



**STATEMENT OF AMI D. NEIBERGER-MILLER**

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**TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS (TAPS)**

**BEFORE THE**

**HOUSE COMMITTEE ON VETERANS AFFAIRS**

**SUBCOMMITTEE ON DISABILITY ASSISTANCE & MEMORIAL AFFAIRS**

**MARCH 7, 2013**

*Hearing: "Sustaining the Sacred Trust: An Update on our National Cemeteries"*

## EXECUTIVE SUMMARY

### **Introduction**

Because of our role in caring for thousands of surviving families left behind by America's fallen military since 1994, the Tragedy Assistance Program for Survivors (TAPS) is uniquely qualified to comment on our national cemeteries and Arlington National Cemetery.

### **I. Feedback about the cemeteries administered through the VA's National Cemetery Administration**

Concern is expressed about the recent Office of the Inspector General report, but it should be noted that most surviving families are pleased with the care they and their loved ones receive at our national cemeteries.

### **II. Arlington National Cemetery**

The cemetery leadership has made stellar advancements from where we were two and a half years ago. Discusses the Arlington National Cemetery Advisory Committee and the memento collection project.

### **III. How Cemetery Errors and Mistakes Impact the Bereavement Journey for Survivors**

Discusses the impact of cemetery errors and mistakes on the grief carried by surviving military families.

### **IV. Limitations of the Corey-Shea Act**

Parents of service members who do not die due to hostile act or in a training incident remain ineligible for interment in national cemeteries with their children.

### **V. VA and Arlington National Cemetery's Burial Waiver Request Process**

Expresses concern about the burial waiver request process, which may see an increase in requests, due to recent developments. Recommends changes be made so requestors can get an earlier determination on decisions.

### **VI. Recommendations for Improvement**

- (1) Provide sensitivity training in how to work with bereaved families for national cemetery staff and Arlington National Cemetery staff. TAPS is willing to assist with this type of training at a national level.
- (2) Consider asking or supporting national cemetery staff or Arlington National Cemetery staff who work directly with families to pursue professional certification in bereavement.
- (3) Encourage cemetery staff to connect with TAPS when emotional issues arise, so we can help them facilitate the solution the family seeks, while addressing the family's bereavement needs.
- (4) Nominate or appoint a surviving family member with a loved one interred at Arlington National Cemetery and a willingness to listen to other survivors to join the Advisory Committee for Arlington National Cemetery.
- (5) Formalize the memento collection program at Arlington National Cemetery.
- (6) Consider legislatively modifying the Corey-Shea Act to include surviving parents of active duty service members who are buried in a national cemetery, regardless of location of death or cause of death, in circumstances where the service member does not leave behind an eligible spouse or child.
- (7) Clarify and further define the waiver request process for the national cemetery system and Arlington National Cemetery, so those requesting interment or burial waivers can receive an indicator of a decision prior to their death, even if it cannot be a finalized decision.

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to submit this testimony on behalf of the Tragedy Assistance Program for Survivors (TAPS).

TAPS is the national organization providing compassionate care for the families of America's fallen military heroes. TAPS provides peer-based emotional support, grief and trauma resources, grief seminars and retreats for adults, Good Grief Camps for children, case work assistance, connections to community-based care, and a 24/7 resource and information helpline for all who have been affected by a death in the Armed Forces. Services are provided to families at no cost to them. We do all of this with no financial support from the Department of Defense. TAPS is funded by the generosity of the American people.

TAPS was founded in 1994 by a group of surviving families following the deaths of their loved ones in a military plane crash. Since then, TAPS has offered comfort and care to more than 40,000 people. The journey through grief following a military death can be isolating and the long-term impact of grief is often not understood in our society today. On average, it takes a person experiencing a traumatic loss five to seven years to reach his or her "new normal."

TAPS has extensive contact with the surviving families of America's fallen military service members, making TAPS uniquely qualified to comment on issues affecting the survivors left behind. TAPS receives an average of 13 newly bereaved survivors per day both from our relationship with the Services casualty officers and direct contact from those who are grieving the death of someone who died while serving the Armed Forces.

In 2012, 4,807 new survivors came to TAPS for comfort and care. Thirty percent of the survivors coming to TAPS were grieving the death of a loved one in combat or in hostile action. Nineteen percent of the survivors coming to TAPS were grieving a loved one who died by suicide or in a suspected suicide under investigation. Fifteen percent of survivors reported a cause of death as "unknown" for their service member which often means a death is under investigation. Twelve percent were grieving the death of a loved one by sudden illness, and nine percent lost a loved one in an auto accident. Six percent lost a loved one in an accident and four percent were grieving someone who died in an aviation accident (typically a military training accident). Three percent were grieving the death of a loved one by homicide. One percent were grieving a death in a non-hostile incident, 0.7 percent lost a loved one in a noncombat incident, and 0.3 percent to friendly-fire.

In 2012, approximately sixty-two percent of the family members coming to TAPS for support were grieving the death of a loved one who served in the Army. Sixteen percent of the families were grieving a loved one who served in the Marine Corps. Thirteen percent were grieving a loved one who served in the Navy, six percent were grieving the death of someone who served in the Air Force, and three percent were serving in the Coast Guard or another area.

My name is Ami Neiberger-Miller, and I am the director of outreach and education at TAPS. I am a surviving family member of our fallen military. Tragedy struck my family in 2007 when my 22-year old brother, Army Specialist Christopher Neiberger, was killed in action in Baghdad, Iraq. My brother is buried in section 60 at Arlington National Cemetery among hundreds of others who gave the ultimate sacrifice in Iraq or Afghanistan. My father-in-law, Marine Corps Captain (retired) Norman Vann Miller, who died in 2003 of natural causes, is buried in section 66 at Arlington National Cemetery. I began working with TAPS in October 2007. In my role as a staff member with TAPS, I have supported many surviving families of our fallen military and veterans in communicating with Arlington National Cemetery and represented TAPS at meetings with the National Cemetery Administration.

We have been asked by the subcommittee to discuss the state of "various Veterans' cemeteries, including upkeep and areas for improvement," including both the national cemetery system administered by the VA and

Arlington National Cemetery, administered by the Army. The subcommittee staff also asked TAPS to provide comments on how cemetery errors and mistakes impact the bereavement journey for survivors and to highlight policy matters worthy of future attention.

## **I. Feedback about the national cemeteries that are administered through the VA's National Cemetery Administration**

Our perspective at TAPS is anchored in our expertise – which is providing emotional support to anyone grieving the death of someone who died while serving in the Armed Forces. Our role is to support families in their grief - and when something goes wrong at a cemetery – we know it impacts how families cope with their loss.

Since our founding in 1994, TAPS has worked cooperatively with the National Cemetery Administration (NCA) administered by the Department of Veterans Affairs. The national cemetery system is the ultimate metaphor for the TAPS model of honoring the service and sacrifice of all those who died while serving in the Armed Forces, regardless of where or how they died. The national cemetery system – with its pristine cemeteries and identical headstones – truly honors all who have served and died and are part of our nation's legacy of service and sacrifice.

NCA inters service members and veterans, side by side, regardless of rank, cause of death, or station in life. Service is an equalizing factor in the VA cemetery system, and that is commendable, at a time when the military still presents different gold star pins based on cause of death and others reserve certain honors only for the families of those who are killed in action. The VA cemetery system recognizes all who have served their country and died and we applaud this spirit of equality and honor. The shrine status of our national cemeteries is deeply appreciated by survivors and reflects the care and devotion of our nation to honoring its war dead.

Earlier this month, the VA announced that a review of every grave in the national cemetery system found 15 sets of remains buried in the wrong spots and nearly 800 other problems. We were concerned by the recent VA Office of the Inspector General report, "[National Cemetery Administration: Audit of Internal Gravesite Review of Headstone and Marker Placement](#)."

The inspector general's office found that the VA's examination in its self-review was marred by a lack of "an impartial and independent review procedure." VA officials also did not "provide sufficient time and resources," and "cemetery directors were overwhelmed and felt pressure to complete the review by the target date." The Office of the Inspector General found that at four of twelve national cemeteries, there were seven misplaced headstones or unmarked gravesites, as well as outdated and illegible maps.

While the VA should be praised for initiating a review after problems were discovered at a cemetery in Texas, the haste of the review and lack of resources devoted to supporting the review is concerning. While VA has made adjustments and improvements in response to the Office of Inspector General report, the situation remains troubling.

## **II. Arlington National Cemetery**

We continue to be encouraged by progress being made at Arlington National Cemetery under new leadership. The new telephone system, GPS mapping system, website, and plans for growth with the Millennium project are moving the cemetery's management from being behind the times, to becoming a leader in innovation and development. We feel this track record of progress is helping surviving families move forward beyond the scandals and revelations of 2010. TAPS has worked proactively with surviving families and the administration of Arlington National Cemetery for many years. We hosted a public forum in 2010 for families to meet the new superintendent and executive director of the Army Cemeteries Program. We also supported families grappling with the burial issues at the cemetery, including two families who dis-interred their loved ones to determine if they were buried in the correct locations. We are relieved to be beyond those difficult days and to see improved management and financial oversight in place at Arlington National Cemetery.

### **Survivor Representative Needed on the Arlington National Cemetery Advisory Committee**

The community of surviving families was saddened greatly by the death from cancer of Janet Manion in April 2012. Mrs. Manion was a gold star mother who served on the Advisory Committee for Arlington National Cemetery. Her son is buried at Section 60 among the many other heroes who gave their lives in Iraq and Afghanistan in these recent wars. Some of the families with loved ones buried at Section 60 participate in programs with the foundation that Mrs. Manion established in memory of her late son. Mrs. Manion was the only identified surviving family member of a service member buried at Arlington National Cemetery on the committee, and no survivor has been named to replace her. The seven current members of the committee all have exceptional credentials with the military and veterans service, but none are identified as a surviving family member. This important stakeholder population – the families that are grieving their loved ones at Arlington National Cemetery - is impacted by decisions made by the advisory committee and could contribute greatly to the decisions this committee makes, and we believe they should have a representative on the committee.

### **Plans for the Section 60 Historical Memento Collection Project**

We would like to see plans finalized for the Army's historical collection project at Section 60, which pick up artifacts and mementoes of historical significance once per week and archive them. The project has been in a pilot phase now for a few years and while it has received positive feedback from families, its future remains unknown.

### **III. How Cemetery Errors and Mistakes Impact the Bereavement Journey for Survivors**

It should be noted that most of the families TAPS works with are very pleased with the level of care and service they receive from the National Cemetery Administration and Arlington National Cemetery.

We regularly file requests to help families address errors on headstones and grave markers, talk with VA staff about family concerns, and offer feedback and family input to VA officials and staff. TAPS attends the quarterly briefings conducted by the National Cemetery Administration with veterans' service organizations, where we are updated on activities within the cemetery system and can offer feedback.

When problems arise, we work with NCA staff and Arlington National Cemetery staff to try to resolve matters. If a loved one's name is misspelled on the headstone, it can become a stumbling block for a family's grief. The newly-bereaved may struggle with completing what appears to be a relatively simple form to request a correction, because of the shock and struggle they are going through with their grief.

Even more concerning, when a loved one's grave or memorial marker is mismarked, unmarked or moved without the knowledge of the family, trust is broken between the family and the institution that they have entrusted to care for the gravesite or interment site.

If the family's trust in the institution of the cemetery is broken, then it is very hard to restore it. In some cases, this lack of trust can lead to families becoming angry and disillusioned. They may step away from completing the tasks of grieving, and focus on the cemetery and what has happened. This can be detrimental on a personal level and to the entire family – because instead of contemplating how to re-assemble their lives after the death of a close loved one, the family is caught in addressing these other issues.

Sometimes when issues arise, it is because cemetery staff or others want to spare survivors any pain. In our experience, it is always better to be honest with surviving families than to avoid telling them the truth. Over and over, we have seen families get upset and hurt, not when they are told difficult things and given updates, but when they are led to believe that someone is hiding information from them, when someone is not listening to them, and or when someone is not telling them the truth.

How cemetery staff and leaders respond when something goes wrong can play a pivotal role in helping families step forward beyond their hurt over an error. Cemetery staff would benefit from training in how to work with surviving families when problems arise so they can communicate clearly with families. TAPS is able and willing to provide training at a national level to assist national cemetery or Arlington National Cemetery staff.

#### **IV. Limitations of the Corey-Shea Act**

An area that TAPS would like to bring to the attention of the subcommittee is the limitations of the Corey-Shea Act (Public Law 111-275, Title V, Section 502) and its impact on surviving military families. This act permits the burial or interment of a parent with their child who served in the military and died by hostile action or from a training-related injury in a national cemetery. Parents are only eligible if the service member does not leave behind a spouse or child who would be eligible to be interred with the service member, and if the Secretary of Veterans Affairs determines that there is space available at the gravesite.

It is not uncommon for grieving military parents to want to be buried with their children. TAPS supports the Corey-Shea Act for assisting these parents in fulfilling this desire. However, not all grieving military parents are eligible for these burial privileges, because the Corey-Shea Act limits eligibility to only cases where a service member dies due to hostile action or from an injury incurred in military training.

A surviving father named Frank Contreras of Albuquerque, New Mexico recently made contact with TAPS requesting help because he would like to be buried with his son, Army Specialist Vincent Frank Contreras. Specialist Contreras died at age 20 in an auto accident on September 3, 2011 while deployed in Germany for training. He is buried at Santa Fe National Cemetery.



**Army Specialist Vincent Frank Contreras**

Mr. Contreras was initially cheered by the passage of the Corey-Shea Act and the initial media reports about it, but then he discovered that he was not eligible for burial because of the location and manner of his son's death. Mr. Contreras raised his son as a single parent and Vincent was his only child. Mr. Contreras had a close relationship with his son. In the obituary published for Specialist Contreras, Mr. Contreras is the only survivor and there are no other family members listed.

When asked why he wants to be buried with his son, Mr. Contreras said, "This would mean a lot to be right with him. I'd like to just be with him. One day I'll be ready to visit him, but it would be better if I was with him... My only wish is to be with him when I die. He was only twenty-years old when he died. I would like for my last thing in life to be buried with him. It would be the greatest thing on earth. That would mean a lot, just to know that I would be there. It's hard to describe, but that's a man's dream to be buried - it's my dream to be buried with my son."

If Specialist Contreras had died on the training field, his father would be eligible to be buried with him. But because he died on a roadside while in Germany for training, his father is not eligible for burial benefits. For other military families whose loved ones do not die in combat or from a training-related injury, the same denial of this benefit happens. If their loved one dies from a sudden illness, a cancer potentially-related to burn-pit exposure in Iraq or Afghanistan, by homicide, suicide, or in an accident off-base, their parents cannot request to be buried with them in a national cemetery.

Because of its negative impact on survivors whose loved ones did not die in combat or from a training-related injury, TAPS would support the future expansion of the Corey-Shea Act to include surviving parents of service members, regardless of manner of death or location of death, in cases where the veteran does not leave behind an eligible spouse or child, and in cases where the Secretary of Veterans Affairs, or the appropriate representative, determines that there is space at the gravesite for the interment of additional remains.

#### **V. VA and Arlington National Cemetery's Burial Waiver Request Process**

One might think a potential solution for ineligible parents like Mr. Contreras, would be to apply to the Secretary of the VA for a waiver, requesting burial with their child in a national cemetery. A similar waiver process exists at Arlington National Cemetery. Waivers could, in theory, resolve the matter on a case-by-case basis. However, the process of requesting a waiver for burial or interment in a national cemetery, or at Arlington National Cemetery, is an area where these grieving parents can find no relief.

While Mr. Contreras and other parents ineligible for burial benefits with their children could request waivers—they would have to die not knowing if their requests to be buried with their children could be granted.

In practice, the VA typically does not grant waivers until after the person has died. Meaning - emotionally – the parent has to die without knowing if the request to be buried with the child will be permitted. When talking with another parent about the waiver process a few years ago before the Corey-Shea Act was passed, a surviving mother told me she found no relief in having to die without knowing if she would be placed with her son.

Because the VA interprets that it must determine "at the time of need" if space is available for someone who is ineligible, the people desiring waivers have to die not knowing if their waiver requests will be granted. Arlington National Cemetery's policies outline a similar policy for waivers, which reference applications by a Next of Kin for a decedent.

In a [2011 memorandum](#) VA examined National Cemetery Administration records from 2001 to 2009 to determine the potential impact of the Corey-Shea Act. NCA's examination found a total of 135 requests for waivers were received. Twenty-three of the 135 waiver requests were for the burial of parents. VA approved only 8 of the 23 requested burial waivers for parents. It is reasonable for a parent to expect, with only this type of information available, that his or her request to be buried with a child may not be granted. Dying without knowing whether one can be buried with one's child when a parent desires it, is an emotional burden for a grieving parent to carry.

This is an area where better defining the waiver request process could help survivors. Perhaps the National Cemetery Administration and Arlington National Cemetery could make a preliminary determination on a waiver request, so parents would have more assurance before their deaths, if their desire to be buried with their children could be granted.

Additionally – due to the VA's recent decision to grant a waiver for burial for a same-sex spouse, Nancy Lynchchild, in the VA's Willamette National Cemetery in Oregon, it is reasonable to believe that more waiver requests will be filed in the next few years.

Even this landmark case illustrates the challenges found in the waiver request process for military and veteran families. The burial waiver was requested in December by Lynchchild's spouse, Air Force Lt. Col. (ret.) Linda Campbell, who will be eligible to be buried in a national cemetery when she dies. Her spouse died in late December and the VA made a decision on the waiver request in January. So Lynchchild died not knowing where her remains would be placed, and Lt. Col. (ret.) Campbell agonized over funeral arrangements for several weeks in hopes that the request might be granted.

While the Department of Defense has indicated that it is actively examining the implications of providing burial benefits for same-sex spouses, it may take a long time for the VA and the Department of Defense to work out how these benefits will be applied in practice. As same-sex marriage relationships are becoming more accepted in our society, VA and Arlington National Cemetery may receive more waiver requests for interment while these official policies are being examined and put into place.

We believe that improving the waiver process with greater clarity and earlier decision-making could alleviate some of the pain that grieving families now experience in the waiver process.

## **VI. Recommendations for Improvement**

(1) Provide sensitivity training in how to work with bereaved families for national cemetery staff and Arlington National Cemetery staff. TAPS has conducted training for the Fisher House staff, USO volunteers at the Dover Port Mortuary, military casualty assistance officers and chaplains in all services, and other volunteers in partner organizations on how to provide compassionate and empathetic care for surviving military families. TAPS welcomes the opportunity to provide this training, at no cost, to VA cemetery staff who come in contact with grieving families.

(2) Consider asking or supporting national cemetery staff or Arlington National Cemetery staff who work directly with families to pursue professional certification in bereavement, such as the certification in thanatology program offered by the Association for Death Education & Counseling.

(3) Encourage cemetery staff to connect with TAPS when emotional issues arise, so we can help them facilitate the solution the family seeks, while addressing the family's bereavement needs.

(4) Nominate or appoint a surviving family member with a loved one interred at Arlington National Cemetery and a willingness to listen to other survivors to join the Advisory Committee for Arlington National Cemetery.

(5) Formalize the memento collection program at Arlington National Cemetery.

(6) Consider legislatively modifying the Corey-Shea Act to include surviving parents of active duty service members who are buried in a national cemetery, regardless of location of death or cause of death, in circumstances where the service member does not leave behind an eligible spouse or child.

(7) Clarify and further define the waiver request process for the national cemetery system and Arlington National Cemetery, so those requesting interment or burial waivers can receive an indicator of a decision prior to their death, even if it can not be a finalized decision.

Thank you for the opportunity to submit this testimony on behalf of the Tragedy Assistance Program for Survivors (TAPS).

## **Curriculum Vitae – Ami Neiberger-Miller**

Ami Neiberger-Miller's work with TAPS includes working with the news media, designing strategic outreach campaigns, advising surviving families on media relations, speaking to organizations about TAPS, conducting online outreach to raise awareness with core audiences, writing press releases and other materials, and forging partnerships that build support for TAPS and surviving families.

Because she is a surviving family member, Ami brings a unique perspective to her role with TAPS. Ami's 22-year-old brother, U.S. Army Specialist Christopher Neiberger, was killed in August 2007 by a roadside bomb while serving with the U.S. Army in Baghdad, Iraq. She managed media attention focused on her grieving family and tries to use her personal experience and professional expertise as a communicator to help others.

As an active member of the TAPS Sibling Support Network who is still coping with her own military loss and the changes it has brought to her life, Ami says she finds strength in connecting with peers who have experienced the loss of a loved one serving in the military.

Ami has emerged as a leading advocate for surviving families through her work with TAPS and the media. She has been interviewed by CNN, CBS Sunday Morning, ABC World News, National Public Radio, the Washington Post, the New York Times, the Associated Press and many other media outlets. She appears in the HBO documentary "Section 60: Arlington National Cemetery."

She works frequently with journalists on stories related to survivors of our fallen military, issues impacting survivors, suicide and mental health care in the military, veteran's benefits, and post-traumatic stress disorder.

Ami has devoted more than 15 years of her career to helping organizations improve how they communicate and work with the media. She specializes in helping nonprofit organizations like TAPS, improve their public relations strategies and outreach, with expertise in helping groups that support trauma survivors.

A frequent writer and presenter, Ami authored a guide to managing the news media for military families dealing with traumatic situations. She has spoken at events sponsored by the Dart Center for Journalism and Trauma at Columbia University and the Carter Center. She has spoken on communicating about trauma for nonprofits participating in a training day with the Public Relations Society of America – National Capital Chapter, and spoken for conferences and classes at American University, George Washington University and Marymount University.

She holds bachelor's and master's degrees from the University of Florida. She completed coursework toward a doctorate in educational leadership at the University of Florida and is accredited in public relations.

### **DISCLOSURE STATEMENT**

Neither Ami Neiberger-Miller, nor the Tragedy Assistance Program for Survivors (TAPS), have received any Federal grant or contract, relevant to the subject matter of this testimony, during the current or previous two fiscal years.