

# RAO BULLETIN

## 15 June 2010

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**ISP's Blocking RAO Bulletin Update 04:** There were no additional blockages of Juno & Netzero email addrees on the 1 JUN Bulletin. However, AOL's response to the 1 JUN transmission reaffirmed their policy of blocking it. I received back an additional 1146 AOL addrees that stated, "Email address does not exist or has been cancelled". To these addrees I sent two separate messages asking for confirmation and apparently none got past AOL's filters as none were responded to. Since I could no longer communicate with these subscribers I deleted them all bringing the total AOL deletions to over 4,000 in the last six weeks. Not sure what will happen with this Bulletin but the remaining 9000 AOL subscribers should be aware that they may be deleted if I do not have an alternate non-AOL email addee on file to send their Bulletin to. Especially if I can no longer communicate with them as happened on the last Bulletin.

Those deleted who see this notice on the website [http://post\\_119\\_gulfport\\_ms.tripod.com/rao1.html](http://post_119_gulfport_ms.tripod.com/rao1.html) who want to be reinstated need to send me an email that addresses the following questions:

- Do you have a non-AOL email addee for me to use or can you obtain one?
- If not, have you contacted AOL to find out what to do to continue to get Bulletins?
- If so, what did they tell you? Others would be interested.

Be aware that I most likely will not be able to get past AOL's spam filter to give you an email response so if you do not receive one give me a call at (951) 238-1246. [Source: RAO Bulletin Editor/Publisher 14 Jun 2010 ++]

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**Mobilized Reserve 8 JUN 2010:** The Department of Defense announced the current number of reservists on active duty as of 8 JUN 2010. The net collective result is 3,967 fewer reservists mobilized than last reported in the 1 JUN 2010 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 93,476; Navy Reserve, 6,225; Air National Guard and Air Force Reserve, 18,359; Marine Corps Reserve, 6,193; and the Coast Guard Reserve, 841.

This brings the total National Guard and Reserve personnel who have been activated to 129,061 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/d20100608ngr.pdf>. [Source: DoD News Release No. 474-10 dtd 9 Jun 2010 ++]

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**Medicare Part D Update 34:** Medicare beneficiaries who enter the prescription drug Donut Hole anytime before the end 2010 should receive a onetime \$250 rebate check from Medicare. The first checks, for people who hit the Donut Hole by 31 MAR should arrive around 10 JUN 2010, according to Secretary of the Department of Health and Human Services, Kathleen Sebelius. Under current law through the end of 2010, if beneficiaries enter the Donut Hole, they have to pay 100% of the cost of covered drugs until they reach the catastrophic threshold, at which point cost-sharing is reduced to \$2.50 (generic)/\$6.30 (brand name) or 5% co-insurance, whichever is greater. In essence, the benefit structure for Part D remains the same this year as it has been since Part D first went into effect in 2006. The Affordable Care Act took a small step to mitigate the effects of the Donut Hole in 2010 by providing the one-time \$250 rebate check to anyone entering the gap. Although the law itself gives the Secretary about two-and-a-half months after the end of the quarter in which the individual enters the gap to get the rebate check out, the Secretary and CMS are expecting checks to go out monthly, shortly after an individual enters the Donut Hole. Generally speaking, individuals should receive their checks within 45 days of entering the Donut Hole. The Center for Medicare & Medicaid Services (CMS), the agency that administers Medicare, estimates that about four million individuals will receive such checks this year. Important points to remember about the one-time rebate program are:

- Beneficiaries do not have to sign up for the one-time \$250 rebate check or take any particular steps other than to have incurred Part D prescription drug costs that have landed them in the Donut Hole for 2010.
- In determining whether a beneficiary is eligible for the rebate check, Medicare will review records sent from the beneficiary's pharmacy to his/her Part D prescription drug plan.
- The rebate checks will come from Medicare and not from an eligible beneficiary's prescription drug plan.
- The rebate checks are not available to anyone receiving "Extra Help," that is, the Part D Low-Income Subsidy, because those individuals never have a gap in their Part D coverage.

CMS has created a consumer brochure in English and Spanish describing the rebate program which is available at [www.medicare.gov/Publications/Pubs/pdf/11464.pdf](http://www.medicare.gov/Publications/Pubs/pdf/11464.pdf). The brochure emphasizes the ease of getting this rebate: the beneficiary does not need to take any action to get the rebate. Highlighted in the brochure is CMS's warning "Don't give your personal information to anyone who calls you about the \$250 rebate check." It encourages the reader to report anyone who seeks such information by calling 1-800-MEDICARE. (TTY users should call 1-877-486-2048.) According to a recent e-mail from CMS, the envelope in which the check is mailed will have the US Department of Health and Human Services symbol on it and will say 'Medicare Part D.' Beneficiaries don't need to provide any personal information such as Medicare, Social Security, or bank account numbers to get the rebate check." The \$250 is not taxable. CMS has not issued guidance on whether its value is counted in determining eligibility for public benefits. Nor has CMS issued a clear statement to nursing facilities, as it did with stimulus checks mailed out under authority of the Recovery Act last year, that the checks belong to nursing facility residents who have the right to determine how the money is spent. Another unresolved question relates to whether the amount is protected from recoupment by creditors who have judgments against a recipient after it has been deposited into a bank account.

The checks will be mailed (not deposited electronically into bank accounts) to the individual beneficiary at the address that the Social Security Administration (SSA) has on record. Beneficiaries should know when they have entered the Donut Hole by the monthly Explanation of Benefits sent by their Part D plan. If they do not receive the

check within about 45 days of entering the Donut Hole, they should check with their plan to see if it has sent the information to CMS and check with SSA to be sure it has the correct address. If the answers from both are yes, they should call 1-800-MEDICARE. Beginning in 2011, the Donut Hole will slowly shrink:

- Beneficiaries will get a 50% discount on brand-name and biologic prescription drugs purchased while in the Donut Hole in 2011.
- Starting in 2013, the federal government will gradually add to the discount so that by 2020, beneficiaries will be paying no more than 25% of the cost of brand-name and biologic prescription drugs while in the Donut Hole.
- Beneficiaries purchasing generic prescription drugs will get a 7% price-cut starting in 2011. By 2020, the federal government will cover 75% of the cost of these drugs.
- Thus, by 2020, the Donut Hole will disappear for all drugs, both generic and brand name. It is important to note that the discounts do not affect a beneficiary's ability to qualify for Part D catastrophic coverage if the actual costs of the individual's drugs are high enough to reach that level.

[Source: [www.medicareadvocacy.org/InfoByTopic/Reform/10\\_06.10.DonutHole.htm](http://www.medicareadvocacy.org/InfoByTopic/Reform/10_06.10.DonutHole.htm) Jun 2010 ++]

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**Connecticut Veteran' Home Update 01:** Connecticut Governor M. Jodi Rell on 10 JUN signed into law a bill that prohibits nursing homes from restricting patient access to prescription drugs from any U.S. Department of Veterans' Affairs prescription drug program or health plan. "The federal VA has a unique ability to negotiate costs with pharmaceutical companies to provide veterans with lower cost prescription drugs," Governor Rell said. "This bill ensures our veterans – who deserve our eternal gratitude for their service – can take advantage of this discount, no matter where they live. Considering everything they have laid on the line for us, this seems like the least we can do in return." Previous state law had required drugs administered at a nursing home to come from an "institutional pharmacy" – that is, an on-site pharmacy at the nursing home – or a community pharmacy with a written agreement with the nursing home. Under the new bill, nursing homes would still administer drugs obtained through the VA discount programs. Nursing homes could also dispense medications obtained from other sources if the patient needs them before they can be obtained through the VA. The legislation – House Bill 5351, An Act Concerning Prescription Drug Benefits for Veterans in Nursing Home Facilities – takes effect 1 OCT 2010. [Source: CT American Legion Dept News Release 10 Jan 2010 ++].

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**Medicare Reimbursement Rates 2010 Update 13:** A Senate vote on H.R.4213, the American Jobs and Closing Tax Loopholes Act of 2010, is expected to occur sometime in mid-JUN. This important legislation postpones a scheduled 21.2% cut in payments to doctors who treat Medicare and Tricare patients through DEC 2011. Some Hill sources report that the Senate may amend H.R.4213 to go beyond the 19-month period provided in the bill, possibly up to three-and-a-half years. Should this occur, the measure would then have to be reapproved by the House before becoming law, which likely means that Congress will fail to act in time, due to delays in the Senate. The Centers for Medicare and Medicaid Services (CMS) have delayed claims processing to give Congress additional time to correct the problem. CMS has authority to delay processing for 10 business days, which puts the deadline at 14 JUN. The Tricare Management Activity has taken similar action. [Source: NAUS Weekly Update 11 Jun 2010 ++]

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**VA Copay Update 10:** On 9 JUN, the VA announced that veterans who generally have higher income and no service-connected disabilities - referred to as Priority Groups 7 and 8 veterans - will now pay an additional \$1 for each 30-day supply of outpatient medications. Taking effect on 1 JUL, the increase to \$9 from \$8 is the first change in VA medication copay since 1 JAN 06. Veterans in Priority groups 2-6 will have NO increase in their copay. When asked why this increase was necessary the VA replied that the CPI for medication was increasing at a higher rate than the rest of the economy and this increase was deemed necessary. The prices will hold steady for the next 18 months and will again be looked at in JAN 2012. [Source: NAUS Weekly Update 11 Jun 2010 ++]

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**USFSPA & Divorce Update 14:** Divorce courts in Oklahoma, as in many other states, often treat military retirement benefits as a marital asset, dividing the portion of the benefits accrued during the marriage equitably if the parties cannot agree to a division. The Oklahoma bill H.B.1053 sought changes to the current method used in awarding marital assets, such as military retired pay. Unfortunately, the Senate failed to vote on the bill thus ending any chances of revising the law this year. The bill will need to be reintroduced in the next session in 2011. [Source: AFSA eNewsletter 11 Jun 2010 ++]

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**VA Claim Form:** After years of complaints from veterans about having to fill out a 26-page-long benefits claims form for the Veterans Affairs Department, the Office of Management and Budget has approved VA's new six-page form. As the wars in Iraq and Afghanistan have progressed, the 26-page application became particularly troublesome for veterans dealing with traumatic brain injuries or post-traumatic stress disorder, both of which can cause short-term memory loss and other cognitive issues. "It's a good thing and we're pleased," said Paul Sullivan, executive director of Veterans for Common Sense. "In our view, the current form is burdensome. It's too long." VA spokesman Steve Westerfeld confirmed in a voicemail that VA had shortened VA Form 21-526, as well as creating a new "express claim" form, or 21-526EZ, which is six pages long and requires that the veteran provide his own medical and military records, rather than waiting for VA to gather them. The EZ form comes as a result of a pilot program mandated by the Veterans' Benefit Improvement Act of 2008. That pilot program will now be expanded to include everyone, according to VA's May Compensation & Pension Service Bulletin. Sullivan, along with other veterans' service groups and several members of congress, have pushed for the shorter form.

Tom Staudter, spokesman for Rep. John Hall, D-N.Y., said Hall had talked with several veterans who said they couldn't fill out the lengthy form, and therefore never received any disability compensation. Hall is chairman of the House Veterans' Affairs subcommittee on disability affairs and memorial assistance. When Hall met with veterans again last week and told them about the new six-page form, "they were absolutely pleased to hear it's on the horizon," Staudter said. Sullivan said that, by reducing the form from 26 pages to 6 pages, VA could kill about 20 million pages of paperwork, per the 1 million claims expected this year. "Filing a 26-page disability claim is undoubtedly a daunting process for veterans, particularly those who have traumatic brain injury or post-traumatic stress disorder," said Amy Fairweather, policy director for Swords to Plowshares, an organization that provides counseling, case management, and job training to veterans in San Francisco, and which has argued for a shorter form. "The change to a simpler six-page application will certainly break down barriers not only for veterans, but also for advocates and VA staff."

Several other veterans service groups, such as Disabled American Veterans and the American Legion, have also argued for the shorter forms during congressional hearings. Sullivan said the 26-page form creates a barrier for the veterans that, in turn, creates an adversarial atmosphere. For example, the old form asks a veteran to detail his or her

military service, which seems like finding a lot of details that are already readily available to VA. "The guys say, 'Doesn't the government know when I served?'" Sullivan said. VA officials had not yet indicated any form details or when it will be implemented. [Source: NavyTimes Kelly Kennedy article 10 Jun 2010 ++]

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**Arlington National Cemetery Update 09:** The top two officials in charge of Arlington National Cemetery were disciplined after an Army investigation found the cemetery's management to be "dysfunctional," Army Secretary John M. McHugh announced at a 10 JUN 2010 Pentagon press conference. In light of findings of inappropriate practices and mismanagement at Arlington National Cemetery, he is relieving the cemetery's current superintendent and deputy superintendent of their duties and placing Kathryn Condon in the newly created role of Executive Director of the Army National Cemeteries Program. The Army inspector general completed a months-long report on 8 JUN that identified 76 separate deficiencies as well as 101 recommendations to improve operations at Arlington National Cemetery. Most significantly, the report found poor recordkeeping allowed occupied gravesites to be improperly marked or often not marked at all. The Army stripped Superintendent John Metzler of all authority, but he will remain on staff until his retirement July 2. His deputy, Thurman Higgenbotham, was placed on administrative leave pending additional personnel actions. Both are career federal civil servants.

"A majority of these findings are deeply troubling and unacceptable," McHugh told reporters today at a Pentagon news conference. "The [inspector general] found Arlington's mission hampered by dysfunctional management, by a lack of established policies and procedures and an overall unhealthy organizational environment. The report determined the improper internment of remains, including the loss of accountability for remains, names and graves listed as empty, he said. McHugh also cited improper maintenance and cleaning of graves. "That all ends today," he said firmly, later adding that "there's simply no excuse" for the negative findings in the report. McHugh established a new position to oversee the Army National Cemeteries Program. Katherine Condon was appointed executive director of the cemeteries program and she "has total supervisory powers pertaining to all business and operational activities associated with Army cemeteries," the secretary said. Condon served as the senior civilian for the Army Material Command before accepting the position. Veterans Affairs Secretary Eric K. Shinseki also agreed to lend his department's expertise in cemetery operations. Patrick K. Hallinan, director of the Office of Field Programs for the VA, will be temporarily reassigned as Arlington's superintendent. Hallinan currently oversees 130 national cemeteries.

Also, McHugh established an Army National Cemetery Advisory Commission. Former Sens. Bob Dole and Max Cleland are charged with leading the group. Both former legislators have the experience for the job. Dole co-chaired a commission that investigated deficiencies at Walter Reed Army Medical Center in 2007, and Cleland is a former VA secretary. McHugh said he's "deeply grateful" for the help he's enlisted. But more noticeably, the former New York congressman said he was battered with guilt and expressed his apologies to the families of the fallen buried in Arlington. "On behalf of the United States Army and on behalf of myself, I deeply apologize to the families of the honored fallen resting in that hallowed ground who may now question the care afforded to their loved ones," he said. The Army and Arlington National Cemetery will bounce back, McHugh said. "The Army owes better," he said. "I'm unable to explain the past, but I can promise this about the future. The United States Army will take every step necessary to fully ensure that every challenge, every need at Arlington is clearly understood and effectively addressed. "We owe no less to our departed heroes, no less to the loved ones of this nation who, when the call was sounded, stepped forward to serve," McHugh continued. "The better tomorrows for Arlington National Cemetery begin today." [Source: AFPS Michael J. Carden article 10 Jun 2010 ++]

**Health Care Fraud & Abuse:** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) established a national Health Care Fraud and Abuse Control Program (HCFAC) under the joint direction of the Attorney General and the Secretary of the Department of Health and Human Services (HHS), acting through the Inspector General, designed to coordinate federal, state and local law enforcement activities with respect to health care fraud and abuse. In fiscal year 2009, HCFAC reported, among other things, \$1.63 billion in judgments and settlements, the transfer of \$2.51 billion to the Medicare Trust Fund, the transfer of \$441 million in federal Medicaid money to the Treasury, the opening of 1,014 new criminal health care fraud investigations involving 1,786 potential defendants, and a total of 583 defendants who were convicted for health care fraud-related crimes. The report provides the following details on antifraud accomplishments during the 2009 fiscal year:

**Monetary results.** In FY 2009, \$2.576 billion were: deposited with the Department of the Treasury and the Centers for Medicare & Medicaid Services (CMS); transferred to other federal agencies administering health care programs; or paid to private persons during the fiscal year. The amounts included:

- Gifts and bequests made unconditionally to the Medicare Trust Fund;
- Criminal fines recovered in cases involving a federal health care offense;
- Civil monetary penalties in cases involving a federal health care offense;
- Amounts resulting from the forfeiture of property by reason of a federal health care offense; and
- Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under 31 U.S.C. §3729-§3733 (known as the False Claims Act) in cases involving claims related to the provision of health care items and services.

**HHS fraud efforts.** The Office of Inspector General of HHS (OIG) participated in investigations or other inquiries that resulted in 1,065 prosecutions or settlements, of which 902 were health care cases. The OIG excluded a total of 2,556 individuals and entities. Among these were:

- Exclusions based on criminal convictions for crimes related to Medicare and Medicaid, or to other health care programs;
- Patient abuse or neglect; and
- Licensure revocations.

**DOJ fraud efforts.** In FY 2009, the United States Attorneys' Offices (USAOs) received 1,014 new criminal matters involving 1,786 defendants, and had 1,621 health care fraud criminal matters pending involving 2,706 defendants. Civil U.S. Attorneys litigated a wide variety of health care fraud matters including false billings by doctors and other providers of medical services, overcharges by hospitals, Medicaid fraud, kickbacks to induce referrals of Medicare or Medicaid patients, and fraud by pharmaceutical companies. The DOJ opened 886 new civil health care fraud investigations.

[Source: HCFAC Annual Report for Fiscal Year 2009, May 2010, Health Care Compliance Reporter ++]

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**Space "A" Travel Policy Update 02:** A bill introduced by Rep. Don Young (R-AK) on 26 MAY would make space-available travel on military flights easier for retired reserve component members and their family members. H.R.5404 would make travel available to those people on the same basis as it is now for retired members of the active component. Currently, restrictions are greater for reserve component retirees and their families. In a press release, Young said, "Currently, if a Guardsman or Reservist retires before the age of 60, their dependents cannot fly space available on military aircraft. With a large number of Guardsmen and Reservists serving in Iraq and Afghanistan, this is a good way to show our support and appreciation for the men and women of our armed forces

and the families that support them and support this country with all they have.” The bill has been referred to the House Committee on Armed Services. [Source: NGAUS Washington report 8 Jun 2010 ++]

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**Sleep Apnea Update 02:** The number of veterans receiving disability benefits for a sleeping disorder has increased 61% in the past two years and now costs taxpayers more than \$500 million per year, according to Veterans Affairs data. More than 63,000 veterans receive benefits for sleep apnea, a disorder that causes a sleeping person to gasp for breath and awaken frequently. It is linked to problems ranging from daytime drowsiness to heart disease. The top risk factor for contracting the disorder appears to be obesity, though a sleep expert at the VA and a veteran's advocacy organization cite troops' exposure to dust and smoke in places such as Afghanistan and Iraq as contributing factors. More claims are likely to be made in the future as Baby Boomers age and get heavier, says Max Hirshkowitz, director of the Sleep Disorder Center at the Houston Veterans Affairs Medical Center. Veterans are four times more likely than other Americans to suffer from sleep apnea and about 5% of Americans have the disorder, he said, compared with 20% of veterans. Veterans benefits for sleep apnea are more generous than those for workers in the private sector, records show. For example, Elaine Fischer, a spokeswoman for the Washington State Department of Labor and Industries, which handles workers' compensation in that state, said the department is not aware of any occupational exposure that would cause sleep apnea. "We're unaware of it being directly caused by something work related," she said.

The Social Security Administration recognizes sleep apnea as a disability. It pays benefits to those who can't work because of a disability that is likely to last at least one year or will kill them. The VA says veterans, however, can receive benefits and hold jobs. In 2007, Congress asked the Department of Veterans Affairs to pay closer attention to sleep apnea among veterans. Greater awareness of the disorder has prompted more veterans to seek treatment, Hirshkowitz said. The result has been a sharp increase in claims and disability payments to veterans. According to data provided by Veterans Affairs:

- The number of veterans claiming sleep apnea as a disability has jumped to 63,118 in 2010 from 39,145 in 2008, a 61% increase.
- Payments to apnea patients with a disability rating of 50 — by far the largest group receiving benefits — rose to a minimum of \$534 million in 2010 from \$306 million in 2008. The minimum payment for a disability with a rating of 50 is \$9,240 a year but increases if a veteran is married and has children.

Some veterans may be predisposed to sleep apnea, Hirshkowitz said, because many are built like football players. They're big men, and as they age, many "become sedentary" and gain "an enormous amount of weight," he said. "When you get to middle age or late middle age your level of exercise does not maintain particularly when you have knee problems and hip problems." Daniel Chapman, a psychiatric epidemiologist at the Centers for Disease Control and Prevention, agreed: "I really can't think of a reason other than what's happening in the general population, which is that we're growing increasingly obese." Chapman and Hirshkowitz said some sleep apnea cases may be caused by exposure to toxins from smoke or fires. Along with increased screening, the rise in sleep apnea cases may also be due to exposure to dust, sand and grit in Iraq and Afghanistan, said Thom Wilborn, a spokesman for the Disabled American Veterans organization. "Give a guy a rifle and put him in a desert, and he's going to suffer some respiratory issues," Wilborn said. According to Hirshkowitz losing weight can help some people with sleep apnea, though he notes that some thin men and some women also have the disorder. Veterans with a disability rating of 50% require breathing assistance with the airway pressure device, the VA said. The breathing machines work well and can prevent veterans from developing more serious heart and lung problems. [Source: USA Today Tom Vanden Brook article 6 Jun 2010 ++]

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**PTSD Update 49:** A study published 8 JUN by Archives of General Psychiatry examines how many soldiers develop post-traumatic stress disorder (PTSD) and other mental health disorders after deployment. Researchers from the US Army Medical Research and Materiel Command examined 13,226 anonymous surveys completed by veterans of Operation Iraqi Freedom. The investigators found that roughly one in 10 survey-takers had PTSD that was severe enough to cause 'serious functional impairment. Between 9% and 14% of the soldiers were diagnosed with PTSD or depression resulting in serious impairment, while 23% to 31% were deemed to have some impairment. CNN /Health.com (6/7 Gardner) reported. Notably, the risk of mental health problems may be more persistent among National Guard soldiers, the study suggests. A greater proportion of men and women in the National Guard than in the Army were diagnosed with PTSD and depression one year after their return, although the two groups had similar rates at the three-month mark.

The researchers conclude that it's clear even a year after deployment many combat soldiers have not psychologically recovered. And, because the time between deployments is often only a year to 18 months for active soldiers, a sizable proportion are likely returning to with lingering mental health issues. According to HealthDay approximately 50% of those with strictly defined depression or PTSD also admitted to alcohol misuse or physical aggression. The study's findings suggest a need for improved post-deployment screening, the researchers said. A related study has found that veterans over the age of 55 with PTSD may be almost twice as likely to become demented as veterans who did not have PTSD. Researchers from the San Francisco Veterans Affairs Medical Center and the University of California-San Francisco arrived at that conclusion after tracking some 180,000 veterans over the age of 55 for some seven years. The researchers theorized that years of prolonged stress may cause changes in the brain leading to dementia. [Source: Los Angeles Times, Reuters, Cnn News, and HealthDay articles 7 Jun 2010 ++]

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**AmeriCorps:** The government took the first step Monday in expanding the AmeriCorps program, awarding grants to nonprofits and other organizations to put 57,000 AmeriCorps members to work in communities around the country. The grants, totaling \$234 million, are the first to be released under a new law aimed at tripling the national service program by 2017. States and territories will also get an additional \$129 million for AmeriCorps slots. Officials expect to have a total of 85,000 people enrolled in the program this year. AmeriCorps participants mentor children, clean up parks or buildings and weatherize homes for the poor among other activities. Some get a living stipend while they are working for up to a year. Most participants, who are predominantly 18 to 26, get about \$11,800. Teach for America, the program that trains top college students to teach in poor communities, received the largest grant — \$11.4 million for 6,621 AmeriCorps members. It's just one of hundreds of national and local organizations, state service commissions, religious groups and other institutions getting the awards from the federal Corporation for National and Community Service.

In APR 09 President Obama signed a law to gradually increase the size of the Clinton-era AmeriCorps to 250,000 enrollees from 75,000. The measure outlines five broad categories where people can direct their service: helping the poor, improving education, encouraging energy efficiency, strengthening access to health care and assisting veterans. Because of the law's focus, programs that help veterans were among the newest recipients of AmeriCorps grants. Operation Welcome Home, run by the California Department of Veterans Affairs, will get almost \$560,000 for 80 AmeriCorps members who will help returning service members in California with the transition back to civilian life. [Source: AP Ann Sanner article 7 Jun 2010 ++]

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**Nebraska Vet Cemetery Update 02:** Several different locations around the Omaha-Council Bluffs metropolitan area apparently are in the running as the Department of Veterans Affairs begins to shop for a site for a new national veterans cemetery. One group that has advocated for a location in Bellevue not far from Offutt Air Force Base may be willing to donate land for the cemetery, partly in hopes of improving the chance that its favored site will be chosen. President Barack Obama earlier this year budgeted authorization and planning funds for a national cemetery to serve veterans in eastern Nebraska and western Iowa. If all goes according to plan, the new VA cemetery would be open to burials by 2013. The VA last month began accepting proposals of land to be either sold or donated to the federal government for the cemetery. And though the deadline passed last week, VA officials now have extended it in hopes of getting more proposals. U.S. Rep. Lee Terry (R-NE) said he had no knowledge of what specific proposals were submitted and he supports the VA's plan to extend the deadline. He also said he thinks the Memorial Ridge group's push to donate land could be persuasive for the VA. The agency has a limited budget from which to make land purchases for as many as five new cemeteries across the nation this year. "Price does matter," Terry said. "There's no doubt that would make it more attractive to the VA." Terry is encouraged that the cemetery proposal seems to be moving forward so quickly, less than four months after Obama submitted his budget proposal. The VA's request for land proposals sets several criteria: at least 200 acres; location in Douglas, Sarpy or Saunders County in Nebraska or Pottawattamie County in Iowa; within 25 miles of the Interstate 80-680 interchange; and easily accessible by highway. [Source: Omaha World-Herald Henry Cordes article 7 Jun 2010 ++]

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**Mental Illness Education Program:** While there is clear evidence that families have a major impact on the health outcomes of adults with serious mental illnesses, little is known about the effectiveness of education and support groups in helping family members cope with having a relative with mental illness. Researchers at the University of Maryland School of Medicine have received a \$2.2 million grant from the National Institutes of Health's National Institute of Mental Health to study the benefits of participating in a peer-directed family-to-family education program to enable people to effectively handle the mental illness of a relative or loved one. "It can be very difficult when a loved one is mentally ill," says Lisa Dixon, M.D., professor of psychiatry at the University of Maryland School of Medicine and principal investigator for the study. "Some of the stressful aspects of helping a relative with a serious mental illness are disrupted family roles and schedules, drains on time and energy, financial difficulties and involvement in the often complex mental health system. These challenges are often so great that relationships are compromised and the well-being of the patient can be at risk."

The National Alliance on Mental Illness has developed a program called the NAMI Family-to-Family Education Program, a no cost 12-week class with a highly-structured standardized curriculum, conducted entirely by trained family members of those with a mental illness. The goal is to provide education about mental illness and treatments, emotional and practical support, and problem solving and communication skills for those dealing with the mental illness of a family member. To date, this course, taught by NAMI volunteers in communities across the country, has enrolled and graduated over 100,000 family members. "We hear regularly from participants that the course has helped them better understand their family member's illness and enabled them to empathize with their struggle," says Joyce Burland, Ph.D., program author and director of NAMI's Education, Training and Peer Support Center. "We are optimistic that this study will expand the evidence base for the Family-to-Family program and will show that the program works." Over 115,000 family members have graduated from this national program. The course covers the following to assist family members in dealing with their loved ones:

- Current information about schizophrenia, major depression, bipolar disorder (manic depression), panic disorder, obsessive-compulsive disorder, borderline personality disorder, and co-occurring brain disorders and addictive disorders.
- Up-to-date information about medications, side effects, and strategies for medication adherence.

- Current research related to the biology of brain disorders and the evidence-based, most effective treatments to promote recovery.
- Gaining empathy by understanding the subjective, lived experience of a person with mental illness.
- Learning in special workshops for problem solving, listening, and communication techniques.
- Acquiring strategies for handling crises and relapse.
- Focusing on care for the caregiver: coping with worry, stress, and emotional overload.
- Guidance on locating appropriate supports and services within the community.
- Information on advocacy initiatives designed to improve and expand services

Family-to-Family classes are offered in hundreds of communities across the country, in two Canadian provinces, Puerto Rico, and Mexico. Refer to <http://www.nami.org/template.cfm?section=family-to-family&template=/customsource/classlisters/coursepicker.cfm&targetpage=ftflistdetail.cfm> and select your state to obtain locations, course start dates, and contact information. [Source: [www.nami.org/Template.cfm?Section=Family-to-Family&Istid=605](http://www.nami.org/Template.cfm?Section=Family-to-Family&Istid=605) Jun 2010 ++]

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**VA Homeless Vets Update 17:** VA Secretary Eric Shinseki announced the creation of a new telephone hotline to provide emergency support and resources to homeless veterans. The number is 1(877) 4AID VET [i.e. 1-877-444-3838]. "It is unacceptable for a single veteran to spend the night on the streets of America," said Shinseki, who added that the new National Call Center for Homeless Veterans hotline will be staffed by experts 24/7, and complement the services already provided by the VA's Suicide Prevention Hotline at 1-800-273-TALK (8255). [Source: VFW Washington Weekly 7 Jun 2010 ++]

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**VA Homeless Vets Update 18:** A program announced 3 JUN by HUD Secretary Shaun Donovan of the U.S. Department of Housing and Urban Development will provide \$58.6 million to get homeless veterans off the streets this year. Vouchers will be provided to some 8,000 displaced veterans and their families across the country through the department's Veterans Affairs Supportive Housing Program, offering long-lasting support to the housing needs of veterans, "Though they served and sacrificed so much for our country, too many of our veterans find themselves on the streets and in homeless shelters," Donovan said. "Thankfully, these vouchers will provide a more-permanent solution to housing and services these veterans need." The program is in its third year and is a joint endeavor between HUD and the U.S. Department of Veterans Affairs. Ending homelessness among veterans is a top priority for VA. The issue has been the topic of numerous public forums and working groups since VA Secretary Eric K. Shinseki took the department's helm in JAN 09. Shinseki announced the framework for a plan in NOV 09 that would end homelessness among veterans within five years. The plan outlined his desire to attack homelessness at the top of the "downward spiral," addressing mental health, substance abuse and unemployment before veterans become homeless.

VA estimates that more than 131,000 veterans and their families are without homes. Without the help of other federal departments, government agencies and community outreach, Shinseki's goals can't be met, he said in a statement released by HUD. However, efforts like HUD's program are "a critical, long-term investment" toward helping those already homeless, Shinseki said. The program is the largest permanent housing initiative in the nation. "The most-effective option to providing veterans permanent shelter is HUD-VA Supportive Housing," he said. "We owe determination that matches theirs as we work to end veteran homelessness. [The program] is immensely important and effective to reaching our goal." Homeless veterans can receive the rental vouchers through their local

VA medical center. Case managers at each hospital refer eligible veterans to local housing authorities, which will then assist veterans in finding adequate homes.

Eligibility for the vouchers is determined on a case-by-case basis, and requirements vary by metropolitan area, Brian Sullivan, a spokesman for HUD, explained. The dollar amount allocated to each local housing agency is based on the number of reported homeless veterans and the fair market rental system. The individual vouchers will cover at least 70% of a veteran's rent. Also, once veterans are deemed eligible for the voucher, they stay in HUD's voucher system until they can be financially stable. "Veterans will permanently have support and housing through this program," Sullivan said. "That is until they're able to stand on their own and continue to increase their income, which is our ultimate goal." HUD plans to announce another \$17 million for an additional 1,355 rental vouchers next month as well as 400 project-based vouchers later this summer, he said. [Source: AFPS Michael J. Carden article 8 Jun 2010 ++]

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**Florida State Park Vet Passes:** State Park Fees for Veterans S.B.2256 introduced by Sen. Andy Gardiner (R-9) and H.B.1145 introduced by Rep. Leonard Bembry (D-70) has been passed and sent to the and or gratis Entrance Passes to eligible members of the military community who present proof of eligibility:

- 25% discounted Annual Entrance Passes for active duty and honorably discharged veterans of the United States Armed Forces, National Guard or reserve units of the U.S. Armed Forces or National Guard.
- No cost Life Entrance Passes for veterans with service related disabilities and surviving spouses of members of the US military who have fallen in combat.

The discounted Florida State Parks Annual Entrance Pass is only available for purchase at any Florida State Park staffed ranger station. The no cost annual Life pass can only be obtained at a staffed ranger station. A list of staffed ranger stations can be found at [www.floridastateparks.org/thingstoknow/doc/annualpass/staffedrangerstations.pdf](http://www.floridastateparks.org/thingstoknow/doc/annualpass/staffedrangerstations.pdf) . Satisfactory written documentation to prove eligibility includes current military identification card showing the bearer as active duty, reserve or retired member of a branch of the Department of Defense, or Personal identification (i.e.: driver license) and:

- Most recent DD Form 214, Certificate of Release or Discharge from Active Duty, showing the named individual's Character of Service as Honorable, or
- Other current official documentation from the Department of Defense, or one of its branches, naming the bearer as active duty, reserve, veteran or retired military, or
- Current official documentation from the Department of Defense, or one of its branches, naming the bearer as having sustained a service-related disability, or
- The final DD Form 214, Certificate of Release or Discharge from Active Duty, showing the date of death as the same date as the date of separation, and Marriage certificate or license, or death certificate showing the bearer as the spouse of the military member who has fallen in combat.

[Source: Veterans Corner Michael Isam article 5 Jun 2010 ++]

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**VA Vocational Rehabilitation Update 04:** Vocational Rehabilitation (Voc Rehab) is many things to many people. To some, it's not worth the headache. For others, it's a chance of a lifetime. The program has its flaws, like many other programs within the Department of Veterans Affairs. There are many layers to the process that, if completed, can result in a win for any veteran. Unfortunately, the vast program majority of veterans who apply for the program drop out prior to developing an Individualized Written Rehabilitation Plan (IWRP). For a

comprehensive guide on what needs to be done refer to [www.disabledveterans.org](http://www.disabledveterans.org). As a quick guide, if you follow the below five steps in order you will likely succeed in receiving the training you wish for the ideal job you want:

1. **Apply for the benefit.** The first step to any application for benefits can be found on the VA's own website [www.vba.va.gov/bln/vre](http://www.vba.va.gov/bln/vre). Look over these pages. They are the only source of information you will get directly from the VA prior to the first meeting. After a week, you will receive a notice as to whether or not you meet the initial requirements. Then, you will receive a notice of your first appointment.
2. **Research the regulations.** If you're applying for benefits, it's important to do your research prior to your first meeting. Start by reading the regulations. These can be found online and are called the 38 CFR Part 21 [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title38/38cfr21\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title38/38cfr21_main_02.tpl) and the VA's own M28 [www.warms.vba.va.gov/M28.html](http://www.warms.vba.va.gov/M28.html). Between these two sources, you will be able to understand the process more fully. Read over them and put your own situation into the context of those regulations. Your own case must make sense within the criteria of the regulations or it will get denied. Be real with yourself and with your counselor. If the regulations do not support your case, it is likely you will be denied.
3. **Find appeals cases that are similar to your situation.** Once you get through this portion, turn to the VA's Board of Veteran appeals site [www.bva.va.gov](http://www.bva.va.gov). Search for instances where the Board had to review a Voc Rehab case. Read what you can find and compare it to your own situation. This will allow you to see how the CFR applies to real veterans' issues. Simply enter into the search "Chapter 31" and the relevant regulation to your case, say "21.50" since that's the relevant regulation for someone seeking initial approval for entry into Chapter 31. To see what an approved appeal case looks out you might want to check out <http://www4.va.gov/vetapp10/files1/1003094.txt> where the person wanted training to become a dog trainer.
4. **Search the internet for your ideal job.** Do a little job market research of your own. A great website for this can be found on O\*Net at <http://online.onetcenter.org>. Try to take a step back to see what type of career you may be aptly suited for. Then, do the research to see if you could realistically complete the training requirements. If you have a hard time reading, becoming a lawyer or doctor may not be likely. Now, if you struggle with reading because of a learning disability or cognitive disorder, that's a very complicated set of issues to work through, but not impossible. Voc Rehab has a myriad of tests at the disposal of the professionals working within the department that can help distill the issues.
5. **Put together your presentation.** The more grandiose your training request, the more difficult it will be to gain approval. It is much easier to gain approval for an undergraduate degree in business than to gain approval to become a psychologist. If you get a denial, it does not mean you should stop pushing. On the other hand, it may mean you need to look for different ways to finance your training:
  - Most law school universities will give their students around \$50,000 per year in scholarships and student loans to cover tuition and living expenses. Similarly, the process of completing an MBA or PhD can be financed.
  - PhD's at the best schools go along with some other graduate programs. At no additional cost. Princeton has a great Master's in Public Policy program that is available at no cost for qualified applicants.

If your goal is to better yourself with further training to get that dream job, versus merely wanting more free benefits, there is always a way to make it happen. The only question is whether or not Vocational Rehabilitation will be your partner in the process. Good luck! [Source: [Military.com](http://Military.com) Ben Krause article 20 May 2010 ++]

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**Health Care Reform Update 35:** A chain e-mail floating around the internet asserts employer W-2s will have to show the value of employer-provided health coverage and that workers will have to pay taxes on that benefit value. It's true that the new law requires an entry on the W-2 showing the cost of employer-provided care. But employees won't be taxed on it. The purpose of including it on the W-2 is to show employees what the benefit value is (much as the military services provide an annual statement of military benefits value to currently serving personnel). The facts are:

- It's not the employees, but the insurance companies providing those plans (and employers that self-insure) that could be subject to taxation on part of such value - several years downstream.
- There isn't any tax on health benefits value before 2018.
- There won't be any taxes imposed on plans that aren't deemed "Cadillac" plans (which are defined as costing more than \$10,200 for individual coverage or \$27,500 for a family plan).
- The tax won't be on the total value of the plan. Insurers will be assessed 40% of whatever share of the value exceeds the \$27,500 threshold. (i.e., if the value of a plan is \$30,000, the insurer will be taxed 40% of \$2,500 = \$1,000).

[Source: MOAA Leg Up 4 Jun 2010 ++]

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**VA Presumptive VN Vet Diseases Update 05:** Before leaving for the Memorial Day break Senator Jim Webb (D-VA) had language included in the 2010 War Supplemental Bill (H.R.4899). This bill, passed by the Senate last week, includes language to freeze the payments of funds for the new illnesses that the VA decided (last October) would be added to the list of presumptive illnesses from exposure to Agent Orange. They are B cell leukemia, Parkinson's disease and certain heart diseases. The VA has been hiring new people and gearing up for the expected 200,000+ new claims that they are expecting because of this change. However Senator Webb says that he thinks the VA may be moving too quickly and is basing his amendment on the Congressional Review Act (PL 104-121) which allows Congress to put a 60 day hold on spending appropriated money for major new agency initiatives to allow Congress time to review them. During that period, Congress can pass a joint resolution to block the initiatives. This would hold the \$13.4 billion that has been appropriated for this program until Congress' 60 day review is complete. The Senator (a Vietnam vet, a former Navy Secretary and a present member of the Senate Veterans Affairs Committee) said: "I take a back seat to no one in my concern for our veterans. But I do think we need to have practical, proper procedures here." He said that the VA needs "an accountable standard" for deciding which health claims should be causally linked to exposure to Agent Orange.

VA Secretary Eric Shinseki met with Sen. Daniel Akaka (D-HI), chairman of the Senate Veterans Affairs Committee, last month to ask that he cancel a hearing on the secretary's controversial decision to add three diseases to the list of Vietnam veteran illnesses presumed caused by exposure to Agent Orange and other herbicides used in that war. Akaka and Webb are pressing Shinseki outside of the hearing process to explain last October's decision to add heart disease, Parkinson's disease and B-cell leukemia to the list of illnesses presumed caused by Agent Orange. It is not clear if this will slow down (or even stop) these new claims. [Source: TREA Washington Update and Tom Philpott articles 4 & 10 Jun 2010 ++]

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**Climate Change:** Sea levels could rise as much as six feet this century, and the oceans' acidity is growing at an unprecedented rate, according to the Navy's Climate Change Roadmap. These are but two climate issues now driving research into the lasting geographic, political, environmental and strategic issues that will result. Approved 21 MAY by Chief of Naval Operations Adm. Gary Roughead, the guidance was designed to "observe, predict and adapt to climate change," said Rear Adm. David Titley, oceanographer of the Navy. Titley also heads Task Force Climate Change, a gathering of 450 experts representing 120 organizations. "Climate change is not coming. It's here," he told reporters May 27. "This is one of the long-term strategic challenges of the 21st century." Titley acknowledged that climate change is "a story that doesn't break, but it seeps out." But he was quick to add that "if we ignore climate change, we ignore it at our peril." He said his office is "pacing the threat" to ensure what is urgent today doesn't become a crisis tomorrow.

A large number of scientists agree that melting glaciers and ice caps combined with ocean warming will cause a rise in sea levels 10 times greater than was seen in the 20th century. This is affecting, and will continue to affect, naval installations and infrastructure. "Even an increase of four feet would be a huge issue to any port," Titley said. When storm surge and waves are added, the Navy could have piers underwater for weeks at a time. Titley would not point to any one port as his greatest concern, but he said adaptation strategies would differ from port to port because of unique factors such as bedrock and surrounding geography. A rise in sea level could have an impact on more than infrastructure. It would greatly affect near-shore areas, home to the majority of the world's population. Some islands, particularly in the South China Sea, could virtually disappear, bringing sovereignty claims into question. Rainfall patterns also would change. In areas already laden with hunger and poverty, alterations to water resources could cause greater instability and lead to a change in the type, scope and location of Navy missions, the report said.

Titley also focused on the effects of ocean acidification, what he called the "silent partner" of climate change. Half of the carbon dioxide in the atmosphere is absorbed by the oceans, which results in measurable acidity. Those levels have changed more in the past 150 years than in the previous 500,000 years, he said, and the change is having a measurable effect on the ecosystem. He pointed to oyster farming off the coast of Oregon, which has seen a 29% decrease directly related to the rise in ocean acidity. Because 1 billion people get their primary protein from the ocean, such changes could become a "huge accelerant to potential instabilities, and that's something that we in the Navy would want to understand. These are questions and scenarios we want to think through. You don't want your senior decision-makers surprised. You want to have a game plan on the shelf so you have a starting point for when the world is changing." To do this, the task force is taking a three-phased approach:

- Phase 1, already underway, officials are seeking funding in fiscal 2012 that will allow in-depth scientific analysis of climate change, determine impacts on national security and help develop environmental prediction capabilities. Titley would not say how much money is being sought, calling the amount predecisional.
- In Phase 2 (fiscal 2011-12), findings will be incorporated into strategic guidance and addressed in fleet training and planning.
- In Phase 3 (fiscal 2013-14), Navy leadership will have the necessary data to "make no-kidding decisions about what kind of no-kidding money we need to invest," Titley said. This money will then be used to prepare infrastructure and address force structure issues relating to or resulting from the climate change.

[Source: NavyTimes Lance M. Bacon article 7 Jun 2010 ++]

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**NDAA 2011 Update 03:** Abortions would be allowed in U.S. military hospitals as long as patients pay for the procedures, under legislation approved by a Senate committee. The Senate Armed Services Committee's legislation, attached to its version of the 2011 defense authorization bill, would restore a Clinton-era policy that allowed abortions as long as taxpayer funding was not involved. Sen. Roland Burris (D-IL) is chief sponsor of the

amendment, approved by a 16-10 vote. Policies on abortions in military medical facilities have changed many times over the years, with the issue getting more attention as the number of women in the military has risen. Abortions were allowed in military hospitals until 1979, when Congress first banned the procedure except in cases of rape, incest, when a woman's life was at risk, or other serious health consequences. In 1988, the law was narrowed to remove serious health consequences short of death as exceptions, according to the Center for Reproductive Rights, which urged Burris to offer the amendment. In 1993, the same year that the military's ban on open service by gays became law, President Clinton issued an executive order allowing abortions in military hospitals as long as private funds paid for the procedure. Congress ordered an end to privately funded abortions in 1996 and also allowed military medical personnel to refuse on personal or religious grounds to be involved in an abortion — even in cases of rape, incest or when the mother's life is endangered.

Burris' amendment would repeal the prohibition and return to the Clinton-era policy under which private funds could pay for abortions in military hospitals. The fate of the legislation will depend on what happens as Congress continues working on the annual defense policy bill. Abortion opponents are expected to try to get the Burris provision removed when the measure comes up for debate later this year on the Senate floor. If it survives the Senate, House and Senate negotiators would have to determine whether to keep the provision in the final bill. The House version of the bill has no similar language. "Allowing American service women to use their own private funds to obtain abortion care at U.S. military facilities is fundamental and should never have been questioned in the first place," said Vania Leveille, a legislative counsel for the American Civil Liberties Union. Lifting the ban would be especially important for military women based overseas who may not have local access to an abortion from a private facility, she said. U.S. military policy in such cases is to provide transportation to a location where the woman can pay for an abortion. But that requires them to inform someone in their chain of command that they wish to terminate a pregnancy, which some women fear could hurt their careers. [Source: NavyTimes Rick Maze article 7 Jun 2010 ++]

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**GI Bill Update 78:** Senate Veterans' Affairs Committee Chairman Daniel K. Akaka (D-HI) introduced S.3447 on 27 MAY, a bill to improve the Post-9/11 GI Bill benefits program. The bill includes six major changes that will be welcomed by veteran students, school officials, and veterans service organizations. "With ten months of experience under the new program, I believe it is time to look at what improvements and modifications need to be made in order for the program to reach its potential," said Akaka. Akaka's proposed Post-9/11 Veterans Educational Assistance Improvements Act of 2010 is designed to make a number of modifications to the new program of educational assistance which became effective on 1 AUG 09. The following provisions will impact on current and future student veterans, many of which are considered long overdue:

- Members of the National Guard and Reserve who were inadvertently omitted from inclusion would be fully eligible for benefits.
- Include all vocational programs, OJT and apprenticeship training, flight, all types of non-college degree training and more. Effectively eliminating the need to make an irreversible decision as to whether or not to receive benefits under the old Montgomery GI Bill or under the new program.
- Veterans attending vocational schools would receive the national yearly average for tuition/fee payments, plus housing stipend based upon regular rate of the military's BHA (basic housing allowance).
- On-the-job training and apprenticeships will be paid for on a prorated schedule of 75% of costs for the first six months, 55% for the next six months, and 35% for each subsequent month up to 24 additional months; benefits also include housing stipend and \$1,000 annual book stipend.
- 60% of charges for flight training and 55% for correspondence courses will be covered, based on the national average of established cost at all institutions of higher learning.

- Eliminate the complicated, confusing and, in some cases, inequitable calculation of State-by-State tuition and fee caps to determine benefits for individuals enrolled in degree programs. Effectively ensuring that individuals enrolled in degree granting programs of study at public colleges and universities in the U.S. would pay little, if any, out of pocket. Those enrolled in private colleges and universities would receive the national average cost of education.
- Housing allowance for distance-learning (on-line education programs) students and those attending schools overseas will receive 50% of the established rate (which would become prorated, based on a veteran's actual course load).
- Payment of up to \$1,000 for a book allowance for servicemembers and their spouses enrolled while on active duty
- Eliminate the need for veterans to choose between Voc-Rehab and the Post-9/11 GI Bill enabling service-connected disabled OEF/OIF veterans to elect the program from which to receive their subsistence allowance. Ensuring that veterans would not be forced to pass on valuable counseling and support services to access the more generous Post-9/11 GI Bill benefits.
- Servicemembers who retired after Sept. 11, 2001, but before the Post-9/11 GI Bill went into effect would be able to transfer current veterans education benefits to their family members (this provision would be paid for by DoD and other federal agencies).
- Instead of paying up to \$2,000 for a one-time test for licensure or certification, an unlimited number of tests will be allowed, with charges being deducted from a veteran's monthly benefits.
- Authority for uniformed members of the U.S. Public Health Service and NOAA Corps to transfer GI Bill benefits to family members.
- Make DoD and the other Federal agencies responsible for funding the transfer-of-benefits program for spouses and dependents

In his statement on the Senate floor, Akaka noted that “this will not be a simple process. Nor will it be quickly and easily accomplished. There are issues that we can readily see need to be addressed.” He added, “There are others, however, that are only just now coming to our attention as the program is implemented and veterans, servicemembers, and their families begin to receive benefits under the program.” According to Senator Akaka, the measure is intended to serve as a starting point to move and that he believes the actions taken to improve the Post-9/11 GI Bill need to be “full and deliberative.” [Source: Military.com Terry Howell article 2 Jun 2010 ++]

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**GI BILL Update 79:** The Post-9/11 GI Bill is likely to see only modest changes this year because lawmakers say they don't want to be accused of holding up payments for the fall semester, the House Veterans' Affairs Committee chairman said in an interview. Rep. Bob Filner (D-CA) said he and other lawmakers would like to make a lot of changes to the education benefit, but for now he will accept only technical fixes and some small benefits expansions. The window for quick passage is small because the Veterans Affairs Department will begin processing claims for fall benefits in August. Filner and Sen. Daniel Akaka (D-HI), the Senate Veterans' Affairs Committee chairman, have separately been preparing packages of changes, but there has been little talk about working out differences, if any, between their plans. VA officials, in the process of shifting the claims process from a paper based to a fully automated system by December, have pleaded with lawmakers to hold off on anything that would change the way basic calculations are made because the software being developed for phased deployment through the end of this year cannot accommodate major benefits revisions without the risk of missing deadlines.

VA's warning has led Filner to reduce his wish list for changes this year to: paying living stipends to distance-learning students, covering vocational training and apprenticeships, and propping up tuition in states that heavily subsidize public colleges and universities. “Distance-learning living stipends is something we definitely want to do,”

he said. The Post-9/11 GI Bill provides monthly living stipends to those whose course loads make them more than half-time students, but people taking distance-learning classes are ineligible unless they are taking at least one class at a brick-and-mortar campus. GI Bill living stipends are paid based on the military's basic allowance for housing for the ZIP code where the school is located, but a different approach is expected for distance learners to prevent students or schools from moving to high-cost areas to get more money. Living stipends for distance-learning students are likely to be based on where students lived at the time they applied for benefits. But there has also been talk of a payment equal to the average stipend for all other students, congressional aides said. The GI Bill provides no benefits for apprenticeships or on-the-job training, and limited benefits for vocational training. "We need to do something about this, and we need to do it this year," Filner said. The third change would raise the cap on tuition and fees in states where tuition at public institutions is heavily subsidized. Those subsidies end up hurting students who use the new GI Bill for private schools, who take graduate-level courses at public institutions or who pay nonresident tuition at public colleges, because their tuition and fee reimbursements are capped at the tuition and fee rates for the undergraduate in-state tuition at the most expensive public school in a state. [Source: NavyTimes Rick maze article 7 Jun 2010 ++]

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**Florida Vet Legislation Update 01:** Three bills recognizing service by U.S. military veterans are now law with signatures from Gov. Charlie Crist. Crist signed the bills Monday at Veterans of Foreign Wars Post 2185 in Panama City after a round-table meeting with members of the Florida National Guard. One bill (HB 5) memorializes military veterans on highways, bridges and roads throughout the state. The second (HB 1145) provides discounts on annual passes for veterans at state parks. The third (HB 1455) makes it a felony to misrepresent military or veteran status while fundraising. During the round-table meeting, Crist praised the Florida National Guard's cooperation with state agencies in preparing to deal with potential effects from the oil spill in the Gulf of Mexico. [Source: AP article 1 Jun 2010 ++]

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**Clark AFB Vet Cemetery:** As Americans marked Memorial Day, a small band of veterans on the other side of the globe are waging a long-shot campaign on behalf of a silent constituency: thousands of U.S. service members, civilians and dependents buried in a largely forgotten American military cemetery in the Philippines. The veterans want the federal government to take responsibility for Clark Cemetery, a burial ground on a former U.S. military installation that contains remains dating to 1900. Among the more than 8,600 people buried there are at least 2,250 who were members of the Army, Navy, Marine Corps, Air Force, Coast Guard and Philippine Scouts, a branch of the Army when the United States ruled the Philippines in the first half of the last century. Those buried at Clark include veterans of the Spanish-American War, the Philippine Insurrection, World War I, World War II and the wars in Korea, Vietnam and Iraq. But the cemetery has fallen through the cracks of the U.S. bureaucracy, leaving its upkeep to volunteers led by a local post of the Veterans of Foreign Wars and a U.S. company based in Kuwait.

"These veterans have all but been forgotten on this special day we honor and memorialize those who have served our country," said Larry Heilhecker, commander of VFW Post 2485 and chairman of a group that has stepped in to manage Clark Cemetery. "It is a shame that this cemetery has been long neglected by our government." Heilhecker and others attributed the problem to an oversight when the U.S. government was negotiating with the Philippines 20 years ago on new long-term leases for Clark Air Base and Subic Bay Naval Base -- two of the most prized U.S. military installations in Asia. Those talks broke down in 1991 after the eruption of the Mount Pinatubo volcano heavily damaged both bases, forcing major evacuations by the Air Force and Navy. The Air Force formally handed Clark over to the Philippine government in November 1991, and the Navy sailed out of Subic a year later. Clark Air

Base and its cemetery became the responsibility of the Philippine air force, which ceded control to the government's Clark Development Corp. But neither showed any interest in maintaining Clark Cemetery, which soon fell into disrepair. Grass was not mowed, bushes were not trimmed, flags were not flown, and vandals and looters descended on the 20-acre site. A monument was destroyed, and metal fencing around the cemetery was stolen. The air base itself fared worse, with looters hauling away everything from toilets to landing lights.

Faced with what it viewed as conditions that dishonored those buried there, the local VFW post negotiated an agreement in 1994 to manage the cemetery and set to work restoring it. With no funding from the U.S. or Philippine governments, the post assembled volunteers for an initial cleanup and collected donations for ongoing maintenance. Peregrine Development International, a U.S. company based in Kuwait and headed by Navy veteran Dennis L. Wright, provided new cemetery fencing and funded a full-time security service to prevent more looting. The company is involved in a \$2 billion project to develop an aviation-oriented business and logistics park at the former air base. U.S. veterans and former Philippine Scouts are still being buried at Clark at the rate of three or four a month. Most are Americans who retired in the Philippines and died there, but two were killed in Iraq -- a Filipino American soldier and a civilian Defense Department employee. The VFW spends about \$1,000 a month to maintain the cemetery and pay the salaries of four full-time Filipino employees, Heilhecker said. But he estimated that it would cost about \$500,000 to bring Clark Cemetery up to U.S. standards and at least \$3,000 a month to properly maintain. Matthew P. Daley, a former U.S. diplomat who has taken an interest in the cemetery, said: "A first-class job could be done for \$100,000 a year, which is not even spare change as our budgets go."

The VFW and its supporters want the cemetery to be administered by either the American Battle Monuments Commission, a federal agency, or the National Cemetery Administration, a branch of the Department of Veterans Affairs. But spokesmen for both said Clark Cemetery did not seem to fit their criteria. The commission maintains U.S. military cemeteries overseas -- including the Manila American Cemetery and Memorial in the Philippines -- that are closed to new burials. The National Cemetery Administration maintains 131 national cemeteries in 39 states and Puerto Rico but none on foreign soil. Ike Puzon, a former Navy officer of Philippine descent who is helping to raise awareness of the issue in Washington, said negotiators should have tied the Clark graveyard to the Manila cemetery during the base talks two decades ago. "It's just an oversight that happened," Puzon said. "It was one of the issues that fell through the cracks." Now, he said, the solution may require an agreement between the U.S. and Philippine governments, such as a long-term U.S. lease of the cemetery, and congressional action directing the monuments commission to make an exception and administer it. "There are some jurisdictional issues, but we've gotten around these in the past when our veterans are engaged," Puzon said. "Anybody who says this is impossible is not saying the right thing." [Source: Washington Post William Branigin article 31 May 2010 ++]

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**Washington Vet Cemetery Update 01:** On Memorial Day, Washington's first State Veterans Cemetery was dedicated in Medical Lake. Until now, the nearest veteran's cemetery was nearly 300 miles away at Tahoma National Cemetery near Kent WA which is about a four-hour drive from Spokane. About 140,000 veterans live within 75 miles of the new cemetery. A Federal Grant helped pay for the \$8 million, 80 acre site in West medical lake, surrounded by sprawling farms. Groundbreaking was last Memorial Day and now, only one year later, the site is ready for veterans and their families. The project includes a committal shelter, pre-placed crypts, standard burial areas, columbarium, in-ground cremains burial areas, roads, a maintenance facility, an assembly area and supporting infrastructure. Interment areas and facilities include 1,280 standard burial plots; 2,000 pre-placed crypts; 1,370 in-ground cremain sites and 2,240 columbarium niches. First interments are expected to take place beginning 7 JUN with the initial capacity for 10,700 and ultimate capacity of 70,000. Operating costs for the cemetery are a state expense, but much of it will be covered with the sale of veterans license plates. Veterans' families do not pay burial fees, and concrete casket liners and memorial stones are provided.

Eligibility for interment in the Washington State Veterans Cemetery mirrors National Veterans Cemetery eligibility requirements. In general all U.S. Veterans discharged under conditions other than dishonorable; Spouses; and Dependent Children. Eligible spouses and children of veterans will be charged \$300 for interment. The Washington State Veterans Cemetery will serve veterans and other eligible individuals from Washington and other States. Veterans who are eligible for interment are also eligible for a Federal VA Plot Allowance. The State Veterans Cemetery Office applies for and collects this plot allowance. Neither the State nor the Federal VA pay for other funeral expenses, such as preparation. These fees are paid by the Veteran's family or estate. Some Veterans or their widows/widowers are eligible for Federal VA benefits in addition to the plot allowance. To determine whether the veteran or family member is eligible for additional benefits call 1-800-562-2308.

Pre-registration allows a Veteran, Spouse or Dependent Child to establish in advance, eligibility for interment in the Washington State Veterans Cemetery. Documentation such as a Form DD-214 for veterans and a marriage license for spouses is required during the pre-registration process. Individuals who pre-register are provided with a letter confirming their eligibility and are advised to file it with their other important documents. The letter includes a confirmation number which allows the Cemetery Office to easily access the eligibility file. Pre-registering offers a way for a veteran or family member to make final arrangements; however it is understood that circumstances may change and pre-registering does not override other decisions made as a result of estate planning or Next-of-Kin authorizations. The actual Application for Interment is not submitted until the eligible Veteran, Spouse, or Dependent Child is to be interred. Applications and pre-registrations can be completed and downloaded at [www.dva.wa.gov/PDF%20files/cemetery%20Interment%20Application.pdf](http://www.dva.wa.gov/PDF%20files/cemetery%20Interment%20Application.pdf) and [www.dva.wa.gov/PDF%20files/cemetery%20preregistration.pdf](http://www.dva.wa.gov/PDF%20files/cemetery%20preregistration.pdf) . More information on the National Veterans Cemetery Eligibility Requirements is available at: <http://www.cem.va.gov/cem/bbene/eligible.asp> or by contacting a WDVA Benefits Specialist directly at 1(800) 562-2308. [Source: [www.dva.wa.gov](http://www.dva.wa.gov) Jun 2010 ++]

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**Virginia Vet Cemetery Update 01:** Virginia, which is home to more military cemeteries than any other state, faces an annual struggle to preserve and maintain its sacred acres of white grave markers at state-operated facilities. Fifteen federally managed historic cemeteries crisscross the state, from Hopewell to Hampton, from Sandston to Staunton. Most of these sites do not accept new burials, and funding is less of a concern. "Quite a few of our federal cemeteries received stimulus money last year, and across the board our budgets have only gone up," said Jo Schuda of the National Cemetery Administration. "We're really in a good situation." The situation is different for Virginia's two state-run cemeteries. "The national cemeteries are closed, which is why it so important that our state cemeteries remain open," said Annie Atkins, spokeswoman for the Virginia Department of Veterans Services. Albert G. Horton Jr. Memorial Veterans Cemetery in Suffolk and the Virginia Veterans Cemetery in Amelia County are the two state-operated sites. More than 1,000 veterans are interred on average every year at the two cemeteries.

The cemetery division of Veterans Services has an annual budget of \$811,000, a figure that has not increased in recent years. "Each year, the number of the gravesites increases, which requires more maintenance. You have more mowing, trimming, leveling of stones," Atkins said. "We have not gotten any increase in our maintenance staff, and the number of burials has been going up each year as well." Paul Galanti, a retired Navy commander who spent nearly seven years as a prisoner of war in Vietnam, serves as director of Virginia's Department of Veteran Services. Galanti, who lives in Richmond, said military cemeteries are essential to preserving honor and respect for America's veterans. "We are trying hard to limit the budgetary effect to our veterans," he said. "Some of our equipment for maintenance in the cemeteries is worn out. We are slowly trying to overhaul and replace those." In NOV 2010, a new state-operated veterans cemetery will open in the Southwest Virginia town of Dublin, not far from Blacksburg.

The \$7.2 million site was primarily constructed with federal funds. Galanti said plans are under way for a fourth facility, perhaps in Northern Virginia.

State Sen. John Watkins, R-Powhatan, whose district includes the Virginia Veterans Cemetery in Amelia, said he believes that maintenance of military burial plots and construction of new cemeteries should be a federal responsibility, not a state obligation. "The federal government is supposed to provide for U.S. veterans. Obviously they have not met that obligation, as with many other things that they promise," said Watkins, citing Virginia's high concentration of military retirees and active-duty servicemen as a contributing factor in the high demand for cemetery space. Amid jurisdictional debates and budget struggles, Virginians continue to support veterans cemeteries through volunteer service. Both state cemeteries frequently rely on volunteer support for programming and special events, such as Christmas wreath laying and Memorial Day commemorations. "This is the best year we've ever had as far as volunteers, but it's our worst year with the budget," Jones said. [Source: Richmond Times Dispatch Danny C. Yates Article 31 May 2010 ++]

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**Minnesota Vet Cemetery Update 01:** State legislators this year passed a bill instructing Minnesota Veterans Affairs officials to plan three new veterans cemeteries in northeast, southeast and southwest Minnesota. VA officials hope the new cemeteries will enable broader use of what is often the only VA benefit that active-duty veterans ever use: burial at a veterans cemetery. The Minnesota State Veterans Cemetery has grown steadily since it was established in 1994, accommodating about 350 burials a year, cemetery director David Swantek said. But use of the state cemetery is effectively limited to Central Minnesota veterans, he said. A recent Minnesota VA report also showed few veterans choose to be buried more than 75 miles from home. For those reasons the proposed new cemeteries would have little effect on the one in Little Falls. "It's simply an expansion of our program," Swantek said. In Minnesota many veterans do opt to be buried in a national or state veteran's cemetery. Many veterans and their families are unaware that they can apply for a \$200 burial allowance if they are buried in a private cemetery. Often widows and children survivors don't know and don't apply.

Expansion is driven by a goal established by the VA National Cemetery Administration, which calls for 90% of U.S. veterans to have a state or national cemetery within 75 miles of their home. Minnesota has the state cemetery in Little Falls and the Fort Snelling National Cemetery in Minneapolis. Gov. Tim Pawlenty in 2008 called for a new veterans cemetery near Duluth. Under an expected agreement with the National Cemetery Administration, federal grants will pay \$8 million in construction costs at each of the new veterans cemeteries. The state must supply the land and roughly \$500,000 in annual maintenance costs at each cemetery. A 2009 state bonding bill allotted \$1.5 million to plan cemeteries in northeast Minnesota and in Redwood County in southwest Minnesota. This year's legislation called for an additional cemetery to be planned in southeast Minnesota. The locations of the new cemeteries aren't yet fixed, but Swantek says he's been combing the state in search of sites. [Source: St. Cloud times Mark Sommerhauser article 31 May 2010 ++]

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**SBA Vet Issues Update 11:** A new report says the Veterans Affairs Department is struggling to verify the ownership of a growing number of small businesses supposedly owned by veterans. To date, the VA has verified roughly 2,900 businesses in its Vetbiz.gov database of companies described as veteran-owned or service-disabled veteran-owned small businesses. That's about 14% of businesses in the database, according to a Government Accountability Office report released 28 MAY. In response, VA officials wrote the backlog has reached more than 5,000, but the VA has verified 3,000 companies as of 1 MAY. GAO said the backlog is increasing despite a large number of business-owners lying, claiming to be veteran-owned to get special treatment. They have exposed fraud

in several of the Small Business Administration's small-business programs, including the program that sets aside contracts for small companies owned by service-disabled veterans. In 2009, GAO said at least 10 fake service-disabled veteran-owned small businesses had swindled roughly \$100 million from SBA's set-aside contracts. For example, one company wasn't owned by a service-disabled veteran, and another subcontracted all of its work to a large foreign company.

In its new report on the VA, GAO pinpointed a several specific problems with the VA's verifications. Department officials were missing files of required information and explanations of how staff members determined that the companies were owned and controlled by veterans. In addition, officials have an increasing backlog of site visits, as called for in the VA's procedures. The VA has denied verification to more than 150 businesses but lacks a way to make sure contracting officers don't award those companies contracts under veteran preferences authorities, according to the report. The Veterans Benefits, Health Care, and Information Technology Act of 2006 requires the VA to give priority to small businesses owned by veterans when awarding contracts to small businesses. However, VA officials only finalized rules on verification procedures in FEB 2010. GAO's report states that leadership vacancies and the overall number of employees are major reasons for the delays.

Meanwhile, VA officials said during a congressional hearing that they have placed a lot of pressure on the department to award contracts only to veteran-owned companies that it has verified, the report states. GAO recommends that VA officials lay out a way to overcome the backlog of verifications and then set up procedures for barring companies that failed their verification from getting any special preferences. VA officials agreed with the recommendations. In a letter to GAO, officials said the department is increasing its number of employees, both in overall leadership positions and in jobs to help the verification process. To avoid awarding contracts to companies that failed verifications, the VA has begun removing its Vendor Information Page from public view. By not seeing the name as an option, the contracting officers are less likely to consider the company for an award, the VA's letter states. The VA is also training contracting officers about the preference authority, according to the letter. [Source: Federal Computer Week Matthew Weigelt article 1 Jun 2010 ++]

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**California Vet Home Update 07:** California has approximately 2.1 million veterans, more than any other state. The state will opening three new veterans homes to serve them. One of them is in Redding, the others in Fresno and West Los Angeles. The Redding and Fresno locations were chosen because veterans are underserved in those areas, according to California Department of Veterans Affairs representative J. P. Tremblay. "The ones that we're building now are all residential care for the elderly or up to skilled nursing and memory care, Alzheimer's units," Tremblay said. Up until 1996, California had just one home in Yountville in Napa County for aged or disabled veterans needing care. Since then, facilities have been built in Barstow, Chula Vista, Lancaster, and Ventura. State bonds are paying for about 40% of the cost and the U.S. Department of Veterans Affairs is funding about 60 percent, Tremblay said. [Source: ABC News10.net article 1 Jun 2010 ++]

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**AO Thailand & Korea:** Effective immediately, when regional offices (ROs) receive disability claims based on exposure to tactical herbicides, such as Agent Orange, from veterans who served in Thailand or Korea during the Vietnam era, there is no longer a requirement to send an inquiry to the Compensation & Pension (C&P) Service Agent Orange Mailbox. Development inquiries can be sent directly to the Army and Joint Services Records Research Center (JSRRC) when the available evidence does not indicate tactical herbicide exposure. This will reduce processing time and provide better service to Veterans.

### **Thailand Service:**

- After reviewing documents related to herbicide use in Vietnam and Thailand, C&P Service has determined that there was significant use of herbicides on the fenced in perimeters of military bases in Thailand intended to eliminate vegetation and ground cover for base security purposes. Evidence of this can be found in a declassified Vietnam era Department of Defense (DoD) document titled Project CHECO Southeast Asia Report: Base Defense in Thailand. Therefore, when herbicide related claims from Veterans with Thailand service are received, RO personnel should now evaluate the treatment and personnel records to determine whether the Veteran's service activities involved duty on or near the perimeter of the military base where the Veteran was stationed.
- DoD has provided information that commercial herbicides, rather than tactical herbicides, were used within the confines of Thailand bases to control weeds. These commercial herbicides have been, and continue to be, used on all military bases worldwide. They do not fall under the VA regulations governing exposure to tactical herbicides such as Agent Orange. However, there is some evidence that the herbicides used on the Thailand base perimeters may have been either tactical, procured from Vietnam, or a commercial variant of much greater strength and with characteristics of tactical herbicides. Therefore, C&P Service has determined that a special consideration of herbicide exposure on a facts found or direct basis should be extended to those Veterans whose duties placed them on or near the perimeters of Thailand military bases. This allows for presumptive service connection of the diseases associated with herbicide exposure.
- The majority of troops in Thailand during the Vietnam era were stationed at the Royal Thai Air Force Bases of U-Tapao, Ubon, Nakhon Phanom, Udorn, Takhli, Korat, and Don Muang. If a US Air Force Veteran served on one of these air bases as a security policeman, security patrol dog handler, member of a security police squadron, or otherwise served near the air base perimeter, as shown by MOS (military occupational specialty), performance evaluations, or other credible evidence, then herbicide exposure should be acknowledged on a facts found or direct basis. However, this applies only during the Vietnam era, from 28 FEB 61 to 7 MAY 75.
- Along with air bases, there were some small Army installations established in Thailand during this period, which may also have used perimeter herbicides in the same manner as the air bases. Therefore, if a US Army Veteran claims a disability based on herbicide exposure and the Veteran was a member of a military police (MP) unit or was assigned an MP MOS and states that his duty placed him at or near the base perimeter, Veteran was a member of a military police (MP) unit or was assigned an MP MOS and states that his duty placed him at or near the base perimeter, then herbicide exposure on a facts found or direct basis should be acknowledged for this Veteran.
- The difference in approach for US Army Veterans is based on the fact that some MPs had criminal investigation duties rather than base security duties. Therefore, the Veteran's lay statement is required to establish security duty on the base perimeter. This also applies to US Army personnel who served on air bases in Thailand. During the early years of the war in Vietnam, before Air Force security units were fully established on air bases in Thailand, US Army personnel may have provided perimeter security. In such cases, if the Veteran provides a lay statement that he was involved with perimeter security duty and there is additional credible evidence supporting this statement, then herbicide exposure on a facts found or direct basis can be acknowledged for this Veteran.
- If evidence shows that the Veteran performed duties along the military base perimeter, ROs should acknowledge herbicide exposure on a facts found or direct basis.

**Korean Service** - Currently, tactical herbicide exposure can be presumed for Veterans who served in specific US Army units that operated along the Korean demilitarized zone (DMZ) from APR 1968 through JUL 1969. These units were identified by DoD documents and are listed in M21-1MR IV.ii.2.C.10.o. When service treatment or personnel records show that a Veteran was assigned to one of these units during the time frame of tactical herbicide use, the Veteran qualifies for the presumption of exposure.

[Source: DVA Compensation & Pension Service Bulletin May 2010 ++]

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**Vaccination Schedules for Children:** Researchers from the University of Louisville have compared more than 40 variables related to mental and neurological function among a large group of children. The study was done to explore whether it is safer to follow the recommended vaccine schedule or to spread out receipt over a longer period of time as recommended by maverick physicians and celebrities who would like the public to believe that vaccines cause problems such as autism. After finding no statistically significant differences that favored the less-vaccinated children the researchers concluded: "Timely vaccination during infancy has no adverse effect on neuropsychological outcomes 7 to 10 years later. These data may reassure parents who are concerned that children receive too many vaccines too soon. <http://pediatrics.aappublications.org/cgi/content/abstract/peds.2009-2489v1>. The scientific consensus remains that delays gain nothing and leave children unnecessarily vulnerable to serious infection during infancy. [Source: Pediatrics Journal article 28 May 2010 ++]

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**Thrift Savings Plan YTD 2010:** Only two funds in the Thrift Savings Plan grew in May -- and it was modest growth at that. The F Fund, invested in fixed-income bonds, had the largest increase among the plan's 10 funds. It grew 0.85% in May, while the Thrift Savings Plan's most stable offering, the G Fund, inched up 0.28%. Since the beginning of 2010, the F Fund has climbed 3.78% while the G Fund has grown 1.37%. All the other funds fell in May, with the TSP's international fund taking an 11.20% nose dive. The ongoing debt crisis in Europe and catastrophic oil spill in the Gulf of Mexico adversely affected last month's rates of return. In addition to the I Fund, the C and S funds reported negative returns, as did the five life-cycle funds. The C Fund, invested in common stocks of large companies on the Standard & Poor's 500 Index, dropped 7.99% in May; the S Fund, which invests in small and mid-size companies and tracks the Dow Jones Wilshire 4500 Index, fell 7.51% in May. During the past year, however, both funds have produced healthy returns, with the C Fund increasing 21.09% and the S Fund gaining 34.21% -- the most gains of any TSP fund in the past 12 months.

All five life-cycle funds, designed to shift investors from a more aggressive portfolio earlier in their careers to more stable investments as they near retirement, fell in May. The L Income Fund dropped 1.50%, but since January has gained 0.70%. During the past year, it has picked up 6.84%. The L 2040 Fund dropped 6.97% last month and has increased 16.89% during the past year. The L 2030 Fund decreased 6.07% in May and has grown 15.21% during the past 12 months. The L 2020 Fund was down 4.98% in May, but up 13.01% over the past year. And the L 2010 Fund dipped 1.64% last month, growing 8% in the past 12 months. Since January, only the L Income and L 2010 funds have experienced positive returns -- 0.70% and 0.68%, respectively. [Source: GovExec.com Kellie Lunney article 1 Jun 2010 ++]

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**New Jersey Disabled Vet Benefit:** Honorably discharged veterans with a service-connected disability who are New Jersey residents are entitled to New Jersey hunting and fishing licenses, permits and stamps without charge. Resident veterans of any branch of the Armed Forces of the United States declared by the US Department of Veteran Affairs (VA) to have a service-connected disability of any degree qualify for the licenses, permits and stamps. The Division of Fish and Wildlife is reimbursed for the cost of licenses, permits and stamps issued to certified disabled veterans from the state's General Fund. Eligible veterans must initially be certified by the Division of Fish and Wildlife to receive the no cost licenses, permits and stamps. 'Disabled veteran certification' can not be done online or at license agent locations. The required one-time certification can only be done at the

Division's Request Trout Hatchery & Natural Resource Education Center, the Central Region Office and the Southern Region Office. Initial certification can also be done by mailing the required documentation and license application available at [www.njfishandwildlife.com/pdf/disvetli.pdf](http://www.njfishandwildlife.com/pdf/disvetli.pdf) . Documents required for initial certification at Division of Fish and Wildlife offices:

1. Proof of service - connected disability (i.e. Letter of certification of service-connected disability from Veterans Affairs or wallet sized card from the VA indicating service-connected disability, or photocopy of monthly disability check showing service-connected disability).
2. Proof of honorable discharge (DD-214 or similar document).
3. Proof of residency or New Jersey driver's license.

Once certified, disabled veterans can obtain their licenses, permits and stamps at no cost online or from license agents. Disabled veterans do not pay any transaction fee to license agents. However, when obtaining licenses, stamps and permits through the Internet sales site, a small shipping and handling fee is charged by the online license vendor. The first-time issue of a firearm or bow and arrow hunting license requires showing proof of a prior year resident hunting license from any state, or a hunter education course completion card, to the Division or license agent. Once the prior year license or hunter education information is entered into the license system database, proof is not required to obtain subsequent year hunting licenses. All New Jersey license and permit buyers, including disabled veterans, are required to complete a Child Support certification each year. This certification can be done online, at license agent locations or by completing and submitting the required form when requesting licenses and stamps through the mail during the initial disabled veteran certification process.

Properly licensed certified disabled veterans are entitled to unlimited antlerless permits for the Permit Bow Deer Season, the Permit Shotgun Deer Season and the Permit Muzzleloader Deer Season. One Antlered Deer Permit can be issued for each season as well. Information on obtaining deer permits is provided in the Hunting Issue of the Fish and Wildlife DIGEST at [www.njfishandwildlife.com/dighnt.htm](http://www.njfishandwildlife.com/dighnt.htm) and on the Permit Information page at [www.njfishandwildlife.com/permit\\_info.htm](http://www.njfishandwildlife.com/permit_info.htm). Certified veterans must apply for lottery zones in the regular lottery. Certified veterans do not receive preference in any lottery. Properly licensed certified disabled veterans are also entitled to two spring turkey permits and one fall turkey permit during the lottery and additional permits when leftover permit sales begin. Information on obtaining turkey permits is also provided on the Permit Information page. Questions can be directed to Sylvia Hall at (908) 637-4125 or [Sylvia.Hall@dep.state.nj.us](mailto:Sylvia.Hall@dep.state.nj.us). [Source: NJ Division of fish & wildlife [www.njfishandwildlife.com](http://www.njfishandwildlife.com) Jun 2010 ++]

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**Vietnam Memorial Wall Update 06:** The Vietnam Veterans Memorial Wall in Washington DC honors the fallen of the Vietnam War. The Virtual Wall at [www.virtualwall.org](http://www.virtualwall.org) contains elaborating information on those listed. It has memorial pages honoring the 58,261 women and men who are named on the Memorial's wall. The Washington memorial was built from private donations collected by the Vietnam Veterans Memorial Fund. The Wall was dedicated in 1982, and completed in 1984 with the addition of the "Three Servicemen Statue." Since its completion, The Vietnam Veterans Memorial in Washington has belonged to the people of the United States of America and has been maintained by the U.S. National Park Service. The Virtual Wall web site is not affiliated with the U.S. NPS.

On The Virtual Wall, visitors may leave tributes, letters, poems, photos, and other memorials to someone named on The Wall for other visitors to view. The goal is to provide an environment like The Wall itself, with the dignity and respect those named on The Wall have earned. There are no flashy or noisy distractions, no commercials, no fee to publish a memorial, and no hand held out for donations. Each name on the index pages of The Virtual Wall leads to a memorial for that person, a memorial written by someone who had a personal connection to the man or woman

being remembered. Memorial Pages can be located by Last Name, State & City of record, or Military Unit. Additional information available on the virtual Wall includes:

- The wall panel on which a name appears. Listing is sequential by death or missing in action date. The earliest casualties are named on line 1 of panel 1 East, at the center of the Wall. The list of names goes down panel 1 East, then to the right to line 1 of panel 2 East. That sequence moves to the right to panel 70 East, at the east end of the Wall, which has one row of names of those killed on May 25, 1968. That date continues at the opposite end of the Wall, on panel 70 West. The names then continue to the right to panel 1 West, which is adjacent to panel 1 East.
- Faces of Freedom. Photos of those listed.
- Height of Valor. An Index of those who earned awards for valor in combat - the Medal of Honor, the appropriate Service Cross, and the Silver Star Medal. Separate index pages list those who died and earned the Distinguished Flying Cross and Bronze Star Medal for Valor. The names listed here link to personal memorial pages on The Virtual Wall.
- Missing in Action status. The most recent status for the Wall's 2,539 MIA servicemen.
- Information about the Vietnam Veterans Memorial in Washington, DC.
- Information on the Virtual Wall's origin and its administration.

[Source: [www.virtualwall.org](http://www.virtualwall.org) Jun 2010 ++]

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**Seniors Benefit Checkup Update 01:** Since 2001, BenefitsCheckUp has enabled 2.3 million people to access \$7.7 billion worth of public and private senior benefits, according to the Winter 2009 issue of Innovations, the magazine published by the National Council on Aging. Today, nearly one-third of Americans aged 65 and older are economically insecure, living at or below 200 percent of the federal poverty level. Other seniors saw their dreams of retirement disappear as the global economic recession shattered their nest eggs and wiped out their life savings. At the same time, unemployment for seniors 55 and older is at an all-time high. BenefitsCheckUp is a no cost, comprehensive Web-based service that helps to match older adults who have limited income and resources with more than 2,000 federal, state and local senior benefits programs where they can get help with the cost of health care, prescriptions drugs, food, housing, utility bills, in-home services and many other needs. BenefitsCheckUp also helps seniors locate programs that offer assistance with education, employment, tax relief, transportation, and volunteer services. In addition, local and state agencies nationwide provide screenings and support for seniors who use BenefitsCheckUp. To review the services and benefit programs available refer to <http://benefitscheckup.org>. The site is set up for you to click on the following tabs that will take you to details on how to obtain assistance

- **Find Benefits Programs.** Locate and enroll in federal, state, local and private programs that help pay for prescription drugs, utility bills, meals, health care and other needs. Find easy-to-understand information about Medicare's prescription drug coverage (Part D) and learn about services Medicare pays for to keep you healthy. Also includes a Senior Housing Locator to find senior housing options, including assisted living, residential care, nursing & rehabilitation homes, CCRCs and independent living retirement communities.
- **Apply for Medicare Rx Extra Help.** If you are one of millions of people with Medicare who have limited income and resources, apply now for Extra Help through Medicare's Prescription Drug Coverage. At the same time, you can also start an application for the Medicare Savings Programs and find out if you qualify for other valuable benefits programs. Even if you weren't eligible before, 2010 is the time to check again - some of the Extra Help rules have changed.

- **Help Paying for Food.** The Supplemental Nutrition Assistance Program (SNAP) (the new name for the federal Food Stamp Program) helps low-income individuals and families buy the food they need for good health. Visit the SNAP Application Forms Service to find the program in your state, get an application and apply today!
- **Get Eldercare Assistance.** Caring for aging parents, elders, and loved ones is challenging. Caring.com provides the expert advice, practical information, easy-to-use tools, and person-to-person support you need to make the journey easier.

[Source: About.com | Senior Living Sharon O'Brien article 26 May 2010 ++]

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**Funeral Honors Update 05:** Military Funeral Honors have always been provided whenever possible. However, the law now mandates the rendering of Military Funeral Honors for an eligible veteran if requested by the family. As provided by law, an honor guard detail for the burial of an eligible veteran shall consist of not less than two members of the Armed Forces. One member of the detail shall be a representative of the parent Service of the deceased veteran. The honor detail will, at a minimum, perform a ceremony that includes the folding and presenting of the American flag to the next of kin and the playing of Taps. Taps will be played by a bugler, if available, or by electronic recording. Today, there are so few buglers available that the Military Services often cannot provide one. Funeral Honors are provided by the Department of Defense at no cost to the family. The Services request at least 48 hours in order to organize the funeral honors detail. Military families of eligible veterans request funeral honors through their funeral director. The funeral director will contact the appropriate Military Service to arrange for the funeral honors detail. The core elements of the funeral honors ceremony, which will be conducted on request, include Flag folding, Flag presentation, and Playing of Taps. The veteran's parent Service representative will present the flag. The Veterans Administration establishes eligibility. Your funeral director will assist you in obtaining a flag. Additionally:

- A list of funeral directors by state and service is available at [www.militaryfuneralhonors.osd.mil/hnrs/owa/director.show\\_select](http://www.militaryfuneralhonors.osd.mil/hnrs/owa/director.show_select).
- More information on burial flags is available at: [www.cem.va.gov/bflags.htm](http://www.cem.va.gov/bflags.htm).
- A Presidential Memorial Certificate will be provided upon request. This is a parchment certificate with a calligraphic inscription expressing the nation's grateful recognition of an honorably discharged, deceased veteran's service in the Armed Forces. The veteran's name is inscribed and the certificate bears the signature of the President. Next of kin, other relatives and friends may request the certificates in person at any VA regional office or by mail. For information about requesting a Presidential Memorial Certificate and additional information refer to [www.cem.va.gov/pmc.htm](http://www.cem.va.gov/pmc.htm).
- Your funeral director will assist you or if you have questions about grave markers. Family members can write to the VA at: Memorial Programs Service (41A1), Department of Veterans Affairs, 5109 Russell Road, Quantico, VA 22134-3903. For more information refer to <http://www.cem.va.gov/hm.htm>.
- Those eligible for military funeral honors include:
  - a. Military members on active duty or in the Selected Reserve.
  - b. Former military members who served on active duty and departed under conditions other than dishonorable.
  - c. Former military members who completed at least one term of enlistment or period of initial obligated service in the Selected Reserve and departed under conditions other than dishonorable.
  - d. Former military members discharged from the Selected Reserve due to a disability incurred or aggravated in the line of duty.
  - e. Members of the Commissioned Officer Corps of the Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA).

- Those not eligible for military funeral honors include:
  - a. Any person separated from the Armed Forces under dishonorable conditions or whose character of service results in a bar to veteran's benefits.
  - b. Any person who was ordered to report to an induction station, but was not actually inducted into military service.
  - c. Any person discharged from the Selected Reserve prior to completing one term of enlistment or period of initial obligated service for reasons other than a disability incurred or aggravated in the line of duty.
  - d. Any person convicted of a Federal or State capital crime sentenced to death or life imprisonment.

[Source: [www.militaryfuneralhonors.osd.mil](http://www.militaryfuneralhonors.osd.mil) Jun 2010 ++]

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**Debt Collector's Rules Update 01:** Debt collectors have rules that must be followed when they contact you about a debt. Debt collectors' guidelines are outlined in the federal law known as the Fair Debt Collection Practices Act, aka the FDCPA. When your rights under the FDCPA have been violated, you can file a lawsuit against the collector in state or federal court. Before you file suit, make sure you have solid proof of the violation. These are things a debt collector can't do. If you need to reference the law, citations have been provided.

1. Ask you to pay more than you owe - The collector cannot misrepresent the amount you owe. [15 USC 1692e] § 807(2)(a)
2. Ask you to pay interest, fees, or expenses that are not allowed by law - The collector can't add on any extra fees that your original credit or loan agreement doesn't allow. [15 USC 1692f] § 808(1)
3. Call repeatedly or continuously - The FDCPA considers repeat calls as harassment. [15 USC 1692d] § 806(5)
4. Use obscene, profane, or abusive language - Using this kind of language is considered harassment. [15 USC 1692d] § 806(2)
5. Call before 8:00 am or after 9:00 pm - Calls during these times are considered harassment. [15 USC 1692c] § 805(a)(1)
6. Call at times the collector knew or should know are inconvenient - Calls at these times are considered harassment. [15 USC 1692c] § 805(a)(1)
7. Use or threaten to use violence if you don't pay the debt - Collectors can't threaten violence against you. [15 USC 1692d] § 806(1)
8. Threaten action they cannot or will not take - Collectors can't threaten to sue or file charges against you, garnish wages, take property, cause job loss, or ruin your credit when the collector cannot or does not intend to take the action. [15 USC 1692e] § 807(5)
9. Illegally inform a third party about your alleged debt - Unless you have expressly given permission, collectors are not allowed to inform anyone about your debt except your attorney; the creditor; the creditor's attorney; a credit reporting agency; your spouse; your parent (if you are a minor) [15 USC 1692c] § 805(b)
10. Repeatedly call a third party to get your location information - The collector can only contact a third party once unless it has reason to believe the information previously provided is false. [15 USC 1692b] § 804(1)
11. Contact you at work knowing your employer doesn't approve - A collector is not allowed to contact you at work if you've let them know your employer doesn't approve of these calls. [15 USC 1692c] § 805(a)(3)
12. Fail to send a written debt validation notice - Within five days of the collector's initial communication, it must send you a notice include the amount of the debt, name of the creditor, and notice of your right to dispute the debt within 30 days. [15 USC 1692g] § 809(a)

13. Ignore your written request to verify the debt and continue to collect - A collector can't continue to collect on a debt after you've made a written request to verify the debt as long as the request was made within 30 days of the collector's written notice. [15 USC 1692g] § 809(b)
  14. Continue to collect on the debt before providing verification - After receiving your written dispute, the collector must stop collecting on the debt until you have received verification. [15 USC 1692g] § 809(b)
  15. Continue collection attempts after receiving a cease communication notice - If you make a written request for the collector to cease communication, it can only contact you one more time, via mail to let you know one of the following: that further efforts to collect the debt are terminated, that certain actions may be taken by the collector, or that the collector is definitely going to take certain actions. [15 USC 1692c] § 805(c)
- [Source: About.com Credit/Debt Management LaToya Irby article 22 May 2010 ++]

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**IRS Tax Return Penalties:** The Internal Revenue Service on its website [www.irs.gov](http://www.irs.gov) states that the penalty for late-filing a tax return is usually 5% of the unpaid taxes for each month or part of a month that the return is late. This penalty will not exceed 25%. In addition a penalty of 1/2 of 1% is assessed against unpaid taxes to a maximum of 25%. In the event that both penalties apply in any one month, IRS will reduce the failure to file penalty by 0.5%. Interest at the Applicable Federal Rate (adjusted quarterly) is also assessed on unpaid taxes. Should a tax filer show a reduced amount of tax owed, a 20% penalty will be applied against the understatement, which is the greater of 10% of the tax required to be shown on the return for the taxable year or \$5,000. If IRS determines that the understatement is due to fraud, a penalty of up to 75% will be assessed. [Source: The Tax Barron Report Spring 2010 ++]

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**National Park Passports Update 03:** In addition to the senior pass available to U.S. citizens or permanent residents who are at least 62 years old for a one-time processing fee of \$10, the following can be obtained:

- **Access Pass:** A Free Pass for People with Disabilities. It is a special permit for people of any age who are medically determined to be blind or have other permanent disabilities. It offers the same benefits as the Senior Pass, but it is completely without charge. No processing fee is charged for the Access Pass. Like the Senior Pass to national parks, the Access Pass cannot be purchased by mail or online. It must be obtained in person at a federal area where an entrance fee is charged. To qualify for the free Access Pass to national parks, you will need to provide one of the following: a statement from a licensed physician, a document issued by a Federal agency such as the Veteran's Administration, proof of Social Security Disability Income or Supplemental Security Income, or a document issued by a state agency such as a vocational rehabilitation agency.
- **A One-Year National Parks Pass for People Under Age 62.** If you are under age 62 and do not qualify for a Senior Pass to national parks, you can still save money by purchasing an Annual Pass, which costs \$80 and is good for one year from the date of purchase. At national parks, monuments and recreation areas that charge a per-vehicle fee, the Annual Pass to national parks admits you and your passengers without charge. Where a per-person fee is charged, the pass admits you plus three other adults (children under 16 are not subject to charges). There are three ways to purchase an Annual Pass to U.S. National Parks. In person at a national park that charges an entrance fee, online from the National Park Service Annual Pass site <http://store.usgs.gov/pass/index.html> , or by calling 1-888-ASK-USGS, Ext. 1
- **Volunteer Pass.** If you enjoy the national parks and want to help out by becoming a volunteer you can get an complementary annual pass for your efforts. You'll receive the same discounts and national park benefits

as the Annual Pass described above, but the Volunteer Pass is available to volunteers who provide 500 hours of cumulative service. For more information about the Volunteer Pass to our national parks, call 1-888-ASK-USGS.

[Source: About.com Senior Living Sharon O'Brien article 17 May 2010 ++]

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## Medicare Fraud Update 41:

- **Grahamsville NY** - June Smith, 72 and posthysterectomy, was no candidate for motherhood. Or fatherhood. Her quarterly Medicare billings - contradicting anatomy, gender and common sense - showed otherwise. The paperwork asserted the senior citizen submitted to a pregnancy test, semen analysis and prostate exams. The pricey lab work was handled in far-flung locales: Florida, California, Arizona and New Mexico. For more than three years, scammers using Smith's stolen ID number ripped off Medicare for close to \$50,000 in patently bogus billings - despite the retiree's efforts to alert workers about the ongoing theft. "It's just people behind a desk, I understand," Smith said. "But when you pay for testing of the male anatomy on a woman, I don't know what kind of dumbbells they're hiring." Nobody listened when she made phone calls, wrote letters and tried to alert somebody - anybody - about the scam. Her story is hardly surprising. An estimated \$60 billion a year in federal health care money is stolen, making medical fraud one of the nation's most lucrative crimes. Peter Ashkenaz, a spokesman for the Centers for Medicare & Medicaid Services, confirmed Smith's story but insisted the agency was on the case. An investigator from IDTheft911 who she hired found there was no record that a billing doctor in Arizona even existed. they determined the Florida business, Safe Medical, was little more than a storefront with an answering machine. In one case, Smith recalled, her quarterly Medicare statement showed the government had finally rejected a submission. Three months later, the bill was resubmitted - and paid in full.
- **Houston TX** - Franklin Beltre D.P.M ., 40, was sentenced on 30 MAY to 36 months prison. He and a co-defendant committed more than \$1 million in Health Care Fraud by submitting false and fraudulent claims to both the Medicare and Medicaid health care programs. In addition Beltre was ordered to pay \$691,128.04 in restitution, which represents the amount he was paid for the false and fraudulent claims he had submitted to both programs. Beltre admitted to defrauding Medicaid and Medicare, by means of false and fraudulent claims in connection with the use of unqualified, unlicensed medical personal and for billing for medical services not rendered. In 2006, while vacationing in Fort Lauderdale FL, Beltre submitted claims to both Medicare and Medicaid for podiatric services he never performed and that were actually performed by co-defendant Manuela Alana, an unlicensed, unsupervised podiatrist. Alana will be serving a 24-month term of incarceration to be followed by a three-year-term of supervised release.
- **New York NY** - David Ibragimov, 49, his son Arthur Ibragimov, 26, his son-in-law Mikhail Isakov, 27, and dentist Bruce Speiser, 49, were charged 2 JUN with running a Medicaid scam. The suspects allegedly paid recruiters to bring Medicaid recipients, many of whom were lured from homeless shelters and methadone clinics, to their crooked clinics. Patients received as much as \$20, as well as CD players and McDonald's gift certificates, depending on their treatments they often didn't need. The swindle, which stretched from JAN 06 to APR 2010, was allegedly carried out in three locations: 165-10 Jamaica Ave. in Queens, 575 Fulton Ave. in Brooklyn and the clinic in the Bronx. The Ibragimovs and Isakov allegedly directed the dentists they hired to pay two-thirds of their Medicaid billings to shell corporations they controlled. The recruiters, or "flyer boys," earned \$10 to \$30 per person, depending on the price of the procedures the patients agreed to receive. All four men pleaded not guilty to insurance fraud and grand larceny charges. A civil suit was filed against the Ibragimovs and Isakov that is seeking to recoup \$7 million in phony billing.
- **Jacksonville FL** - Bryan S. Russell, 52, was charged 3 JUN with second-degree grand larceny, a felony. While acting as the executor of his mother's estate, he failed to pay Medicaid the money owed by the estate.

He is accused of defrauding Medicaid out of more than \$50,000 between 2004 and 2009. His mother had lived in Wyoming County and died in January 2004.

- **New York NY** - Metropolitan Ambulance & First Aid Corp. (now known as SEZ Metro Corp.), Metro North Ambulance Corp. (now known as SEZ North Corp.) and Big Apple Ambulance Service Inc. (formerly known as United Ambulance) have paid the United States \$2.85 million to resolve false claims made to Medicare. The companies used, or caused the use of, falsified records to appeal a Medicare program refund demand. Medicare had demanded the companies return millions of dollars they had been paid for medically unnecessary ambulance trips. Under Medicare rules, the companies could bill for these expensive non-emergency transports only if the patient could not be transported by any other means, such as by car or by wheelchair van. Medicare audited the companies' past billings and concluded that the companies had charged Medicare tens of millions of dollars for ambulance trips that did not meet this standard. Medicare demanded a refund and afforded the companies an extensive informal and formal appeals process to prove that their billings were proper. They in turn caused the use of, hundreds of letters attesting to the need for an ambulance that were forged or otherwise purported to come from some neutral, disinterested health care provider when they in fact did not.
- **Detroit MI** - On 8 JUN Timothy Pierce was sentenced to 48 months in prison, 3 years of supervised release following his prison term and ordered to pay \$6.09 million in restitution for his participation in a fraudulent Medicare infusion scheme and Troy Michigan was sentenced to 27 months in prison, 3 years of supervised release following his prison term, and ordered to pay \$772,800 in restitution for his participation in a separate fraudulent physical therapy scheme. In MAR 06 Pierce entered into an agreement with the owners of Dearborn Medical Rehabilitation Center (DMRC) to recruit patients for DMRC, a business that purported to provide infusion and injection therapy services to Medicare patients. Pierce admitted that he was hired to recruit, drive and pay kickbacks to Medicare beneficiaries to induce them to visit DMRC. Jha, a licensed physical therapist began working in FEB 03 as a contract therapist for a co-conspirator who owned and controlled several companies operating in the Detroit area that purported to provide physical and occupational therapy services to Medicare beneficiaries. He, his co-conspirator and others created fictitious therapy files appearing to document physical and occupational therapy services provided to Medicare beneficiaries, when in fact no such services had been provided. The fictitious services reflected in the files were billed to Medicare through sham Medicare providers controlled by co-conspirators.

[Source: Fraud News Daily reports 1-15 Jun 2010 ++]

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## Medicad Fraud Update 15:

- **Hoboken NJ** - Babak Bamdad, 42, of Hoboken, pleaded guilty 2 JUN to a criminal accusation charging him with third-degree Medicaid fraud. Third-degree crimes carry a maximum sentence of five years in state prison and a criminal fine of up to \$10,000. Deputy Attorney General Debra A. Conrad represented the state at the guilty plea hearing. Bamdad, a pharmacist in charge at Tucker Drugs, 1000 Washington St., Hoboken, admitted that between JAN & OCT 09 he submitted claims to the Medicaid program for prescription drugs allegedly dispensed to Medicaid beneficiaries, even though the prescription drugs were never dispensed. The claims were subsequently paid out by the Medicaid program. Since October 09, more than 32 people, including doctors and pharmacists, have been arrested in the joint investigation, which uncovered a major criminal narcotics network based in Hudson County that distributed thousands of black market prescription pain pills such as OxyContin and Percocet. The network was obtaining fraudulent narcotics prescriptions and filling them at various pharmacies. At the same time, Medicaid was being billed for phony doctor visits and prescription medicines that were never dispensed. The network allegedly distributed the prescription pain pills throughout Hudson County and other parts of the state, including

Bergen, Ocean, Morris and Monmouth counties. A single 30 milligram OxyContin pill, known as a “blue,” typically sells for \$10 to \$20 on the street, while a 10 milligram Percocet pill sells for \$5 to \$8.

- **Houston TX** - Edward Birts, 51, on 2 JUN pleaded guilty to conspiracy to commit health care fraud, health care fraud and aggravated identity theft. Birts operated a behavioral counseling company called Courage to Change. He had purchased a degree online awarding himself bogus professional certifications in counseling and then billed Medicaid and Medicare \$1.2 million for nonexistent psychological treatments and received more than \$968,500 in payments. Birts acquired beneficiaries' names, addresses and account numbers which he would use to file false claims. Prosecutors said he claimed he employed a nonexistent doctor who ran nonexistent group therapy sessions. The billing spanned from January 2003 through September 2006.
- **Newark NJ** - The state Medicaid inspector general on 10 JUN demanded Garden Adult Medical Day Care Center pay a \$5.6 million civil penalty after allegedly submitting false claims. The Center billed the state for providing medical services it never rendered, such as testing patients' blood pressure and blood sugar levels and dispensing medication, according to a report on the inspector's civil investigation. The for-profit facility wrongly pocketed \$1.87 million, but the IG is demanding the owners pay three times that amount for "intentionally submitting Medicaid claims for the 50 recipients when it knew it did not render the services, or submitted the claims in reckless disregard of whether the services were rendered," according to the report. The state pays the centers \$78.50 a day for each of the roughly 12,000 people who suffer from chronic health conditions that require close management, or need help getting dressed, bathing, taking their medications or performing other "activities of daily living." The service is regarded as a cost-effective way to help the elderly maintain their independence, but state officials have said the industry is vulnerable to abuse.
- **Springfield MO** - Kevin Louderback, an insurance broker received 12 years in state prison for misappropriating more than \$700,000 from Medicaid. Louderback furnished applications with false information to the Missouri Health Insurance Premium Payment Program, which pays private health insurance premiums for certain individuals with high medical costs. He told customers that the monthly insurance premium rates were higher than they actually were and pocketed the overpayment, as offering kickbacks to get people to enroll in insurance programs. The sentence is the longest in state history for Medicaid fraud.

[Source: Fraud News Daily reports 1-15 Jun 2010 ++]

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**State Veteran's Benefits:** The state of Alabama provides several benefits to veterans. To obtain information on these refer to this Bulletin's Attachment for an overview of those listed below. Benefits are available to veterans who are residents of the state. For a more detailed explanation of each click on "[Learn more about ...](#)" wording highlighted in blue on the attachment.

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

[Source: [www.military.com/benefits/veteran-benefits/alabama-state-veterans-benefits](http://www.military.com/benefits/veteran-benefits/alabama-state-veterans-benefits) Jun 2010 ++]

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**Military History:** Deep in the recesses of the National Archives in Washington, D.C., hidden for nearly four decades lie thousands of pages of yellowing and dusty documents stamped "Top Secret". These documents, now declassified, are the plans for Operation Downfall, the invasion of Japan during World War II. Only a few Americans in 1945 were aware of the elaborate plans that had been prepared for the Allied Invasion of the Japanese home islands. Even fewer today are aware of the defenses the Japanese had prepared to counter the invasion had it been launched. Operation Downfall was finalized during the spring and summer of 1945. It called for two massive military undertakings to be carried out in succession and aimed at the heart of the Japanese Empire: Operation Olympic and Operation Coronet. Had the invasion come about, the Japanese civilian population, inflamed by a national slogan "One Hundred Million Will Die for the Emperor and Nation" were prepared to fight to the death. Twenty Eight Million Japanese had become a part of the National Volunteer Combat Force. They were armed with ancient rifles, lunge mines, satchel charges, Molotov cocktails and one-shot black powder mortars. Others were armed with swords, long bows, axes and bamboo spears. The civilian units were to be used in nighttime attacks, hit and run maneuvers, delaying actions and massive suicide charges at the weaker American positions. Admiral William Leahy estimated that there would be more than 250,000 Americans killed or wounded on Kyushu alone. General Charles Willoughby, chief of intelligence for General Douglas MacArthur, the Supreme Commander of the Southwest Pacific, estimated American casualties would be one million men by the fall of 1946. Willoughby's own intelligence staff considered this to be a conservative estimate. In retrospect, the 1 million American men who were to be the casualties of the invasion, were instead lucky enough to survive the war. The world was spared the cost of Operation Downfall because Japan formally surrendered to the United Nations September 2, 1945, and World War II was over. For a more detailed summary of the invasion plans refer to the attachment to this Bulletin. [Source: Omaha World Herald James Martin Davis article Nov 08 ++]

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## **Military History Anniversaries:**

- Jun 17 1775 – Revolutionary War: Battle of Bunker Hill (actually it was Breed's Hill)
- Jun 17 1942 – WWII: 1st American expeditionary force lands in Africa (Gold Coast)
- Jun 18 1812 – War of 1812: The U.S. Congress declares war on the United Kingdom of Great Britain and Ireland.
- Jun 19 1944 – WWII: First day of the Battle of the Philippine Sea. 300 Japanese aircrafts shot down
- Jun 21 1945 – WWII: US defeat Japanese forces on Okinawa.
- Jun 23 1945 – WWII: Last organized Japanese defiance broken (Tarakan)
- Jun 24 1952 – Korean War: US airplanes bomb energy centers at Yalu Korea
- Jun 25 1876 – Custer & 7th Cavalry wiped out by Sioux & Cheyenne at Little Big Horn
- Jun 25 1948 – Cold war: The Berlin Airlift begins.
- Jun 25 1950 – Korean War: Conflict begins with the invasion of South Korea by North Korea.
- Jun 25 1996 – The Khobar Towers bombing in Saudi Arabia kills 19 U.S. servicemen.
- Jun 26 1918 – WWI: Western Front Battle for Belleau Wood - Allied Forces under John J. Pershing and James Harbord defeat Imperial German Forces under Wilhelm German Crown Prince.
- Jun 26 1924 – Latin America Interventions: After 8 years of occupation US troops leave Dominican Republic
- Jun 26 1993 – The U.S. launches a missile attack targeting Baghdad intelligence headquarters in retaliation for a thwarted assassination attempt against former President George H.W. Bush in April in Kuwait.
- Jun 27 1944 – WWII: Cherbourg, France liberated by Allies
- Jun 27 1950 – Korean War: North Koreans troop reach Seoul, UN asks members to aid South Korea, Truman orders Air Force & Navy into Korean conflict
- Jun 28 1919 – WWI: Treaty of Versailles ending war signed in France

- Jun 28 1965 – Vietnam: 1st U.S. ground combat forces authorized by Pres Johnson
- Jun 29 1943 – WWII: Germany begins withdrawing U-boats from North Atlantic in anticipation of the Allied invasion of Europe
- Jun 29 1949 – US troops withdraw from Korea after WW II
- Jun 29 1966 – Vietnam: U.S. planes bomb Hanoi & Haiphong for 1st time
- Jun 30 1815 – US naval hero Stephen Decatur ends attacks by Algerian pirates
- Jun 30 1943 – WWII: Gen MacArthur begins Operation Cartwheel (island-hopping)

[Source: Various Jun 09 ++]

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## Military Trivia 6:

- The name of the barbaric German tribe that overran Gaul, Spain and North Africa and sacked Rome in the fifth century was the ‘Vandals’.
- The U.S. secret agents abandon plans--approved by President Franklin D. Roosevelt--to drop live bats from airplanes to frighten the Japanese during World War II because the bats froze at high altitudes, before they could be released.
- The unsung role played in American history role of William Dawes and Samuel Prescott was to accompany Paul Revere on his celebrated midnight ride to warn their countrymen that "the British are coming."
- The infantryman (and actor-to-be) James Arness was picked to go first when the troops aboard his landing craft splashed ashore during the Allied attack at Anzio during World War II because at 6 feet 6, he was the tallest man in his outfit--and his commanding officer wanted to know just how deep the water was.
- The profession of Hitler's mistress, Eva Braun was Photographer's assistant.
- During the Civil War, 23 states fought for the Union and 11 for the Confederacy.
- The two nations involved in a year-long conflict that was popularly know as the Pastry War were France and Mexico in 1838. It was triggered by Mexico's refusal to pay for damage done by Mexican army officers to a restaurant run by a French pastry chef in Tacubaya, now a section of Mexico City.
- It was President Harry S. Truman who ordered the integration of America's armed forces in 1948.
- The famous American who signed the Treaty of Kanagawa was Commodore Matthew C. Perry, on March 31, 1854. The treaty opened Japan to western trade.
- While Adolf Hitler called his country home Eagle's Nest, Winston Churchill called his Cosy Pig, although it was formally known as Chartwell.
- The American billionaire who tried to airlift 28 tons of medicine and Christmas gifts to American POWs in North Vietnam n 1969 was Ross Perot.
- Charles de Gaulle served as ghost-writer of the book "The Soldier". It was about the famous World War I military hero Marshal Philippe Petain, whose 1945 death sentence for collaboration during WWII was commuted by de Gaulle to life imprisonment.
- The Battle of Bunker Hill was actually fought in June 1775 on Breed's Hill, southeast of Bunker Hill.
- The Allies' password on D-Day was "Mickey Mouse".
- Gen. Black Jack Pershing, arriving in France in 1917 after the U.S. entered WWI was the American military leader who said, "Lafayette we are here."
- The physical ailment that was said to have contributed to Napoleon's defeat at Waterloo was hemorrhoids, which prevented him from surveying the battlefield on horseback.
- The Boer War (1899-1902) was the first to have authorized film coverage?
- Caedwalla, King of Gwynedd (north Wales), ordered his soldiers to wear leeks fastened to their helmets when they battled the troops of King Edwin of Northumbria in 632 A.D. so he could tell his men from the

enemy. Caedwalla was victorious, Edwin was slain, and the leek later became the national emblem of Wales.

[Source: [www.triviacountry.com/19 Military Trivia.htm](http://www.triviacountry.com/19_Military_Trivia.htm) Jun 2010 ++]

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**Tax Burden for New Hampshire 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 New Hampshire:

**State Sales Tax:** None. There is an 8% tax on lodging and restaurant meals and a 7% tax on two-way communications.

**Gasoline Tax:** 19.6 cents/gallon

**Diesel Fuel Tax:** 19.6 cents/gallon

**Cigarette Tax:** \$1.78 cents/pack of 20

**Personal Income Taxes** - New Hampshire depends more upon real property taxes for revenue than most states since there are no general income, sales or use taxes. The state also receives substantial revenue from taxes on motor fuels, tobacco products, alcoholic beverages sold through the state liquor stores, and pari-mutuel betting. The state income tax is limited to a 5% tax on dividends and interest income of more than \$2,400 (\$4,800 for joint filers). A \$1,200 exemption is available for residents who are 65 years of age or older. For an overview of New Hampshire taxes refer to [www.nh.gov/revenue/faq/gti-rev.htm](http://www.nh.gov/revenue/faq/gti-rev.htm) .

**Retirement Income:** Not taxed.

### **Property Taxes**

Local property taxes, based upon assessed valuation, are assessed, levied and collected by municipalities. A state education property tax rate of \$2.135 (2009) per \$1,000 of total equalized valuation is assessed on all New Hampshire property owners. An elderly exemption for property taxes can be age, net income limits, including Social Security income, and net asset limits. Property taxes can be deferred but accrue interest at the rate of 5% per annum. The deferred property tax may not exceed more than 85% of the equity value of the residence. The deferral is available (if granted) by the assessing officials, to any resident property owner who is at least 65 years old. For single homeowners 65 and older who earn less than \$5,000 and married couples who earn less than \$6,000, \$5,000 of their property's assessed value is exempt from taxes. In addition, the homeowner's other assets besides the home must be worth less than \$35,000.

There is a Low & Moderate Income Homeowner's Property Tax Relief program in New Hampshire. For details refer to [www.nh.gov/revenue/forms/low\\_mod\\_program.htm](http://www.nh.gov/revenue/forms/low_mod_program.htm). You must own a homestead subject to the state education property tax; reside in such homestead as of April 1 of the year for which the claim for relief is made; have a total household income of (1) \$20,000 or less if a single person or (2) \$40,000 or less if married or head of a New Hampshire household. Call 603-271-2687 for details on property taxes or go to [http://www.nh.gov/revenue/munc\\_prop/municipalservices.htm](http://www.nh.gov/revenue/munc_prop/municipalservices.htm) .

**Inheritance and Estate Taxes** - New Hampshire's Legacy & Succession Tax was repealed in 2002 and is effective for deaths occurring on or after January 1, 2003. As a result there is no inheritance or estate tax.

For further information, visit the New Hampshire Department of Revenue Administration site [www.nh.gov/revenue/index.htm](http://www.nh.gov/revenue/index.htm) or call 603-271-2318. [Source: [www.retirementliving.com](http://www.retirementliving.com) Jun 2010 ++]

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**Congressional Alphabet:** To better understand what is happening to veteran legislation as it proceeds through Congress it is useful to know the language used by our representatives as they conduct business. Following are some of the words or expressions you will see while reading about or listening to House and Senate sessions:

- **BASELINE.** This is the standard used to assess how bills, if enacted, would change current budgetary levels. Baselines must assume projected levels of federal spending and revenue, so they are often disputed.
- **THE BELTWAY.** This is an interstate highway encircling Washington, DC & passing through Maryland and Virginia suburbs. "Inside the Beltway" Asserts that an issue is only of interest to Washington, DC residents and workers.
- **BILL.** A Bill is a legislative proposal which would make law if it passes both the House and Senate and if it receives Presidential approval. Bills are introduced as "H.R." in the House, and as "S." in the Senate. Besides bills, joint resolutions are the only other type of legislation which makes law [H.J.Res. or S.J.Res.]
- **BLOCK GRANTS.** These are funds given states by the federal government to run programs within defined guidelines.
- **BLUE DOG DEMOCRAT.** One of 51 conservative Democratic Members of the House of Representatives who have banded together to support a more centrist position on economic issues than that held by their party's leadership.
- **BUDGET ACT.** Refers to the 1974 Congressional Budget Act. It created the current budget process. It also created the Congressional Budget Office (CBO) and the House and Senate Budget Committees. The annual budget resolution and reconciliation bills are processed under the terms of the 1974 Budget Act.
- **BUDGET RESOLUTION.** This is the annual decision made by Congress to set spending and revenue levels. It provides a voluntary framework within which Congress agrees to limit subsequent money bills. The Budget Resolution may also instruct committees to change current law in order to save money.
- **BULLY PULPIT.** This term stems from President Theodore Roosevelt's reference to the White House as a "bully pulpit," meaning a terrific platform from which to persuasively advocate an agenda. Roosevelt often used the word "bully" as an adjective meaning superb/wonderful. Roosevelt also had political affiliation with the Progressive Party, nicknamed the "Bull Moose" party. It got the moniker when Roosevelt ran for President as its candidate in 1912, after declaring himself as "fit as a bull moose."
- **BYRD RULE.** This is used on the Senate floor to challenge certain language added to a reconciliation bill. The purpose of reconciliation bills is to reconcile spending levels with revenue levels. If proposed language steps outside of this primary purpose, it can be challenged on a point of order. The Byrd rule can be set aside by a 3/5 vote. It is named after its author, Sen. Robert Byrd (D-WV).

[Source: C-SPAN Congressional Glossary Jun 2010 ++]

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**Veteran Legislation Status 13 JUN 2010:** For or a listing of Congressional bills of interest to the veteran community that have been introduced in the 111<sup>th</sup> Congress refer to the Bulletin's Veteran Legislation attachment. Support of these bills through cosponsorship by other legislators is critical if they are ever going to move through the legislative process for a floor vote to become law. A good indication on that likelihood is the number of cosponsors who have signed onto the bill. Any number of members may cosponsor a bill in the House or Senate. At <http://thomas.loc.gov> you can review a copy of each bill's content, determine its current status, the

committee it has been assigned to, and if your legislator is a sponsor or cosponsor of it. To determine what bills, amendments your representative has sponsored, cosponsored, or dropped sponsorship on refer to <http://thomas.loc.gov/bss/d111/sponlst.html>.

Grassroots lobbying is perhaps the most effective way to let your Representative and Senators know your opinion. Whether you are calling into a local or Washington, D.C. office; sending a letter or e-mail; signing a petition; or making a personal visit, Members of Congress are the most receptive and open to suggestions from their constituents. The key to increasing cosponsorship on veteran related bills and subsequent passage into law is letting legislators know of veteran's feelings on issues. You can reach their Washington office via the Capital Operator direct at (866) 272-6622, (800) 828-0498, or (866) 340-9281 to express your views. Otherwise, you can locate on <http://thomas.loc.gov> your legislator's phone number, mailing address, or email/website to communicate with a message or letter of your own making. Refer to [http://www.thecapitol.net/FAQ/cong\\_schedule.html](http://www.thecapitol.net/FAQ/cong_schedule.html) for dates that you can access your legislators on their home turf. [Source: RAO Bulletin Attachment 13 Jun 2010 ++]

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## Have You Heard?

Charlie, a new retiree greeter at Walmart, just couldn't seem to get to work on time. Every day he was 5, 10, 15 minutes late. But he was a good worker, really tidy, clean-shaven, sharp minded and a real credit to the company and obviously demonstrating their "Older Person Friendly" policies. One day the boss called him into the office for a talk.

"Charlie, I have to tell you, I like your work ethic, you do a bang up job, but your being late so often is quite bothersome."

"Yes, I know boss, and I am working on it."

"Well good, you are a team player. That's what I like to hear. It's odd though your coming in late. I know you're retired from the Air Force.

What did they say if you came in late there?"

"They said, 'Good morning, General, can I get you coffee, sir?'"

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"Happiness depends more on how life strikes you than on what happens."

**Andy Rooney of 60 minutes fame**

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