



# ***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 18, 2021**

**Presented By**

**Nancy Menagh**

**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 Tester, Ranking Member Moran, Chairman Takano, Ranking Member Bost, 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 Nancy Menagh and I am the widow of Captain Philip S. Menagh, USMC, a Vietnam Veteran who served in the USMC from 1966 to 1979 earning the Silver Star, Bronze Star with V and Navy and Marine Corps Medal as a CAP Marine in Vietnam. He was shot and killed at Fort Bragg during a training exercise while serving with the Virginia National Guard on June 9, 1984.

At that time, I was a 33 year old bewildered widow with children aged 10, 8, 5, 3, and I was 8 months pregnant. My youngest son grew up to serve as a USAF Captain and my youngest daughter as a Tech Sgt. One of my proudest moments was having my son's CO pin him with his late father's USMC Captain bars. My children have upheld the USAF tradition began by my father who served in the Army Air Corps and died as a Lt. Col. while in the USAF Reserves.

In 1996, I discovered Gold Star Wives of America, Inc. and joined a group of surviving spouses and their children who have inspired me with their generosity in service to Veterans and Gold Star families; their dedication to ensuring benefits for Gold Star Spouses and families, and their support to each other. *Gold Star Wives of America, Inc. exists to preserve and enhance benefits to surviving United States Military spouses and children; to help our members and their children face the future with courage and determination; and to honor the memory of our military spouses who made the ultimate sacrifice.* **We are a non-profit organization and receive no federal grants.**

As an organization we have a proud history of working with Congress to obtain the benefits that we have; and we are thankful for all the hard work and sacrifices made to bring us where we are today. Many of the pre 9/11 surviving spouses struggled to make ends meet when raising their families. Because of our experiences, we are grateful that post-9/11 surviving spouses are in a much stronger position. They are able to devote their time and attention to furthering their education, obtaining careers, and caring for their families while creating a different life for themselves.

Last year GSW celebrated our 75<sup>th</sup> Anniversary and I enjoyed sharing a copy of our first newsletter (1945) with our members. The front-page article reported that we were asking Congress to increase payments for pensions. At that time, the first child of an active duty soldier received \$30/month; but if that soldier was killed, the amount was reduced to \$15/month. We celebrated that we were able to get that raised to \$18/month. The article states, "*We thank Congress for that extra pint of milk each day. Maybe next year they can provide our children with orange juice.*"

We have come a long way in improving the lives of military surviving spouses since 1945. Congress continues to improve the lives of surviving spouses and children of our military service members with much needed benefits. Recently we have had much to celebrate and want to express our thankfulness on behalf of those who have benefited.

In the 116<sup>th</sup> Congressional Session, after 19 years of efforts, over 65,000 surviving spouses benefited by the success of the elimination of the SBP-DIC offset. This affects approximately 15% of those who receive DIC. Before this was passed, SBP was offset dollar for dollar by DIC causing the surviving spouse to receive less money on a monthly basis than paid for and planned on by the service member. Thank you for eliminating this unfair tax for many surviving spouses.

In the 116<sup>th</sup> Congressional Session we saw many of our top legislative priorities come to pass. We gained parity with other Federal survivor programs because of the change of the remarriage age for DIC from 57 to 55. We are proud of the work that GSW has done over the years to help make this a reality; and we thank Congress for making this a reality. There is more work to be done in this area, but we are thankful for this incremental step.

Gold Star Wives of America, Inc. thanks you for the passage of the Cheryl Lankford Memorial Act, which ensures that Casualty Assistance Officers are assigned to dependent children of surviving spouses who have passed. As surviving spouses with children, this alleviates one of our biggest fears that our children would lose the benefits to which they are entitled due to a guardian's lack of knowledge.

We very much appreciate 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.

Many of our GSW members have been widowed due to toxic exposure, including Burn Pits and Agent Orange. You have added three additional diseases from Agent Orange exposure to the VA list of presumptive conditions including hypothyroidism, bladder cancer, and Parkinson's disease. Of course, there is much work to be done to expand the presumptive list for toxic exposures.

You have created protections against predatory groups, for those using their GI Bill benefits, by closing the 90-10 loophole; and are addressing the issues for surviving spouses of Veterans, with underlying service-connected health issues, who died of COVID-19.

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

**1) Dependency and Indemnity Compensation (DIC)**

**2) Update the Federal Charter**

**3) Remarriage Penalty**

**4) Transparency of Causalities and expansion of presumptive conditions, to include exposure to toxic exposure and suicide**

**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.

As of August 31, 2020, the VA reported that there are 441,161 surviving spouses who receive DIC. The largest group of DIC recipients is the surviving spouses from World War II, the Korean Conflict, and Vietnam. Over 90% of these surviving spouses are over the age of 55, 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, maintain the house, and raise the children. Because of the Vietnam War, some of these women 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. There has been no raise to either flat rate or rank based DIC and it is long overdue. When DIC is compared to payments to surviving spouses of other Federal employees, DIC lags behind by almost 12%. As published for December 2020, the DIC flat rate

for a surviving spouse is \$1,357.56 per month. This equates to 43% of the disability compensation rate for a fully disabled single Veteran whose rate is \$3,146.42 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 the WWII, Korea, and Vietnam eras are receiving only DIC; some receive DIC and minimum Social Security benefits. These DIC recipients struggle monthly with their budget of \$1,357.56, juggling bills to meet the rising costs in, housing, utilities, food, clothing and other personal living expenses. This scenario can lead too often to homelessness, a plight we do not wish to befall anyone, and least of all the surviving spouses of our military Veterans.

As the first GSW newsletter mentioned earlier, *“We are grateful for that extra pint of milk, but now we are asking for that orange juice.”* What a difference for so many surviving spouses to be able to pay for one more tank of gas, or one more bag of groceries per week. Congress removed the SBP-DIC offset for the 65,000 widowed who receive SBP. **There are over 335,000 widowed constituents who only receive DIC and have no SBP.** *They need that orange juice.*

**Only 15% of those receiving DIC also receive SBP.** Those that receive SBP include those widows of military spouses who attained full retirement status both pre and post 9/11; AND widows of active duty deaths post 9/11. **Those of us widowed pre 9/11 of active duty deaths do not qualify for SBP. We need that orange juice!**

*The following is an example of one of our Gold Star Wives today and the impact on her life.*

*A member of GSW is now in her 70's and relies on DIC and Social Security. In order to make ends meet she still has to work part time by house sitting and running errands for neighbors. An increase in DIC, which would amount to just a few hundred dollars a month, would allow her to not have to keep looking for ways to supplement her income to pay her bills. This should not be happening to a surviving spouse in the United States of America.*

It is incumbent upon Congress to take action to rectify this inequity by increasing the current amount of DIC paid at least 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 Vietnam eras are now in their seventies 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% (\$1357.56) to at least 55% (\$1730.53) of a single 100% disabled Veterans' compensation (currently \$3146.42). Bringing DIC compensation to at least 55% would provide parity with other Federal survivor programs. These figures reflect the amounts for those receiving the flat rate for DIC.

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

We also ask for a 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.” This will reflect the standard practice that GSW officers are often asked by Congress to testify and they should be able to speak to legislative representatives on behalf of the organization, in line with other Veteran and military service organizations.

## **Remarriage Penalty for Surviving Spouses**

Members of the military accrue retirement benefits while serving. They serve freely thinking that if they give the ultimate sacrifice, the government will care for their spouses and children in their absence.

Currently the laws allow a spouse that remarries at age 55 to retain DIC, SBP, and medical benefits (TriCare or CHAMPVA). Some surviving spouses, under the age of 55, would like the opportunity to remarry and retain these benefits. Gold Star Wives of America, Inc. would like your help in changing current law that binds surviving spouses to widowhood.

*A surviving spouse from Maryland, who has two children, is struggling with moving forward with her life. In a new partnership and wanting to remarry, she agonizes knowing that she will lose her health care and a significant part of her income. This is particularly hard for her because the money she receives pays for a private school for her children who benefit from specialized education needed as a result of losing their father. She is 45 and would have to wait ten years to marry her partner without losing her medical and other benefits.*

For those widowed in their twenties, the wait is even longer. Many surviving spouses feel bound to widowhood when faced with the possibility of losing their benefits.

Eliminating the remarriage penalty would make it easier for surviving spouses to move on with their lives.

## **Suicide as Presumptive to PTSD**

Being intimately familiar with the devastation of death, GSW is extremely concerned with the overwhelming number of Veterans and active duty service members who die by suicide every day. Tragically, often those dying by suicide have not sought help for PTSD. Often, if there is no diagnosis, benefits are not afforded to the family left behind. Gold Star Wives of America, Inc. 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. Mental health screenings would be a first step.

Recently GSW asked the VA to provide the number of denied claims made by the surviving families of those who have died from suicide. The answer we received is that the VA does not track these denied claims separately from any other claims. We would hope to have better transparency in the percentage of denied claims for suicide due to previously undiagnosed PTSD. It would seem a reasonable assumption that if a service member was in combat, a horrific training accident, or one of the related fields such as recovery of remains, etc., and later that Veteran dies by suicide, that the death was caused by PTSD, even if the PTSD was untreated or undiagnosed.

***Recently, a surviving spouse was able to win her case in court after 7 years of denials that her Veteran husband's death was caused by PTSD. In her case, her husband died by suicide within 6 months of separating from service and yet the claim was denied. She not only had to deal with the volatile situation for months prior to the death, she had to come home to find him after he shot himself. She then had to fight for 7 years to get the claim approved. All this time, she was working full time and raising two children all those years without any benefits. Suddenly upon the claim approval, those children, now aged 14 and 16 have a world of opportunities open to them. Not only is the family more financially stable, but medical benefits, scholarships, and Federal educational benefits are now available. All through those years, we encouraged this young widow to persevere.***

We are also very concerned about the tracking of toxic exposures and presumptive conditions. We applaud the legislation to ensure that all current military service members will have their exposures tracked in their records. We have improved our understanding of this vast problem since our Vietnam Veterans were exposed to Agent Orange; and the many Veterans and their families who have been exposed to toxins in such places as Camp Lejeune or Fort McClellan.

As the widowed spouse of a Vietnam Veteran, I am concerned about my children and grandchildren. At the time my husband was killed on active duty in 1984, he had not yet manifested any effects of Agent Orange. However, when attending Vietnam reunions, I have spent time with his men and met Marines who have since died due to Parkinson's. I have heard the stories of their children who have died from liver cancer. As explained to me by his fellow Marines, they were in country for weeks at a time and the only water they had to drink was what they could collect from bomb craters – which were coated in Agent Orange (and all the other chemicals which accompanied Agent Orange).

While my own children and grandchildren have some issues, I really have no way of knowing if they were caused by my husband's exposure to Agent Orange, or our time at Fort McClellan, which has been designated a super fund site.

Making sure that children and grandchildren of those exposed to Agent Orange is imperative. And expanding the list of presumptive conditions for Agent Orange and other toxic exposures to assure that surviving spouses have their claims expedited is the right thing to do.

*Last March I was at this hearing in person. The next day I met with my cousin, Louise, at Arlington National Cemetery. First, we went to visit my husband, Phil, then we drove over to the “new” section of the Cemetery to visit her son, Todd. Todd was 42 years old when he died of colon cancer caused by exposure to Burn Pits, leaving his wife and three children.*

Finding ways to eliminate the toxic air which results from the Burn Pits, early testing and prevention of cancers in Service members and Veterans, tracking the known exposures in the military records, and expediting claims for family members left behind is the least we can do for those that step up for our country.

### **Conclusion**

Gold Star Wives of America, Inc. is appreciative for the work Congress has done to 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 to ensure that President Lincoln’s words still ring true that we provide for our brave men and women who answer the call to service, believing that our Nation will take care of their wounds both seen and unseen, and will properly care for their loved ones they leave behind.

We honor their memories by asking for your help to properly care for our Veterans and their surviving families. 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.”

Our benefits are not “entitlements”, but have been earned through the blood, sweat, and (our) tears of their service and sacrifice. While our spouses paid the ultimate sacrifice, we are the ones left behind to live that sacrifice each and every day.

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**

Nancy Menagh:	Widow of Captain Philip S. Menagh, USMC/VA National Guard
Lars Anderson:	Washington, DC Advocate, Gold Star Wives of America, Inc.
Misty J Brammer:	Widow of Staff Sergeant Kerry J. Brammer, US Army
Jeanette Early:	Widow of Sergeant First Class, Howard L. Early, US Army
Donna Eldridge:	Widow of Colonel Gary W. (Bo) Eldridge, US Army
Cyndie Gibson:	Widow of Major Parks Gibson, US Air Force
Lupe MaGuire:	Widow of Chief Warrant Officer John Thomas MaGuire, US Army



**Biography for Nancy Menagh, Gold Star Wives of America, Inc.**



My name is Nancy Menagh and I am the proud widow of Captain Philip S. Menagh, who was a CAP Marine in Vietnam, serving in the USMC from 1966-1979. Philip was shot and killed in a training accident at Fort Bragg, while serving as a SSGT in the Virginia National Guard on June 9, 1984. At that time, I was pregnant with our 5<sup>th</sup> child, who was born 6 weeks later. That child is named after my husband and his CO from Vietnam.

Upon discovering Gold Star Wives of America, Inc. in 1996, I have been an active member ever since, holding many positions at the Chapter, Region, and National level. Currently I am the National President. It has been an honor to represent this 76 year old organization and to continue the traditions and hard work began by our founder Marie Jordan Speer.