

RAO BULLETIN

1 May 2011

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Attachment - Veteran Legislation

Attachment - Michigan State Veteran's Benefits

Attachment - Tricare Young Adult Fact Sheet 2011

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Mobilized Reserve 19 APR 2011: The Department of Defense announced the current number of reservists on active duty as of 8 FEB 2011. The net collective result is 42 fewer reservists mobilized than last reported in the 15 FEB 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 69,375; Navy Reserve 5,684; Air National Guard and Air Force Reserve, 9,324; Marine Corps Reserve, 5,368; and the Coast Guard Reserve, 703.

This brings the total National Guard and Reserve personnel who have been activated to 90,454 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/d20110419ngr.pdf>. [Source: DoD News Release No. 321-11 dtd 20 Apr 2011 ++]

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Gulf War Presumptive Disease Update 03: The Veterans Benefits Administration issued a new FAST letter on Iraq, Afghanistan, Gulf War Claims 15 MAR 2011. The letter provides guidance to all VBA Regional Offices and Centers on rating disability and death claims for service connection based upon specified infectious diseases that are presumed to be related to Gulf War, Iraq, and Afghanistan service. It notes that 38 CFR § 3.317(c) was revised effective 29 SEP 2010. The revised regulation provides for establishing service connection on a presumptive basis for the following infectious diseases:

- Brucellosis
- Campylobacter jejuni,
- Coxiella burnetii (Q fever)
- Malaria
- Mycobacterium tuberculosis
- Nontyphoid Salmonella
- Shigella
- Visceral leishmaniasis
- West Nile virus.

A new special issue (Gulf War Presumptive) was added to RBA2000 as part of the February 26-27, 2011, weekend installation. Each of the specified infectious diseases was added to RBA2000 as a special issue basis for the Gulf War Presumptive special issue. The letter included enclosures to be used by VBS personnel that cover rating Decision Procedures for live service connection and Service Connection for Cause of Death. Refer to http://www.91outcomes.com/2011_03_01_archive.html for more details on the letter content. [Source: VBA FAST ltr 15 Mar 2011 ++]

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Tricare Young Adult Program Update 04: TRICARE Young Adult (TYA) is now open for enrollment with coverage beginning 1 MAY 2011. Uniformed services dependents under 26, unmarried, and not eligible for their own employer-sponsored health care coverage may be qualified to purchase TYA, which offers TRICARE Standard coverage for monthly premiums of \$186. A premium-based TRICARE Prime benefit will be available later this year. Dependent eligibility for TRICARE previously ended at age 21, or age 23 for full-time college students. Similar to provisions in the 2010 Patient Protection and Affordable Care Act, TYA extends the opportunity for young adults to continue TRICARE health care coverage, as long as their sponsor is still eligible for TRICARE. Complete information and application forms are available at <http://www.tricare.mil/tya>. TRICARE officials encourage beneficiaries to explore all possible health care plan options and costs when choosing a plan that best meets their needs.

Those considering TYA should determine if they are eligible before completing and sending in an application. The application and payment of three months of premiums can be dropped off at a TRICARE Service Center or sent by mail or faxed directly to the appropriate regional health care contractor. Beneficiaries can find out where to send their form and payment by filling out the simple profile at <http://www.tricare.mil> to get information tailored to their

specific location. Once the initial payment is made, monthly premiums must be paid in advance through automated electronic payment. When the application is processed, TRICARE coverage will begin the first day of the following month. However, since TYA was “fast-tracked” to begin enrollment as soon as systems changes, forms, premiums and other rules governing the program were approved and in place, TRICARE Management Activity will allow eligible applicants to be covered for the full month of May as long as enrollment forms and payment are received (not postmarked) by the regional contractor prior to 31 MAY.

Those eligible for TYA who have been saving receipts since 1 JAN 2011, in anticipation of the new program, can also pay all premiums back to January to purchase coverage retroactively. After getting a welcome letter and enrollment card, dependents and their sponsor are encouraged to visit uniformed services identification (ID) card issuing facility to obtain a dependent ID card. The card will assist in identifying the dependent as eligible for health care, prescriptions and access to military installations. Nearby ID card facilities can be found through a link at <http://www.tricare.mil/tya>. The signing of the National Defense Authorization Act in JAN 2011, brought TRICARE in line with the provisions of the 2010 Patient Protection and Affordable Care Act, and enabled the extension of excellent TRICARE coverage to this new group. The TRICARE Management Activity appreciates all government partners who helped make this benefit available so quickly. [Source: TREA Washington Update 29 Apr 2011 ++]

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VA Medicare Subvention Update 04: American Legion National Commander Jimmie L. Foster is urging the organization’s members to push for congressional support of a bill that, if enacted, would allow military veterans to use their Medicare benefits at Department of Veterans Affairs medical facilities. The bill, H.R. 814, was introduced earlier this year by Rep. Bob Filner (D-CA) ranking minority member of the House Veterans’ Affairs Committee and longtime supporter of veterans. As the law stands, the VA’s Veterans Health Administration (VHA) is prohibited from seeking third-party reimbursements from Medicare for the treatment of non-service connected medical conditions suffered by veterans, even if the appropriate treatment is routinely covered under Medicare. This means that many Medicare-enrolled veterans who wish to be treated at VA medical centers – but have their care covered by Medicare benefits – must seek treatment elsewhere. H.R. 814, called the Medicare VA Reimbursement Act of 2011, would lift that prohibition.

Foster said, “Veterans, like everyone else, pay into Medicare all their working lives. So why should they not be able to use Medicare benefits at the medical facilities of their choosing – namely, VA medical centers – for all medical conditions, both service connected and non-service connected? VA medical care is considered by many to be the best there is, so it should be made available to as many veterans as possible. In our opinion, that is a privilege these men and women have earned through their selfless service to our nation. Not only would passage of the Medicare VA Reimbursement Act correct a great inequity, but Medicare reimbursements to the VHA would help fund VA medical research, education, facilities and personnel. It should be noted that VA’s pioneering medical research and education is good not only for veterans, but for all Americans. It’s not unlike the benefits we have all derived from research and development done by NASA’s space program.” A resolution adopted by The American Legion during its annual convention last year in Milwaukee makes those points about the VHA, its contributions, and its need for adequate funding:

- VHA continues to be the nation’s largest educator of health-care professionals through its affiliations with medical schools, academic medical centers and other search institutions.
- VHA continues to be a major national research asset conducting, clinical, epidemiological and behavioral studies across the entire spectrum of scientific discipline(s).
- VHA continues to serve as a contingency back-up to Department of Defense medical services and, during national emergencies, supports the National Disaster Medical System.

- Enrollment in VHA could be limited by the availability of existing annual federal discretionary appropriations to meet the health-care needs of enrolled veterans.
- VHA continues to seek other revenue streams to supplement limited federal discretionary appropriations and meet the growing demands for quality treatment of enrolled veterans.

“Medicare reimbursement to the VHA as provided by the Medicare VA Reimbursement Act of 2011 would provide a natural revenue stream and serve more veterans well,” Foster said. “That is why I am personally appealing to all members of The American Legion and other caring citizens to support this bill by urging their members of Congress to become co-sponsors of H.R.814.” Thus far, Filner’s bill has three co-sponsors in the House: Joe Baca of California, Shelley Berkley of Nevada and Madeleine Bordallo of Guam. It was recently referred to the House Committee on Veterans’ Affairs’ Subcommittee on Health for consideration. [Source: American Legion Online 28 Mar 2011 ++]

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VA Fiduciary Program Update 01: Following on the heels of the Henderson decision by the Supreme Court in which the court relaxed a filing deadline that had denied benefits to disabled veterans., the Court of Appeals for Veterans Claims (CAVC) on 26 APR issued a decision on a petition by William Freeman that ordered VA provide a process for veterans to challenge the appointment of a VA fiduciary to control his or her finances. Mr. Freeman wanted to challenge the appointment of a stranger to handle his finances instead of his sister, a woman who had taken care of him and his father for more than two decades. However, he and his sister were repeatedly told by the VA , along with thousands of other veterans and family members, that there was no appeal of a VA fiduciary decision. VA told Mr. Freeman that he would just have to learn to live with a stranger telling him what he could spend of his own money and when he could spend it. For some being a “federal fiduciary” has become a cottage industry where individuals are assigned dozens and dozens of veteran’s finances.

The CAVA has now made clear that the VA fiduciary program managers have to precisely comply with the legal requirements for qualifying and appointing fiduciaries and respond to veteran’s challenges to fiduciary appointments. In a unanimous opinion CACV rejected every reason offered for keeping the fiduciary system protected from judicial review. Veterans also now have the same right to appeal fiduciary decisions as any other VA decision affecting their benefits. Veterans and their advocates may now appeal to the Board and to the Veterans Court, if needed. The Court made clear that the Secretary is required, among other things, to perform an investigation into the fitness of an individual before that individual may be certified to serve as a fiduciary and perform a credit check on the potential fiduciary. Further, in all instances, the VA is required to conduct a criminal background check on the potential fiduciary. Also, the Court agreed with Mr. Freeman that the law requires that adequate evidence be presented which shows that the certification of a particular individual as a particular beneficiary's fiduciary is in the interest of that beneficiary. Most importantly, the Court recognized and emphasized that VA must show that certification of a certain individual to handle the beneficiary’s funds is "in the interest" of the beneficiary. Fiduciaries are paid 4% of the veteran’s earned compensation. The CAVC decision is available for review at http://www.vawatchdogtoday.org/uploads/NOVA_amicus_brief_-_10-1462.pdf. VA recently testified that over 110,000 veterans have federal fiduciaries appointed for which over \$96 million is deducted from those veterans benefits. [Source: www.vawatchdogtoday.org 27 Apr 2011 ++]

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VA Individual Unemployability: After the initial IU award has been made, the veteran must submit a VAF 21-4140, Employment Questionnaire, on a yearly basis to certify continuing unemployability. The VAF 21-4140 is required unless the veteran is 70 years of age or older, has been in receipt of IU for a period of 20

or more consecutive years (as provided at 38 CFR 3.951(b)), or has been granted a 100 percent schedular evaluation. The form is sent out annually to the veteran from the Hines Information Technology Center and must be returned to the regional office. It requests that the veteran report any employment for the past 12 months or certify that no employment has occurred during this period. The VAF 21-4140 includes a statement that it must be returned within 60 days or the veteran's benefits may be reduced. Completion of this form has a major impact on IU benefits in one of three ways, as described below. If VAF 21-4140 is returned in a timely manner and shows no employment, then IU benefits should continue uninterrupted.

If VAF 21-4140 is returned in a timely manner and shows that the veteran has engaged in employment, VA must determine if the employment is marginal or substantially gainful employment. If the employment is marginal, then IU benefits will continue uninterrupted. If the employment is substantially gainful, then VA must consider discontinuing the IU benefit. VA regulations at 38 CFR 3.343©(1) and (2) provide that actual employability must be shown by clear and convincing evidence before the benefit is discontinued. Neither vocational rehabilitation activities nor other therapeutic or rehabilitative pursuits will be considered evidence of renewed employability unless the veteran's medical condition shows marked improvement. Additionally, if the evidence shows that the veteran actually is engaged in a substantially gainful occupation, IU cannot be discontinued unless the veteran maintains the gainful occupation for a period of 12 consecutive months. Once this period of sustained employment has been maintained, the veteran must be provided with due process before the benefit is actually discontinued, as stated at 38 CFR 3.105(e) and 3.501(e)(2). This consists of providing the veteran with a rating which:

- Proposes to discontinue the IU benefit
- Explains the reason for the discontinuance
- States the effective date of the discontinuance, and
- States that the veteran has 60 days to respond with evidence showing why the discontinuance should not take place.

If the veteran responds with evidence, it must be evaluated. If the evidence is insufficient or the veteran does not respond, then the regional office will discontinue the IU benefit and provide the veteran with a final rating decision explaining the decision. The effective date of the discontinuance will be the last day of the month following an additional period of 60 days, which begins from the date the veteran is notified of the final rating decision.

If VAF 21-4140 is not returned within the 60 days specified on the form, then the regional office must initiate action to discontinue the IU benefit pursuant to 38 CFR 3.652(a). Due process must be provided with a rating decision that proposes to discontinue the IU benefit for failure to return the VAF 21-4140. If a response is not received within 60 days, then the IU benefit will be discontinued and a rating decision will be sent to the veteran providing notice of the discontinuance. The effective date of discontinuance will be the date specified in the rating decision which proposed discontinuance, as described above, or the day following the date of last payment of the IU benefit, as specified at 38 CFR 3.501(f), whichever is later. The veteran must also be notified that if the form is returned within one year and shows continued unemployability, then the IU benefit may be restored from the date of discontinuance.

Note: If you have not received a VAF 21-4140 form by the anniversary month of your initial IU award you might want to consider downloading the form and submitting it. The form can be completed online and downloaded at <http://www.vba.va.gov/pubs/forms/VBA-21-4140-1-ARE.PDF>. Always send everything to the VA by certified mail with a return receipt. Make sure you keep a copy of the completed form. [Source: VA Training Letter 07-01 March 07 ++]

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Vet Jobs Update 26: Military veterans could get an advantage over those competing against them for the same job under a bill Gov. Chris Gregoire signed into law 20 APR. The legislation, HB 1432, allows private employers to voluntarily give a preference to hiring veterans and widows or widowers of veterans without violating federal and state anti-discrimination statutes. Private companies also could give employment preference to spouses of certain honorably discharged veterans who became permanently disabled during their service. Currently, public employers already give a preference to veterans. The bill was passed by the House of Representatives with a 94-4 vote and was unanimously approved by the Senate earlier this month. "We wanted to make sure we had a way to honor our women and men in uniform upon returning from overseas and this really is a pathway for their reintegration back into society through employment," said Rep. Jay Rodne, R-North Bend, the bill's lead sponsor.

Rodne, a Marine Corps veteran, said he introduced the bill after a Seattle attorney and a nonprofit aimed at expanding employment opportunities for military veterans approached him about the issue. Washington law prohibits an employer from discriminating against job applicants due to military status. The U.S. Civil Rights Act of 1964 also bars an employer from discriminating against any individual based on race, color, religion, sex or national origin. The act prevents employers from giving preference to military veterans because often they are predominantly male, said David Black, the attorney from Jackson Lewis, who approached Rodne about the new law. Black noted, though, that a subsection in the civil-rights act allows state and local governments to pass laws creating preference for veterans without violating the federal law. Marjorie James, the president of Hire America's Heroes, said that veterans are at a disadvantage when they apply for a job in the private sector because they often don't have as much experience in certain industries as some other applicants. The group, based in Redmond Washington, works with corporations to help transitioning military-service members, veterans and their family members find corporate jobs. [Source: Seattle Times Queenie Wong article 20 Apr 2011 ++]

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Alaska Veterans Museum: The Alaska Veterans Museum has opened 20 APR in downtown Anchorage. Alaska has the highest percentage of veterans of any state but was the only state without a veterans museum. The new museum includes donated and loaner items including old military uniforms and letters, photos of soldiers and ship models. It is located at 333 W. 4th Avenue, Suite 227 Anchorage, AK 99501. Winter Hours (October 1st to April 30th) are Wednesday - Sunday, 10:00AM to 5:00PM. Summer Hours (May 1st to September 30th) are daily 10:00AM to 9:00PM. Admission is \$5 for adults and \$3 for children. For more information, visit the Alaska Veterans Museum website <http://www.alaskaveterans.com>. [Source: Mil.com | Benefits article 25 Apr 2011 ++]



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VAMC Marion IL Update 02: As a result of four years of personnel and procedure changes, the Marion Veteran's Affairs Medical Center (VAMC) in Marion, Illinois is reopening standard-level inpatient surgeries and planning renovations and expansion. A 2007 suspension of all surgeries came after the VA uncovered instances of surgical malfeasance associated with the death of nine veterans. As a result, VAMC underwent four years of scrutiny from VA inspectors and an independent organization. Currently, the number of staff has increased from 800 to about 1,300. For more information on the medical center, visit the Marion VA Medical Center webpage <http://www.marion.va.gov>. [Source: Mil.com | Benefits article 25 Apr 2011 ++]

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VA Minority Veterans Care: A new study says that in the past decade, the Department of Veterans Affairs health-care system has made good progress in providing screenings and treating high-risk conditions for all its patients, closing the gaps in care between white and African-American enrollees. However, the study, which included researchers from the Warren Alpert Medical School at Brown University, shows that significant differences still persist between black and white veterans when it comes to outcomes in heart disease, diabetes and hypertension. The research appears in the APR 2011 edition of the monthly journal Health Affairs. The study's coauthors were Regina Grebla of the Warren Alpert Medical School of Brown University, Steven Wright of the VA's Office of Quality and Performance, and Donna Washington of the Greater Los Angeles VA Medical Center and UCLA. The study examined a national sample of more than 1.2 million VA enrollees between 2000 and 2009 for 10 clinical performance measures related to cancer screening and cardiovascular and diabetes care. The authors of the study say that, while the VA greatly improved the quality of care for white and black veterans over that period, those efforts have not narrowed racial gaps in clinical outcomes.

Although the VA health-care system has strengthened its quality of care, according to the article, important gaps remain and the reasons are unknown. It says more research is needed to understand the reasons for differences in clinical outcomes. Although the VA has spent a decade working on quality improvement, Amal Trivedi says the study underscores the urgency of improving clinical outcomes among black Americans in both the VA and other health-care settings. Trivedi is a research investigator participated in the study at the Providence VA Medical Center and an assistant professor at Brown. "We not only have to measure whether someone got a test but also whether anything happened as a result of that test," he says. "In other words, whether the test showed that treatment was indicated; whether the treatment was received; and whether the treatment translated into improvements in measurements like blood pressure or cholesterol control." The findings come on the heels of a growing number of studies which show that racial and ethnic disparities continue at persistently high levels. For more information call Sue Ducat at Health Affairs at (301) 841-9962 or e-mail sducat@projecthope.org. [Source: The Providence Journal George W. Reilly article 25 Apr 2011 ++]

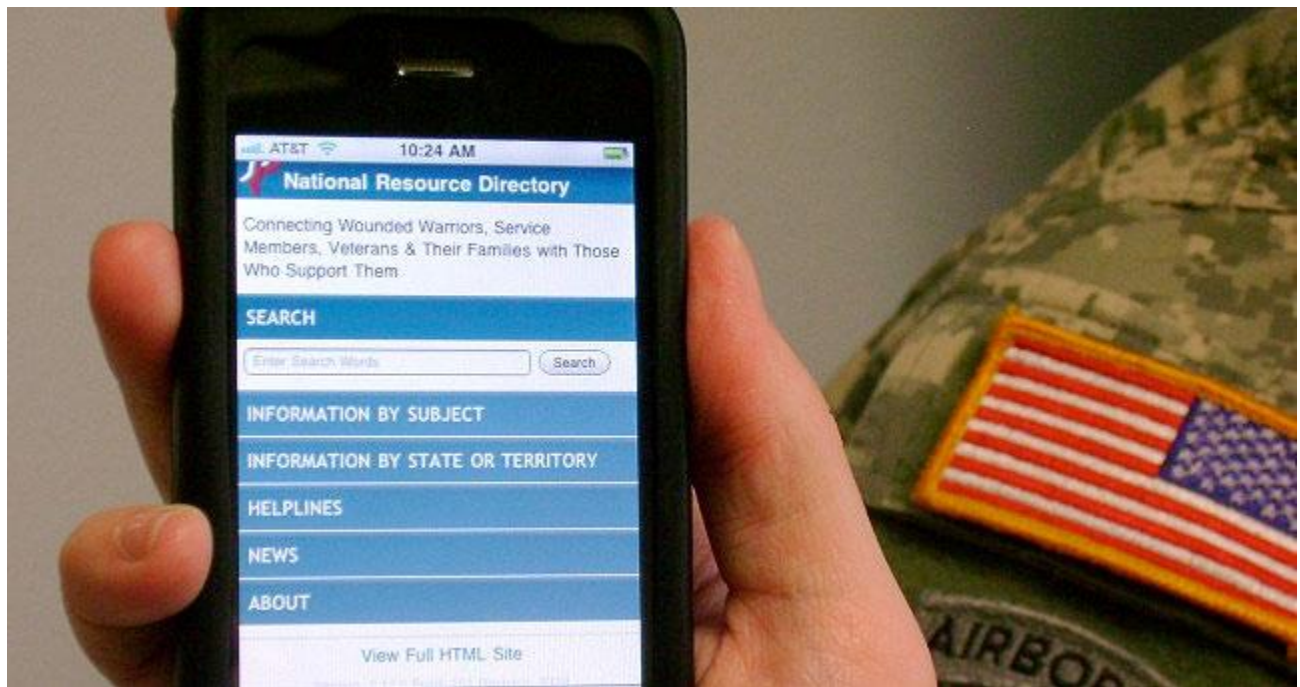
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Traumatic Brain Injury Update 17: It's no longer necessary for Marines suffering from mild traumatic brain injuries to have been knocked unconscious to qualify for a Purple Heart, a retroactive change that could affect thousands of troops who have served in battle since Sept. 11, 2001. Under a new fleetwide instruction, Marines who retain consciousness after a concussion may receive the medal if diagnosed by a medical officer as not fit for full duty "due to persistent signs, symptoms, or findings of functional impairment for a period greater than 48 hours from the time of the concussive incident." TBI, which has been called a "signature wound" of the wars in Afghanistan and Iraq, is often caused by blasts. In its mild form it can result in nausea, dizziness, speech problems and loss of coordination. Recent research suggests any form of TBI may cause clinical depression in 30 percent of sufferers.

The instruction notes that the damage caused by mild TBI can be serious and lasting: “In the more severe cases of [mild TBI], the level of inflammation may result in irreversible damage to brain tissue with long term impairments to brain function.” About 29,000 Marines have been diagnosed with TBIs since the 9/11 attacks, of which more than 22,000 are classified as mild. Only 9,473 have received Purple Hearts over the same period, according to Marine statistics. “Marines have always rated a Purple Heart for TBI or mild TBI if there was a loss of consciousness,” said Marine spokeswoman Maj. Shawn Haney. “This expands on that, and broadens the category ... to say you don’t necessarily have to be unconscious.” Throughout the military, about 202,000 troops have been diagnosed with TBI since 2000. According to a 2010 Defense Department report to Congress, the Marine Corps was the only service that had specified loss of consciousness as the threshold for requiring medical treatment for combat brain injuries. Only injuries that require medical treatment are eligible for a Purple Heart. [Source: Stars and Stripes Chris Carroll article 25 Apr 2011 ++]

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National Resource Directory Update 01: Wounded Warriors, Veterans, Service Members and their families can now connect to the National Resource Directory on their mobile device. Enter NRD.gov in the browser for access to thousands of resources! [Source: Veterans Corner with Michael Isam 26 Apr 2011 ++]



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Virginia Vet Cemetery Update 02: The Virginia Department of Veterans Services will hold the dedication ceremony for the Southwest Virginia Veterans Cemetery 6 MAY at 10 a.m. The ceremony will be held at the cemetery, located at 5550 Bagging Plant Road , Dublin , Virginia . In case of rain, the ceremony will take place at the Lions Club, 1 Lions Club Road . The Lions Club is directly across Bagging Plant Road from the cemetery. Adrian Cronauer, former U.S. Air Force Sergeant, radio personality, and the inspiration for the movie

Good Morning Vietnam, will emcee the ceremony. Speakers will include The Honorable Terrie L. Suit, Virginia's Secretary of Veterans Affairs and Homeland Security, Congressman Morgan Griffith, and State Senator John Edwards. Paul Galanti, Commissioner of the Virginia Department of Veterans Services and former Vietnam POW, as well as Frank K. Salvas, Sr., Director, State Cemetery Grants Service, National Cemetery Administration, U.S. Department of Veterans Affairs, will also speak.

The cemetery is located on an 80-acre parcel of land transferred from the Department of the Army, Radford Army Ammunition Plant to the Commonwealth of Virginia in 2008. Initial construction covers 24 acres and includes the main entrance area, full casketed and cremation burial areas, a columbarium, a memorial garden and scatter garden areas, roads, an assembly area, committal shelter, cemetery office, maintenance complex, and supporting infrastructure. Interment areas include 5,167 standard burial plots; 2,750 pre-placed crypts; 500 in-ground cremation spaces; and 625 columbarium niches for cremated remains. Additional grave sites will be added as needed. The Southwest Virginia Veterans Cemetery is Virginia's third state-operated veterans cemetery. The Albert G. Horton, Jr. Memorial Veterans Cemetery is located in Suffolk and the Virginia Veterans Cemetery is located in Amelia. The cemeteries are operated by the Virginia Department of Veterans Services.

Service members who were honorably discharged qualify for burial in one of Virginia's veterans cemeteries. Members of the National Guard/Reserves who served on federal active duty may also qualify. A grave site, opening and closing of the grave for the veteran, placement of a government grave marker, and perpetual care of the site are provided to the veteran at no charge. Veterans' spouses and eligible dependent children may be interred for a small fee, currently \$300. For burial info on eligibility and application procedures for the Southwest Virginia Veterans Cemetery refer to http://www.dvs.virginia.gov/cemetery_southwest-project-overview.shtml. [Source: VADVS News Release 26 Apr 2011 ++]

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DFAS myPay System Update 09: The online pay account management system operated by the Defense Finance and Accounting Service for all U.S. military personnel and many federal civilian employees, myPay, will launch enhancements Saturday, 30 APR. The customer suggested enhancements are designed to make the site easier and more convenient. The new upgrade will reduce the number of steps required to login to myPay and make the virtual keyboard, an unusual security feature designed to protect usernames and passwords, optional. myPay will be unavailable from 7 a.m. to noon 30 APR as the upgrades are implemented. Users should plan on accessing their Leave and Earning Statements prior to the upgrade period. [Source: Mil.com article 25 Apr 2011 ++]

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Quilts of Valor: The Department of Veterans Affairs and members of Quilts of Valor can't agree on the explanation, but the Minneapolis VA is no longer accepting the donated, handcrafted quilts that volunteers have been making for wounded soldiers and other vets who served in Iraq and Afghanistan. Twin Cities leaders of the charitable group got the word from the Minneapolis VA earlier this month. They were told the decision was part of a nationwide directive for VA facilities because of an outbreak of bedbugs at a VA homeless shelter in another state. The restriction is expected to last at least six months, they were told. Page Johnson, the southern Minnesota coordinator for Quilts of Valor, said 20 APR that the VA's concerns are understandable, though she gave just a hint of offense at the suggestion that her group's quilts could be carriers of bedbugs. The fabric is new, the process for making them is clean and there has never been a hint that any of the quilts delivered to the VA were tainted, she said. "We're dealing with new fabrics, people take this very seriously, everything is kept clean, there is no contact

where it would get something like that," Johnson said. "Bedbugs come from humans using the quilts and they are not used, they are new. I can assure you we are not using these things and giving away used items."

Here's where the fog of war extends to quilting. The VA says the new ban has nothing to do with bedbugs -- the real issue is the generosity and efficiency of the quilting volunteers. The VA has simply run out of room for the stuff. In a 6 APR letter addressed to "knitters, crocheters, quilters and seamstresses," Katharina Ryan, the director of the Voluntary/Community Resource Center of the Minneapolis VA, described the problem. "Thanks to your skill, talents and dedication to helping our hospitalized veterans of the Minneapolis VA Medical Center, we have an overabundant supply of lap robes, quilts, blankets, neck pillows, armrest pillows, heart pillows, slippers and laundry bags," she wrote. "We are unable to accept any of these items until further notice." While the reason for the embargo may be in question, the productivity of Quilts of Valor isn't. The quilts come from quilters sewing the tops together in their basements and spare bedrooms or in sewing clubs or shops. The operation rivals anything in the military. The quilts are put together using donated fabric with backing, batting and binding and a label listing the quilter and her hometown. The quilts are then brought for "longarm" quilting (stitching the layers together with commercial-grade sewing machines) before they are returned to Quilt of Valor local leaders, who sort and distribute them.

In 2009, the Upper Midwest Chapter of the Quilts of Valor distributed 1,399 quilts. In 2010 it was 1,881. Since its genesis in a sewing room in Seaford, Del., in 2004, the group has distributed more than 37,000 quilts nationwide. "It's hard work but it's been a really good way to do something you love and to give back to people who have given so much," said Marcia Stevens, who started a Brainerd Quilts of Valor group in 2005. VA spokesman Ralph Heussner said he has seen the Minneapolis supply room packed with donated items. While bedbugs are always a concern, the real issue is making a dent in the oversupply. Once supplies dwindle, quilts will be accepted again. "We really do appreciate all the work they do," he said. VA qualms or not, there's no quit in the quilters. They are still in the business of giving quilts to Guard and Reserve soldiers with three or more deployments. County veterans service officers have asked for quilts. Grandmas even call in with requests. Minneapolis police recently distributed quilts to homeless vets on the streets. The Minnesota Veterans Homes, which operate independently of the federal VA system, also continue to accept donations, although quilts and fabrics of all kinds are inspected and may be laundered if there are concerns, said Minnesota Veterans Affairs spokeswoman Anna Long. "The fact is we can't make enough quilts to cover all the wounded; we can't even come close," Johnson said. Information on the QOV foundation is available at <http://www.qovf.org>. [Source: Minneapolis Star Tribune Mark Brunswick article 21 Apr 2011 ++]

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Inchon Landing Wolmi Lawsuit: Every September, thousands of U.S. and South Korean troops and veterans gather at the port city of Incheon for pomp-filled ceremonies, speeches and even re-enactments, marking the anniversary of the Inchon Landing, a daring amphibious assault that became the turning point in the Korean War. The U.S. believed the attack on the island, which had been taken over by some 400 North Korean troops, was critical to the success of the invasion a few days later. Had the Incheon Landing not succeeded, some historians believe that U.N. forces could have lost the war. More than 60 years later, 160 Koreans who used to live on Wolmi Island are suing the South Korean government for compensation for property their families lost in the bombing. Also named in the lawsuit are the city of Incheon, whose boundaries include the island; the United States; and the United Nations, which oversaw the international coalition that fought the North Koreans and Chinese forces. The lawsuit, filed in Incheon District Court in FEB 2011 asks that about \$2,750 be awarded to each of the 44 households represented in the suit, though some islanders say they might ask for more.

The group's members, many of whom fled Wolmi in the days before the bombing, say their case is different from those of other South Koreans who were affected by the war because they were never allowed to move back to their village. The small, wooded island — then home to a village of about 600 people — is separated from the mainland

by a narrow channel. They say the U.S. bulldozed the homes left standing on Wolmi soon after the bombing to make way for a U.S. military base. The island later became a South Korea naval base that was eventually closed and turned into a park. The bombing of Wolmi Island came three months after North Korean troops invaded the South and quickly overran the unprepared U.S. and South Korean troops. By September, the North controlled the entire peninsula except for the southeastern city of Pusan, which is now spelled "Busan." The U.S.-led invasion of Incheon, military officials hoped, would open a second major front against the North Koreans and ease pressure on U.N. forces near Pusan. But first, the U.S. had to secure Wolmi. "Failure will seriously jeopardize or even prevent the major assault on Incheon," Rear Adm. James Doyle, a task force commander, said in an order issued before the attack on Wolmi, according to a Stars and Stripes article from Sept. 17, 1950. "Therefore, press the assault with the utmost vigor despite loss or difficulty."

The U.S. assault on Wolmi, which began 10 SEP and continued for several days, wiped out the North Korean troops. But at least 100 civilians, and likely more, were killed, according to a now-disbanded South Korean government commission that investigated the attack in 2008. An Incheon city official said the national government is responsible for compensating the islanders, not the city. The Ministry of National Defense said there are no laws that would allow it to compensate the residents. The Truth and Reconciliation Commission, set up to investigate wartime atrocities and wrongs committed by the government against its citizens, ruled that the U.S. had failed to warn residents of the impending attack. Despite clear weather, U.S. pilots dropped napalm bombs and strafed women, children and the elderly in open areas, it found. Kim Dong-choon, a former head researcher for the TRC, said the U.S. never responded to the commission's findings. The commission recommended that South Korea and the U.S. compensate the islanders and support their efforts for a homecoming and to memorialize the dead. But the group says it has received nothing since the commission's ruling, despite repeated requests for compensation or to move back to the island. "We went to every government organization, but no law exists that applies to us," said Han In-duk, 68, who heads the group involved in the lawsuit. "I feel like we are not South Koreans, but foreigners."

The group sent U.S. President Barack Obama a letter in 2009 that asked for an apology and included the TRC's recommendations, but received no response. The group's members want to move back to the island, and would be content to live in a corner of the park. If they can't have that, they want reimbursement in the form of apartments, houses or money. An attorney for the group says it was decided to sue this year because of a deadline imposed by South Korean law, which says lawsuits can be filed no later than three years after someone learns a law has been broken. In the Wolmi case, the three-year window began when the Truth Commission issued its recommendations in early 2008. The islanders have little chance of winning the lawsuit, in part because South Korea is reluctant to ask the U.S. to intervene for fear of angering its ally, said Kim Dong-choon, a former head researcher for the TRC. "The South Korean government sees the Wolmi bombing as an unavoidable part of war, so the U.S. view would be almost the same as South Korea's," he said. [Source: Stars & Stripes Ashley Rowland article 23 Apr 2011 +-]



LST'S unloading at Wolmi-do, Inchon, Korea on D-plus and Marine trucks taking supplies to advancing troops.

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Feres Doctrine Update 03: Veterans, military families and others who oppose a decades-old law that shields military medical personnel from malpractice lawsuits are rallying around a case they consider the best chance in a generation to change the widely unpopular protection. The U.S. Supreme Court has asked for more information from attorneys and will decide next month whether to hear the case of a 25-year-old noncommissioned officer who died after a nurse put a tube down the wrong part of his throat. If the law is overturned, it could expose the federal government to billions of dollars in liability claims. That makes it highly unlikely a divided Congress desperate to cut expenses will act on its own to change what's called the Feres Doctrine, a 1950 Supreme Court ruling that effectively equates injuries from medical mistakes with battlefield wounds.

The court case involves the death of Air Force Staff Sgt. Dean Patrick Witt, who was hospitalized in 2003 for what should have been a routine appendectomy at Travis Air Force Base in Fairfield, Calif. Following surgery, a nurse anesthetist inserted a breathing tube into his esophagus instead of his trachea or airway, depriving his brain of oxygen. Witt, of Oroville, Calif., died once his family removed him from life support three months later. The nurse admitted her mistake and surrendered her state license. Federal courts denied the legal claim by Witt's widow, saying their hands were tied by the Feres Doctrine. Witt's family appealed, aiming to help other service members who get hurt in military hospitals. "We labored on this for a long, long time, and we decided that the right thing to do here was to protect the rights of other people who go into the military and are signing away their rights to get good health care in the military system," said Witt's brother-in-law, Carlos Lopez. "So we're hoping, we're praying, that his case could be the one that changes everything."

The Feres (pronounced FEHR-es) ruling grew out of the Federal Tort Claims Act of 1946, which allowed lawsuits against the government for negligent acts under certain circumstances. Initially the law was interpreted to forbid lawsuits by military personnel and their families only for combat-related injuries and deaths, but the decision in *Feres vs. United States* — involving a soldier who died in a barracks fire — widened that exclusion to bar any lawsuits over injuries "incident to military service." Opponents argue that the act's intent was never to prevent servicemen and women who are victims of medical malpractice and their families from seeking redress. The effort to change the law has gotten wide support from military officers and veterans groups, including seven that have filed briefs in Witt's case to demonstrate the public's interest to the justices. "We've given them a case that presents them with the best opportunity to fix this in a long time," said Jamal Alsaffar, whose Austin, Texas, law firm represents the family. "They're the ones who broke it, so they are in the best position to fix it."

At least one of the justices has criticized the law the last time a related case came before the high court. The 1987 case reaffirmed the military hospitals' protections in a 5-4 ruling, with conservative Justice Antonin Scalia writing a harsh dissenting opinion. "Feres was wrongly decided and heartily deserves the widespread, almost universal criticism it has received," Scalia wrote. The law has survived myriad legal challenges over the years and various congressional efforts to overturn it. In 2009, a bill introduced in the House — in the name of a 29-year-old Marine sergeant and Iraq war veteran who died of skin cancer his family claims was misdiagnosed — got some traction, but not enough. Republican lawmakers derided the measure, saying that opening up the military to lawsuits would be expensive and benefit trial lawyers more than service families. The Congressional Budget Office estimated it would cost the government an average of \$135 million every year in claims. If the law were made retroactive, the estimated price tag was \$2.7 billion over the next 10 years. One of the bill's sponsors, Rep. Maurice Hinchey (D-NY) argued that the cost would be less than estimated because the law would result in a better level of care in military hospitals and fewer negligence claims. [Source: Abilene Reporter News Mitch Stacy AP article 22 Apr 2011 ++]

VA Benefits Update 02: The VA is bigger than most realize. As a result most veterans have a lot of misunderstanding with how the VA functions and thus are confused when dealing with the VA for both compensation claims and/or getting medical treatment. Hospitals, clinic, Vet Centers and such provide treatment. They work under their own guidelines, regulations, and budgets. The Benefits Administration or as most commonly called the Regional Office confers compensation/service connection for military related illnesses and injuries, and other commonly known benefits such as home loan guarantees and education. The Benefits Administration does not work under a budget. Both administrations have departments, divisions, subdivisions and contractors. There is a lot of room for communication to break down. So be pro-active and check carefully who will do what and when. As an example: Going to a Vets Center for PTSD does not automatically request service connection for PTSD, nor does it automatically guarantee service connection and compensation. Make the appropriate requests at the appropriate office.

Claims for compensation and service connection of a medical problem must be made to the regional office in your state. In order to have medical problem service connected and compensation paid; there must be evidence of a chronic medical issue being linked to a veteran's active military service. Evidence most frequently comes from military service records especially medical records. When these are missing evidence can come from other sources such as witnesses, photos, news stories, and old letters to home. The source of the evidence is important to the credibility of it. A statement from your wife, who stands to benefit financially with a favorable decision is not as credible as your former supervisor in the service whom you have not seen in years. Such was the case of a veteran whose wife signed a document attesting his tinnitus was so bad she could hear the ringing in his ears even across the house in the kitchen. In another case a disinterested third party who did not even know the veteran or anything about his claim, described the working conditions at the flight hanger where the vet worked so well that the VA was able to award service connection for a hearing loss.

The first time any claim is made during the life time of a veteran, a VA form 21-526 or VA form 21-526EZ must be filled out. After that a simple hand written letter is sufficient. In fact, a claimant does not even need to fill out a VA form 21-526 at first. Just write to the Regional Office and they will send you what they need for documentation. This is because years ago many vets filled out the claims form and forgot about it. Once the 526 is completed, it is for life. It starts the building of your claims file or in VA jargon, the C-file. A copy of every communication sent to the veteran or received from the veteran is supposed to be in that file forever. When writing to the VA, keep remarks short, sweet and to the point. Adding drama to any correspondence only lowers the credibility to the reader, a VA employee. If there are implausible aspects of your story explain them in simple terms and then get some sort of collaborative evidence to submit at the same time.

Generally, a claim for benefits or an increase in benefits specifically must be made by the veteran with his or her own signature. A visit to a medical facility should not be considered by a veteran to be a claim of any sort even if a staff member/employee states there is one. So get the appropriate paperwork done and then sign it. You don't make claims for service connection through a medical facility. However, again generally speaking, the exception to this is when a veteran spends 21 days or more in the hospital for an already service connected issue. The VA hospital is supposed to notify the Regional Office that the veteran was hospitalized for an excess of 20 days for treatment of a condition that is service connected. In this case a Rating Decision should be completed. In reality, write the Regional Office, regardless, and tell them you were in the hospital (civilian, military, or VA) and get the temporary increase in benefits. Try not to assume anything.

Medical treatment at a VA treatment facility does not confer the status of "service connection" on a medical problem. "Service connection" is the legal status conferred on a claim that is made only by a Regional Office and only after a rating decision has been completed. This brings us to one final and very important point; read and re-read all that the VA sends you. Determine what is appropriate for your case. The VA is a very large, complex

organization that often fails to communicate well within its own. Don't waste time getting angry and frustrated just get informed. [Source: Veterans' Voice | former VA Rating Specialist Thom Stoddert article Apr 2011 ++]

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PTSD Update 64: Veterans dealing with symptoms of Post Traumatic Stress Disorder (PTSD) can turn to their smart phones for help anytime with the PTSD Coach application created by the Department of Veterans Affairs (VA) and the Department of Defense. PTSD Coach lets users track their PTSD symptoms, links them with local sources of support, provides accurate information about PTSD, and teaches helpful individualized strategies for managing PTSD symptoms at any moment. The free PTSD Coach app is now available for download from the iTunes store and will be available for Android devices by the end of the spring. The PTSD Coach app can help users learn about and manage symptoms that commonly occur after trauma. Features include:

- Reliable information on PTSD and treatments that work
- Tools for screening and tracking your symptoms
- Convenient, easy-to-use skills to help you handle stress symptoms
- Direct links to support and help
- Always with you when you need it
- Free iTunes with PTSD Coach download.

Together with professional medical treatment, PTSD Coach provides dependable resources you can trust. If you have, or think you might have PTSD, this app is for you. Family and friends can also learn from this app. PTSD Coach was created by the VA's National Center for PTSD and the DoD's National Center for Telehealth and Technology <http://t2health.org/apps>



NOTE: PTSD is a serious mental health condition that often requires professional evaluation and treatment. PTSD Coach is not intended to replace needed professional care. The questionnaire used in PTSD Coach, the PTSD Checklist (PCL), is a reliable and valid self-report measure used across VA, DoD, and in the community, but it is

not intended to replace professional evaluation. [Source: <http://www.ptsd.va.gov/public/pages/PTSDCoach.asp> Apr 2011 ++]

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PTSD Update 65: A Vietnam veteran who received the Bronze Star and later was diagnosed with post-traumatic stress disorder filed a federal lawsuit 21 APR trying to get the Army to modify his other-than-honorable discharge so that his sacrifice will be recognized and he can get disability benefits. John Shepherd, 63, says he battled alcoholism and struggled to stay employed for 40 years, but was not diagnosed with PTSD until 2004. "My other-than-honorable discharge has made me feel deeply ashamed for many years," Shepherd said in a statement. "I hope this lawsuit can finally change that." In 1969, Shepherd served a combat tour in the Mekong Delta, participating in patrols and search-and-destroy missions. The Army awarded him with a Bronze Star after his unit came under intense fire and Shepherd rushed toward an enemy bunker, entered it and threw a grenade that killed several enemy soldiers, according to the lawsuit.

- Shepherd developed symptoms of PTSD after blowing up the enemy bunker and later witnessing the gruesome deaths of several comrades, according to his lawsuit. Shepherd also witnessed the killing of his commanding officer, who was reaching down to pull Shepherd out of a ditch when he was shot multiple times.
- Shepherd began to act strangely and at one point was found wandering around a base in a confused state. He eventually reached a breaking point and refused to go back out into the field. He was charged with failure to obey an order and discharged.
- Shepherd's other-than-honorable discharge has barred him from numerous veterans' compensation benefits programs for which he is otherwise eligible, impaired his employment opportunities, grossly devalued his military service and imposed upon him a lifetime of stigma and shame.
- At the time, medical authorities did not recognize PTSD as a psychological disorder and Shepherd's symptoms went untreated as a result.
- After the attacks of Sept. 11, 2001, Shepherd's mental state deteriorated further. He became more and more tortured by his Vietnam memories and he felt intense shame about his less-than-honorable discharge. He had trouble holding down a job and began living in his truck.
- Shepherd sought counseling in 2003 at the New Haven Veterans Center, leading to his PTSD diagnosis. A Veterans Affairs therapist concluded his refusal to obey an order stemmed from his PTSD, describing him as shell-shocked. The Army said Shepherd missed a deadline for filing such claims and cited earlier incidents of failing to report to duty. The lawsuit asks that a judge upgrade Shepherd's discharge status or overturn the Army's decision that his application came too late.
- The lawsuit acknowledged Shepherd was convicted of being absent without leave before he was deployed to Vietnam but says he was still deemed an outstanding soldier. The discharge was based on an incident related to PTSD and the Army only did a cursory review of the merits of the claim without considering Shepherd's 40 years of suffering, said Rebecca Kraus, a Yale Law School student representing him.

Other veterans suffering from PTSD are coming forward seeking discharge upgrades. "During the Vietnam era, people did not understand when service members like John Shepherd developed PTSD," said Dr. Thomas Berger, executive director of Vietnam Veterans of America's Veterans Health Council. "Honoring our commitment to veterans means making sure that all those with PTSD get the recognition and benefits they deserve, including an appropriate discharge upgrade." The Connecticut Bar Association and other groups announced this week they will train volunteer lawyers and other advocates to help veterans apply for discharge upgrades. The process is complicated and time-consuming for many veterans, the bar association said. "Decorated Vietnam-era combat veterans who are still suffering from PTSD have asked us for help because they received less than honorable discharges for impulsive acts that were likely the symptom of a mental health issue that wasn't well understood at

the time," said Margaret Middleton, executive director of the Connecticut Veterans Legal Center. [Source: Associated Press John Christoffersen article 21 Apr 2011 ++]

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ThanksUSA Scholarships Update 01: ThanksUSA is a non-profit organization that provides financial need- based scholarships to children and spouses of US military personnel. Now starting its sixth year, ThanksUSA has awarded 2,200 scholarships worth almost \$6.5 million and plans to award 500 scholarships at \$3,000 each in 2011. ThanksUSA's scholarship program accepts applications from April 1st to May 15th. Awards granted to dependent children and spouses are for first-time undergraduate study at an accredited two- or four-year college, university, or vocational-technical school. Spouses may also use the award for non-degree licensure/certification programs regardless of whether an undergraduate degree has already been completed. Kaplan University is funding through ThanksUSA a full scholarship as well as a number of partial scholarships for spouses. The partial scholarships provide for reduced tuition of up to a 50% and are renewable until they graduate. For eligibility requirements and application, visit the ThanksUSA website <http://www.thanksusa.org/main/index.html>. [Source: NAUS Weekly Update 22 Apr 2011 ++]

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Tricare User Fees Update 65: The National Association of Uniformed Services (NAUS) is not comfortable with the direction we are headed under the recommendations submitted by our Pentagon leadership and now being strongly recommended by several military associations. It is not only the Pentagon that is headed toward higher TRICARE fees. As NAUS has previously testified (March 16) before a Congressional committee , the Pentagon plan to increase TRICARE Prime fees 13%, something it calls "a modest increase on working age retirees," has successfully divided the military/veteran community. And, several associations have made public statements in that regard. As an example of the split in the military community, take a look at the 13 APR statements submitted by several military organizations before the Senate Armed Services Personnel Subcommittee, chaired by Virginia Senator Jim Webb:

- The National Military Family Association (NMFA) statement said: "Our Association approves of DoD's modest increase to TRICARE Prime enrollment fees for working age retirees."
- The Association for the United States Navy (AUSN) statement said: "AUSN membership believes the President's FY 2012 proposed enrollment fee increase can be accepted as a one time increase of 13 percent."
- The Reserve Officers Association (ROA) and Reserve Enlisted Association (REA) written statement said: "ROA and REA agree that the proposed \$30 increase for individuals and \$60 for families is a modest proposal, and can accept this as a first step."
- The Military Officers Association (MOAA) called the new proposal (for a 13 percent increase in TRICARE fees) acceptable as long as Congress approves a (non-binding) Sense of Congress statement that recognizes "the bulk of what military people pay for their healthcare isn't paid in cash, but is paid upfront through decades of service and sacrifice."

In regard to the Pentagon plan to raise TRICARE fees, Senator Webb (D-VA), chairman of the Personnel Subcommittee, former SecNav, and Vietnam combat veteran, who is not running for another term, said 13 APR, "I think most of you know that I start from the presumption that lifetime health care for career military personnel is part of a moral contract between our government and those who step forward to serve... In my view they have earned this benefit through their years of service, and it would be wrong to change that benefit after they've held up their end of a moral contract. I'll keep an open mind about discussion on this and other initiatives to improve the efficiency and effectiveness of our military healthcare benefits." NAUS also opposes the Pentagon plan and remains

encouraged with Chairman Webb's current position to "hold the line." In a recent TRICARE Cost Survey, NAUS members responded with appeals to hold the line on TRICARE fees for retirees and active duty families. More than half (62%) of their members said they were not willing to pay even a "modest" TRICARE cost increase, though 25% said they might be willing to pay more. A vast majority of members (84%) agreed that TRICARE is an earned benefit and no fee or cost increases should be expected from those who completed a career in uniform. And practically all members (93%) said keeping costs as they are is a way for the government to honor its promises of lifetime health care, particularly when the country is at War. [Source: NAUS Weekly Update 22 Apr 2011 ++]

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Tricare User Fees Update 66:

In an 27 APR briefing by Department of Defense official George Taylor, Jr., The American Legion learned the agency is recommending a TRICARE premium increase tied to the National Healthcare Expenditure (NHE) Index. Taylor, DoD's acting principal deputy assistant secretary for health affairs, said the decision was made to use the NHE Index because it was transparent, easy to understand and "fair." DoD plans to recommend that Congress enact a law establishing a permanent rate of increase for TRICARE Prime tied to NHE increases. According to Taylor, the NHE Index was 3.1 percent in 2009; however, over the past quarter-century, the average annual increase has been 6.4 percent. "This DoD plan is unacceptable. Many of our military retirees live on fixed incomes and their COLA (cost-of-living allowance) just doesn't keep up with the National Health Expenditure Index," said Jimmie L. Foster, national commander of The American Legion. While their pay is adjusted for inflation, military retirees have received no COLA increase since 2008.

Foster said the federal budget crisis demands sacrifices from everyone and "we all must be willing to be part of the solution. But using the NHE Index is not an acceptable solution."The American Legion wants any TRICARE fee increase tied to the COLA (cost-of-living allowance) for military retirees. That way, if the government provides no cost-of-living increase, then at least our veterans won't have to pay more for their health insurance. In fact, we have a pending resolution that calls on Congress to pass a bill to that effect," Foster said. The American Legion's National Executive Committee will vote on the resolution next week during its spring meetings in Indianapolis. Currently, annual TRICARE Prime fees are \$230 for individuals and \$460 for families. DoD has recommended a fiscal 2012 increase of \$5 per month for individuals and \$10 per month for military families. The plan to tie future increases to the NHE Index would begin in fiscal 2013. Barry Searle, director of the Legion's National Security/Foreign Relations Division, said the average COLA increase for retirees is 2.8% over the past 25 years. "That's about four percent less than the rise in national health expenditures for the same time period. So that means more out-of-pocket expenses for veterans and their families. [Source: Sun Herald article 28 Apr 2011 ++]



The initial medical care promise was made by a military recruiter.



Then the medical care promised was reinforced in official briefings over a 20 to 30 year period by line level Supervisors, 1st Sergeants, Commanding Officers, and Reenlistment Counselors, all agents of the United States Government.



The promised medical care was actually provided at military treatment facilities until December of 1995 when Tricare was introduced.



Then came the swindle, the actual breaking of the medical care promise, with the closing of military bases and military treatment facilities where the medical care was to be administered. Military retirees over age 65 were forced out of the military treatment facilities onto Medicare and the military retirees less than age 65 were forced into the HMO type Tricare System.

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Legislation of Interest Update 14: Following is a summary by category of some of the bills introduced in the 112th Congress that affect the military community. To see a complete listing refer to the “**House & Senate Veteran Legislation**” attachment to this Bulletin. 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. To determine what bills your representative has sponsored, cosponsored, or dropped sponsorship on refer to <http://thomas.loc.gov/bss/d111/sponlst.html>:

TRICARE and Military Health Care

H.R.1092 “Military Retirees Health Care Protection Act” sponsored by Rep. Walter Jones (R-NC) prohibits TRICARE enrollment fees, deductible increases 6 co-sponsors.

H.R.1285 sponsored by Rep. Michele (R-MN) prohibits increases in TRICARE fees before FY2014 (October 1, 2013)

Concurrent Retirement and Disability Pay

H.R.333 “Disabled Veterans Tax Termination Act” sponsored by Rep. Sanford Bishop (D-GA) would end all remaining offsets of Military retired pay and VA service connected disability pay 119 co-sponsors

H.R.303 “Retired Pay Restoration Act sponsored by Re. Gus Bilirakis (R-FL) would end offset of longevity military retired pay and VA service connected disability pay for remaining 10%-40% ers 50 co-sponsors

H.R.186 sponsored by Rep. Joe Wilson (R-SC) would end the offset for medically retired retirees under Chapter 61 of their retired pay and their VA disability pay 14 co-sponsors

S.344 “Retired Pay Restoration Act of 2011 sponsored by Senator Harry Reid (D-CA) would end all the remaining offset of military retired pay and VA service connected disability pay 18 co-sponsors

National Guard and Reserve

H.R.1283 sponsored by Rep. Tom Latham (R-Iowa) would eliminate per-fiscal year calculations for activated days to reduce minimum age at which a member of the Reserve components may start to collect their retired pay

S.367 “Honor America’s Guard-Reserve Retirees Act of 2011 “sponsored by Senator Mark Pryor (D-AR) would grant retiree status to certain military retirees of the Guard and Reserve, 3 co-sponsors

H.R.1025 sponsored by Rep. Tim Walz (D-MN) would grant retiree status of veterans to certain retirees of the Guard and Reserve 35 co-sponsors

S.325 and H.R.948 companion bills sponsored by Senator Patty Murray (D-WA) and Rep. David Loesback (D-WA) It would embed mental health providers in reserve components to meet the pre-deployment and post deployment readiness and fitness standards. The Senate bill has 6 co-sponsors while the House bill has 12 co-sponsors.
Survivors

H.R.178 Military Surviving Spouses Equity Act sponsored by Rep Joe Wilson (R-SC) would end the SBP/DIC offset. 116 co-sponsors

S.260 sponsored by Senator Bill Nelson (D-FL) would end the SBP/DIC offset. 36 co-sponsors 36 co-sponsors

H.R.1263 sponsored by Rep Bob Filner (D-CA)-amends the Service Members Civil Relief Act to provide protection to surviving spouses relating to mortgages and mortgage foreclosures.

Employment and Veteran Businesses

S.367 and H.R.743 “Hire a Hero Act of 2011” sponsored by Senator Scott Brown (R-MA) and Rep. Lynn Jenkins (R-KS) would grant a work opportunity tax credit for an employer who hires a member of the Ready Reserve or the National Guard 1 co-sponsor in the Senate and 11 co-sponsors in the House.

S146 and H.R.865 companion bills sponsored by Senator Max Baucus and Rep. Tim Walz would provide a \$2400 tax credit to employers who hire a veteran who has served over 180 days of active duty service in the last 5 years. The Senate bill has 12 co-sponsors and the House bill has 47 co-sponsors

Honor and Remember Flag

H.R.546 “Honor and Remember Flag Recognition Act” sponsored by Re. Randy Forbes (R-VA) has 133 co-sponsors.

[Source: TREA Washington Update 22 Apr 2011 ++]

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ID Card Numbers Update 05: Starting on 1 JUN, as part of a campaign to protect service members, their families and retirees from identity theft, expired cards will be replaced by cards with a new and unique 10 digit identification number. (This number will also be the service member’s Geneva Convention ID number). The first 9 digits of that number will identify the sponsor and the remaining 2 identify the individual person. DoD expects the full roll out to take approximately 4 years. There will also be an 11 digit DoD for every person who qualifies for any DoD benefits. Below you can find the FAQ that DoD has sent out. So far nothing in their roll out indicates what a retiree should do since his or her ID card never expires:

Q1. Why is the SSN being removed from DoD ID Cards?

A1. These changes are consistent with the overall DoD policy to reduce the use of the SSN and reinforce the growing DoD Culture of Protection for Personally Identifiable Information (PII). Consistent with this, the planned changes are designed to reduce the risk of identity theft to the DoD ID card populations while maintaining continuity of DoD business processes.

Q2. What is changing on the card?

A2. SSNs will be systematically removed from DoD ID cards. When current cards expire, they will be replaced with new cards having a DoD ID Number printed in the Social Security Number field. In addition to the DoD ID Number, DoD beneficiaries will have a DoD Benefits Number printed of their card.

Q3. What is the DoD Identification Number and its purpose?

A3. The DoD ID Number is a unique ten (10) digit number that is assigned to every person with a direct relationship with the DoD (as determined by having a record in DEERS). It is a number that already exists and is

commonly known as the Electronic Data Interchange Person Identifier (EDI-PI). Dependents have their own DoD ID Number. The DoD ID Number will be used to support Geneva Convention requirements as well as other DoD operations and business processes.

Q4. Who will have DoD ID Numbers on their ID cards?

A4: Every DoD ID card will have a DoD ID Number printed on it. Dependent ID cards will not have the DoD ID Number of their sponsor, just their own number.

Q5. What is the DoD Benefits Number?

A5. DoD beneficiaries will also receive a DoD Benefits Number which will enable improved access to their benefits while reducing reliance on the SSN. The DoD Benefits Number is an eleven (11) digit number that will be used to determine eligibility to receive benefits. The first nine (9) digits are common to the sponsor. The last two (2) digits identify the specific person. The DoD Benefits Number will be printed only on ID cards that convey benefits. The DoD Benefits Number is not in either the bar codes or the integrated circuit chip.

Q6. Will the SSN still be in the bar codes?

A6. The SSN will continue to be in the bar codes for now. The SSN Reduction Plan calls for the SSN to be removed from the bar codes beginning in 2012.

Q7. When should I go get a new ID card?

A7. Individuals will receive a new card upon expiration of the current card. Starting in June 2011, ID Card issuance facilities will begin issuing DoD ID Cards without the SSN appearing on the card. Please note that until the cards expire, current cards will remain active and will not need to be replaced.

Q8. Will I be able to use these new numbers once I get a new ID card?

A8. The transition to the use of these new numbers, away from the use of SSNs will take place over time. Because cards will be replaced upon expiration, it will be approximately four years until all cards are replaced with the DoD ID Number, and where applicable, the DoD Benefits Number. The key is to ensure that there is no lapse in service to DoD personnel during the transition period.

Q9. Where can I get a DoD ID Card?

A9. Individuals eligible for a DoD ID Card can contact the nearest ID Card Issuance facility (Real-time Automated Personnel Identification System (RAPIDS) site) or go to www.dmdc.osd.mil/rsi/owa/home to find the nearest location. Over 1,500 RAPIDS sites with over 2250 workstations worldwide issue identification cards.

Q11. What documentation is required to receive an ID Card?

A11. Two valid original forms of ID from the OMB I-9 document list. One must be a federal or state issued photo ID. Visit <http://www.uscis.gov/files/form/i-9.pdf> for more information.

Q12. Where can I use my new ID card?

A12. The new ID card can be used at all locations where current ID cards are accepted.

Q13. Will my ID be rejected without a visible SSN?

A13. No, your ID should not be rejected without a visible SSN; however, you may be asked to verbally state your or your sponsor's SSN.

Q14. My doctor's office always uses my ID card with SSN as proof of my TRICARE eligibility. How will my doctor validate my eligibility?

A14. The eleven (11) digit, DoD Benefits Number, is currently associated with the beneficiary's SSN within DEERS. Medical providers will use the DoD Benefits Number on new ID cards. DEERS will recognize this number and the process will be transparent to both the beneficiary and the provider.

Further questions about the plan may be emailed to CACsupport@osd.pentagon.mil. [Source: TREA Washington Update 22 Apr 2011 ++]

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Long Term Care FLTCIP Update 07: Open Season for the Federal Long Term Care Insurance Program (FLTCIP) runs from 4 APR through 24 JUN 2011, and is the first FLTCIP Open Season since 2002. During the FLTCIP Open Season, actively at work Federal and U.S. Postal Service employees and their spouses/same-sex domestic partners, and active members of the uniformed services and their spouses are eligible to apply with abbreviated underwriting (which means answering fewer health questions). This is not a general Open Season for current FLTCIP enrollees. Current FLTCIP enrollees can make changes to their coverage at any time. Non-enrolled annuitants and other qualified relatives can apply for coverage at any time, but must complete a full underwriting application. The FLTCIP provides long term care insurance for approximately 225,000 enrollees, making it the largest group long term care insurance program in the country, as well as the largest employer-sponsored long term care insurance program in the country. The FLTCIP was created by an act of Congress called the Long-Term Care Security Act of 2000 (P.L. 106-265). It is administered by Long Term Care Partners, LLC, and is sponsored and overseen by the U.S. Office of Personnel Management. Visit <http://www.ltcfeds.com> or call 1-800-582-3337 | TTY 1-800-843-3557 for more information. [Source: TREA Washington Update 22 Apr 2011 ++]

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COLA 2012: Inflation rose 1.1 percent for the third month in a row and now stands at 2.1 percent for the year. At this rate retirees are almost certain to see at least a modest COLA increase in 2012. The Bureau of Labor Statistics announced the March CPI-W of 220.024 a 1.1 percent increase over the February value of 217.535 and up 2.1% from the 2008 COLA Base of 215.5. The 2008 COLA base was used to calculate the 2010 COLA since there was no 2009 COLA as a result of negative inflation from the third quarter of 2008 to the third quarter of 2009. [Source: MOAA Leg Up 21 Apr 2011 ++]

Prices Increases Since JAN 2009

	January 2009	TODAY	% chg	Source
Avg. Retail price/gallon gas in U.S.	\$1.83	\$3.704	79.6%	¹
Crude oil, European Brent (barrel)	\$43..48	\$105..02	147.7%	²
Crude oil, West TX Inter. (barrel)	\$38.74	\$104.78	155.9%	²
Gold: London (per troy oz.)5	\$853.25	\$1,469.50	70.5%	²
Corn, No.2 yellow, Central IL	\$3.56	\$7.33	88.1%	²
Soybeans, No. 1 yellow, IL	\$9.66	\$13.75	42.3%	²
Sugar, cane, raw, world, lb. Fob	\$13.37	\$41.39	184.7%	²

(1) U.S. Energy Information Administration; (2) Wall Street Journal

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Vet Cemetery Guam: The Guam Veterans Cemetery is located on 18 acres of rolling hills and is reserved exclusively for veterans. While the setting is less park-like than other cemeteries it does have a starkly rigid dignity about it. With a chapel located in its center the grounds are available to the public seven days a week. The vehicle traffic gate is open 0800-1700 daily while the foot traffic gate remains open 24 hours a day. The cemetery has restroom facilities and the entire area is accessible to persons with disabilities. It is a VA grant funded cemetery and as such the administration, operation, and maintenance is solely the responsibility of the territory. Its administration is under the Guam Veterans Affairs Office (GVAO) which acts as a liaison between the Governor and veterans' organizations and also between the veterans and the US Department of Veterans Affairs. Anyone desiring information on the cemetery or burial therein will need to contact Veterans Affairs Office, 490 Chalan Palayso, Agatna Heights, Guam 96910 Darlene Flores, Special Assistant Tel: 671-475-8388 | FAX: 671-475-8396. Since Guam is a territory information on the cemetery is not included in VA's National Cemetery Administration website http://www2.va.gov/directory/guide/division_flesh.asp?dnum=4.

Efforts are underway to get the Guam Veterans Cemetery in tip-top shape. With a new administration committed to restoring the dignity of the hallowed ground, residents are being warned about the strict enforcement of the cemetery rules. "We're trying to enforce the rules. It's going to be a hue and an outcry but I believe this is the right thing to do. We want to restore the Veterans Cemetery to be a veterans cemetery not a public cemetery, a veterans cemetery," said John Unpingco. The Guam Veterans Affairs Office Administrator is determined to change the landscape of the Veterans Cemetery in Piti and since taking over, the changes have already become very noticeable. The unkempt grass is now mowed regularly while once overflowing trash bins and trash littered around the cemetery grounds have been discarded. And the once tattered flags that fly high over the cemetery entrance have been replaced. Unpingco isn't stopping there though, as he said, "I'm gonna get much flack for this, but I'm ready for it. I believe that there are people out there who are rules abiding citizens who will understand what we're trying to do and the veterans cemetery has gone out of control.

Unpingco is referring to the additional decorations and changes residents have done on their own that have transformed the Veterans Cemetery gravestones and crypts. "This is in term of putting candle holders. They drill into the covers of the crypts and sometimes they puncture the covers of the crypts so a noxious odor escapes," he said. "Permanent plantings, statues, vigil lights, glass objects, food of any kind, we even see cans of unopened coke and fruits there, those will be removed and other decorative items like toys, balloons, photos especially. Those are taped onto the crypts. Those will be removed," Unpingco added. Residents have until May 9 to clean up their loved ones crypt or burial site and are advised that only fresh or silk flowers will be allowed as everything else will be removed. Unpingco adds the cemetery main entrance gates will also be closed after hours to prevent late night visitors and skateboarders who have use the hill in front of the chapel as a skate park, saying, "There's a certain solemnity because that's hallowed ground." "May 9 we will go section by section of the cemetery clear the cemetery and I ask all residents if you have left memorabilia or other things out there that you want back, come and get it now. Between now and May 9 is the timeframe for you to act, please don't pass up this opportunity," he said. In about six years, Veterans Cemetery will be filled to capacity. In anticipation of that, the Veterans Office is working on obtaining a grant that would fund the necessary studies to either expand the cemetery in Piti or find a new location to bury the island's fallen soldiers and veterans. [Source: KUAM News Mindy Aguon article 18 Apr 2011 ++]

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Aid & Attendance Update 07: A need-based, tax-free pension, Aid & Attendance (A&A) supports wartime veterans and their spouses who cannot pay for non-service-related medical needs. [Veterans with service-

connected disabilities get compensation through a separate program operated by the Department of Veterans Affairs]. About 182,000 veterans and their spouses take advantage of the A&A benefit, which has been around since World War I, but VA officials say that many more are eligible. “We know that we’re only hitting about one in four eligible veterans,” said Tom Pamperin, the VA’s deputy undersecretary for disability assistance. “There are a lot of veterans where it’s been 40 years or more since they’ve been on active duty. It just doesn’t occur to them there may be a benefit from the VA.”

Beneficiaries must be at least 65 years old. They are veterans or married to veterans who served during a wartime period — eligibility includes the Vietnam War era and the Gulf War of 1990 — and were honorably discharged; they do not have to have seen combat. Applicants must also need help with at least one activity of daily living: dressing, eating, walking, bathing, adjusting prosthetic devices or using the toilet. Those who are blind, living in nursing homes or require in-home care may also be eligible. Married veterans can receive as much as \$1,949 per month. Single veterans could get a monthly A&A check for \$1,644. A veteran’s surviving spouse could receive a maximum of \$1,056. Though a beneficiary’s other income and benefits might reduce the amount of the pension, Pamperin said most people get the maximum. Applicant’s must submit VA form 21-534 plus a DD-214 to the VA to be approved by the VA to receive A&A benefits.

It’s not a simple process. A&A applicants must mail the forms, copies of service records, marriage certificates, proof of insurance and medical records to the regional VA office. If a third party is making the application, an additional form, 21-22-a or 21-0845, must be completed. “It’s a difficult, challenging, bureaucratic system,” said Debbie Burak, 59, of Midlothian, Va. After applying on behalf of her mother, Burak established VeteranAid.org to help others navigate the process. Once a pension is granted, the VA provides a lump-sum payment to cover the benefit retroactively from when the application was filed. The average wait is 90 days, according to Pamperin. “We’re increasing output,” Pamperin said, “but for the last couple of years, it still hasn’t been able to match the incoming claims.” In 2009, the program paid out almost \$2 billion. Prospective applicants can get information from veterans fraternal organizations such as the American Legion, VFW, DAV, FRA, etc. or they can call the VA at 800-827-1000. [Source: The Washington Post Leslie Tamura article 18 Apr 2011 ++]

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VA HIV Care Update 07: New research suggests that HIV-infected patients are most likely to stay clear of AIDS longer if they start drug therapy when their immune systems are still relatively strong. However, starting treatment earlier, compared to waiting, didn't affect dying from AIDS. "There wasn't a clear benefit in terms of preventing death" by prescribing the drugs before some guidelines suggest, said Dr. Keith Henry, director of HIV clinical research at Hennepin County Medical Center in Minneapolis and co-author of a commentary accompanying the study, published in the April 19 edition of *Annals of Internal Medicine*. The issue of when to begin drug treatment is a hot topic in the field of AIDS/HIV medicine. If physicians wait to begin treatment, patients can delay the expense -- not to mention the side effects -- of pricey anti-HIV drugs. But such delays may also give the virus a chance to become more powerful and better able to fend off medications. If they're not treated with drugs, HIV-infected people almost always go on to develop AIDS.

So when should doctors turn to the drugs? In the U.S., guidelines suggest that HIV-infected patients take them when the level of CD4 cells -- an important part of the immune system -- dips below 0.500 X 10⁹ cells per liter (cells/L). In Europe, the guideline number is frequently lower -- meaning a weaker immune system -- at under 0.350 X 10⁹ cells/L. In the new study, researchers examined how patients did when they began drug therapy with their CD4 cells at a variety of levels. The study authors examined the medical records of almost 21,000 HIV-infected patients who sought treatment in HIV clinics in Europe and through the Veterans Health Administration system in the United States. The researchers found that the death rate was about the same regardless of whether patients began

treatment when their CD4 levels dipped under 0.500 X 10⁹ cells/L or if they waited until their immune systems deteriorated more and reached below the level of 0.350 X 10⁹ cells/L. However, the risk of death did rise when patients weren't treated until their CD4 cells fell to an even lower level: 0.200 X 10⁹ cells/L. Patients were better able to stave off AIDS itself when they began treatment when their immune systems were stronger -- when they dipped below 0.500 X 10⁹ cells/L. In other words, starting treatment early -- when levels dip below 0.500 X 10⁹ cells/L -- didn't seem to help patients live longer compared to starting it a bit later. But it did appear to keep AIDS from developing as quickly.

What to do? "To fully benefit from early initiation, patients must present for medical care while their CD4 cell counts are still above 500 cells," said study lead author Lauren Cain, a research fellow at Harvard School of Public Health. There are other issues to consider, added Henry, the commentary co-author. When it comes to available money for HIV/AIDS treatment, "the U.S. is actually a resource-poor country," Henry said, which makes it difficult to say that patients should always get the HIV drugs early. "You have to make some decisions about who you treat. In a perfect world maybe everybody should be treated. But guess what? It's not a perfect world," he added. And in far too many cases, he said, "the decision is already made" -- patients don't go to get treated until it's too late to begin early therapy, anyway. That's because the levels of immune cells in their bodies have already dwindled too far. [Source: HealthDay News Randy Dotinga article 18 Apr 2011 ++]

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Vet Cemetery California Update 12: John A. Smith III risked his life repeatedly as a combat medic in Vietnam with the Army's 1st Air Cavalry Division in 1968 and 1969, to rescue wounded comrades. He was wounded tH.R.ee times and awarded the Bronze Star for valor. After years of surgeries and rehabilitation, Smith moved from New York to San Diego in 1982 and took a job with the U.S. Post Office. He rarely talked of his combat experiences but he routinely visited veterans in local hospitals, served as the announcer at the Veterans Day parade and volunteered at the California Veterans Home in Chula Vista. In the 1980s, he was among the early organizers of the tH.R.ee-day Stand Down in San Diego to provide help for homeless and struggling veterans. It has grown into an annual event and inspired similar activities nationwide. But of all his efforts on behalf of veterans, none may have meant more to Smith than the years he spent lobbying in Washington, trying to persuade officials that San Diego, home to one of the country's largest military communities, deserved a second national cemetery. In JAN 2010, just days before groundbreaking at Miramar National Cemetery, Smith died of a heart attack at the age of 62. On 14 APR, he was given the honor of the first casket burial at the new cemetery. As a member of an Army honor guard presented the American flag that had adorned her husband's casket to Lenora Smith, a pair of F/A-18 Hornets roared overhead.

With the opening of the Miramar cemetery, there is now a second national cemetery in Southern California that permits casket burials for all veterans. As veterans from World War II, the Korean War, the Cold War and the Vietnam War march toward mortality, the new cemetery next to Marine Corps Air Station Miramar is preparing to satisfy a pent-up demand for casket burials. Miramar staffers are prepared for burials every 30 minutes during daylight hours Monday through Friday. The number of interments each year at VA cemeteries nationwide has increased 200% since 1973 — and is expected to continue to rise. The VA is shopping for land for new cemeteries in New York, Nebraska, Florida and Colorado. Because of space limitations, Los Angeles National Cemetery and Fort Rosecrans National Cemetery in San Diego, both of which date from the late 19th century, can accommodate casket burials only for military personnel killed in Afghanistan and Iraq. Casket burials are also permitted for veterans or eligible family members in an existing gravesite. Among the tH.R.ee established national cemeteries in Southern California, only Riverside National Cemetery, which opened in 1978, offers space for casket burials for all veterans. As a result, Riverside has been the busiest of the 131 national cemeteries run by the Department of Veterans Affairs for more than a decade. Last year, the cemetery had 8,500 casket burials and inurnments.

The 338-acre Miramar cemetery is still a work in progress. The statue honoring prisoners of war, slated for a place of honor near the cemetery gate, has yet to be placed. The administration building is unfinished. Large patches that will accommodate graves are still not landscaped. But officials said the demand for burial space is so strong that they decided to open the cemetery as soon as the first of six phases was ready. Phase 1, at a cost of \$27 million, will have 11,500 gravesites, 4,500 in-ground cremation sites and 10,000 columbarium niches for urns. Burial at cremation sites began in November, but the columbarium is still under construction. Navy SEAL Michael Monsoor, a posthumous recipient of the Medal of Honor for bravery in Iraq, is buried at Fort Rosecrans. A street at the Miramar cemetery, intersecting the Avenue of Flags, is named in his honor. Other streets are named for Army Maj. Mason Carter, who fought in the Indian Wars in the late 1800s and received the Medal of Honor; Marine Lt. Gen. Victor Krulak, a key figure in shaping the modern Marine Corps; and Marine Gen. Holland M. "Howlin' Mad" Smith, a World War II commander considered the father of amphibious warfare. All are buried at Fort Rosecrans. The Fort Rosecrans cemetery, nestled on an east-facing hill on Point Loma, provides a panoramic view of San Diego Bay, with Navy ships deploying and returning. The Miramar cemetery, just east of Interstate 805, is a mile from the runway at the Marine air station. [Source: Los Angeles Times Tony Perry article 18 Apr 2011 ++]



John A. Smith III honored with the first casket burial at the new Miramar National Cemetery

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Stolen Valor Update 34: Michael Delos Hamilton accused of impersonating a decorated Marine colonel and embezzling more than \$30,000 in unmerited disability payments from the Department of Veterans Affairs appeared in court 15 APR in an attempt to have charges that he wore a colonel's uniform and a heavy sheaf of war medals without authorization dismissed. Hamilton made headlines last April as the guest speaker at a Vietnam Veterans' memorial ceremony. According to a biography he distributed, he had risen from the rank of private first class to colonel in a span of eight years and within that period, during secret operations in Vietnam, Laos, and Cambodia, had received combat awards including two Navy Crosses, four Silver Stars and eight Purple Hearts. Days later, inquiries about Hamilton led to a criminal investigation, with a Daily News photo of Hamilton in full regalia listed as proof in a Naval Criminal Investigative Services affidavit. Last October, Hamilton was indicted on federal charges including making false statements to federal authorities, embezzling more than \$30,000 in disability payments and wearing the medals and uniform without authorization. Hamilton appeared at a motions hearing Friday morning before federal judge Malcolm J. Howard in Greenville to ask for leave to re-open the

motions period and file a motion to dismiss the latter two charges, of wearing a uniform and medals without authorization. The court granted Hamilton's motion for leave to file but denied his motion to dismiss the two counts. Hamilton's trial was set to begin 19 APR at 10 a.m. before Howard in Greenville. [Source: Jacksonville Daily News Hope Hodgr article 16 Apr 2010 ++]



Michael Delos Hamilton speaks in April 2010 at a Vietnam Veterans' memorial ceremony.

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Stolen Valor Update 35: (Note: Military Times Copyrighted material - Not authorized for reproduction on any public domain website or website accessed newsletter . Forwarding via email in personal communications is authorized.)

When Skyler Whalen appeared on social networking sites last fall wearing a wrinkled Marine Corps uniform decorated with unearned medals, he unleashed the wrath of vigilant, faker-finding Marines. Like wildfire, a painstakingly researched PowerPoint presentation detailing Whalen's fantasies was e-mailed, posted, distributed and discussed on popular military forums and websites. Before long, "Gunny Whalen's" Facebook and MySpace pages both vanished. The Marine Corps confirmed in an e-mail that there is no record of Whalen, a teen who appears to live in Kingman, Ariz. Several calls to his family's home in Kingman were not returned and e-mails went unanswered. The 15-page PowerPoint presentation, whose author is unknown, was forwarded to Marine Corps Times and has been posted by P.O.W. Network <http://www.pownetwork.org/phonies/phonies.htm>, a watchdog group that keeps a database of military fakers. In an online video, retrieved from his MySpace page, Whalen is seen awkwardly impersonating a drill instructor, barking commands at his dog and flailing a sword around.

In a screen grab of Whalen's defunct Facebook page, he claims to be a gunnery sergeant with four combat deployments, a drill instructor and a recruiter. He also claims to have earned a Silver Star, a Combat Action Ribbon with tH.R.ee stars, the Navy and Marine Corps Medal and others. In photos, Whalen is seen wearing trousers that are too long, a wrinkled shirt and a belt that sags sloppily. "WTF is going on with that belt? Did he get it at TJ Maxx?" quips one participant at AR15.com, an online forum populated by service members. And that's one of the tame comments. "The guy is a total fraud," said Sgt. Ferenc Silye, who saw the Facebook page before it disappeared and forwarded the PowerPoint report to Marine Corps Times' Hall of Stolen Valor <http://www.militarytimes.com/projects/hallofstolenvalor>. "He had comments on there about how bad the war was, to make it sound like he was in Afghanistan. He looks way too young to be a gunny." Silye forwarded the report to the FBI in Phoenix, hoping to prompt an investigation under the Stolen Valor Act, he said. The FBI did not answer requests for comment. "If he's living out a fantasy, the military is not the way to do it. Too many guys have died. It's about personal accountability," said one Marine, who spoke on the condition of anonymity. He said that he and other Marines regularly comb the Web for fakers. Hundreds of leathernecks, including officers, have taken an

interest in the mission. "If you [mess] up, we'll hold you accountable," he said. [Source: USMC Hall of Stolen Valor Gina Cavallaro article 23 Jan 2011 ++]



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Stolen Valor Update 36: The U.S. Supreme Court rejected an appeal Monday in a murder-for-hire plot after the star prosecution witness lied about his military background. The court said 18 APR it will not review a divided appeals court ruling that, by a 6-5 vote, upheld the conviction of Idaho businessman David Hinkson for plotting to kill a federal judge, prosecutor and tax agent. Hinkson is serving a 43-year prison term. Earlier, a three-judge panel on the San Francisco-based 9th U.S. Circuit Court of Appeals ruled that Hinkson deserved a new trial because the witness, Elven Joe Swisher, lied about his war record and presented forged documents about it. Swisher later was convicted of defrauding the government of nearly \$100,000 in veterans benefits and wearing unauthorized military medals. Hinkson, the owner of the Grangeville, Idaho-based mineral water company WaterOz, was charged in the plot in 2004. Prosecutors said Hinkson tried to hire a business associate and Swisher to kill U.S. District Judge Edward Lodge, Assistant U.S. Attorney Nancy Cook and Internal Revenue Service Special Agent Steven Hines, who were all involved in a federal tax case against WaterOz. None of the officials were harmed.

Swisher was the government's star witness in the murder plot case. During that trial, prosecutors described Swisher as a Korean War veteran, and while on the witness stand Swisher sported a replica Purple Heart pin on his lapel. Swisher also testified that Hinkson was impressed and wanted to hire him for the hit after hearing about his combat exploits and claims of killing enemy soldiers in battle. But in 2007, Swisher was convicted in federal court of lying about his military service, wearing unauthorized military medals, forging military documents and theft of government funds for taking \$95,000 in unearned military benefits. Swisher was sentenced to a year in prison and three years of supervised release. Hinkson's attorneys argued on appeal that Hinkson should be given a new trial because of the lies and forged documents presented by Swisher. Hinkson said that the prosecutors also erred during their closing argument because they referred to Swisher as a combat veteran. But in writing for the 11-judge panel of the U.S. 9th Circuit Court of Appeals, Judge Carlos Bea said that the government's only references to Swisher's military background were to point out that Swisher told Hinkson he was a veteran, not that Swisher actually was one. [Source: Associated Press article 19 Apr 2011 ++]

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IRS Computer Glitches: Flaws in the Internal Revenue Service's software programs have allowed filers to improperly claim tax credits for first-time home purchases and energy-efficient improvements to houses,

according to a preliminary audit of the 2011 filing season. As of 4 MAR, computer glitches had allowed 54 people to receive \$331,557 in credits for buying first homes that were purchased after the qualifying deadline, stated a 31 MAR Treasury Inspector General for Tax Administration report publicly released on 18 APR. "Incorrect programming is resulting in the issuance of erroneous first-time homebuyer credits and nonbusiness energy property credits," wrote Michael Phillips, TIGTA's deputy inspector general for audit. "Taxpayers are continuing to erroneously receive first-time homebuyer credit claims with ineligible purchase dates." In response to these early findings, IRS officials told the IG that the tax service will resolve the homebuyer credit problem by July through verifying eligibility using separate property records.

In addition, the audit, which reviewed the IRS' performance dealing with a range of recent tax law changes, revealed that filers were claiming duplicate or excessive credits for the cost of making certain energy-saving enhancements to residential properties, costing the government more than \$34 million. As of 4 MAR, more than 50,000 people had claimed the nonbusiness energy property credit twice -- in tax years 2009 and 2010. The credit is capped at a total of \$1,500 spread out over 2009 and 2010. The inspector general recommended the tax service establish procedures to prevent filers from receiving credits over the legal limit. IRS officials had not responded to the IG's office regarding this matter at the time of the report.

A separate defect in software that checks reimbursements to the government by past recipients of the homebuyer credit was automatically sending many returns to an error resolution system, delaying processing and refunds. The IRS installed the system to flag people who are not paying off the homebuyer credit, which is essentially a long-term loan. An IRS database contains fields that list the dollar amount each credit recipient is expected to pay this tax year. The system matches the reimbursement reported by each filer with the expected amount owed. If the numbers don't correspond, the system sends the return to an error resolution system. The inspector general found the database fields were missing expected amounts for most taxpayers who are required to start repaying the credit -- about 80 percent of them. "As a result, a large number of tax returns are being sent to error resolution [by mistake]," Phillips wrote. As of 17 MAR, IRS computers had forwarded 313,950 returns due to the flaw. The IRS was still fixing the program as of March 23, according to its website: "A small percentage of tax returns, primarily related to 2008 home purchases, are being impacted by processing issues involving the repayment of the first-time homebuyer credit. While most of these returns are processing normally, the IRS recognizes the hardship caused by delayed refunds, and it has assigned additional staff and resources to address the issues promptly." On 19 APR, IRS officials said they have since fixed the bug.

Currently, less than two percent of returns from taxpayers with payments due this tax year remain outstanding. Officials expect many of those filings to be processed and refunds issued by the end of the month. "The IRS has seen a successful filing season for millions of taxpayers despite significant challenges, including late law changes that delayed return processing," the agency said in a statement. "The IRS is extremely successful at detecting and stopping incorrect refunds and prevents the vast majority of fraudulent refunds from being issued." Officials added the tax service has processed nearly 96 million returns, and issued almost 81 million refunds totaling \$234 billion. [Source: NextGov.com Aliya Sternstein article 19 Apr 2011 ++]

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Guardian Scholarship Fund: College-bound children of National Guardsmen who lost their lives in support of the war on terrorism can now apply for up to \$25,000 in scholarship funds from DRS Technologies, a New Jersey-based defense contractor. The Guardian Scholarship Fund will be administered by the National Guard college or technical school, the scholarship will provide up to \$6,250 for both years. Rich Goldberg, DRS senior vice president of public affairs and communications, said the idea grew from his time on the NGEF board, which he joined within the past year as the board's nonmilitary member. He learned about the more than 650 Guardsmen who

have died in the war on terrorism. Goldberg, who is also president of the DRS Charitable Foundation, has helped give millions of dollars to charities, including the USO and the Intrepid Fallen Heroes Fund. "We started asking the question, 'What about the children of the 650 [Guardsmen]?" he said. The result is the scholarship fund, which will be ongoing. The adjutants general of the 54 states and territories will be asked to assist in identifying families with children who qualify. Juniors and seniors in high school, as well as students already in college, are eligible to apply for the scholarship. The application which must be submitted by 30 JUN can be found at <http://www.ngef.org/ngefcontensive/files/ccLibraryFiles/Filename/00000000422/DRSscholarship.pdf>. A review panel created by NGEF will determine who will receive the funds, which will be paid directly to the school. A video about the program regarding the fund can be seen at <http://www.drsfoundation.net/guard>. [Source: NGAUS Washington Report 19 Apr 2011 ++]

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Vet Toxic Exposure ~ Lejeune Update 18: Five members of Congress on 15 APR called the Department of the Navy to task — again — for what they say is an apparent resistance to keeping veterans informed about past water contamination at Camp Lejeune in North Carolina. In a tartly written letter to the Navy, Sen. Bill Nelson of Florida, Sens. Kay Hagan and Richard Burr and Rep. Brad Miller of North Carolina, and Rep. John Dingell of Michigan said the military continues to mislead the public about a high-profile scientific report on the contamination. They said that the Navy hasn't yet agreed to a deal that would allow federal scientists to review its public relations material. And, they said, the Navy appears reluctant to lead veterans and their family members to recent, updated science about the contamination. "We would like to bring to your attention several issues that call into question (the Department of the Navy's) and (the Marine Corps') commitment to transparency and veracity in efforts to keep the public informed of ongoing developments related to Camp Lejeune's historic contaminated drinking water," the members of Congress wrote to Navy Secretary Ray Mabus.

The letter is the latest missive in an ongoing bureaucratic battle among military leaders, federal scientists, and veterans and their advocates in Congress. At stake are ongoing scientific studies that could determine just how, and how badly, several contaminants might have affected the health of people who lived and worked at Camp Lejeune until the 1980s. The letter raises four issues:

1. **NRC Report.** The lawmakers said the Navy has continuously mischaracterized a 2009 report by the National Academy of the Sciences' National Research Council. The NRC report found no concrete link between the chemicals trichloroethylene and tetrachloroethylene and a host of ailments suffered by veterans and family members. The report has been criticized by other scientists. The lawmakers said the Navy has indicated that the NRC did assess benzene, but that isn't true. The report didn't include a comprehensive study on benzene, a known cancer-causing chemical that was a significant contaminant in the water. The lawmakers asked the Navy to correct the information and send a letter to more than 160,000 people who have signed up to receive information about the contamination.
2. **Communications.** The lawmakers said the Navy has not agreed to a communications protocol with federal scientists at the Agency for Toxic Substances and Disease Registry. The ATSDR has spent years studying the contamination and is trying to figure out its potential health impacts. The deal would have the Navy run all of its public relations material past ATSDR for scientific accuracy, but the military hasn't signed on yet. The letter asked the Navy to retract an inaccurate booklet on the contamination from its website and to sign the agreement by the end of this month.
3. **USMC Website.** The lawmakers said the Marine Corps website on the contamination doesn't include direct links to ATSDR's ongoing work on the issue, including reports conducted since January 2009.
4. **Survey Plan.** The lawmakers oppose a military plan to survey the more than 160,000 registrants about whether they want more or less information on the contamination.

"It is inconceivable to us that Camp Lejeune registrants would want to have less information flow about a subject that concerns their health and well-being," the lawmakers said. They also worried that such a survey would conflict with work that scientists are doing to survey veterans and family members about their health. It is estimated that a million people were exposed to contaminated drinking water at the base until poisoned wells were shut down in 1984. Many former Lejeune residents now believe that their cancers and other illnesses were caused by the chemicals. [Source: Stars & Stripes Barbara Barrett article 16 Apr 2011 ++]

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WWII Vets Update 01: Paul Lovell, 99, is a World War Two veteran who fought in the Battle of the Bulge and was also held in Germany as a prisoner of war in 1945. Lovell is the second oldest living World War II veteran in the United States. He lives in Bridgeport WV and is getting ready to celebrate a really special occasion. "I was 33 when I went into the service and in a week I'll be a hundred years old," he said. Lovell says he was captured by the Germans on Dec. 31, 1944, and taken to Stalag 12A in Germany. While a prisoner of war, he says he lost more than 50 pounds because he was starved by his captors. "I only got heat in the prison two hours a day. I slept with my clothes on and had body lice like a dog," he said. He was held in captivity for almost four months, and even his wife thought he was dead. "My wife Beatrice didn't know that I was alive for two months. One night she got a telephone call in March that was a collect call," he said. Lovell was alive and ended up being hospitalized for months. He was malnourished and says he couldn't even squeeze a baby's hand because he was so weak. He still vividly remembers his time in the war and his time as a prisoner. As he approaches his 100th birthday, his family and friends say he has just as much heart and spunk as he did in his 30's, and that he has no plans of slowing down anytime soon. "I couldn't be prouder of him. His country means so much to him, and being a veteran. He's in all of the veterans parades. I couldn't ask for a better dad," said Charlotte Flowers, Lovell's daughter. He will turn 100 years old on April 22. His family says they plan on having another celebration in Bridgeport. [Source: WBOY-12 Lisa Robbins article 16 Apr 2011 ++]

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Parkinson's Disease Update 03: Although doctors often advise Parkinson's disease patients to exercise — and the more intense the exercise, the better — new research from the University of Maryland Dr. Lisa M. Shulman, co-director of the University of Maryland Parkinson's Disease and Movement Disorders Center, made the surprise discovery recently that low-intensity workouts make the most difference in mobility and gait, which become a problem for most of those who suffer from the disease. The information could lead to new advice from doctors and give hope to patients who can't manage a tough workout. "Difficulty walking is the greatest cause of disability in people with Parkinson's disease," said Shulman, also a professor of neurology. "These results have important implications for how we manage Parkinson's disease, since low-intensity exercise can be done by most people with Parkinson's, and our patients frequently ask what type of exercise they should be doing." [Source: The Baltimore Sun Meredith Cohn article 15 Apr 2011 ++]

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VA Fraud Waste & Abuse Update 33:

- **Tucson AZ** - Timothy A. Gaffney, 49, pleaded guilty 14 APR to illegally taking Department of Veterans Affairs funds meant for his dead mother. He admitted that he accepted \$23,724 in Veteran Dependency and Indemnity Compensation from 1 DEC 08 to 1 APR 2010 without informing the VA that his mother had died in NOV 08. He admitted in his petition to plead guilty that he knew he was not entitled to the benefits

and that the money belonged to the U.S. government. Gaffney also was charged in a March 8 indictment that has been unsealed with converting \$6,894 in Social Security benefits. That money also was received during roughly the same period and was intended for his mother, with whom he had a joint account. He did not plead guilty to that charge, but he agreed to pay restitution to that agency as well. Gaffney probably will face 10 to 16 months in custody.

- **Brooklyn NY** - John Raymond Anthony White, 46, has been found guilty of fraud for posing as a disabled veteran in order to win federal construction contracts worth more than \$16 million. White falsely claimed he was disabled and a veteran between 2007 and 2010 in a scheme to qualify for government construction contracts for the Veterans Administration in New York, Pennsylvania and Maryland. The contracts were limited to small businesses owned by veterans or disabled veterans. White, who has never served in the military, "exploited valuable resources intended for the men and women who put their lives on the line for our country and are often disabled as a result," Manhattan Attorney Preet Bharara said in a statement. White was also found guilty of making false statements and tampering with a witness to cover up the scheme. Court documents said he told investigators that an Army veteran was actually the majority owner of his business, Mitsubishi Construction Corp., then tried to persuade the reputed unidentified veteran to claim to be the majority owner, even though he was not. White faces up to 75 years in prison when he is sentenced on 20 JUL 2011. [Source: Reuters Bernd Debusmann article 21 Apr 2011 ++]

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Filipino Vet Inequities Update 19: Filipino and American veterans based in the Philippines have something new to look forward to, should they decide to avail of the US Embassy's services. The New Veteran Affairs (VA) building, inaugurated 13 APR, will be home to a new regional office, as well as an outpatient clinic. The new building is the sole VA facility located outside the United States. US Ambassador Harry Thomas Jr. and Pasay City Mayor Antonio Calixto inaugurated the new building, which is located in the US Embassy's Seafront compound in Pasay City. "Listening to [the] experiences and learning about sacrifices [Filipino and American veterans] made for our countries is truly humbling. I am so pleased that we are able to provide this facility to the veterans who sacrificed so much for us," said Thomas. The P1.3-billion building will be the headquarters for the financial and medical services to US Armed Forces veterans who live in the Philippines, as well as certain Philippine nationals. During the inauguration, US Department of Veteran Affairs Manila Director Jon Skelly also presented a symbolic key to American and Filipino veterans in attendance. The outpatient clinic is equipped with modern facilities and state-of-the-art laboratories accredited by the College of American Pathologists. Over 18,600 individuals have availed of financial and health benefits from the Embassy.

Since the passage of the Filipino Veterans Equity Compensation Fund (FVEC) in FEB 09, over 18,100 Filipino and American veterans and their families have received compensation amounting to P9.3 billion in a lump sum payment. The United States' VA Department has also released P8.2 billion in recurring disability compensation, pension, education and vocational rehabilitation and employment benefits. In line with this, another bill for Filipino World War II veterans is in the works in the US Congress. California 12th district representative Jackie Speier filed early this year the Filipino Veterans Fairness Act of 2011 (H.R.210), which will give Filipino veterans the same benefits as their US counterparts. Currently, Filipino veterans only get \$9,000 as compensation, which is \$6,000 less than what US veterans receive. As of 18 FEB, the bill has 19 cosponsors and has been referred to the Subcommittee on Disability Assistance and Memorial Affairs. [Source: GMA News Bea Cupin article 15 Apr 2011 ++]

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VA Budget 2012 Update 02: It was reported that House Veterans' Affairs Committee Chairman Jeff Miller (R-FL) a long-time supporter of veterans issues, stated that he has not ruled out trying to cut the VA budget. Along with the Tea Party, Miller believes that the VA has mismanaged programs such as the homeless veteran voucher program, programs for female veterans and the benefits claims process. The VA claims backlog is over 1 million, which VA staff blames on a lack of modern equipment for claims processing and an influx of more than 2 million new veterans from the wars in Iraq and Afghanistan. But with proper oversight, Republicans say they believe the VA could do more with less. Democrats have not proposed any VA budget cutbacks. Patty Murray (D-WA) leader of the Senate Veterans' Affairs panel, said that she will not support any measures that jeopardize funding for homeless and female veterans programs, by pushing for passage of the president's budget request of \$132.2 billion for the VA. But she could be in for a tough fight over the fiscal 2012 budget. Richard M. Burr (R-NC), the top Republican on the Senate Veterans' Affairs committee, and another long-time supporter of veterans issues, is in favor of VA cuts this year. "I dare say that when you ask me, 'Could there be cuts?' — There can not only be cuts, there probably should be cuts," Burr said in a recent interview.

In addition to these statements made by key figures who are on the House and Senate Veterans Committees, House Budget Committee Chairman Paul D. Ryan's (R-WI) budget proposal, which his panel approved on a party-line vote last week, would allocate \$128 billion for the VA — \$4.2 billion below the president's request. According to reports, Chairman Ryan told a veterans group that he is studying a plan to stop letting any veteran who doesn't have a service-connected medical condition from using VA health care services, and cancelling the enrollment of anyone currently using those services without a service-connected condition. While there is no question that the VA needs to be closely monitored to root out waste and abuse, veteran groups opposes these plans. The cost of taking care of the nation's veterans is a cost of war and skimping on their care is simply not an option. The Retired Enlisted Association (TREA) said they will fight against these initiatives and urges all TREA members to contact their Senators and Representatives and tell them they oppose any increases in TRICARE fees or any cuts in VA health care. It is especially important if you live in North Carolina to contact Sen. Burr, or if you live in Congressman Miller's district in Florida to contact him and let them know you oppose cutting the VA budget. [Source: TREA Washington Update 15 Apr 2011 ++]

Bites

Brown Recluse Spider: Most spiders are absolutely harmless to humans. In fact, of the 20,000 different species of spiders that inhabit the Americas, only 60 are capable of biting humans. Within that small group, only four are known to be dangerous to humans: the brown recluse, the black widow, the hobo or aggressive house spider, and the yellow sac spider. Within this select group, only the brown recluse and the black widow spider have ever been associated with significant disease and very rare reports of death.

- Deaths from brown recluse spiders have been reported only in children younger than seven years. Brown recluse spiders are native to the Midwestern and Southeastern states. Documented populations of brown recluse spiders outside these areas are extremely rare. In recent years controversy has arisen over the appearance of brown recluse spiders in California and Florida. At this time most experts agree that the brown recluse is not endemic to these areas. With increasing travel, individual spiders and spider bites can be found in areas where the spider is not endemic, and health care practitioners should consider this when treating suspected bites.
- Fewer than 10 individual spiders have ever been collected outside of these native states. Most false sightings are due to confusion with one of the 13 other species found in the same family.
- The most common non-brown recluse spiders are the desert recluse found in Texas, Arizona, and California, and the Arizona recluse. No deaths have ever been reported from non-brown recluse spiders. Bites from these cousins produce mild to moderate local skin disease.

Brown recluse spiders are notable for their characteristic violin pattern on the back of the cephalothorax,

the body part to which the legs attach. The violin pattern is seen with the base of the violin at the head of the spider and the neck of the violin pointing to the rear. These small non-hairy spiders are yellowish-tan to dark brown in color with darker legs. They have legs about one inch in length. The name of the genus, *Loxosceles*, means six eyes. Most other spiders have eight eyes. Yet this unique feature of the brown recluse is lost on the casual observer because the eyes are too small to be seen with the naked eye. These spiders are not aggressive and bite only when threatened, usually when pressed up against the victim's skin. They seek out dark, warm, dry environments such as attics, closets, porches, barns, basements, woodpiles, and old tires. Its small, haphazard web, found mostly in corners and crevices, is not used to capture prey. Most bites occur in the summer months. In just hours, one bite from this highly venomous Brown recluse can cause serious damage to living tissue. Symptoms and secondary problems include: Painful Blister; A Rash and Swelling; Necrosis (death of tissue); Severe Infections; Amputations; and in Rare Cases, Death. If bitten by a brown recluse, keep these procedures in mind: Call 911 and then -

- First, apply ice on the injury in order to lessen the pain and swelling.
- Whenever possible, place the bitten part of the body above your heart.
- Wash the entire area with cool water and soap -do not use warm water.
- Put sterilized bandages on the injury.
- Stay calm --nervous states help the venom spread inside your body.
- Try ibuprofen, naproxen, or similar anti-inflammatory drugs to relieve the pain.

Avoid any of the following situations:

- HEAT: Keep the injury away from it (heat accelerates tissue destruction).
- Hydrocortisone cream or other steroids are forbidden.
- Do not try to remove the brown recluse spider venom with cuts or using suction devices.

The medical treatment for the bite of a brown recluse spider involves Tetanus immunization, Pain relievers, and proper medication such as antibiotics and antihistamines. [Source: Various Apr 2011 ++]



The brown recluse spider has three pairs of eyes.



Brown Recluse Spider bite results

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SBP DIC Offset Update 29: On 13 APR, the Senate Armed Services Personnel Subcommittee, chaired by Sen. Jim Webb (D-VA) held a hearing focusing on personnel and compensation programs for the military community, which Webb led off with an acknowledgement that "Defense is not immune" from budget cuts in this increasingly austere fiscal environment. Webb said the subcommittee intends to conduct scrupulous oversight to ensure funded programs are effective and efficient. The panel's first witness was Senate SBP champion Bill Nelson (D-FL) who urged substantive action this year on his legislation (S.260) to end deduction of VA survivor benefits from military Survivor Benefit Plan annuities. He noted that the Senate has passed the bill almost every year, only to see it dropped in final deliberations with the House for lack of funding offsets. Nelson said he's committed to finding offsets, and that taking care of veterans and survivors should be considered a cost of war. "I've got a lot of experience in the insurance business," he observed, "and I know of no other purchased annuity that would deny payment based on receipt of a different benefit." Webb expressed empathy, noting that his father had purchased SBP as a military retiree.

The next panel featured the senior enlisted advisors of the four military services, who particularly focused on the importance of improving dwell time to "restore balance" to military families' lives. Webb asked what programs their services are providing to help separating servicemembers transition to civilian life, and each offered an impressive list of initiatives, from resume, education, and job counseling to assistance for wounded warriors. Sergeant Major of the Army Raymond Chandler said he had experienced some deployment-related effects and took advantage of behavioral health counseling that "made me a better man, a better husband and a better soldier." He cites his own example to help eliminate any stigma associated with seeking help.

The final panel featured leaders of several military associations, including MOAA Government Relations Director Col. Steve Strobridge (USAF-Ret). Strobridge and the other Military Coalition witnesses covered a range of goals, from sustaining the military pay raise and funding for family support programs to eliminating inequities affecting survivors, disabled retirees and Guard/Reserve members. Strobridge particularly focused on health care issues, urging the subcommittee to resist inclusion of Deficit-Commission-proposed TRICARE For Life cutbacks in the upcoming budget resolution, further oversight to ensure proper care for wounded warriors and caregivers, and putting language in the law acknowledging that career servicemembers prepay very large in-kind premiums of service and sacrifice and capping the percentage increase in TRICARE fees in any year to the percentage increase in retired pay. Senator Webb expressed his strong concern that the Nation keeps its "moral contract" with military retirees on that score. Strobridge strongly agreed, but reiterated that there's nothing in current law reflecting any such contract, and that putting it in the law is essential to help sustain it in the future. [Source: MOAA Leg Up 15 Apr 2011 ++]

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Military Recruiting Update 03: A Chinese national who said he was the "supreme commander" of a made-up Army unit orchestrated an elaborate scheme that attracted recruits and their money with the promise that it was a path to U.S. citizenship, authorities allege. Yupeng Deng, who is accused of raking in hundreds of dollars from his recruits, was arraigned 13 APR on more than a dozen charges. Los Angeles County prosecutors said Deng, also known as David Deng, recruited 100 other Chinese nationals, primarily in Asian enclaves in the San Gabriel Valley, to join the "U.S. Army/Military Special Forces Reserve unit," then gave them phony U.S. Army uniforms and military ID cards. The 51-year-old El Monte man is accused of charging the recruits initiation fees ranging from \$300 to \$450, with renewal fees set at \$120 a year. The recruits were instructed to report to Deng's office in Temple City, which was decorated to look like an official military recruiting center, to undergo military training and indoctrination, the Los Angeles County district attorney's office said. They marched in a parade in Monterey Park and took a tour of the U.S. Midway Museum in San Diego, all in uniform.

Deng was charged with 13 counts of theft by false pretenses, manufacturing deceptive government documents and counterfeit of an official government seal. He faces more than eight years in state prison if convicted. Deng was arrested by agents with the FBI and U.S. Department of Defense on a felony complaint. He was being held on \$500,000 bail. Federal investigators began looking into Deng more than two years ago when they received reports from police who recovered counterfeit military IDs from some of Deng's recruits during traffic stops. When Deng sent his recruits renewal forms for their bogus military IDs, some showed up at real Army facilities to pay them. Deng also has been charged with one count of possession of child pornography stemming from a search warrant executed at his home. Authorities investigating the Army fraud case said they found the pornography on his home computer. For this he can receive up to 10 years in state prison if convicted. [Source: Kansas City Star Associated Press John Rogers article 13 Apr 2011 ++]

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Tricare Online Update 02: A new feature on TRICARE Online at <http://www.tricareonline.com> now allows users access to expanded personal health Record (PH.R.) data, including lab results, patient history and diagnoses, and provider visits. These features are an expansion of the current Blue Button capability, which already allowed beneficiaries to safely and securely access and print or save their demographic information, allergy and medication profiles. The Blue Button features will further encourage beneficiaries to actively engage in their healthcare. The level of data available will be dependent on where treatment occurs – with the most data available to those who regularly get care at military hospitals and clinics. “These new capabilities are a major step forward in engaging military health system patients as partners in their own health care,” said Rear Adm. Christine Hunter, TRICARE Management Activity deputy director. “Personal electronic health records can also improve care by conveying accurate patient information between providers, avoiding duplication of tests and reducing delays in treatment.”

The Blue Button was fielded by TRICARE and was made generally available by other federal health care providers last year. It is the result of a close interagency partnership between the Department of Defense (DoD), Centers for Medicare and Medicaid Services (CMS) and the Department of Veterans Affairs (VA). Blue Button already has over 250,000 users. “Innovations like the Blue Button are great examples of how healthcare information technology can keep institutions like TRICARE, CMS and VA on the vanguard of patient care by enabling safe, secure access to their electronic records,” said Veterans Affairs Chief of Staff John Gingrich. “TRICARE has raised the bar on what can be accomplished when our agencies work closely together.” TRICARE Online (TOL) is the Military Health System’s Internet point of entry that provides all 9.6 million TRICARE beneficiaries access to available healthcare services and information through an enterprise-wide secure portal. TOL users who receive their care at a military treatment facility can schedule appointments, order prescription refills and view their personal health data. Other TOL users with active prescriptions at a military pharmacy can also request a refill for those

prescriptions. To learn more, go to <http://www.tricareonline.com> or visit <http://www.health.mil/mhscio>. For more news about health IT news, subscribe to The Portal, the leading news source for military health IT at <http://www.health.mil/mhscio>. [Source: Tricare Media Center News Release No. 11-23 dtd 14 Apr 2011 ++]

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Social Security Outlook: Over the past several months many different plans and ideas have surfaced to reduce the federal deficit, including what the government spends on Social Security and Medicare. Two of the ideas are:

- **Cutting the Social Security cost-of-living-adjustment (COLA).** By using a different measure of inflation, and increasing the portion of Medicare Part B premiums that seniors must pay — when taken together, could really squeeze many seniors’ wallets. The Social Security COLA increases Social Security benefits annually to help keep pace with inflation, as measured by the Consumer Price Index for Urban Wage Earners (CPI-W). One of the options to reform Social Security that’s advocated by several prominent groups and commissions is the adoption of the so-called “chained” CPI to calculate COLAs. They argue that the “chained” CPI provides a better measure of the cost of living. The “chained” CPI is different from the CPI-W because, in short, it assumes that as the price of apples increases, people start buying oranges or pears instead. Thus it doesn’t show the actual price increase of apples or specific items from one month to the next at all. The Senior Citizens League (TSCL) feels that this approach exacerbates the problem of providing an adequate COLA. Seniors don’t always have alternate spending options, particularly on items like brand name drugs, or needed home repairs. Typically, using the “chained” CPI would yield a COLA of about .3 percentage points less than the current COLA. According to an analysis by TSCL policy analyst, Mary Johnson, a “chained” CPI would reduce lifetime Social Security benefits by as much as 10% for seniors who lived into their 90’s.
- **Increase the portion of the Medicare Part B premiums that seniors must pay.** Currently, most beneficiaries with incomes under \$85,000 pay 25% of the base Part B premium and the federal government pays 75%. This proposal would make seniors responsible for 35% of the base Part B premium. The actuaries of the Medicare program already estimate that Medicare Part B premiums will continue to take an ever-increasing chunk of Social Security benefits in the future.

To analyze the impact these two proposals would have on seniors, past Medicare premiums and Social Security COLAs were studied by TSCL. The analysis examined a person who retired in 1996, with an average Social Security benefit of \$708.70, and paid Medicare Part B premiums from 1996 through 2011. It compared what those individuals would have received in benefits had the government used the “chained” CPI and if they had been required to pay 35% of the Part B premium, against the current law COLA and Part B premiums. The analysis found that a Social Security recipient would receive approximately \$77 less a month in 2011 and about \$8,546 less over the 16-year period, if the higher Medicare premiums had been in place and if the “chained” CPI had been used to calculate COLAs. For 2011, this senior would pay about \$38 more each month for Part B premiums and receive about \$38 less in monthly Social Security payments. The study shows the harsh double whammy impact of these two provisions on the buying power of seniors’ Social Security benefits. TSCL’s studies have already shown that Social Security benefits are not keeping up with the rising costs of items that seniors spend their money on. TSCL opposes these sorts of benefit cuts and will continue to urge Congress to keep senior citizens in mind as Social Security reform and deficit reduction measures are considered. To learn more, visit www.SeniorsLeague.org. [Source: TSCL Advisor Mike Watson article May 2011 ++]

Military Funeral Disorderly Conduct Update 20: Families of fallen troops "have earned the right to bury their loved ones in peace," says U.S. Sen. Olympia Snowe (R-ME). And in the wake of a Supreme Court decision earlier this year to permit the Westboro Baptist Church to carry on its disruptive protests at military funerals, lawmakers must step in with stronger protections for those families, says Snowe. On 13 APR, he introduced the Sanctity of Eternal Rest for Veterans Act -- dubbed the SERVE Act -- an effort to keep raucous protesters from getting too close to military funerals and increase penalties for breaking the rules of conduct. Snowe's involvement in the issue was prompted by a Maine high school student's campaign to ban such protests. "Those who fight and die in the service of our country deserve our highest respect," Snowe said in a prepared statement. "The SERVE Act strikes a balance between the sanctity of a funeral service and the right to free speech." Snowe's proposal would alter federal law to increase the "quiet time" in which protests are prohibited before and after military funerals from one hour to two hours, and increase the distance that protesters must stay from services. Current law sets a 150-foot boundary around a service and 300 feet around the access route to the service. Snowe's bill would increase the buffers to 300 feet and 500 feet, respectively. It also would impose penalties on violators, including as much as two years in prison.

The Supreme Court ruled 8-1 in March that First Amendment free speech rights protect the anti-gay protests staged at military funerals nationwide by the small Westboro Baptist Church of Topeka, Kan. The case originated with the group's protest at the 2006 funeral in Maryland of Marine Lance Cpl. Matthew Snyder, 20, who was killed in Iraq. The church members say troops are killed as an act of God in retribution for tolerance of gays and lesbians. They have protested in Maine at least once, in 2007 in Portland, at the funeral for a soldier who died in Iraq. They indicated several other times that they would come to Maine but didn't show up. Maine law says it is a crime to taunt, insult or otherwise accost any person at a funeral. Before the Supreme Court decision, Zach Parker of Searsport High School began his campaign to outlaw protests at military funerals. Parker's involvement led Snowe to sponsor the legislation. Her staff was at a community meeting organized by the high school senior in early January. When Snowe heard about Parker's campaign, she promised to take a look at his proposal in light of what was pending in the Supreme Court. She decided to go ahead with the legislation once the ruling was released in early March. Snowe's office said she spoke with Parker on Wednesday to let him know that the bill has been introduced.

Among the co-sponsors by late afternoon of the day it was introduced were Democratic Sens. Kent Conrad of North Dakota, Kirsten Gillibrand of New York, Mark Pryor of Arkansas and Jeanne Shaheen of New Hampshire, and Republican Sens. Dan Coats of Indiana, John Hoeven of North Dakota, Kay Bailey Hutchison of Texas, Mike Johanns of Nebraska and Marco Rubio of Florida, Snowe's office said. Among the groups supporting the bill so far are the Enlisted Association of the National Guard of the United States, the Military Order of the Purple Heart, the Non Commissioned Officers Association and Veterans of Foreign Wars, Snowe's office said. Chief Justice John Roberts said in the court's decision that the protests are "hurtful" and don't contribute much, if at all, to public discourse, but that doesn't mean the protesters can be banned. "As a nation, we have chosen a different course -- to protect even hurtful speech on public issues to ensure that we do not stifle public debate," Roberts said. In the Snyder case, the Westboro protesters picketed from a distance of about 1,000 feet. In 2006, Congress passed the Respect for America's Fallen Heroes Act, which established the current restrictions. The Supreme Court ruling did not appear to negate such restrictions. States including Maryland and New York are considering laws to increase the mandated separation between military funerals and protesters. Snowe's legislation would put restrictions in federal law and cover protests at federal cemeteries. In the U.S. House, Rep. C.A. Ruppersberger, D-Md., has introduced a bill to increase the distance at which protesters must stay to 2,500 feet and the time before and after services in which protests are banned to five hours. [Source: Portland Press Herald Jonathan Riskind article 14 Apr 2011 ++]

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Tricare Allergy Coverage: Every year millions of Americans suffer from allergies, with symptoms ranging from irritating to life-threatening. TRICARE beneficiaries are eligible to receive care for the testing and treatment of conditions relating to allergies. According to the National Institute of Allergy and Infectious Diseases (NIAID), allergy symptoms are the result of inappropriate responses by the body’s immune system to normally harmless substances. Allergic reactions can be caused by airborne particles like dust or pollen, foods such as peanuts or an insect sting or bite. Knowing what substance causes a reaction can improve quality of life for allergy sufferers and avoid unpleasant surprises down the road. An allergy to a common food ingredient like wheat can cause a variety of seemingly unrelated symptoms such as itchy rashes, nasal congestion or nausea. A parent doesn’t want to discover their child is allergic to bees only after they are stung. Tests administered by allergists can identify most allergies. The most common allergy tests are either skin or blood tests. For some food allergies, an allergist will recommend an elimination diet to link certain foods to specific symptoms.

Once an allergy is diagnosed, beneficiaries can treat it with over-the-counter or prescription medications. Allergists sometimes recommend allergy sufferers change their behavior or diet to avoid an allergy causing substance. An allergist can also prescribe a series of shots called immunotherapy, designed to gradually desensitize the immune system to a specific allergic trigger. TRICARE covers prescription medication approved by the FDA and allergy treatments administered by allergists. However, beneficiaries are responsible for the cost of most over-the-counter medications. To see if a medication is covered by TRICARE, use the online formulary search tool, www.pec.ha.osd.mil. TRICARE Prime beneficiaries must get a referral from their primary care manager to see an allergy specialist. There is no out-of-pocket cost for Prime beneficiaries who are active duty service members or their families to get testing at a TRICARE network provider. A low copayment applies for retirees, their family members, former spouses and survivors on Prime. TRICARE Standard and other beneficiaries may get testing at any TRICARE authorized provider, but annual deductibles and cost shares apply. Out-of-pocket costs are lower at TRICARE network providers. At-home allergy testing products purchased over-the-counter are not covered by TRICARE. For more information about allergies, visit the NIAID online at <http://www.niaid.nih.gov>. Beneficiaries can get more information on the allergy services TRICARE offers and how to arrange care by visiting TRICARE’s website at <http://www.tricare.mil/mybenefit/allergy>. [Source: Tricare Media Center Peter Holstein article 12 Apr 2011 ++]

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TRDP Update 08: Prevention of dental disease is what dentists strive for as it is healthier and less expensive for patients. For example, once a cavity is filled, there is a life-long cycle of replacement of fillings because they only last so long. Poor oral hygiene, such as lack of brushing, flossing and regular dental exams, can lead to root canals, crowns and sometimes extractions. Dental prevention options for beneficiaries include, but are not limited to, sealants, fluoride, diet modification and oral hygiene. TRICARE beneficiaries should practice good oral hygiene everyday with regular brushing and flossing. Visit your dentist regularly for exams and cleanings. Most beneficiaries do not realize that there are other options that can be added to the prevention regimen that will help reduce cavities as well.

According to the Army's "Look for Xylitol First" program, research shows that chewing gum and eating candy that use Xylitol as the sweetener reduces cavity formation. Bacteria in the mouth multiply rapidly when fed by sugar. When you eat, acid is produced in your mouth through the interaction of bacteria (plaque) and food. This metabolic process produces acids that attack the enamel of teeth ultimately causing cavities to form. Xylitol affects the bacteria associated with dental cavities. Mutans Streptococci, also known as “Strep Mutans” are acid-producing bacteria that attack tooth enamel minerals, which in turn cause tooth decay. Xylitol is ingested by the Strep Mutans just like any other sugar entering the mouth. However, the plaque-producing Strep bacteria are unable to breakdown the Xylitol. This in turn lowers the number and strength of the oral bacteria. With regular use, chewing Xylitol gum

tH.R.ee to five times daily for about five minutes, has been shown to reduce cavity rates by between 35-70% in cavity- prone patients.

Xylitol is a sugar substitute, low in calorie, which kills bacteria that lead to tooth decay. It is a natural sweetener that comes from fibrous plant parts, but it does not break down like sugar. Xylitol is approved by the Food and Drug Administration as a sweetener. The cavity reducing properties are simply a bonus. It contains two-thirds the calories of sugar and is safe for diabetics. For beneficiaries interested in using natural ingredients, Xylitol has the distinction of coming from a plant, and is not chemically manufactured as other sweeteners on the market. It can be difficult to determine if a product has enough Xylitol to prevent cavity formation. It's best to look at the ingredients list. For chewing gum, when Xylitol appears first in the ingredients list, this is an indication that there is a sufficient therapeutic amount of Xylitol. [Source: Tricare Media Center Jeff Chaffin, DDS article 14 Apr 2011 ++]

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Saving Money: When the average undergraduate student earns their degree at a four-year school, they'll need to earn more than \$22,000 to pay off their student debt, says FinAid.org. But just one source of college scholarships – the free Fastweb scholarship database at <http://www.fastweb.com> lists 1.5 million scholarships worth \$3.4 billion. If that money were used, it would be enough to pay off the entire debt of 150,000 students. Unfortunately, it's not. Part of the reason some scholarships go untapped is that some are so weirdly specific that almost nobody qualifies. Everybody knows there are scholarships for minorities and volunteerism and for writing essays, but how many people are lucky enough to be born to a Catholic family named Zolp? If you were, congrats: Your mere existence could entitle you to a free ride at Loyola University in Chicago. Some of these scholarships are worth only \$500 – not enough to pay for even one class. But every bit counts, especially if the alternative is a high-interest student loan that will take years to pay off. Apply for everything you might qualify for, and there's no telling how much you might end up with. Some examples of scholarships not in the mainstream are:

- **Surname scholarships.** What's in a name? Money. Like the Zolp scholarship, the Scarpinato Scholarship gives you a full ride – but this one doesn't require a conversion to Catholicism. The name can come from birth or marriage, and it's valid at Texas A&M University. The name Gatling will grant you \$9,000 to \$18,000 at North Carolina State. Van Valkenburg and variants can net you \$1,000 good anywhere, and several names can put you in the good graces of Harvard, including Baxendale, Hudson, and Bright.
- **Little people, tall people, and Klingon scholarships.** You don't need to be tall or a sci-fi geek for these: You need to be really short, really tall, or love language. Little People of America gives out annual scholarships of up to \$1,000 to those under 4-foot-10 or members of their families. If none apply, the award may also go to anyone with a disability or someone with financial need; the Billy Barty Foundation has a similar scholarship. Tall Clubs International has a similar scholarship for women over 5-foot-10 and men over 6-2. Meanwhile, the Klingon Language Institute not only exists, but it gives out \$500 a year to language students who don't even need "familiarity with Klingon or other constructed languages." More Trekkie scholarships are out there too. You can even win a \$5,000 scholarship for writing about elves - or drawing them.
- **Tasty scholarships.** Getting the \$5,000 American Association of Candy Technologists scholarship is like taking candy from a baby – or maybe a robot. You need a "demonstrated interest in confectionery technology" along with a decent GPA and at least sophomore status. And beef is not just for dinner, it's also for class: The National Beef Ambassador Program awards up to \$2,500 if you can give great speeches about the merits of cows – a debate with the winners of the \$5,000 Vegetarian Resource Group scholarship is not required. Budding wine connoisseur? Junior-level science majors with no gripes about grapes can go after the American Society for Enology and Viticulture scholarship. Heck, you can even win \$25,000 for making a peanut butter sandwich – jelly optional.

- **Religious scholarships.** Take a vow of poverty and, ironically enough, you could win the Monastic Scholarship at Naropa University. Studying American Buddhism at that school could also get you a \$2,500 Frederick P. Lenz scholarship. Pagans aren't left out either: The Carolina Spirit Quest scholarship is worth \$500 for such students who live in North Carolina, South Carolina, Virginia, or Washington, D.C. Hindu students studying business can win up to \$10,000 with the Rattan L. Khosa scholarship at the University of Chicago.
- **Doing-weird-things scholarships.** That's an awfully broad category, but where else are we going to mention \$25,000 scholarships for people who dance for a living or \$5,000 scholarships for people who wear Duck tape to prom? What about scholarships for people who compete in national marbles contests? There's \$7,500 scholarships for students who drink milk while playing sports, and the Gertrude J. Steppen scholarship for students who don't drink and don't play sports. There's a scholarship for chaste North Carolina girls who live on campus without a car and have no other financial aid. And one that Stacy mentioned in the above video, a \$2,000 scholarship for those with a talent for duck-calling.

The bottom line? There's a scholarship opportunity for everyone, so don't assume you can't find one. Apply for every opportunity where you meet the basic criteria or even come close – many scholarships have an order of preference, and if nobody else applies you may win by default. And don't forget that scholarships aren't the only way to lower the cost of college: check out 6 Tips to Pay Less for a College Degree. [Source: Money Talks News Brandon Ballenger article 18 Apr 2011 ++]

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Notes of Interest:

- **SMMC.** Sgt. Maj. Micheal P. Barrett has been selected to become the 17th sergeant major of the Marine Corps. He is scheduled to succeed the retiring Sgt. Maj. Carlton W. Kent, who has served in the position since April 2007.
- **Vet Unemployment.** March statics reflect a 27% unemployment rate for veterans age 20-24.
- **Money.** The U.S. dollar takes its signature green from a so-called Demand Note from the Civil War Era, which launched paper currency as a concept nationwide. Rather than lug your gold bars from battlefield to battlefield, a Demand Note represented an amount you'd stockpiled in gold elsewhere, a handy virtualized bit of paper that you could, upon demand, exchange for its equivalent value in gold. A false start with so-called Continental Dollars in the revolutionary era did not succeed. Those bills were rarely worth their face value and became so distrusted by the citizenry that the practice of printing money was all but abandoned.
- **Navy Overmanned.** A new quota-based enlisted retention board will review 16,000 sailors with seven to 15 years of experience in the ranks of E-4 through E-8, in 31 different career ratings. Because of the high number of sailors who are choosing to stay in the Navy, these 31 career fields are overmanned. The 3000 sailors chosen for separation must leave the Navy by 30 Jun 2012, or by 30 SEP 2012 if they receive an operational waiver.
- **Deficit.** Credit rating agency Standard & Poor's dropped its long-term outlook for America's debt position to 'negative' on Monday, citing concern that politicians will fail to reach agreement on how to tame the budget deficit, which is projected to be about \$1.4 trillion for fiscal 2011.
- **Postage.** The postage rates have gone up as of 17 APR, but not noticeably for most mailings. The new rates for first class are still \$0.44 for the first ounce and \$0.20 for each additional ounce. Large envelopes are \$0.88 for the first ounce and small packages are \$1.71 for the first 3 ounces. Postcards are \$0.29. A complete list (.pdf 50+ pages) of rates can be downloaded at <http://www.usps.com/prices/>
- **Shingles Shots.** On 24 MAR the FDA approved Zostavax vaccine to prevent shingles in individuals age 50-59. It was already approved for individuals over. Blue Cross Blue Shield reportedly will provide

coverage for shingles vaccine to customers 50 and over effective 24 March 2011. If the provider where you wish to obtain the shot says it isn't covered, have them call BCBS.

- **Headstones.** The Virginia Division of the Sons of Confederate Veterans is seeking federal funding to add more headstones to the graves of more than 17,000 southern soldiers in a Richmond cemetery. The group says the current arrangement at Oakwood Cemetery of one numbered marble block per three graves doesn't adequately honor the dead. It's seeking individual granite headstones, which would cost the U.S. Department of Veterans Affairs \$3.2 million. The VA denied the group's initial request last year for 10 new markers. The VA's National Cemetery Administration says the existing markers are historically appropriate.
- **National Military Appreciation Month.** Both chambers of the U.S. Congress have adopted a resolution calling for Americans to recognize and honor U.S. service members during May's National Military Appreciation Month. The Senate first passed a resolution in 1999 designating May as National Military Appreciation Month. That declaration summoned U.S. citizens to observe the month "in a symbol of unity, to honor the current and former members of the armed forces, including those who have died in the pursuit of freedom and peace."
- **Veterans Crisis Line.** The VA's Veterans Health Administration (VHA) has founded the Veterans Crisis Line, which used to be called the Veterans Suicide Prevention Hotline. Its purpose is to ensure veterans and families in emotional crisis have free, 24-hour, 7 days a week access to trained counselors. To operate the Veterans Hotline, the VA partnered with the Substance Abuse and Mental Health Services Administration (SAMHSA) and the National Suicide Prevention Lifeline. Veterans can call the Lifeline number, 1-800-273-TALK (8255), and press "1 to be routed to the Veterans Crisis Line

[Source: Various 16-30 Apr 2011 ++]

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Medicare Fraud Update 66:

- **Miami FL** - Physician Rene De Los Rios was convicted of five felony counts 14 APR by a federal jury for his role in a \$23 million dollar HIV injection and infusion Medicare fraud scheme. After a 14-week trial, the jury convicted him of one count of conspiracy to commit health care fraud and four counts of submission of false claims to the Medicare program. Sentencing has been scheduled for June 27, 2011. Evidence at trial established that Damaris Oliva was the owner and operator of Metro Med of Hialeah Corp began operating as an HIV infusion clinic that purportedly provided injection and infusion therapies to HIV positive Medicare beneficiaries. In fact, the injection and infusion therapies were medically unnecessary and not provided. Metro Med paid cash kickback payments to patients at the Metro Med clinic in exchange for those patients allowing Metro Med to use their Medicare numbers to bill the Medicare program. As part of the scheme, Oliva hired the De Los Rios to order unnecessary tests, sign medical analysis and diagnosis forms, and authorize treatments to make it appear that legitimate medical services, including injection and infusion therapies, were being provided to patients who were Medicare beneficiaries. He also signed patient charts, often without seeing the patient, indicating that injection and infusion treatments were medically necessary, when, in fact, he knew they were not. He diagnosed almost all of the patients at Metro Med with the same rare blood disorders, which the patients did not in fact have, in order to ensure maximum reimbursement from Medicare and prescribed expensive medications to patients for the sole purpose of receiving reimbursement from the Medicare program. Oliva paid the defendant \$3,000 per week for his involvement in the HIV infusion scheme. From approximately April 2003 through October 2005, Metro Med submitted approximately \$23 million in claims to the Medicare program for injection and infusion treatments for Medicare beneficiaries that were not medically necessary, and were not provided. The Medicare program paid approximately \$11.7 million in claims. Damaris Oliva and Rene De Los Rios

individuals have each previously pleaded guilty to conspiracy to commit health care fraud in connection with the scheme.

- **Los Angeles CA** - Eduard Aslanyan, 3 currently serving a three-year state sentence for assault admitted 20 APR to establishing a series of fraudulent Los Angeles-area clinics to scam the federal medical health insurance provider between MAR 07 and SEP 08 defrauding Medicare of up to \$13.6 million. Aslanyan's complex scheme involved recruiting doctors to sign off on being medical directors for the fraudulent clinics and then recruiting Medicare beneficiaries whose billing information was used for expensive and medically-unnecessary wheelchairs and diagnostic tests, according to the statement. His co-conspirator, Carolyn Vasquez, has already pleaded guilty to recruiting physicians for the fraudulent clinics. One way he profited from this was by allowing fraudulent diagnostic testing facilities to use Medicare billing information from his patient recruiters to submit fake claims for tests. The testing facilities would then give Aslanyan cash kickbacks disguised as rent payments. He is slated to be sentenced 17 OCT . He faces a maximum penalty of 10 years in prison and a \$250,000 fine.
- **Oakland CA** - An Oakland woman will be spending time in federal prison for her role in what authorities are describing as a scam that involved bilking Medicare out of more than \$1.2 million for unneeded medical equipment. After being convicted in November of health care fraud, federal prosecutors say Donna Wells was sentenced 26 APR to 57 months in prison. Prosecutors say as part of the scam, Wells would convince low-income Oakland seniors to accept free power wheelchairs and other medical equipment they didn't need or want. In exchange, the seniors would provide Wells copies of their Medicare and California identification cards. Prosecutors say Wells then sold the information to a Los Angeles clinic, which made false prescriptions. The clinic then sold the prescriptions to supply companies that billed Medicare for the bogus prescriptions. Besides time in prison, the 52-year-old Wells was ordered to pay \$240,000 in restitution.
- **Miami FL** - U.S. District Judge Joan A. Lenard sentenced Jose Diaz, 62, a physician assistant; Lisandra Aguilera, 40, a medical assistant; and Estrella Rodriguez, 43, a medical assistant, to 54 months, 70 months and 57 months, respectively, in prison. The defendants each previously pleaded guilty to one count of conspiracy to commit health care fraud for their roles in an HIV infusion fraud scheme. According to court documents, Diaz, Aguilera and Rodriguez worked at Metro Med of Hialeah Corp. (Metro Med). In 2003, Metro Med began operating as an HIV infusion clinic that purportedly provided injection and infusion therapies to HIV positive Medicare beneficiaries. In fact, the injection and infusion therapies were medically unnecessary and not provided. Metro Med paid cash kickback payments to Medicare beneficiaries in exchange for those beneficiaries allowing Metro Med to use their Medicare numbers to bill Medicare.
- **Newark NJ** - Carlos Quijada, 31, pleaded guilty to posing as a licensed physician and unlawfully treating patients, prescribing medicine, and ordering procedures at an Elizabeth, N.J., medical practice for \$10 an hour. Quijada posed as a licensed physician at the direction of Yousuf Masood, 47, the doctor who ran the practice. Masood and his wife, Maruk Masood, 43—the practice's office manager—pleaded guilty 21 APR to conspiracy to commit health care fraud, admitting that they used unlicensed individuals to treat patients and billed Medicaid and Medicare as if Masood provided the services. Over the course of the scheme, more than 20,000 patient visits were conducted by unlicensed individuals, including Quijada, but billed to Medicaid and Medicare as if Masood had examined the patients. Hamid Bhatti, 33, of Rahway, N.J., and Hakim Muta Muhammad, 31, of Newark, are also charged by Complaint for pretending to be doctors during patient visits, and those charges remain pending. Masood was the top prescriber of drugs to Medicaid patients in New Jersey in 2009, prescribing more than \$9 million in Medicaid drugs that year. The next-highest prescribing doctor in New Jersey prescribed less than \$6 million. Masood provided Bhatti, Muhammad, and Quijada with pre-signed, blank prescription forms to write prescriptions in his name for patients they were improperly examining and treating. Quijada admitted today that he wrote prescriptions for a wide variety of drugs, including medications used to treat schizophrenia, bipolar disorder, anxiety, insomnia, and other illnesses. In addition to prescribing medication, Quijada ordered that

procedures be performed on patients—including electrocardiograms, bronchodilation responsiveness tests, and transnasal eustachian tube inflation. The couple billed Medicaid and Medicare for these procedures. At his guilty plea, Masood agreed to pay more than \$1.8 million in restitution and forfeiture based on the fraudulent Medicaid and Medicare billings. The conspiracy charge carries a maximum penalty of 10 years in prison and a fine of \$250,000, or twice the gross gain or loss from the offense. Sentencing is currently scheduled for 27 JUL.

[Source: Fraud News Daily 16-30 Apr 2011 ++]

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Medicad Fraud Update 38: A federal judge cut a big sentencing break 24 APR for Charles Williams and his sister Veleta Williams who defrauded the Alabama Medicaid Agency by inflating the costs of their group homes for the mentally disabled. Under advisory sentencing guidelines, each faced at least 2½ years in prison for conspiracy to commit health care fraud and conspiracy to commit tax fraud. Instead, Chief U.S. District Judge William Steele sentenced them to 6 months in prison, followed by 3 years on supervised release. The judge also ordered them to pay a total of \$329,315 to the Internal Revenue Service and \$315,575 to the state Medicaid Agency. “There’s no doubt this was intentional conduct,” Steele said. “There was no mistake here.” But Steele also noted that neither defendant had a criminal history and that both had broad support in their community. Supporters filled most of the spacious courtroom. Charles Williams incorporated Williams Group Homes in 2003 to provide residential group home care to mentally disabled people in the Mobile area. He employed 30 workers, including Valeta Williams, who was the company’s accountant and business manager. The defendants admitted that they submitted documents to the Alabama Medicaid Agency that inflated the wages of some of their workers. They also improperly classified some of the employees as independent contractors to evade employer taxes and withholding. [Source: Fraud News Daily 16-30 Apr 2011 ++]

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

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

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Military History: One of the most disgraceful political intrigues the United States Government has ever been involved in was the bribery paid the Barbary Pirates of Africa in 1785 and the following years. Our country’s trade was just beginning to blossom, and ships flying the American flag were seen on every sea. We had just emerged from the Revolutionary War and were growing into a first class nation. The one drawback was the lack of a navy of any description to protect the growing merchant marine. We had many ships plying their trade in the Mediterranean and endeavoring to recover what commerce we had lost there during the Revolutionary War. The Barbary States of northern Africa began making depredations on our shipping in 1785, paying no attention to our

neutrality, and having no fear of reprisals. Not satisfied with plundering our vessels, they took the crews into enslavement and held them for unreasonable ransoms. The United States government put up with these disgraceful situations for a time, attempting to reach some agreement by diplomacy. As early as 1786, Thomas Jefferson, then acting as our representative in Paris and charged with the Barbary negotiations, concluded that we could never establish security in the Mediterranean except by naval action.

This was well and good but we hadn't a Navy until the Constitution was adopted in 1787, which provided for a Navy if we needed one. The keels of several frigates were laid down shortly after, when the Algerians renewed warfare on our commerce. These were still uncompleted when we signed a treaty with Algiers in 1795. At this time we were paying a disgraceful tribute to the leading piratical powers; Tunis, Tripoli, and Algiers. Shortly after, we were engaged in a Naval war with France which started with attacks on our shipping nearer home. During the three years prior to 1801 we had built our Naval strength up to a force to be reckoned with and respected, especially by the raiders of the African coast. Even after 1801 all Naval operations were hampered by politics and a maze of red tape which kept the Navy from going ahead and eliminating these nests of pirates immediately.

Prior to 1801, because of pressure from home and lack of unity and strength, the several United States frigates in African waters had to put up with innumerable disgraces. On one Occasion Captain Bainbridge commanding the frigate "George Washington" had to use his vessel as a common cargo ship, and carry presents to the ruler of Turkey in Constantinople. Part of the cargo was: 100 Negroes; 60 Turkish women; 10 tigers; two lions; and a staff of servants besides his regular crew, whose quarters were none too roomy. If instant compliance was not made, the Captain and his entire crew would have been taken into enslavement. Incidents such as this and violations of our flag and citizens were common occurrences. It is not hard to imagine the feelings of the handful of patriotic Naval officers who had to put up with such things, because of the pacific nature of the soft spoken diplomats at home. In the meantime the number of American citizens being made slaves by these heathen states had increased enormously. They would be chained together and led through the streets of Tripoli, Tunis, and Algiers; made to work till their clothes fell off and subjected to any number of humiliations. Once in a while one of the American Ministers to Tripoli or Tunis could make a bargain with the Pasha (ruler) who would give a few Americans their liberty for a large fee. The rulers were in the habit of arbitrarily asking for gifts from our Government. If the presents were not forthcoming they would send corsairs out to prey on more of our unprotected commerce.

The corsairs were fast, low-slung, sailing ships of about 20 guns. They were of medium shallow draft and could negotiate the dangerous harbors of the North African Coast with ease, having no fear of tearing out their underpart on jagged rocks. A squadron under Commodore Preble was finally dispatched to the Mediterranean to end the Pirate menace for good. Our frigates manned by hardy Yankee tars anchored off the Narrows of Tripoli and prevented any commerce raiders from entering or leaving the harbor. Thus a tight blockade was effected that stagnated shipping and proved to the Pasha of Tripoli that the United States was a power to be reckoned with. A treacherous channel prevented the Frigates from entering, and the best the American Squadron could do was sail in as close to the harbor mouth as possible and shell the redoubts and forts of the Tripolitans. In one of these forays the "Philadelphia," a wooden frigate of 44 guns, ran fast aground. The other vessels of our fleet were powerless to help her and in a short time a great number of shallow draft, Tripolitan galleys had appeared and after several attempts the "Philadelphia" was boarded by a hoard of screaming pirates. The crew put up a valiant struggle but were smothered by sheer weight of numbers. The American flag was hauled down and the ship sacked.

Hardly a more serious blow could have struck the little American Squadron, but undaunted they schemed for the Philadelphia's recapture. In the meantime the Tripolitans had refloated the frigate and towed her to an anchorage within the safety of the harbor. Undismayed by this unhappy incident Commodore Preble called for volunteers to enter the harbor of Tripoli and burn the "Philadelphia." Seventy men were picked, under command of Stephen Decatur, to man a small sloop which had been captured from the Pirates earlier in the year. A friendly Algerian pilot picked the course through the channel, with some misgivings. Upon entering the harbor the wind died completely

and the expedition remained rocking in an oily calm with disaster staring it in the face. The guns of the fort could be seen in the dusk, but not a shot was fired; perhaps the Tripolitans thought they were from Algeria and had run the blockade. Everyone was below decks except a few men dressed as natives who lolled on the deck as men of that clime are prone to do. Within their breasts beat trip hammer hearts and a silent prayer was upon their lips. The answered prayer came in the form of a slight breath of wind which carried the “Intrepid” slowly down upon the “Philadelphia,” moored under the bastions of the fortress overlooking the town.

When the Americans were within 40 yards of the captured ship a sleepy lookout hailed. The Algerian pilot answered in their own tongue saying his little sloop had been battered by a terrific storm and he desired haven under the lee of the “Philadelphia.” All this time the “Intrepid” was drifting closer. Finally the lookout screamed at them to stay away and almost at the same instant recognized a white face behind the bulwark of the approaching vessel-- “Americanos,” he yelled. In a moment the two vessels touched and the Americans swarmed over the side to the deck of their old ship. The prize crew of Tripolitans were so taken aback by such audacity that most of them took to the rail and jumped overboard. With all resistance nullified the Americans placed what combustibles they had with them on board the “Philadelphia” and set fire to her in several places. When they were certain the fire was raging beyond control, they reboarded the “Intrepid” and set her sails, steering for the open sea. In a few moments the “Philadelphia” was a blazing pillar of flame and her shotted guns went off with thunderous roars that resounded over the water. Suddenly a roar was heard that would put to shame a hundred thunder claps. The flames had reached the magazine and the blazing ship had disintegrated with an accompanying explosion that was tremendous.

A silence followed that was broken by the sound of her masts and yards falling from the vast height from which they had been thrown by the explosion. At this point the guns of the fort took up the concert, but they were either so rattled by events or such poor shots that Intrepid” suffered only slight damage in the rigging. In fact the exploit was accomplished without the loss of a single man. the “With the help of a patriot from Connecticut, who led a motley band across a trackless desert and threatened Tripoli from the landward side, the Pasha came to terms. Thus ended a campaign that served to protect our shipping in the Mediterranean and rid us of the Barbary Pirates. It was acts of heroism such as Decatur’s exploit that built the prestige of the American Navy and gave our fighting forces the reputation they are living up to in the present war. Editors Note: This article was written for the New Mexico Military Institute’s ‘Maverick’ in 1942. [Source: The Intercom COL J. Foster Moale article Nov 09 ++]

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Military History Anniversaries: Significant 1-15 May events in U.S. Military History are:

- May 01 1863 - Civil War: Battle of Chancellorsville, VA (29,000 injured or died)
- May 03 1926 - US marines land in Nicaragua (9-mo after leaving), stay until 1933
- May 04 1942 - WWII: Battle of Coral Sea begun (1st sea battle fought solely in air)
- May 05 1864 - Civil War: The Battle of the Wilderness begins in Spotsylvania County, Virginia.
- May 05 1916 - US marines invade Dominican Republic, stay until 1924
- May 05 1945 - WW II: Admiral Karl Dönitz, President of Germany after Hitler's death, orders all German U-boats to cease offensive operations and return to their bases.
- May 06 1863 - Civil War: The Battle of Chancellorsville ends with the defeat of the Army of the Potomac by Confederate troops.
- May 06 1942 - WWII: On Corregidor, the last American forces in the Philippines surrender to the Japanese.
- May 06 1945 - WWII: Axis Sally delivers her last propaganda broadcast to Allied troops (first was on December 11, 1941).
- May 07 1864 - Battle of Wilderness ends (total losses: USA-17,666; CSA-7,500)

- May 07 1915 - WWI: German submarine U-20 sinks RMS Lusitania, killing 1,198 people including 128 Americans. Public reaction to the sinking turns many formerly pro-Germans in the United States against the German Empire.
- May 07 1942 - WWII: During the Battle of the Coral Sea, United States Navy aircraft carrier aircraft attack and sink the Japanese Imperial Navy light aircraft carrier Shoho. The battle marks the first time in the naval history that two enemy fleets fight without visual contact between warring ships.
- May 07 1945 - WWII: Germany signs unconditional surrender terms at Reims, France, ending Germany's participation in the war. The document takes effect the next day.
- May 07 1954 - Vietnam: 55-day Battle of Dien Bien Phu in Vietnam ended with Vietnamese insurgents overrunning French forces.
- May 07 1960 - Cold War: U-2 Crisis of 1960 - Soviet leader Nikita Khrushchev announces that his nation is holding American U-2 pilot Gary Powers.
- May 07 1984 - Vietnam: Agent Orange class-action suit brought by Vietnam veterans settled out of court for \$180 Million.
- May 08 1942 - WWII: The Battle of the Coral Sea comes to an end with Japanese Imperial Navy aircraft carrier aircraft attacking and sinking the United States Navy aircraft carrier USS Lexington. The battle marks the first time in the naval history that two enemy fleets fight without visual contact between warring ships.
- May 08 1945 - WWII: Combat in Europe ends - V-E Day. German
- May 09 1951 - Korean War: Air raid on Chinese positions at Yalu River
- May 10 1797 - 1st Navy ship, the "United States," is launched
- May 10 1801 - First Barbary War: The Barbary pirates of Tripoli declare war on the United States of America.
- May 10 1941 - WWII: Rudolf Hess parachutes into Scotland in order to try and negotiate a peace deal between the United Kingdom and Germany.
- May 10 1960 - The nuclear submarine USS Triton completes Operation Sandblast, the first underwater circumnavigation of the earth.
- May 10 1969 - Vietnam: The Battle of Dong Ap Bia begins with an assault on Hill 937. It will ultimately become known as Hamburger Hill.
- May 11 1943 - WWII: American troops invade Attu Island in the Aleutian Islands in an attempt to expel occupying Japanese forces.
- May 11 1944 - WWII: The Allies start a major offensive against the Axis Powers on the Gustav Line.
- May 12 1780 - Revolutionary War: Charleston, South Carolina is taken by British forces.,"
- May 12 1864 - American Civil War: the Battle of Spotsylvania Court House: thousands of Union and Confederate soldiers die in "the Bloody Angle".
- May 12 1865 - Civil War: The Battle of Palmito Ranch: the first day of the last major land action to take place during the Civil War, resulting in a Confederate victory.
- May 12 1962 - Douglas MacArthur delivers his famous "Duty, Honor, Country" valedictory speech at the United States Military Academy.
- May 13 1945 - WWII: US troops conquer Dakeshi Okinawa
- May 14 1863 - Civil War: The Battle of Jackson takes place.
- May 14 2005 - The former USS America, a decommissioned supercarrier of the United States Navy, is deliberately sunk in the Atlantic Ocean after four weeks of live-fire exercises. She is the largest ship ever to be disposed of as a target in a military exercise.
- May 15 1962 - Vietnam: US marines arrive in Laos.
- May 15 1972: The U.S. Army Ryukyu Islands (Okinawa) reverted to the full control of Japan but the U.S retained its rights to nuclear free bases.

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Military Trivia 27:

- After the Battle of Valcour Island, Benedict Arnold once again had to appear before the Continental Congress to defend his honor. On his way, Arnold detoured to Danbury, Connecticut, where British troops had burned the town and were about to burn nearby towns. Arnold and members of the Connecticut militia attacked the superior British force at the Battle of Ridgefield. After the battle, both sides retreated. For the Battle of Ridgefield, Arnold was forced to team up with his old Canadian nemesis, David Wooster, who was now serving as a major general of militia after the disaster when he replaced Arnold at Quebec. In what started as little more than a raid but turned into a sharp conflict, Arnold and Wooster's troops hit the much larger British force hard, causing the British to retreat to the ocean. However, Wooster was killed, Arnold's troops took many casualties, and Arnold himself was injured when his horse, after being shot, fell on his wounded leg. Arnold had no choice but to retreat with his troops back to New York instead of continuing the attack, making this a rare battle that caused both sides to retreat afterward.
- When Congress refused to reinstate his seniority, Benedict Arnold resigned from the Continental Army. However, George Washington asked him to return due to the loss of Fort Ticonderoga. Arnold's first mission was to relieve the garrison at Fort Stanwix (also known as Fort Schuyler) in August 1777. A British force of 2,000 had besieged the 800 soldiers inside the fort for about three weeks and had ambushed and devastated a prior relief column. Although Arnold had well under 1,000 troops, he broke the siege without the loss of a single soldier in his force by tricking the enemy into believing that he had over 3,000 soldiers. Arnold knew that the prior relief column had been ambushed by loyalists and Indians, with casualties estimated at over 50%. He was determined to avoid the same fate, although his force was about the same size. Therefore, he "convinced" a local loyalist (by taking his brother hostage) to cross enemy lines and warn the British that Arnold was approaching with over 3,000 troops. He then sent three Iroquois across enemy lines with the same message. The weight of the four messages persuaded the Indians, who made up about half of the besiegers, that Arnold's force would overwhelm them, and they ran. When their British allies tried to stop them, the Indians turned on them, with devastating effect. At that point, the rest of the British troops had no choice but to withdraw, and so Arnold relieved the fort without even firing a shot.
- Despite Benedict Arnold's success in breaking the siege of Fort Stanwix, Congress put Major General Horatio "Granny" Gates, an administrator who had never commanded troops in battle, in command of the American forces on the Hudson River. Arnold planned to engage the British just south of Saratoga, New York. However, during the first Battle of Saratoga, Arnold was attempting to break the British battle line when Gates, who was not on the field, removed Arnold from command in the middle of the battle. However, in his Gates his official reports about the battle he omitted any mention of Arnold. Although Arnold was the hero of both the first Battle of Saratoga (also known as the Battle of Freeman's Farm) AND the second Battle of Saratoga (also known as the Battle of Bemis Heights), Gates never mentioned Arnold's presence on the field in EITHER battle in his official dispatches. In fact, Gates implied in his dispatches that he personally had led the American troops, although he actually never left his headquarters either time. Arnold planned to go back to Philadelphia and seek reassignment from Washington, but then every officer in the northern army subordinate to Gates (excepting Benjamin Lincoln, the officer Gates appointed to replace Arnold) signed a letter to Arnold pleading with him to stay. As a result, Arnold stayed with the army but technically had command over no part of it.
- Among the troops removed from Benedict Arnold's command after the first Battle of Saratoga was the company led by Colonel Daniel Morgan, who had served under Arnold in the expedition to Quebec and later masterminded the Battle of Cowpens. Morgan's company carried an unusual weapon, a rifle, that

Arnold used to great advantage in these battles. At the time of the Revolutionary War, rifles were huge, awkward and uncommon. Although rifling the barrel made a gun much more accurate, it was considered impossible to do in a small gun, and so soldiers used smoothbore muskets. Morgan's soldiers, though, were largely backwoodsmen who were comfortable lugging around an oversized weapon. Arnold had a great respect for their skill and used them to take out the British officers and the flanking British troops at Saratoga, increasing the disarray among the British, who were shocked by their accuracy.

- The second Battle of Saratoga took place in October 1777. Although Major General Benedict Arnold technically commanded no troops during the battle, he heard the sounds of the fighting from his headquarters, rode to the troops, took command on the field and personally led the charges that took out the British defensive line, forcing the British into a panicked retreat. At the very end of the battle, as Arnold was leading the charge that shattered the fortified British defensive line, he was again shot in his injured leg. Then, his horse fell on the leg, breaking it. After the British lines broke, Arnold was still trying to round up additional troops to finish the British off, despite his injury, when he received orders from General Gates to confine himself to his headquarters. This was Arnold's third injury to the same leg, and it nearly led to amputation. As a result, he was in the hospital when the British surrendered, which led to General Gates being hailed throughout the northern colonies as a hero.
- The "Boot Monument" at the Saratoga battlefield honors the heroism of Benedict Arnold during the second Battle of Saratoga. However neither Arnold's name nor likeness is included. It is a sculpture of Arnold's boot, located at the Berryman Redoubt, approximately where he was injured during the Battle of Bemis Heights. Although it was erected 100 years after the battle and 97 years after Arnold defected to the British, Arnold was still considered too controversial to be named or publicly identified on the memorial. Therefore, the dedication on the memorial honors "the most brilliant soldier of the Continental Army, who was desperately wounded on this spot" without ever directly mentioning Arnold or showing a likeness of him. Arnold never led colonial troops in battle again.
- As Benedict Arnold recovered from his wounds, he spent the winter of 1777-78 at Valley Forge on General George Washington's staff. A group of men known as the Conway Cabal tried to use Gates' claim of being "the hero of Saratoga" to replace Washington with Gates as commander-in-chief of the colonial troops during this winter. The key figures in the Conway Cabal were Generals Conway, Gates, and Gates' adjutant James Wilkinson (who had been an aide to Arnold during the Arnold Expedition to Quebec before Arnold fired him in early 1776), although many others (including John Adams) were known to be sympathetic to them. Adams and his cronies had appointed Gates as head of the Board of War, which controlled the army for Congress, Wilkinson as the secretary to the Board, and Conway as Inspector General, reporting directly to the Board. Conway and Gates passed secret letters scheming against Washington, but a drunken Wilkinson revealed the scheme's existence, allowing Washington to force a showdown with Congress before the scheme was complete. Since the army backed Washington, Conway was forced to resign his command, and Gates had to transfer to the southern theater, where his inept leadership produced the Battle of Camden, the biggest rebel disaster of the war. Wilkinson was later characterized by noted historian Frederick Jackson Turner as "the most consummate artist in treason that the nation ever possessed", but he remained in the U.S. Army until 1814 and retired a hero without ever winning a battle.
- After the British abandoned Philadelphia in June 1778, George Washington appointed Benedict Arnold as military commander of the city, and he remained in that post for two years. Those years as military governor were the turning point in his life. Arnold met and married a young woman named Peggy Shippen, who was secretly anti-rebel and had made a number of friends among the British when they occupied Philadelphia in 1777-1778, including Major John André. Meanwhile, Arnold's enemies, having failed to get rid of Washington, once again had him court-martialed by Congress. This time he was convicted on two misdemeanor counts of misusing wagons and aiding a vessel in which he had a financial interest. Even Washington publicly castigated him. And so, with his wife's urging, Arnold initiated negotiations to defect

to the British. Surprisingly to Arnold, Washington then offered him command of the attack to drive the British out of New York City. Because Arnold had already passed information to the British as part of his negotiations, he realized that if he took this offer, the British would reveal his correspondence with them, so he turned it down, claiming that his injuries still pained him.

- Major General Benedict Arnold agreed to turn over the colonial fort West Point to the British in return for a payment of £20,000 and commission as a general in the British army. He had become the commander of fort, which was the main obstacle to British navigation up the Hudson River. Control of West Point would largely reverse the stinging British defeat at Saratoga, and the British were eager to get it -- to the extent of using Major John André, the favored aide of British commander Henry Clinton and also a close friend to Arnold's wife Peggy, as the go-between with Arnold. Unfortunately for Arnold, André was an inept spy. On September 23, 1780, he was captured by three looters, to whom he foolishly revealed he was a British officer (despite traveling with papers from Arnold identifying him as an American officer). When word of the spy's capture (but not his identity) reached West Point, it went first to post commander Arnold, who correctly deciphered what had happened and used the advance warning to flee down the Hudson to a waiting British ship. The British paid him £6,000 for his failure ... and gave him 200+ years of infamy as the leading traitor in world history.
- After the Revolutionary War, Benedict Arnold found that he was very unpopular with the Whigs, the anti-war party in England which was now running the British government, and he decided to return to North America in 1787. He moved to St. John, New Brunswick. Although New Brunswick had largely been settled by Loyalists who sided with Britain during the Revolution, Arnold found that he was not much more popular with Loyalists than he was with the rebels. He was forced to sue a former partner for slander in 1790, and after a demonstration on his front lawn denouncing him as a traitor in 1791, he returned to England. In 1794, the great French diplomat Talleyrand wrote the following in his memoirs: "The innkeeper at whose place I had my meals informed me that one of his lodgers was an American general. Thereupon I expressed the desire of seeing that gentleman, and, shortly after, I was introduced to him. After the usual exchange of greetings ... I ventured to request from him some letters of introduction to his friends in America. "No,' he replied, and after a few moments of silence, noticing my surprise, he added, 'I am perhaps the only American who cannot give you letters for his own country -- all the relations I had there are now broken -- I must never return to the States.'"He dared not tell me his name. It was General Arnold. I must confess that I felt much pity for him, for which political puritans will perhaps blame me, but with which I do not reproach myself, for I witnessed his agony."

[Source: <http://www.funtrivia.com/submitquiz.cfm?quiz=285588> Apr 2011 ++]

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Tax Burden for Alaska 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 Alaska:

Sales Taxes

State Sales Tax: The state currently does not have a sales and use tax. However, 62 municipalities impose local sales taxes that range up to 7%. Anchorage does not have a sales tax.

Gasoline Tax: 8 cents/gallon

Diesel Fuel Tax: 8 cents/gallon

Cigarette Tax: \$2.00/pack of 20 (Anchorage - add \$1.32)

Personal Income Taxes

No state income tax

Retirement Income: Not taxed.

Property Taxes

Alaska is the only state in the United States where a large part of the land mass is not subject to a property tax. Although property tax is the primary method of raising revenues for most of the larger municipalities in the state, smaller municipalities favor a sales tax. This is due primarily to the fact that the smaller incorporated areas lack a tax base large enough to support the property tax. The unincorporated areas of the state do not have the legal authority to levy a tax. Of the 18 Boroughs, only 14 levy a property tax. Only 11 Cities located outside of Boroughs levy a property tax. Therefore, only 25 municipalities in Alaska (either cities or boroughs) levy a property tax.

Alaska taxes both real and personal property. there are several municipalities that have chosen to exempt some or all categories of personal property. 65 and older (or surviving spouses 60 and older) are exempt from municipal taxes on the first \$150,000 of the assessed value of their property. This also applies to disabled veterans. The average assessed value exempted from taxes for senior citizens and disabled veterans is \$138,486 which equated to a tax exemption of \$1,851 for 2009. In 2009, the total full value for all municipalities (over 750 in population) was \$91.5 billion (including TAPS -- Trans-Alaska Pipeline). With a statewide population of 679,720 the per capita full value was \$140,292. Intangible personal property is exempt from taxation. Call 907-269-6620 (Anchorage) or 907-465-2320 (Juneau) for details.

Inheritance and Estate Taxes

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

For further information, visit the Alaska Department of Revenue site <http://www.revenue.state.ak.us>.

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

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Veteran Legislation Status 28 APR 2011: For a listing of Congressional bills of interest to the veteran community introduced in the 112th Congress refer to the Bulletin’s “**House & Senate Veteran Legislation**” attachment. Support of these bills through cosponsorship by other legislators is critical if they are ever going to move through the legislative process for a floor vote to become law. A good indication on that likelihood is the number of cosponsors who have signed onto the bill. Any number of members may cosponsor a bill in the House or Senate. At <http://thomas.loc.gov> you can review a copy of each bill’s content, determine its current status, the committee it has been assigned to, and if your legislator is a sponsor or cosponsor of it. To determine what bills, amendments your representative has sponsored, cosponsored, or dropped sponsorship on refer to <http://thomas.loc.gov/bss/d111/sponlst.html>.

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

message or letter of your own making. Refer to http://www.thecapitol.net/FAQ/cong_schedule.html for dates that you can access your legislators on their home turf.

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Dates to Remember:

May 8	Mother's Day 
May 21	Armed Forces Day
May 30	Memorial Day 
June 14	Flag Day 
June 15	Father's Day 
June 21	First day of summer

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Have You Heard?

Sergeant Clark was assigned to the induction center, where he advised new recruits about their government benefits, especially their GI insurance.

It wasn't long before Captain Rogers noticed that Sergeant Clark had almost a 100% record for insurance sales, which had never happened before.

Rather than ask about this, the Captain stood in the back of the room and listened to Clark's sales pitch. Clark explained the basics of the GI Insurance to the new recruits, and then said: "If you have GI Insurance and go into battle and are killed, the government has to pay \$200,000 to your beneficiaries. If you don't have GI insurance, and you go into battle and get killed, the government only has to pay a maximum of \$6000."

"Now", he concluded, "which bunch do you think they are going to send into battle first?"

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"Never interrupt your enemy when he is making a mistake."

— **Napoleon Bonaparte** (August 15, 1769 – May 5, 1821]

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