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TESTIMONY OF THE WOUNDED WARRIOR PROJECT (WWP)

TO THE SENATE COMMITTEE ON VETERANS AFFAIRS

REGARDING IMPLEMENTATION OF THE

TRAUMATIC INJURY

SERVICEMEMBER GROUP LIFE INSURANCE (TSGLI) PROGRAM

Submitted by:

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Chairman Craig, Ranking Member Akaka, and members of the committee, I thank you for convening this hearing and for allowing me the opportunity to testify about the Wounded Warrior Project's perception on the implementation of the new Traumatic Servicemember Group Life Insurance (TSGLI) program.

The Wounded Warrior Project (WWP) is a non-profit organization that assists the men and women of the United States armed forces who have been severely injured during the war on terrorism in Iraq, Afghanistan and other hot spots around the world. Beginning at the bedside of the severely wounded, WWP provides programs and services designated to ease the burdens of these heroes and their families, aid in the recovery process and smooth the transition back to civilian life. We strive to fill the vital need for a coordinated, united effort to enable wounded veterans to aid and assist each other and to readjust to civilian life.

One of our finest achievements has been the role we played in the creation of the new Traumatic Injury Insurance on which this hearing is being held. WWP is still amazed by the speed with which this legislation was introduced and passed and we remain eternally grateful to Chairman Craig for his unyielding commitment to seeing the legislation through to enactment. Additionally, we once again thank you Senator Akaka for co-sponsoring the measure and for your leadership in having the program enacted.

While none of this would have happened were it not for the determination of Chairman Craig and Ranking Member Akaka, once the bill was enacted the lion's share of the work done on developing and implementing this program was by the Department of Veterans Affairs Office of Servicemember Group Life Insurance as well as by the Department of Defense and the contact and claims certifying officials from the individual Service branches. WWP cannot speak highly

enough of all the time and effort that has gone into creating this program and I would like to publicly thank all of the involved agencies on behalf of the severely injured servicemembers and their families who, in their time of greatest need, have had many of their financial fears allayed as a result of these insurance payments.

Overall, the Wounded Warrior Project is very pleased with the TSGLI program implementation. While there have certainly been "bumps in the road" during the implementation process, in just about every instance VA or DOD have worked to remedy the problems and the program continues to function with ever increasing efficacy. For example, early on in the implementation process there were concerns raised about the difficulty in filling out the application form and substantiating the servicemember's inability to perform various Activities of Daily Living (ADLs). In response, VA has worked to create a new and more comprehensive form that should eliminate many of these problems. Additionally, while manpower was stretched thin during the initial implementation process due to the onslaught of retroactive claims, these manpower issues have been worked out over time and no longer seem to be as much of a problem.

Still, while we are very happy with how the program has turned out, we are concerned with one major inequity in the implementation of the retroactive payments. As you know, the intent of the traumatic injury rider is to help severely injured servicemembers and their families during the long and arduous treatment and rehabilitation period that follows the incurrence of a severe injury. In most instances this new insurance program has become the intended financial bridge from the time of injury until the warrior is eligible for VA benefits. It has allowed most families the necessary flexibility to put their lives on hold at a moment's notice and be with their loved one during an oftentimes lengthy period of convalescence and recovery. It has ensured that most injured servicemembers can concentrate more fully on recovery and the transition back into civilian life rather than on the financial impact of their catastrophic injuries. Unfortunately, there are still a handful of wounded warriors who do not qualify for this insurance payment.

In addition to covering all active duty servicemembers with qualifying injuries incurred after December 1, 2005, thanks to Congress' generosity the program makes retroactive payments to those servicemembers who incurred qualifying injuries since the beginning of Operations Enduring and Iraqi Freedom. As you know, WWP never asked for any retroactive payments while lobbying for Traumatic Injury Insurance and we remain extremely grateful that Congress had the foresight to extend payments to those warriors who were injured prior to the legislation's effective date. Unfortunately, as currently written, not all retroactive injuries are covered and this has resulted in confusion and perceived inequity on the part of some severely wounded servicemembers.

As currently written the regulation dictates that in order for a retroactive injury to be covered it must have been incurred, "in Operations Enduring Freedom or Iraqi Freedom". It then defines "in Operations Enduring Freedom or Iraqi Freedom" to mean that the servicemember must have been injured while deployed, "outside the United States on orders in support of Operations Enduring or Iraqi Freedoms or served in a geographic location that qualified the servicemember for the combat zone Tax Exclusion under 26 U.S.C. 211."

By defining "in Operations Enduring Freedom or Iraqi Freedom" as such, the regulation has disqualified a number of traumatically injured servicemembers from payment based solely on

their location at the time their injury was incurred. WWP believes that there should be no difference between injuries incurred prior to December 1, 2005 or after December 1, 2005, and that the same criteria that apply to prospective injuries should apply to retroactive injuries. It is inequitable to deny retroactive payments to those who have suffered the same grievous injuries based solely on the location where the traumatic event took place.

Should the rule remain as written brave men and women who were traumatically injured after October 7, 2001, but before December 1, 2005, will be denied the same retroactive payment given to their wounded comrades, based solely on the location they were ordered to, or were at, when their injuries occurred. Brave men and women like Seaman Robert Roeder who was injured on January 29, 2005 when an arresting wire on the aircraft carrier, the USS Kitty Hawk, severed his left leg below the knee. Seaman Roeder was stationed out of Yokuska, Japan and his ship was on its way to the Gulf of Arabia when his injury occurred during flight training operations. Although the ship was on its way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert's injury does not qualify for payment under the Interim Final Rule as written. Robert was hospitalized at Brooke Army Medical Center in San Antonio, Texas for over a year and his recovery and rehabilitation has been just as strenuous and arduous as it would have been had his ship made it to the Gulf of Arabia prior to his injury.

Seaman Roeder is not the only wounded servicemember being impacted by this inequity in the regulation. We strongly believe that the regulation should either be rewritten or corrective legislation should be passed so that Seaman Roeder and other wounded warriors like him will not be deprived of this vitally important benefit, one with a stated mission of assisting in their rehabilitation and transition into civilian life.

Again, WWP is very pleased with the overall implementation of the TSGLI program and is very grateful for all of the hard work that has gone into making this program a reality. I cannot overstate how many people and families have benefited from this insurance at a time in their lives when they needed all the assistance they could get. The Wounded Warrior Project is honored to have played a role in its creation and I thank you again for giving us this opportunity to testify.