

Meredith Beck, National Policy Director, The Wounded Warrior Project

TESTIMONY OF THE WOUNDED WARRIOR PROJECT (WWP)

TO THE SENATE COMMITTEE ON VETERANS AFFAIRS

REGARDING PENDING BENEFITS LEGISLATION

Prepared by:

Meredith Beck
National Policy Director

Mr. Chairman, Senator Craig, members of the committee, thank you for the opportunity to testify before you today regarding pending benefits legislation.

My name is Meredith Beck, and I am the National Policy Director for the Wounded Warrior Project (WWP), a non-profit, non-partisan organization dedicated to assisting 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. As a result of our direct, daily contact with these wounded warriors, we have gained a unique perspective on their needs and the obstacles they face as they attempt to reintegrate into their respective communities.

I would like to specifically address 5 pieces of legislation that are of particular interest to our newest generation of wounded warriors. First, WWP strongly support S.225, a bill to expand the number of individuals who qualify for retroactive benefits under the Traumatic Servicemembers Group Life Insurance. As an organization, one of our proudest achievements in assisting wounded servicemembers was the role we played in the creation of this program to provide timely payments up to \$100,000 to servicemembers who have incurred certain devastating injuries. This new insurance program has in most cases become the intended financial bridge from the time of injury until the warrior is eligible for VA benefits.

While WWP is very pleased with the overall implementation of the TSGLI program, S.225 would correct one major inequity. 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 the same criteria that apply to prospective injuries should apply to retroactive injuries to October 7, 2001. 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.

Without corrective action, brave men and women who were traumatically injured after October 7, 2001, but before December 1, 2005, will continue to be denied the same retroactive payment given to their wounded comrades even though the Servicemembers Group Life Insurance for which TSGLI is a rider was made retroactive--brave men and women like Navy Seal Toshio Carrington who was injured in a training accident at Camp Pendleton on December 15, 2004. He was holding a charge in his left hand when another servicemember accidentally detonated it. SO 1 Carrington was left with a traumatically severed left hand, a severed right tip of his thumb and his remaining fingers all fractured. Unfortunately, Toshio's severe injuries did not qualify him for a payment under TSGLI due to the date on which the accident occurred. Another servicemember, Seaman Robert Roeder, 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 on his 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 law 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.

SO 1 Carrington and Seaman Roeder are not the only wounded servicemembers being impacted by this inequity in the regulation. Therefore, we applaud Senators Akaka and Craig for their recognition of this inequity and strongly urge Congress to quickly act on S.225 so that Seaman Roeder, SO 1 Carrington, and other wounded warriors like them will not be deprived of this vitally important insurance program.

WWP also supports both S.1096, the Veterans' Housing Enhancement Act, a bill that would make wounded warriors with severe burns eligible to receive adaptive housing grants and S. 1265, a bill that would make wounded warriors who are receiving specially adapted housing assistance while still on active duty also eligible for veterans' mortgage life insurance. WWP applauds Senators Cornyn and Craig for recognizing these problems, and encourage the swift passage of these measures.

That being said, we would also like to encourage the committee to address applicability of veterans benefits to severely wounded Active Duty military personnel on a more comprehensive basis. By expanding eligibility for these benefits to servicemembers who have not yet been officially retired, both of the aforementioned pieces of legislation reflect the reality that many severely injured active duty servicemembers can benefit from VA services but are precluded from doing so simply due to their status in the Armed Forces. At the same time, the Department of Defense offers certain benefits that could greatly assist new veterans still recovering from grievous wounds. The discrepancy in benefits between the two agencies leads to confusion among families who are forced to try to determine what is in the best interest of the

servicemember, often without having full knowledge of the difference in benefits offered to active duty versus veterans.

For example, consider that an active duty patient can be seen at a VA Polytrauma Center to treat his Traumatic Brain Injury. However, while at the VA facility, the servicemember, due to his duty status, cannot enjoy VA benefits such as Vocational Rehabilitation or Independent Living Services that can be helpful in his recovery. Alternately, a medically retired servicemember cannot enjoy, among other things, the benefits of the Computer Assistive Technology Program(CAP) because that benefit is only available to active duty servicemembers. While there is an obvious need for an advantage to active duty service, those who are severely injured as a result of their service in an all-volunteer force deserve special consideration. Please note, WWP is only asking for the committee to address the discrepancy in benefits and services, not for a broad overlap of active duty pay and VA disability compensation.

Finally, WWP also supports Senator Feingold's legislation, The Veterans Outreach Improvement Act of 2007. This legislation would enhance the outreach efforts of the Department of Veterans Affairs and require the coordination of these outreach activities throughout the Department. In many of the cases we have seen, the creation of new benefits wasn't needed to aid the servicemember, rather, the wounded warrior just needed to have the existing benefits systems better explained and untangled in order to understand what was available to them. Information is the key for many of our younger wounded veterans, and for those who are transitioning from active duty to veteran's status, the responsibility for the coordination of outreach efforts should lie not only within the VA as required by this legislation, but also with the Department of Defense.

Finally, WWP would like to support S. 1289, The Veterans Justice Assurance Act. This legislation would, among other things, modify the current authorities affecting the recall of judges retired from The United States Court of Appeals for Veterans Claims. The changes included in this legislation would help to ensure that the court is capable of handling its cases in a timely manner, an issue of great concern for all wounded warriors who wish to challenge their disability compensation rating from the VA.

Mr. Chairman, thank you again for this opportunity to testify, and I look forward to your questions.