



## ***Gold Star Wives of America, Inc.***

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### **Statement of**

**Gold Star Wives of America, Inc.**

**Before the Joint Senate and House Committees on**

**Veterans Affairs Hearing**

**March 12, 2019**

**Presented By**

**Crystal Wenum**

**National President**

**Gold Star Wives of America, Inc.**

***“With malice toward none; with charity for all; with firmness in the right, as God gives us to see right, let us strive to finish the work we are in; to bind up the nation’s wounds, to care for him who have borne the battle, his widow and his orphan.”***

***... President Abraham Lincoln, Second Inaugural Address, March 4, 1865***

## **Introduction**

Chairman Senator Isakson (R-GA), Chairman Representative Takano (D-CA), Ranking Member Senator Tester (D-MT), Ranking Member Representative Roe (R-TN), and distinguished members of both the Senate and House Committees on Veterans Affairs, I am pleased to be here today to testify on behalf of Gold Star Wives of America, Inc. (GSW) to share our legislative priorities.

My name is Crystal Wenum and I am the widow of SSGT James O Wenum, a Vietnam veteran who served during the Tet Offensive. He died on May 8, 1982 after suffering a massive heart attack while on duty with his US Army Reserve Unit and died 3 days later leaving me to raise our 5 and 3-year old children. His death was determined to be service related 2 years later and I joined Gold Star Wives that year. But in addition to being a Gold Star Wife, I am a Gold Star Daughter. My father was KIA at the Chosin Reservoir in Korea on November 29, 1950. My mother was 6 months pregnant with me and had a 1-year old son at the time. My mother joined Gold Star Wives in 1951 and I have literally grown up with this wonderful organization. I have remained active with Gold Star Wives and I am proud to now be National President of Gold Star Wives of America, Inc.

I knew a lot of the past presidents and members who worked so hard walking the halls of Congress to get the benefits that we have today and I am eternally grateful for all their hard work and sacrifices that they made to bring us where we are today. I went to college using my Chapter 35 benefits and was able to get a job as an auditor with the state of Minnesota so that when my husband died, I was not plunged into poverty like so many of my fellow Gold Star surviving spouses. My salary plus my DIC and Social Security allowed me to raise our children modestly. I was even able to save enough to go to many of the Gold Star Wives National Conventions. My children say they had some interesting vacations going to them.

Gold Star Wives of America, Inc., (GSW) is grateful for all the public laws that have been passed in the years since 1946. These laws provide much needed benefits for surviving spouses and children of our military service members. GSW thanks you for your continued support of education for post 9-11 survivors with the Fry Scholarship. With the passage of the Forever GI Bill in 2017, survivors no longer have a 15-year time limit to use education benefits and are now eligible for the Yellow Ribbon Program. GSW appreciated the work that was done in the last Congress to extend the Special Survivor Indemnity Allowance (SSIA) at the rate of \$310 per month indefinitely, plus cost of living adjustment (COLA).

The mission of the GSW organization is to provide much needed moral support during a surviving spouse's lifelong journey through grief and recovery from the loss of their service member and to protect the needed benefits of the families they left behind. GSW brings awareness to Congress, the public, and the military community of the inequities that exist in benefits provided to surviving spouses and their children. We are a non-profit organization and receive no federal grants.

Our testimony will be addressing some of the inequities and concerns that currently exist:

**1) Dependency and Indemnity Compensation (DIC)**, the flat monthly rate (\$1319.04) has not been increased since 1993 except for Cost of Living Adjustments (COLA).

**2) Survivor Benefit Plan (SBP)/DIC** offset in which a law requires a \$1.00 reduction in a Department of Defense (DOD) SBP for each \$1.00 received from the Department of Veteran Affairs (VA) DIC.

**3) Change in the Gold Star Wives of America, Inc. Federal Charter**

**4) Eliminate the Remarriage Penalty for Young Surviving Spouses**

**5) Other Concerns**

## Dependency and Indemnity Compensation (DIC)

*“...to care for him who have borne the battle, and for his widow and orphan....”*

These words from Abraham Lincoln’s Second Inaugural Address in 1865 succinctly state the sacred promise our country has made to our veterans and survivors. Congress has always had an important role in ensuring that this promise is kept. This promise began with the Continental Congress in 1780 when Congressional action created survivor benefits for certain Revolutionary War survivors. The need to keep this promise to care for the veterans and their survivors is critical.

In 1956, the death compensation was provided to survivors regardless of income. The amount was determined by wartime or peacetime service. Compensation was amended again, in 1969, by Congress with a fixed rate of compensation assigned to each rank. In 1993, Congress established PL 102-568, which resulted in two types of DIC. The first is referred to as rank based DIC determined by pay grade of the deceased military service member/veteran. Rank based DIC is in the process of being phased out through attrition. The second type of DIC is flat rate DIC. All surviving spouses whose military spouse died on or after January 1, 1993 receive the monthly flat rate DIC regardless of rank.

The Fiscal Year, 2017 Annual Benefits Report issued by the VA updated in September 2018, states there are 394,028 surviving spouses who receive DIC. The largest group of DIC recipients is the surviving spouses from World War II, the Korean Conflict, and Vietnam Veterans. Over 90% of these surviving spouses are over the age of 57, with 40% over the age of 75. Most are well past their most productive earning years. Prior to the Vietnam War, society encouraged women to work in the home, maintaining the house, and raising children. After the Vietnam War, many became the caregivers for their disabled veteran spouses.

The Cost of Living Adjustment (COLA) increases have been the only changes in DIC since the flat rate was implemented in 1993. When DIC is compared to payments to surviving spouses of other federal employees, DIC lags behind by almost 12%. The current DIC flat rate for a surviving spouse is \$1,319.04 per month. This is 43% of the disability compensation rate for a fully disabled single veteran whose rate is \$3,057.13 per month.

Since 1993, surviving spouses of military Veterans are finding themselves falling further and further behind in meeting their financial obligations from month to month. Many surviving spouses of WWII, Korea, and Vietnam era wars are receiving only DIC; some receive DIC and minimum Social Security benefits. These DIC recipients struggle monthly with their budget of \$1,319.04, juggling bills to meet the rising costs in health and dental insurance, housing, utilities, food, clothing and other personal living expenses. This scenario leads too often to homelessness,

a plight we do not wish to befall anyone, and least of all the surviving spouses of our military Veterans.

*Husband passed away in 2003 from a disease of the Vietnam War (Agent Orange). He was a Helicopter Gunship Pilot in the Army. They have 4 children. Between food and so many hospital and doctor bills for one of the siblings who has a rare cancer. This GSW couldn't make financial ends meet. She lost her home because the bills piled up and she fell behind. Between the Red Cross and another Massachusetts organization they helped place her in another home and offset some of the hospital bills associated with her son. (Boston, MA)*

*A GSW husband was killed in action (KIA) – Vietnam. She has had a very hard time making ends meet. She has received monies along the way from various support organizations. Most recently she desperately needed dentures, but the total monies received just wasn't enough. She continues to suffer with only partial dentures but desperately needs much more dental work – her budget just won't allow her to even go on a payment plan. (So. Boston, MA)*

*“I was recently approved for my DIC. I am disabled needing help for most daily functions. They approved me for aide and attendance but the amount is about \$300.00 per month. Added to my DIC payment I still can't afford to hire a caretaker if I want to eat and pay my bills. I get 1/10 of what my husband received and practically none of his benefits. I saved the VA dollars because I cared for him at home for 6 1/2 years and my reward was poverty.” (State of Arkansas).*

*“My story starts when my husband got 100% permanent and total disability for PTSD. I told him I would quit my job and join him in his retirement. Little did we know that I would become his caregiver until he died 7 years later. Not only did he have PTSD, but many other service related medical issues. I stayed by his side for every hospital stay, procedure, surgeries, doctor appointments, and dialysis. I was happy to take care of him and not a day went by that he didn't express his gratitude. We were able to live comfortably thank goodness! Now over a year since he passed I realize I cannot make ends meet with DIC and his pension, which is reduced by 1/3. In all, I receive \$20,000 less per year now. I still have the same bills. It's really hard. I don't want to have to sell my farm. Please consider the proposed increase for DIC recipients.”*

*“The biggest problem with DIC is that my rent takes over half of it, and as we all know, rent goes up every year. I'm on pins and needles thinking about that because I know my rent will go up in November and I'm pretty sure I'm not going to be able to afford it.” (A GSW and also a veteran from PA, states that her husband was a Vietnam veteran. His death was Agent Orange related.)*

It is incumbent upon Congress to take action to rectify this inequity by increasing the current amount of DIC paid to a level comparable to other federal employees. This would be in keeping

with the promise our country made to its veterans and survivors. **Our widows from WWII, Korea, and The Vietnam era wars are now in their sixties through nineties. These are the survivors who need the increase the most.**

We are looking forward to the introduction of bills in the Senate and House to increase the DIC from 43% (\$1319.04) to 55% (\$1681.42) of a single 100% disabled veterans' compensation (currently \$3057.13). Bringing DIC compensation to 55% would provide parity with other Federal survivor programs.

### **Survivor Benefit Plan/Dependency Indemnity Compensation Offset (SBP/DIC Offset)**

In 1972, Congress created the Survivor Benefit Plan (SBP) for retiring service members who may select up to 55% of their retirement pay towards SBP. This would ensure that their surviving spouse has income after their death. In 2001, further changes expanded the program to include the surviving spouses and/or eligible children of all active duty deaths classified as in the line of duty (LOD) including reserve members on active duty for annual training days. In 2013, SBP eligibility was extended to deaths classified in LOD of inactive duty training deaths.

While GSW is grateful for the changes that have been made to the military's SBP, it is essential to know and acknowledge that many active duty surviving spouses do not meet the qualifications necessary to receive full SBP. Over 40,000 military surviving spouses receive no SBP at all. The reason for this is that their service member spouse, who died in the LOD, did not live long enough to achieve the necessary rank and time in service to overcome the DIC offset. The average monthly DIC offset to SBP is \$915.00 per the latest DOD Statistical Report of the Military Retirement System Fiscal Year 2017. **The spouses, subject to the SBP/DIC offset, only receive the portion of the SBP that exceeds the DIC offset.**

There is no DIC offset to children receiving SBP. Therefore, many of the young surviving spouses sign the SBP benefit over to their children. The children lose this benefit when they reach the age of majority. The surviving spouse forever forfeits their rights to this benefit. These are the sacrifices a parent should not have to make. If the elimination of the SBP/DIC offset occurs, then the surviving spouses should have the option to reclaim the SBP.

For a surviving spouse to receive their SBP benefits in full, they must remarry at or after the age of 57. Any SBP premiums paid to the surviving spouse upon their spouse's death must be paid back upon remarriage in order to receive the full SBP benefits.

The SBP/DIC offset also affects the surviving spouses of those who die in retirement from a service connected cause and made a decision in good faith to purchase the SBP plan for their spouses. If they die as a result of their service connected disability, their surviving spouse's SBP would be reduced dollar for dollar by DIC.

The National Defense Authorization Act (NDAA) for FY 2004 permitted certain veterans who are eligible for military retired pay and for veterans' disability compensation, to receive concurrent payment of each without an offset. As you are aware, the SBP/DIC offset is a concurrent receipt issue.

There are two different survivor benefits. The SBP is a purchased annuities benefit, or type of insurance benefit. This is purchased out-of-pocket by military retirees for their surviving spouses. The SBP is our service members' earned benefit, not an entitlement received from the DOD. The other benefit is DIC. DIC received from the VA. serves as an indemnity payment for death. Since death is the ultimate disability the surviving spouses should be entitled to concurrent receipt of both SBP and DIC. **Instead SBP is offset dollar for dollar by DIC causing the surviving spouse to receive less money on a monthly basis than paid and planned for by the service member.**

The Survivor Benefit Plan (SBP), administered by the Department of Defense (DOD), pays up to 55% of a military retiree's retirement pay to the surviving spouse. Under the Civil Service Retirement System (CSRS), the surviving spouse receives 55% of the retirement benefit. In the Federal Employees Retirement System (FERS), the surviving spouse is eligible for 50% of the retirement pay plus a significant lump sum payment.

A bill, HR-553 Military Surviving Spouses Equity Act, was introduced in the House of Representatives by Representative Wilson (R-SC). We look forward to similar legislation being introduced in the United States Senate.

### **Change in the Gold Star Wives of America, Inc. Federal Charter**

Change in the GSW Federal Charter: US Code: Title 36>Subtitle II> Part B> Section 80507, Restrictions: (b) Political Activities. The corporation, or a director or officer as such may not contribute in any political activity or in any manner attempt to influence legislation. GSW wishes to eliminate the last few words of Section 80507 (b) " or in any manner attempt to influence legislation." **Gold Star Wives are often asked by Congress to testify and they should be able to speak to legislative representatives on behalf of the organization, inline with other veteran and military service organizations.**

## **Eliminate The Remarriage Penalty for Young Surviving Spouses**

GSW would like your assistance in changing current law that binds young surviving spouses to widowhood. Under current law, if the surviving spouse remarries before the age of 57, he/she forfeits lifesaving benefits afforded to them. After researching the complex bureaucracies that govern rules addressing surviving spouses and congressional research, GSW realized age 57 is an arbitrary age that penalizes young surviving spouses. Please remove the age limit on all available benefits for surviving spouses who remarry.

Other countries have recognized the remarriage concern brought to you today and have taken steps to alleviate the remarriage issues. For example, in 2014 the United Kingdom changed a similar law recognizing unfair treatment of surviving spouses. The Prime Minister said, “For decades the wives of fallen service members had to choose between finding new love and financial stability under a complex scheme introduced in 1975 that stopped the pensions of military widows who remarried or cohabited with someone after the death of their spouse.” United Kingdom abolished the law. GSW asks that you do the same here in the United States.

*Fourteen years after burying her soldier in Arlington, a young widow in Colorado has slowly put her life back together relying on the benefits afforded to her as a result of her husband’s death. However, she is painfully banned to not ever being able to remarry because it would cost her the very benefits that have allowed her to sustain life. This deepens the grief and trauma caused by her loss and is unfair.*

*Two other young surviving spouses in Colorado have tried to go on with their lives after losing their soldiers. Recently, both have become engaged. Instead of feeling happy, they are in emotional turmoil as they scramble financially to understand its impact. They are caught in the dilemma of having to be dependent on their soon to be spouse, yet they still carry the loss, grief and burdens of their former. They will now have to live without their DIC, SBP, Tricare, known military medical providers (including behavioral health/grief services), and education. They are being placed in vulnerable situations because our government essentially is saying they now become a ward of their new spouse.*

On behalf of surviving spouses, GSW respectfully requests your assistance in changing current law. In 2017, a cost analysis of this issue with the CBO that we believe is inaccurate. Ironically, this inaccurate information is being used to justify not pursuing such a bill, citing “astronomical costs.” However, per the Veterans Administration, only 265 DIC awards were terminated in FY 2017 due to remarriage for a surviving spouse under the age of 57. Given that a majority of recipients are over the age of 57, the age in which they would not lose benefits if they remarried, it seems that the young surviving spouses are again unfairly penalized. This devalues surviving spouses by failing to give our issues the adequate research, data collection and attention they



deserve. Changing this law would not cost the government as the awards are already being paid. Please support that and other advocacy to keep all of surviving spouse's benefits intact regardless of marital status. To lose these benefits creates further undue burden and places surviving spouses at risk. We did not ask for our circumstances.

### **Other Concerns**

\* Being intimately familiar with the devastation of death, GSW is extremely concerned with the overwhelming number of veterans and active duty service members who died by suicide every day. Tragically, many of these people die without having sought help for common side effects of war, such as PTSD. Often, if there is no diagnosis, benefits are not afforded to the family left behind. GSW supports any effort to reduce the rate of service-connected deaths by suicide and to expedite the process for survivors to obtain the benefit they desperately need.

\* Gold Star Wives thanks you for education and training options available to surviving spouses. These benefits make it possible to obtain a post-secondary education. This education allows for greater opportunities in employment in a competitive, highly educated workforce.

Survivors' and Dependents' Educational Assistance (Chapter 35) continues to be a very viable program. Eligibility is broad in scope and includes both survivors of veterans whose death is service connected and dependents of veterans whose service-connected disability is rated as total and permanent. During FY 2017, 100,275 beneficiaries utilized their Chapter 35 benefits. The number of eligible beneficiaries has steadily increased over the last five fiscal years. Chapter 35 pays a monthly allowance of \$1224 up to 45 months. Usually eligible surviving spouses have 10 years for the date of death of the veteran to use their Chapter 35 benefits. Dependent spouses have 10 years from the date of the veteran's 100% P&T rating to use their Chapter 35 benefits.

***Time ran out for the dependent of a KIA Vietnam veteran before using all her Chapter 35 benefits. Her job deals with the National Historic Preservation Act with changes in technology, information and federal regulations The ability to use her remaining months of education benefits would allow her to stay current in her profession.***

The Post 9/11 GI Bill was amended to include the Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship). While narrower in eligibility, the Fry Scholarship is an important benefit. Survivors of servicemembers who die in the line of duty are eligible for this benefit, which includes full tuition and fees, a monthly housing allowance and a books/supplies stipend. In FY 2017, 864 spouses utilized their Fry Scholarship benefits. The Forever GI Bill removed the time limit that these surviving spouses must use their Fry Scholarship benefits.

***A widow of a combat Vietnam veteran who died due to Agent Orange exposure in Vietnam, returned to an Oklahoma college at age 63 to update her teaching skills. Classified as a***

***Senior, her 10 years to use Chapter 35 ran out. Removal of the 10-year timeframe would allow her to complete her degree.***

We ask that Congress remove the 10-year delimiting date for surviving spouses, as well as dependent spouses, to use their Chapter 35 benefits so they might meet the needs of their families while completing their post-secondary education.

\* Listed below are situations that GSW members face due to financial hardships.

Car company would not re-finance our vehicle in my name to lower my payment. I had to suffer through 4 years of high payments to have a way to get around. I also thought I would be homeless, but finally manage to get a modified loan to stay in my place, but interest rate is going up each year. (State of GA)

My bank, Wells Fargo, would not re-finance my home because I had lost too much income at my husband's death. (State of GA)

Chase Bank reposed my late husband's car. Sold car at auction below cost. They billed me for selling at a loss. They charged for keys and remote. I had to hire a lawyer to get help. (State of GA).

My husband was 100% disabled and I took care of him. Income went from \$3200.00 to \$1200.00 per month. I am still trying to get DIC. The VA fixed the house for him with HISA Grant but even though they say he was exposed to Agent Orange, they paid \$2000.00 on his funeral. I had to take our savings to pay \$1100.00 so without DIC I am struggling to pay bills every month. (State of GA).

The monthly benefit (DIC) really helps for widows of veterans but is not enough to live on even when added to social security benefit. It would be helpful if the monthly benefit was equal to the percentage for Federal employee benefits. Dental is needed. It would also be helpful if availability of benefits were actually relayed to veteran's spouses. (State of TN).

Toys for Veteran and Families who otherwise could not afford—Christmas time I volunteered for a local organization named "Military Friends Foundation". They had a "Veteran" and "Family" toy event. Veterans or their family member serving in the armed forces, mother's or fathers, and many Gold Star Wives and Gold Star Mothers attended this incredible event and were allowed to choose 2 large gifts (bikes, game equipment and more) as well as 3+ small stocking stuffers for each child in their household. Many of these recipients made so many comments about not being able to afford a gift for their children this Christmas due to financial constraints. The smiles and gratitude was immeasurable. They went into the holiday with much joy to be able to provide for their children when they could not. (Boston, MA).

## **Conclusion**

Gold Star Wives of America, Inc. is appreciative for existing laws that provide vital benefits and support for surviving spouses and children of our military members who gave their lives in service for our country. It is our duty to stand together with you and ensure that President Lincoln's words still ring true, that our nation provides for the victims of her wars. We are the families that are left behind, yet another casualty of wars.

With every flag-draped casket that is flown home, another family suffers devastating loss. These brave men and women answered our Nation's call to service, believing that our Nation would properly care for their loved ones, if the ultimate sacrifice came. We honor their memories by asking for your help in rectifying the inequities we have presented. Our benefits are not 'entitlements', but have been earned through service and sacrifice that never goes away.

President John F. Kennedy said: "A nation reveals itself not only by the citizens it produces, but also by the citizens it honors, the citizens it remembers."

Again, thank you for the opportunity to testify on behalf of Gold Star Wives of America, Inc. I am available for any questions you might have.

## **Contributors**

Misty J Brammer-Widow of Staff Sergeant Kerry J. Brammer, US Army, in line of duty, 2005

Jeanette Early-Widow of Sergeant First Class, Howard L. Early, US Army, combat death, Vietnam, 1969

Donna Eldridge-Widow of Colonel Gary W. (Bo) Eldridge, US Army

Cyndie Gibson-Widow of Major Parks Gibson, US Air Force in line of duty, 2007

Lupe MaGuire-Widow of Chief Warrant Officer John Thomas MaGuire, US Army

Pat Collins Miller-Widow of SGT Danny J. Miller, US Army, Agent Orange, disability death, 2008

## **Biography for Crystal Wenum, Gold Star Wives of America, Inc.**



My name is Crystal Wenum and I am the widow of SSGT James O Wenum, a Vietnam veteran who served during the Tet Offensive. He died on May 8, 1982 after suffering a massive heart attack while on duty with his US Army Reserve Unit and died 3 days later leaving me to raise our 5 and 3 year old children. His death was determined to be service related 2 years later and I joined Gold Star Wives that year. But in addition to being a Gold Star Wife, I am a Gold Star Daughter. My father was KIA at the Chosin Reservoir in Korea on November 29, 1950. My mother was 6 months pregnant with me and had a 1-year old son at the time. My mother joined Gold Star Wives in 1951 and I have literally grown up with this wonderful organization. I have remained active with Gold Star Wives and I am proud to now be National President of Gold Star Wives.

I knew a lot of the past presidents and members who worked so hard walking the halls of Congress to get the benefits that we have today and I am eternally grateful for all their hard work and sacrifices that they made to bring us where we are today. I went to college using my Chapter 35 benefits and was able to get a job as an auditor with the state of Minnesota so that when my husband died, I was not plunged into poverty like so many of my fellow Gold Star surviving spouses are. My salary plus my DIC and Social Security allowed me to raise our children modestly. I was even able to save enough to go to many of the Gold Star Wives National Conventions. My children say they had some interesting vacations going to them.

As stated earlier I have been an active member of Gold Star Wives since joining in 1984. I have held many positions within GSW including being a chapter president, a member of the board of directors and now currently serving as the National President. I feel very honored to serve this wonderful organization and plan on continuing to serve it into the future.