. After some initial gains the advance stalled. An assault to the north met a similar fate in April. To aid these offensives a third attack was planned for late May in Aisne between Soissons and Rheims. Beginning on May 27, German storm troopers broke through the French lines in Aisne. Striking in an area that lacked substantial defenses and reserves, the Germans forced the French Sixth Army into a full retreat. Moving quickly, the Germans advanced to the Marne River and were intent on pressing on to Paris. At the Marne, they were blocked by American troops at Chateau-Thierry and Belleau Wood. The Germans attempted to take Chateau-Thierry but were stopped by US Army troops on June 2 .

On June 1, the U.S. 2nd Division, including the 4th Marine Brigade took up positions south of Belleau Wood near Lucy-le-Bocage. As the Marines dug in, a French officer suggested that they withdraw. To this Captain Lloyd Williams of the 5th Marines famously replied, "Retreat? Hell, we just got here." Two days later elements of the German 347th Division from Army Group Crown Prince occupied the forest. With their attack at Chateau-Thierry stalling, the Germans launched a major assault on June 4. Supported by machine guns and artillery, the Marines were able to hold, effectively ending the German offensive in Aisne. The following day, the commander of the French XXI Corps ordered Brigadier General James Harbord's 4th Marine Brigade to retake Belleau Wood. On the morning of June 6, the Marines advanced, capturing Hill 142 to the west of the wood. Twelve hours later, they frontally assaulted the forest itself. To do so, the Marines had to cross a wheat field under heavy German machine gun fire. With his men pinned down, Gunnery Sergeant Dan Daly called "Come on ya sons-of-bitches, ya want to live forever?" and got them on the move again. When night fell, only a small section of forest had been captured.

In addition to Hill 142 and the assault on the woods, the Marines attacked into Bouresches to the east. After taking most of the village, the Marines were forced to dig in against German counterattacks. All reinforcements trying to reach Bouresches had to cross a large open area and were subjected to heavy German fire. When night fell, the Marines had suffered 1,087 casualties making it the bloodiest day in the Corps' history to date. On June 11, following a heavy artillery bombardment, the Marines pressed hard into Belleau Wood, capturing the southern two-thirds. Two days later, the Germans assaulted Bouresches after a massive gas attack and almost retook the village. With the Marines stretched thin, the U.S. 23rd Infantry extended its line and took over the defense of Bouresches. On the 16th, citing exhaustion, Harbord requested that some of the Marines be relieved. His request was granted and three battalions of the U.S. 7th Infantry moved into the forest. After five days of fruitless fighting, the Marines retook their position in the line. On June 23, the Marines launched a major attack into the forest, but were unable to gain ground. Suffering staggering losses, they required over two hundred ambulances to carry the wounded. Two days later, Belleau Wood was subjected to a fourteen hour bombardment by French artillery. Attacking in the wake of the artillery, U.S. forces were finally able to completely clear the forest. On June 26, after defeating some early morning German counterattacks, Major Maurice Shearer was finally able to send the signal, "Woods now entirely - U.S. Marine Corps."

In the fighting around Belleau Wood, American forces suffered 1,811 killed and 7,966 wounded and missing. German casualties are unknown though 1,600 were captured. The Battle of Belleau Wood and the Battle of Chateau Thierry showed the United States' allies that it was fully committed fighting the war and was willing to do whatever was required to achieve victory. In recognition of their tenacious fighting and victory, the French awarded citations to those units that participated in the battle and renamed Belleau Wood "Bois de la Brigade Marine." Belleau Wood also showed the Marine Corps flare for publicity. While the fighting was still going on, the Marines routinely circumvented the American Expeditionary Force's publicity offices to have their story told, while those of Army units engaged were ignored. Following the Battle of Belleau Wood, Marines began being referred to as "Devil Dogs." While many believed that this term was coined by the Germans, its actual origins are unclear. It is known that the Germans highly respected the Marines fighting ability and classified them as elite "storm troopers." [Source: <http://militaryhistory.about.com/od/worldwari/p/BelleauWood.htm>
Jan 2011 ++]

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

- Jan 16 1944 - WWII: The U.S. First and Third armies link up at Houffalize, effectively ending the Battle of the Bulge.
- Jan 17 1781 - Revolutionary War : Battle of Cowpens. The militia's defeat of a battle-hardened force of British regulars was the turning point of the war in the south.
- Jan 17 1991 - Persian Gulf War: Allies start Operation Desert Storm with air attacks on Iraq. The coalition flew over 100,000 sorties dropping 88,500 tons of bombs.
- Jan 18 1911 - Naval Lieutenant Eugene Ely became the first man ever to land an airplane on the deck of a ship, the converted cruiser USS Pennsylvania, in San Francisco Bay.
- Jan 18 1942 - WWII: General MacArthur repels the Japanese in Bataan. The United States took the lead in the Far East war criminal trials.

- Jan 18 1962 - Vietnam: The United States begins spraying foliage with herbicides in South Vietnam, in order to reveal the whereabouts of Vietcong guerrillas.
- Jan 20 1887 - The United States Senate allows the Navy to lease Pearl Harbor as a naval base.
- Jan 20 1944 - WWII: Allied forces in Italy begin unsuccessful operations to cross the Rapido River and seize Cassino.
- Jan 21 1954 - The first nuclear-powered submarine (USS Nautilus) was launched in Groton CT by Mamie Eisenhower.
- Jan 21 1968 - Vietnam: Siege of Khe Sanh begins as North Vietnamese units surround U.S. Marines based on the hilltop headquarters.
- Jan 21 1977 - President Jimmy Carter pardons nearly all American Vietnam War draft evaders inclusive of those who had immigrated to Canada.
- Jan 22 1944 - WWII: Operation Shingle. U.S. troops under Major General John P. Lucas make an amphibious landing behind German lines at Anzio, Italy, just south of Rome.
- Jan 23 1943 – WWII: The Battle of Mount Austen, the Galloping Horse, and the Sea Horse on Guadalcanal during the Guadalcanal campaign ends.
- Jan 23 1943 – WWII: Australian and American forces finally defeat the Japanese army in Papua. This turning point in the Pacific War marks the beginning of the end of Japanese aggression.
- Jan 23 1968 - North Korea seizes the USS Pueblo, claiming the ship had violated their territorial waters while spying.
- Jan 23 1973 - Vietnam: President Richard Nixon claims that Vietnam peace has been reached in Paris and that the POWs would be home in 60 days.
- Jan 24 1982 - Vietnam: A draft of Air Force history reports that the U.S. secretly sprayed herbicides on Laos during the war.
- Jan 24 1917 - WWI: Zimmerman telegram sent to the Mexican government by the German foreign minister intercepted. Promised Mexico that the lands taken from it by the U.S. during the 1846-1848 war would be returned if Mexico entered on Germany's side and the Germans won
- Jan 25 1942 - WWII: Thailand declares war on the United States and United Kingdom.
- Jan 25 1949 - WWII: Axis Sally, who broadcasted Nazi propaganda to U.S. troops in Europe, stands trial in the United States for war crimes.
- Jan 25 1951 -Korea: The U.S. Eighth Army in Korea launches Operation Thunderbolt, a counter attack to push the Chinese Army north of the Han River.
- Jan 27 1862 - Civil War: President Lincoln issues General War Order No. 1, setting in motion the Union armies.
- Jan 27 1943 - WWII: The first U.S. raids on the Reich blast Wilhelmshaven base and Emden.
- Jan 28 1909 - United States troops leave Cuba with the exception of Guantanamo Bay Naval Base after being there since the Spanish-American War.
- Jan 28 1915 - The U.S. Coast Guard is founded to fight contraband trade and aid distressed vessels at sea.
- Jan 28 1966 - Vietnam: Operation White Wing, a search and destroy mission, begins.
- Jan 29 1943 – WWII: Battle of Rennell Island Guadalcanal. The last major naval engagement with Japan. The cruiser Chicago is torpedoed and heavily damaged by Japanese bombers.
- Jan 29 1991 - Gulf War: Iraqi forces attack into Saudi Arabian town of Kafji, but are turned back by Coalition forces.
- Jan 30 1944 - WWII: The Battle of Cisterna takes place in central Italy with a clear German victory.
- Jan 31 1944 - WWII: U.S. troops under Vice Adm. Spruance land on Kwajalien atoll in the Marshall Islands.
- Jan 31 1968 - Vietnam: Tet Offensive begins as Viet Cong and North Vietnamese soldiers attack strategic and civilian locations throughout the South including the ancient imperial capital of Hue.
- Jan 31 1968 – Vietnam: Battle of Hue begins

[Source: Various Jan 2011 ++]

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Military Trivia 20:

- A "Deuce-an'-Half" is a transport truck with a 2.5 ton capacity. The deuce-an-half was the workhorse of the logistics division. The 6.5 ton 23 ft long truck had a maximum speed of 55mph with a maximum range of 450 miles.
- "NBC" refers to nuclear, biological and chemical weaponry. There are five established nuclear weapon states (China, France, Russia, the United Kingdom, and the United States). India and Pakistan declared their nuclear weapons capability with nuclear tests in 1998, as did North Korea in 2006. Israel is also widely believed to have a nuclear weapon arsenal. About a dozen countries have offensive biological weapons (BW) programs, and the same number have chemical weapons (CW) programs.
- A "Thumper" was a M-79 grenade launcher or its operator (grenadier). It is a single-shot, shoulder-fired, break-action grenade launcher that fires a 40x46mm grenade which used what the US Army called the High-Low Propulsion System to keep recoil forces low. Because of its distinctive report, it also earned the nicknames of, "Thump-Gun", "Bloop Tube" and "Bloop" among American soldiers; Australian units referred to it as the "Wombat Gun". The M79 can fire a wide variety of 40 mm rounds, including explosive, anti-personnel, smoke, buckshot, flechette, and illumination.
- A "Bouncing Betty" was a mine which launches itself to waist-height before exploding. The explosive, when set off, shoots up in the air and then explodes. There is a lag when the unfortunate victims realize they were dead, although they hadn't actually died yet, since technically, the mine hadn't exploded. The term originally gained widespread use as the Allied soldier's nickname for the S-mine, an especially lethal German bounding mine used in World War II.
- A "Grunt" was An Army or Marine infantryman. Being called a grunt is a high honor.
- "Tropical Lightning" was The 25th Infantry. The symbol for the 25th is a pineapple with a lightning bolt in the center. The 25th Infantry Division was activated at Schofield Barracks, Territory of Hawaii, October 1, 1941. During the war in Vietnam, 22 Medals of Honor were awarded to Tropic Lightning soldiers; the most number of Medals of Honor received by any other single unit in the war. The Tropic Lightning Museum is located in Building #361, Waianae Avenue, Schofield Barracks, Hawaii 96857.
- The Viet-Cong and the North Vietnamese Army were most aware of the "Cobra" which was a helicopter that carried TOW missiles and machine guns. The Bell AH-1 Cobra, also referred to as the HueyCobra or Snake, is a two-bladed, single engine attack helicopter manufactured by Bell Helicopter. The U.S. Army has since replaced the Cobra with the Apache but the AH-1 twin engine versions remain in service today with United States Marine Corps as the service's primary attack helicopter. The optically-tracked, wire-guided (TOW) missile is a crewportable, vehicle-mounted, heavy antiarmor weapon system designed to defeat armored vehicles and other targets such as field fortifications from ranges up to 3,750 meters.
- The number of U.S. servicemen killed in Vietnam was 58,267 including the missing with 303,644 WIA including 153,303 who required hospitalization and 150,341 who didn't and 1,711 MIA. The Army of the Republic of Vietnam ARVN suffered 266,000 killed from 1959 through 1975. According to the government in Hanoi, 1,100,000 North Vietnamese Army and Viet Cong military personnel died in the Vietnam War. The Communist Vietnamese government in 1995 estimated that 2,000,000 Vietnamese civilians on both sides died in the conflict.
- Every US serviceperson lost in the Vietnam war is listed on the granite Vietnam War Memorial in Washington D.C..
- The "Huey" was the UH-1 helicopter. Hueys were used as medivacs, troop transports and gunships. They required a crew of one with room for 11 troops or passengers. They could lift 5000 lb and travel for 2.8 hours at speeds up to 115 knots.
- New York City was not a U.S. R & R site during Vietnam.

[Source: <http://www.funtrivia.com/trivia-quiz/World/US-Military-Lingo-232516.html> Jan 2011++]

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Tax Burden for Utah 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 Utah:

Note: New in 2010

- State Refund Subtraction. The amount of state tax refund included on line 10 of federal form 1040, and which was formerly deducted on TC-40A, Part 2, is now deducted directly on TC-40, line 7.
- TC-40, Schedule B, Non or Part-year Resident Schedule. This form has changed for 2010 and now includes the additions to income and subtractions from income as part of the calculation of the Utah tax. See Nonresident and Part-year Resident instructions.
- Recycling Market Development Zone Credit. This credit has been repealed for purchases and expenditures made after June 30, 2010.
- Tutoring Disabled Dependent Credit Expired. The nonrefundable credit for tutoring disabled dependents has expired and is no longer available.
- Voluntary Contribution. You may contribute to the reconstruction or rehabilitation of houses contaminated by methamphetamine.
- Interest Rate: The interest rate for the 2011 calendar year is 3 percent. Click here for more information. You can also see previous year interest rates in Publication 58.

Sales Taxes

State Sales Tax: 4.70% (prescription drugs exempt); 1.75% on residential utilities; 2.75% on food and food ingredients; local option taxes may raise the total tax to 7.55%.

Gasoline Tax: 24.5 cents/gallon

Diesel Fuel Tax: 24.5 cents/gallon

Cigarette Tax: 69.5 cents/pack of 20

Personal Income Taxes

Tax Rate Range: Flat tax of 5%

Personal Exemptions: Single - \$2,738; Married - \$5,516; Dependents - \$2,738. Note: Utah allows a personal exemption equal to 75% of the federal exemption.

Standard Deduction: Single - \$5,450; Married filing jointly - \$10,900

Medical/Dental Deduction: Federal amount

Federal Income Tax Deduction: 50% of federal taxes

Retirement Income:

Retirement Income Taxes: Utah taxpayers may be able to claim a retirement tax credit on their Utah Individual Income Tax Return. previously, an income exclusion was allowed taxpayers age 65 or over, and a deduction of retirement income received was allowed taxpayers under the age of 65. A taxpayer who meets the following requirements may be able to claim a nonrefundable tax credit of up to \$450: \$900 for a married couple filing a joint return. The credit will be phased-out for income that exceeds a certain amount.

Retired Military Pay: Up to age 65, individual can deduct up to \$4,800 of qualified retirement; \$7,500 at age 65 or older. Deductions apply to survivor benefits.

Military Disability Retired Pay: Retirees who entered the military before Sept. 24, 1975, and members receiving disability retirements based on combat injuries or who could receive disability payments from the VA are covered by laws giving disability broad exemption from federal income tax. Most military retired pay based on service-related disabilities also is free from federal income tax, but there is no guarantee of total protection.

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

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

Military Personnel & Their Spouses: Under a new federal law, earned income of the spouse of a nonresident active duty military service member is now exempt from Utah income tax. The military income of the service member continues to be exempt from Utah tax, but the exemption now extends to the earned income of the non-military spouse.

Property Taxes

Property taxes are assessed and collected locally. The taxable value of tangible personal property and real property except residential property is assessed at 100% of its fair market value, less any exemptions that may be permitted. Residential property owned by persons age 65 and over claiming tax abatement for the poor is assessed at 35% of fair market value. The assessed valuation of a residential property is 55% of its fair market value. The median rate

is \$1.30/\$1,000. Homeowners 65 and older who earn \$27,557 or less can get a credit for property taxes paid up to \$816, plus a credit equal to the tax on 20 percent of their property's fair market value. A circuit breaker tax credit for persons age 65 or over (or surviving spouse) permits an abatement or deferral of property taxes but the amount of the credit varies with household income and can apply to the portion of rent that goes to pay property taxes. There is also a veteran's exemption. This exemption is up to \$228,931 taxable value of a residence, based on the percentage of disability incurred in the line of duty. The exemption can also be applied toward tangible personal property, such as motor vehicles. No exemption is allowed for any disability below 10%. Contact the Tax Commission at 801-297-3600 ext 3600 for details or refer to <http://propertytax.utah.gov/index.html>.

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 Utah State Tax Commission site <http://tax.utah.gov> or call 800-662-4335.

[Source: www.retirementliving.com Jan 2011 ++]

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Veteran Legislation Status 13 JAN 2011: The 112th Congress convened 3 JAN with the election of new Speaker of the House John Boehner (R-OH), and the installation of newly elected members of both the House and Senate. The House remains in session but the Senate, upon completion of its preliminary business, recessed until 25 JAN. As is with any new congressional cycle, any unfinished or pending legislation from the previous has now expired and will have to be reintroduced. January is an organizational month with many committee assignments still being made and offices continuing to be moved into. A Continuing Resolution was passed before the holiday break to fund the government until 4 MAR. The bill extends most department and agency funding at 2010 levels. VA was given an additional \$460 million to help reduce the backlog of claims. The president signed the 2011 National Defense Authorization bill on 7 JAN.

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

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

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Have You Heard? The Perks of Being Over 40...

1. Your supply of brain cells is finally down to manageable size.
2. Your secrets are safe with your friends because they can't remember them either.
3. Your joints are more accurate meteorologists than the national weather service.
4. People call at 9 PM and ask, "Did I wake you?"
5. People no longer view you as a hypochondriac.
6. There is nothing left to learn the hard way.

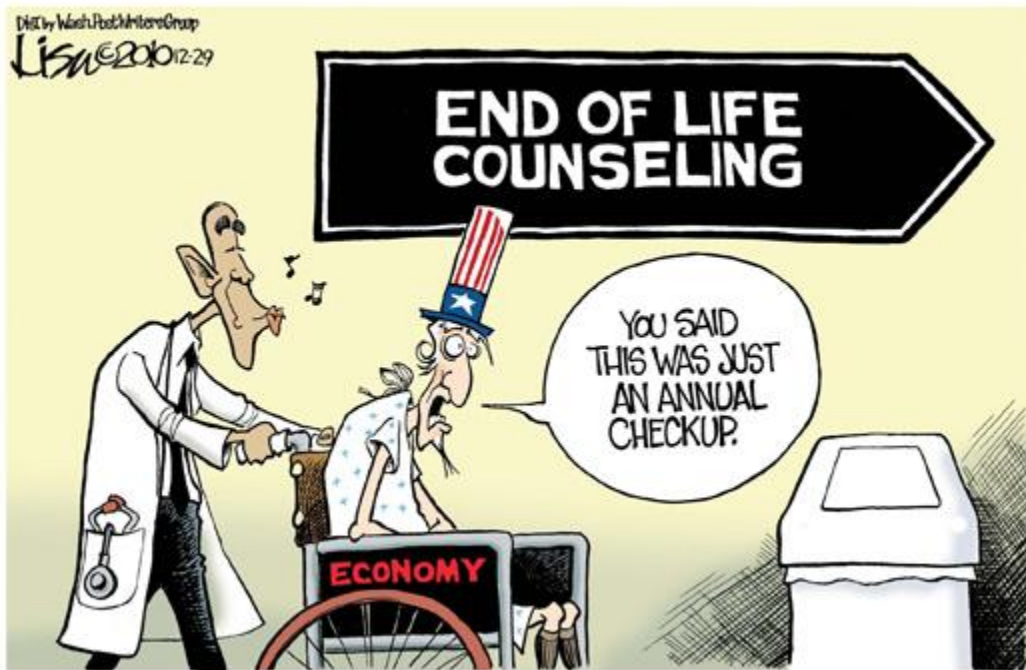
7. Things you buy now won't wear out.
8. You can eat dinner at 4 P.M.
9. You can live without sex but not without glasses.
10. You enjoy hearing about other peoples operations.
11. You get into heated arguments about pension plans.
12. You have a party and the neighbors don't even realize it.
13. You no longer think of speed limits as a challenge.
14. You quit trying to hold your stomach in, no matter who walks into the room.
15. You sing along with elevator music.
16. Your eyes won't get much worse.
17. Your investment in health insurance is finally beginning to pay off.
18. You can't remember where you read this list.

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There are too many people, and too few human beings.

--- Robert Zend [Philosopher]

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