

Mrs. Jennifer McCollum

Written Testimony of
Mrs. Jennifer McCollum,
United States Senate,
Committee on Veterans' Affairs
February 3, 2005

I am honored to share with you a little bit of my story as a war widow in hopes to better this road for those unfortunate enough that will follow.

My husband, Capt. Dan McCollum was killed 3 years ago in America's response to the terrorist attacks on our country. My husband was a KC130 pilot for the United States Marine Corps. Acknowledging that there simply are no words to wrap around the event when a military bride hears, "We regret to inform you" from her husband's commanding officer, I would like to share with you some of the disconnect and misnomers that currently exist in the survivor benefit program that our nation is offering its war widowed and orphaned.

I would like to comment on a report that was published last year, the report to Congress requested in Section 647.NDAA05. The SAG Corporation finalized a "Review of Military Death Benefits" in April of 2004. Many items highlighted in this report, are none the less important from the other. It is noted that Congress particularly expressed concern that:

- ? the government of the United States properly recognize the significant sacrifice entailed in the loss of life by members;
- ? the death benefits offered to civilian victims of terrorism may outstrip those offered to military members who are also victims of terrorism;
- ? the death benefits offered to military members have not kept pace with benefits offered by other employers;
- and
- ? Servicemembers' Group Life Insurance (SGLI) requires members to pay premiums and does not provide a guaranteed minimum benefit (participation in SGLI is voluntary). [page 5]

Also, I would like to highlight that in this report, many things are assumed to be happening, such as transition assistance. First hand I can confirm that the support and services are not consistently reliable, if even present [see page 6].

Upon the death of my husband, I was assigned what the US Marine Corps calls a "Casualty Assistance Calls Officer," CACO for short. I was told that he was my "go to guy" and that he was assigned to me for one year. My CACO was subsequently deployed, as all Miramar based C130 pilots were during Operation Enduring Freedom. My initial CACO, a dear friend to me and my husband, was first and foremost a US Marine Corps pilot. I do not begrudge that. What I do want to highlight is the lack of continuity that the US military has made in almost every casualty assistance of which I am aware. My situation is not unique, and as a matter of fact, I am discovering that casualty assistance is increasingly failing miserably and disgracefully. Successful casualty assistance is not the rule, it is quite the exception. Not only is there a significant lack of continuity, but casualty assistance is a "learn as you go" for officers that

otherwise have jobs that need to be done for the unit or squadron to continue and maintain. One widow has reported that her casualty officer was informed by his unit that he had a day job and the casualty assistance was to be done after hours. Another widow shares that her casualty officer retired 45 days after her husband died and not replaced. And yet more widows have shared that their casualty officers drop from the radar screen just after the funeral. This is certainly not the military taking care of its own.

Although this is not a personal experience, it is vital that I share with you that I have been in contact with several widows who are still waiting on payment or reimbursement for their husbands' funerals. I cannot attest to what went wrong or how this even became an issue. It is a clear injustice to our grieving families and requires immediate rectification. This is a prime example of families falling through the cracks in a system that is not working.

Family members, or dependents, are led to understand that we have three years of "active duty status" in and of the military community following the death of our active duty "sponsor." Upon the commencement of the 4th year, the dependent family is then considered "retired."

Six months after my husband died, I had emergency dental work that needed to be done. I later found out that the damage was due to grinding my teeth, related to stress. At the time of injury, I was informed that I was not eligible to enroll in United Concordia, the active duty service provider. I was told to contact the retiree service that is provided through Delta Dental. Delta Dental's premiums and insurance rates are much more than that of United Concordia. It has been explained to me that the reason for this costly difference is that Delta Dental (the retiree plan) is not subsidized by the government while United Concordia is. Financially, it was not prudent choice for me to enroll in this unanticipated program at that time. I ended up paying a dentist out of pocket for my dental repair, as insurance would have been more costly. I have come to learn that I am not alone in this as other widows have also been left out of services in which they would otherwise meet eligibility requirements had they enrolled prior to their husband's death.

Also, as I was 15 weeks pregnant with our son at the time of my husband's death, I had the arduous task of enrolling our son into the military health care computer system, DEERS after our son was born. It has also come to my attention that enrollment of these children, born after their fathers have been killed, continues to be wrought with difficulties and bureaucratic red tape.

We were also told that we would have legal and tax assistance. As it turned out, the legal department was so apparently over tasked that probate on my husband's estate was not completed and filed, an issue that I had to revisit unexpectedly 2 ½ years later. I would be remiss if I didn't share that most of us were unaware of legalities surrounding a death of a spouse. Legal terms, such as "probate" carry little meaning to a young woman who was previously, as an example, most concerned about which preschool her child should attend or what birthing class she and her husband should sign up for. Additionally, my taxes, having been handed over to the tax office at Miramar within a month of my husband's death, were not prepared for filing until over 7 months later.

Also, I explored the option of traveling via space available flights for CONUS and OCONUS flight operations. To my surprise, widows and orphans are one of the very few groups that are excluded from using this service. Space "A" flights are available to active duty, active duty

dependents, retirees and retiree dependents but not to family members of those who have died in the line of duty.

I was also told that I was to be provided a final move. I was not informed that there was a 12 month statute of limitations on the provision. I had made, in retrospect, a very sound decision in the first few days following the death of my husband. I chose not to make any major decisions for at least one whole year. Upon the 2nd anniversary of his death, I prepared to move out of our home, only to find out that the time period for this final move had elapsed. Thankfully a few gracious hearts, a few phone calls and ultimately a waiver, I was provided the move. Bottom line, I was unaware of this even being a situation until it appeared too late. Without a CACO, I relied on friends that luckily had not transferred out of the area or were deployed to assist me on where to go for requests, what paperwork to bring and in some cases, what to fill out on the paperwork. Understand that in the military community, this can be considered rare as it is a transient community to say the least.

Additionally, when I moved from California to Florida, I knew that I needed to contact Tricare about relocating. However, I did not anticipate the reception, or lack there of, that I was about to receive. It became immediately clear that I needed to defend the guidelines of 3 years of active duty status. I was told by the lead office clerk that I was not considered active duty, statute of limitations had passed and that I needed to submit paperwork for a retired status of care. She backed down shortly after I was brought to tears in the waiting room by this banter. It wasn't until this individual researched her demands and the details that the situation was remedied. However, that didn't negate the fact that I was immediately put on the defensive and made very well aware of the lack of working knowledge in this department (Tricare).

Significant misinformation exists further regarding health benefits once we enter the retired status, a situation in which I have just arrived. It was my understanding that within the month of the service member's death, the surviving spouse was to contact Tricare and reenroll in the system from active duty to retired. I received a warning call, if you will, from another war widow whose husband was killed alongside mine. She informed me that while she was at her local military treatment facility (MTF) for a scheduled appointment, she was informed that she was no longer eligible to receive services there. I called Tricare upon hearing her story and was shortly thereafter informed that I, as well, was not eligible to receive services at my local MTF. I additionally discovered that my 2 ½ year old son I had been downgraded in health care coverage from Tricare Prime to Tricare Standard. I was then further informed that if I wanted to reestablish my coverage with Tricare Prime, the earliest it would go into effect would be late March ? two months away. Admittedly, I was in tears at this new revelation and finally was able to focus on just understanding exactly the status of the new terms surrounding our medical coverage. I was told that it would only cost \$115 every three months, or \$460 per year, for my son and me to get back into the Tricare Prime. Irregardless of the program I chose, we are still not eligible to go to the MTF for care as they have stopped taking non-active duty patients. Needless to say, I will not be able to schedule any of the follow up appointments that I have for current treatments and ongoing care. It took two complete days to reach a local Tricare representative in the Jacksonville area. I was, at that time, told that it would cost me in upwards of \$4,000 annually to continue in the Tricare system, a fact that was soon corrected when I questioned the program as it applies to retirees. This is yet another example of the lack of

working knowledge of this department. The most concerning aspect of this to me was not specifically the continued lack of communication, or the generalized lack of knowledge among Tricare representatives, but rather the fact that my child was now ineligible to continue to receive services under a medical program that I moved for. My relocation from San Diego to Jacksonville, FL was primarily based on the fact that we would be able to continue to receive care at the local MTF. Imagine my surprise when this was no longer the case. I'm not sure how much I was understood when I shared with the Tricare representatives to be aware of what was getting ready to happen in that there will be many, many widows like me soon to follow. (As my husband was one of the first killed in action after the terrorists attacks, I have come to that 3 year mark ahead of most.)

Another thing to highlight is the reported disparity of line of duty death benefits for military personnel and other public services and private sectors. The bottom line appears that the benefit plan that is provided to the families of the men and women who put their country before their family, who put the freedom of this country before their own personal gain and have paid the extreme in ultimate sacrifice merely appears to be just simply a good intention, rather than a reality.

The report generated by the SAG Corporation clearly supports and defends Senators Sessions and Lieberman's proposals of increased death gratuity and an increase in life insurance policies under the HEROES Act of 2005. It appears to me that this act has made tremendous strides in attempting to catch up to what the other first line defenders of this country are offering to their surviving families.

I would also like to underscore the indexing of cash benefits to the military wage level and request that Cost of Living Allowances, Basic Housing Allowance and other items in a service member's monthly income take in a serious level of consideration, as these items are excluded from the equation when base pay is considered, however they are not excluded when a family prepares a budget. I request a strong level of support for this legislation and further request that the process occurs in an expeditious and efficient manner without unnecessary bureaucracy and needless demands.

I fully support the repeal the SBP/DIC offset as introduced by Senator Bill Nelson under S185. These two benefits do not compliment each other in reciprocal, dollar for dollar purposes and therefore need to be rectified. Please take note that federal civil service dependents do not lose SBP benefits when receiving DIC payments.

I additionally request the child option be made retroactive to September 11, 2001. As it currently stands, a child option is available if the service member died after November 11, 2004. My family, therefore, is ineligible for this option. Furthermore, add the option of turning over the full SBP to a child of that family, specifically when and if the un-remarried spouse remarries. My concern is that the legislation, as it currently stands does not encourage remarriage for the widowed spouse, rather penalizes a remarried status.

It is understood that if a spouse were to divorce her husband after 10 years of marriage, all the while being active duty in the US Armed Forces, this spouse is entitled to at least 50% of the member's retired pay. A discrepancy exists between that of a widow and that of a divorcee.

Upon remarriage, that divorcee is still entitled to half of her husband's retired pay. Upon remarriage, a widow is not entitled to anything- specifically concerning when children are involved. Of course, this is after acknowledging that the widow is not even entitled to her husband's retired pay at all, as DIC offsets it. (As another example: in a two marriage situation, the first wife can have SBP and the second wife can have DIC without offset.)

I would like to share a situation, although remedied, should be known. Four months following the death of my husband, I, along with the other "next of kin" family members to the six other individuals that died alongside my husband, received a survey in the mail. We were asked to rank our experiences, selecting between four to five choices, on a page full of questions surrounding the death of our loved one, notification of the death, the burial and communication of the casualty assistance calls officers. Not only was this perceived as thoughtless, but at four months following the most crushing event in our individual lives, as survey was not the way to go about obtaining information. Communication was made between Headquarters Marine Corps, Commanding General of Man Power. This survey, as we were told, was no longer distributed.

The following are notes from a casualty assistance calls officer with whom I am familiar. His insight, I feel, will be useful in gaining a more detailed understanding of some frustrations CACOs experience and lack of information flow.

Casualty Assistance Program

1. The Casualty Assistance Program has grown in the USMC since 2002; however, the training is still limited. Normally, an Officer or Staff Non-Commissioned Officer is assigned as a Unit CACO. Then, they are required to go to a class that normally lasts one day. The class consists of a long slide presentation and a question and answer period. No Casualty Assistance Drills are completed and the CACO leaves the training only somewhat prepared to support a surviving family or spouse. With the recent deployment schedule, deploying units are normally do not have the manpower to adequately handle the long-term requirements most families and spouses would have for CACO support. Currently, HQMC has a Casualty Support Division, but they also face the same manpower issues that the Fleet Marine Force faces. Suggest restructuring the Casualty Assistance Division by dividing the United States into four sectors (N/S/E/W) to provide better support and tracking. An office in each sector could provide more in depth classes for the unit CACOs, better tracking for changes to benefits and more complete follow through on payment of all benefits

2. Changes in Survivor Benefits occur very often and the units are sometimes unaware. A good example is the Death Gratuity, which was increased to from \$6000 to \$12000. There needs to be some process involved that identifies when changes in Survivor Benefits occurs and then notifies the families affected by the change. Again, this needs to be handled by an office that has the sole responsibility of supporting Next of Kin. Normally, Marines within units PCS every three years or they are deploying and cannot completely focus on the needs of the Next of Kin. Surviving families need to be a priority for the USMC.

3. Newly approved campaign medals are normally not presented to surviving families in the proper manner. Mailing the medals should not be an option. Men and women sacrificed their lives for these medals and in their honor medals should be hand delivered. This shows the most respect for the service member's honorable service. This may be difficult to coordinate, but a phone call and a little effort the families will be very appreciative.
4. The military draws a line between who the squadron should be working with in terms of Casualty Assistance. For example, the squadron chose to work directly with you and really did not contact Betty. She did have a CACO in South Carolina, but those CACOs normally follow the process and then lose contact. This seems like a cold process and it is. There has got to be a better way to do this. Also, in Mary Ellen's case, Beverly was very upset with the squadron, since most of our contact was with Mary Ellen rather than her. Our guidance was to focus on spouses rather than parents.
5. Some of the rules that we are required to follow make little sense. For example, if a widow would have had her husband's funeral locally in San Diego, the USMC would not have paid for the service member's parents to fly into San Diego. Since the widow would have declined her option to fly to a funeral, the USMC would not pay for any part of his family to fly in. I understand the USMC is trying to avoid paying for aunt's, uncles, etc. In this case, we are talking about immediate family. We need to use more common sense in dealing with next of kin. Some rules are too restrictive and they make the USMC look bad.
6. Issues with housing. Surviving families are only given 6 month's to remain in Base Housing or they are paid 6 months of BAH. This is another instance where we may need to use common sense. Especially when dealing with children or exceptional family members. Sometimes putting the 6 month restriction may require a family to move during the school year. The children's lives are disrupted enough, now they will be taken away from their friends. As a CACO, I felt at times we were forced to pressure families to make tough decisions (i.e. Where to live the rest of their lives?) within a 6 month period. Most surviving spouses were still grieving after 6 months. Moving away from the unit support structure is not always easy. Suggest possibly looking at each case individually and doing away with the 6 month timeline. It is unrealistic.
7. Military Pay. Immediately when the Personnel Casualty Report (PCR) is released, the service member pay is stopped. These families are normally asked to wait 2-3 months for their husband's back pay to be paid in full. For example, Capt Dan McCollum's pay was stopped on 9 Jan (when he died) when the PCR was sent to DFAS Kansas City. It wasn't until late Feb-early March that a check was received for his back pay. (Base Pay 1-9 Jan 02/Flight Pay/Imminent Danger Pay/Family Separation/BAH) It is frustrating that the military immediately expects the families to give up their monthly pay, but allow themselves 2-3 months before they are expected to repay families.

Overview of Survivor Benefits

Death Gratuity

- An immediate check will be issued by base disbursing office for \$12000.
- Ensure tax preparer is aware that only one-half is taxable, since disbursing reports that the entire \$6000 is taxable.

SGLI

- \$250,000 life insurance policy. OSGLI Phone # (800) 419-1473
- Best option is lump-sum. SGLI is aware of this and they are flexible in awarding the policy.
- Policy will be placed into a bank account and checks will be forwarded to surviving beneficiary.
- Suggestion: Marines should consider more than one life insurance policy. One should be for the purchase of a home. The second policy should be used for monthly interest to complement other benefits received.
- Ernst & Young counseling service can provide beneficial guidance in how to handle the estate. Phone # (800) 425-4425.

Montgomery G.I. Bill

- If Marine participated in this program, all unused monies will be refunded.
- Information on participation can be viewed on a Marine's LES.

Arrears of Pay

- DFAS Kansas City will immediately stop a Marine's pay upon receipt of the Personnel Casualty Report (PCR).
- Surviving families will receive all payments owed to them once the figure is calculated by DFAS.
- This process normally takes 30 to 60 days. In some cases, it may take longer.
- Payment includes travel claims, base pay, flight pay, combat pay, etc? Payment is based on how many duty days elapsed since last pay period.

Basic Allowance for Housing (BAH)

- Surviving families will receive a payment equaling their spouse's monthly BAH rate multiplied by 6 months.
- Payment will enter checking account via direct deposit.
- If the surviving family resides in base housing, they will be allowed to live there for 6 months rent-free. Extensions can be granted on a case-by-case basis. Extensions will require a monthly payment equal to the BAH rate.

Survivor Benefit Plan (SBP) & Dependency Indemnity Compensation (DIC)

- Recent Legislation was passed for all deceased Marines' families to receive a SBP payment. Prior to this legislation, this payment was only available for Marines that exceeded 20 years of service upon death.
- SBP will pay 55% of 75% of the Marine's base salary. (Confusing Calculation)

- This payment will be calculated by HQMC.
- Surviving families will also receive DIC. The Veteran's Administration (VA) will complete all paperwork required for this payment.
- Normally, their representative will meet surviving families in their home to complete the paperwork.
- Spouses will receive approximately \$1000 and an additional \$234 will be paid per child monthly.
- SBP is rank dependant. DIC is not based on rank.

Burial/Memorial Benefits

- \$1750 will be paid by the federal government for primary funeral expenses. This includes casket, preparation, and transport to cemetery.
- Secondary expenses will also be paid by the government. \$4325 ? private cemetery or \$3000 ? national cemetery. Secondary expenses include funeral home costs, hearse rental, burial plot, etc.
- Military Medical Support Office will normally pay the funeral homes directly. Phone # (800) 876-1131 ext 644/645.
- Arlington Memorial Services will allow for \$600 in additional expenses.
- Secondary expenses will normally not cover all expenses.

Headstones/Markers & Flag w/case

- VA will provide a headstone and a flag with case at no cost to surviving families.
- Delivery will take about 4-6 months.
- CACO will assist in completion of the forms.

Floral Tribute

- The government will pay for a floral tribute for display at the funeral service.
- Re-imbusement will be in the amount of \$81.

Invitational Travel Orders

- The government will pay for the immediate family (next of kin) to travel to the burial service.
- If next of kin chooses not to fly to burial service (i.e. burial is in the vicinity of surviving families' home); government will not pay for additional relatives to travel to burial.
- Payment includes airfare, 2 days per diem (covers hotel costs), 2 days travel, and rental vehicle.
- HQMC will issue the orders.

TRICARE

- Surviving families will receive three years of medical care at no cost. At the completion of the third year, surviving families will be required to pay retiree benefit costs.
- Dental care will be for three years as well, if enrolled in United Concordia. If not enrolled, surviving families can enroll in the Retired Dental Program (RDP). They can provide coverage at the retiree rate.

Personal Effects/Household Goods

- Traffic Management Office (TMO) will offer one move from the surviving family's current location.

This outline is a very brief overview of all benefits. Marine Corps Order (MCO) 3040.4 should be used to answer specific questions. In addition, the Casualty Branch at HQMC can be reached at (703) 784-9512 for questions.