



Gold Star Wives of America, Inc.

200 N. Glebe Road, Suite 435, Arlington, VA, 22203
1 (888) 751-6350

Statement of

Gold Star Wives of America, Inc.

Before the Joint Senate and House Committees on

Veterans Affairs Hearing

March 14, 2018

Presented By

Cyndie Gibson

Member of the Government Relations Committee

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 has 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 Roe (R-TN), Ranking Member Senator Tester (D-MT), Ranking Member Representative Waltz (D-MN), 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 concerns.

My name is Cyndie Gibson. I'm the widow of Major Parks Gibson, US Air Force, who died on April 22nd, 2007, while on active duty. I served for 20 years in the Air Force Medical Service Corps, and retired as a Lieutenant Colonel. I currently serve on the Government Relations Committee for GSW. It is an honor to have this opportunity to speak before you.

GSW is grateful for all the public laws which 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 appreciates HR 2810, the National Defense Authorization Act for Fiscal Year 2018, which includes the continuation of the Special Survivor Indemnity Allowance (SSIA) at the rate of \$310 per month indefinitely.

The mission of the GSW organization is to provide much needed moral support during a surviving spouse's life long 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.

GSW'S testimony will be addressing some of the inequities and concerns that currently exist:

- 1) Dependency and Indemnity Compensation (DIC)**, the flat monthly rate (\$1,283.11) 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 and Current Bills that GSW Supports.**

Dependency and Indemnity Compensation (DIC)

“To care for him who has borne the battle, and for his widow and orphan.”

These words from Abraham Lincoln’s Second Inaugural Speech 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 2016 Annual Benefits Report issued by the VA in September 30, 2016, states there are 382,144 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. Almost 90% of these surviving spouses are over the age of 57, with 42% 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 almost 12%. 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. The current DIC flat rate for a surviving spouse is \$1,283.11 per month. This is 43% of the disability compensation rate for a fully disabled single veteran whose rate is \$2,973.86 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 \$1,283.11, juggling bills to meet the rising costs in health and dental insurance, 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.

- *Many of our widows have shared stories of how difficult it is to survive on DIC and little or no Social Security. Sadly, some have had to give up even small luxuries in order to cover the cost of the basic essentials of daily living. An 86 year old widow from California whose husband was killed in Vietnam cannot afford the extra gas to attend GSW functions – one of the few places where she can not only socialize with others who understand her struggle, but provide guidance and support to young widows of the Iraq and Afghanistan Wars. This woman survives on \$1,283.11 a month from DIC. The meager Cost of Living Adjustment (COLA) increase January 2018 of \$25.16 will barely buy a bag of groceries.*
- *Another widow from Texas who is also 86 years old and whose husband died on active duty during the Vietnam era needs to substitute teach to supplement her monthly income of \$1,283.11 from DIC in order to survive. There are many similar stories of this nature throughout our country where these older widows are having difficulty surviving financially.*

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.**

During the 115th Congress, 2017-18, **H.R. 4106 Surviving Spouses Income Security Act** was introduced by Representative Carol Shea-Porter of New Hampshire and S. 1990 Dependency and Indemnity Compensation Act of 2017 was introduced by Senator Jon Tester of Montana. H.R. 4106 and S. 1990 would increase the DIC for survivors from 43% (\$1283.11) to 55% (\$1635.63) of a single 100% disabled veteran's compensation (currently \$2973.86). Bringing DIC compensation to 55% would provide parity with other Federal survivor programs. **Gold Star Wives of America, Inc. ask for not only your support, but YOUR VOTE in the passage of these two very important bills.**

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 day. 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 \$916.00 per the latest DOD Statistic Report of the Military Retirement System Fiscal Year 2016. **The spouses, subject to the SBP/DIC offset, only receive the portion of the SBP that exceeds the DIC offset.**

- *One widow from South Carolina receives only \$52.89 but should be receiving \$1,336.00 per month for the SBP. She is the widow of a service member who served his country for just under 20 years. Her total benefits with SBP and DIC should be \$2,515.90 (\$1,336.00 for SBP plus \$1,283.11 for DIC) but is only \$1,336.00 (\$52.89 SBP plus \$1,283.11 DIC) per month due to the SBP/DIC dollar for dollar 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.

- *After the tragic death by suicide of her husband in 2005, one of our young widows from Texas was left to raise their four children, as a single parent. As any of us would do, she made what she thought was the best decision for her family by signing her SBP over to her children. By doing so, she forfeited all future rights to her SBP. This means that when her youngest child reaches the age of majority, she will realize a decrease of approximately 75% of her monthly income. When she gave up her SBP for the benefit of her children, she was not told that she would never get it back.*

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.

- *This was the devastating case for a widow from Florida, who remarried after the age of 57, eight years after her husband's death. In order to receive her full SBP/DIC monthly benefit, she had to pay back \$41,000.00 in premiums to the DOD. The offset would have continued had she not been able to pay this astounding fee.*

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.

- *An example is a widow from Florida whose husband's was a retired, service-connected fully-disabled veteran. While he was alive, the VA disability pay and the DOD retirement pay were not offset. When he passed away, the survivor benefit was offset by DIC. The family's income decreased drastically causing the loss of the family home.*
- *A widow in California lost her husband two years ago to the effects of Agent Orange. Two of the family's children also are affected by Agent Orange as they have disabilities caused by their father's exposure to Agent Orange. This widow is waiting for these Second Generation Agent Orange victims to be approved. Since the veteran's death, the family lost over half of their income. They are no longer homeless and living in their car but have had to move two times because new neighbors are afraid of her adult son's outburst. She continues to fight for her children's benefits.*

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 is an indemnity payment, received from the VA. DIC 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.**

A bill, HR-846, Military Widow's Tax Elimination 2017, is in the House. This bill was introduced by Representative Wilson (R-SC). There is a companion bill, S-339, Military Surviving Spouses Equity Act of 2017, in the Senate. This one was introduced by Senator Nelson (D-FL). Both bills will repeal SBP/DIC offset and eliminate the inequity. GSW ask for not only your support, but Your VOTE in the passage of these two very important bills.

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) "in any manner attempt to influence legislation."

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 Britain 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." Britain abolished the law. GSW asks that you do the same here in the United States.

- *A widow from Colorado shared her story. As a surviving military spouse, her life has been a constant state of uncertainty since losing her husband over twelve years ago. At the young age of 31, she found herself to be a military widow. The sudden, tragic loss left her devastated and unsure of her future. As a single mom raising two children affected by the loss*

of their father, she came to rely on the connections and support the military offered. It is a familiar way of life. Her husband's service was important to the United States. They, as a family, have continued to support military life. Her life, as a military widow, shifted and changed as did the support from the military. It steadily decreased over time. It had been reduced to DIC, SBP, SSIA, Tri-care (in which she now has to pay her own premiums), some educational benefits, and VA home loan. Under current law, if she remarries before the age of 57 (again a completely arbitrary age), she will lose all of these benefits, thus losing her independence. These benefits have, and continue to be, an important resource to establishing and continuing her life as a surviving military spouse, mother, and productive member of her community. This is not easy to do after a traumatic loss. Without these resources, she would be financially vulnerable.

- *Another widow from Colorado decided to remarry. The loss of her active duty military husband was death by suicide. Her doctors were all military and understood her situation completely. With her remarriage she would lose her health benefits along with her other benefits. She would have to find new doctors and relate her tragic story. This would bring back very devastating memories as she was the one who found her husband. She was more than willing to pay premiums to Tri-Care just to at least keep that benefit.*

On behalf of surviving spouses, GSW respectfully request assistance in changing current law. Representative Coffman (R-CO) pursued 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. 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.

Other Concerns and Current Bills GSW Support

- 1) GSW thanks you again for your continued support of education for post 9-11 widows and children. With the removal of the 15 year cap, the "Forever Education" will allow them to be able to complete and update their skills for their profession. However with the implementation of the Forever GI Bill in the fall of 2018, CH 35 recipients will see their monthly education stipend increase by \$200/month as well as a reduction in months of education benefits from 45 months to 36 months. This results in a net loss of \$2,000 for each CH 35 beneficiary. The 45 months of eligibility was part of the GI Bill benefits that existed prior to 9-11. The VA reported that 96,762 beneficiaries used CH 35 educational benefits in FY 2016 while 3,032 survivors used the Post 9-11 Fry Scholarship.
- 2) **There are many pre 9-11 widows and children who could also benefit from having the opportunity to continue their education and update their skills in their profession.** In this changing world going back to school to stay current in your field is essential for maintaining a job as well as promotions in the field. For those who are pre 9-11 the education benefit available was

DEA Chapter 35. The time limit had passed before many were able to use some or all of the months for which they were entitled. The removal of the time limit and the restoration of the 9 months would make a huge difference for those using Chapter 35. Users of Chapter 35 include some Vietnam vets and their survivors. This is the group that is always forgotten. Please remember and honor all Vietnam vets and their survivors by giving them the same or at least similar opportunities as the post 9-11 vets and their families.

- a. *A child of a KIA Vietnam vet timed out before using all of her benefits. She majored in Archeology and works completing compliance report that follow the National Historic Prevention Act, Section 106. As these federal regulations change she needs to return to school so that she can continue to work at her current level or move up in her career. The ability to use her remaining months of education would allow her to stay current in her profession.*
- 3) 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 efforts to reduce the rate of service connected deaths by suicide and to expedite the process for survivors to obtain the benefits they desperately need.
- 4) HR.92: CHAMPVA Children's Protection Act of 2017 was introduced in the House by Representative Julia Brownley and S.423: CHAMPVA Children's Care Protection Act of 2017 was introduced in the Senate by Senator Jon Tester. "These bills increase 23 to 26 the maximum age of eligibility for certain dependent children of veterans for medical care under CHAMPVA (the Civilian Health and Medical Program of the Department of Veterans Affairs)." GSW supports passage of these bills.
- 5) S.120: Bring Our Heroes Home Act of 2017 was introduced in the House by Representative Dean Heller. "This bill will provide a review board at the National Archives with the authority to declassify unnecessarily classified records that may provide new information on the whereabouts of POW/MIAs." GSW supports passage of this bill.
- 6) H.R. 544: Private Corrado Piccoli Purple Heart Preservation Act was introduced in the House by Representative Paul Cook. "This bill will regulate the purchase, production, sale or exchange of military medals or decorations and not authorize the sale of a Purple Heart awarded to a member of the Armed Services." GSW supports the passage of this bill.
- 7) H.R.1328: American Heroes COLA Act of 2017 was introduced in the House by Representative Mike Bost. "This bill requires that whenever there is an increase in benefit amounts payable under title II (Old Age, Survivors and Disability Insurance) of the Social Security Act, the Department of Veterans Affairs shall increase by the same percentage the amounts payable as veterans' disability compensation, additional compensation for dependents, the clothing allowance for certain disabled adult children, and dependency and indemnity compensation for surviving spouses and children." GSW supports passage of this bill.
- 8) H.R. 4099: To amend title 38, United States Code, to ensure that children of homeless veterans are included in the calculation of the amounts of certain per diem grants.

- 9) H.R. 2652: The Veterans Overmedication Prevention Act of 2017: This bill requires the Department of Veterans Affairs (VA) to contract with the National Academies of Sciences, Engineering, and Medicine to review the deaths of all covered veterans who died by suicide during the last five years, regardless of whether information relating to such deaths has been reported by the Centers for Disease Control and Prevention. A "covered veteran" is any veteran who received VA hospital care or medical services during the five-year period preceding the veteran's death. The VA shall ensure that such data is compiled in a manner that allows it to be analyzed across all data fields for purposes of informing and updating VA clinical practice guidelines. GSW supports passage of this bill.

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 from Iraq and Afghanistan, another family suffers devastating loss. These brave men and women answered their 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
Sandra Luhnnow-Widow of PFC Glenn E. Luhnnow, US Army, combat death, Vietnam, 1967
Chris Kinnard-Widow of Spec 4 James E. Kinnard, US Army, combat death, Vietnam, 1969
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 Cyndie Gibson, Gold Star Wives of America, Inc.

My name is Cyndie Gibson. I'm the widow of Major Parks Gibson, US Air Force , who died on April 22nd, 2007 while on active duty. I served for 20 years in the Air Force Medical Service Corps, and retired as a Lieutenant Colonel. I currently serve on the Government Relations Committee for Gold Star Wives of America, Inc.

I was raised an Army Brat, and have traveled the world all of my life. I got to Texas just as soon as I could, and I now proudly claim San Antonio, Military City USA, as my permanent home. After my husband's death, I became involved in some of our local community's amazing programs for surviving spouses and found a positive outlet for my grief in the Lone Star Chapter of the Gold Star Wives of America, Inc.

