

**STATEMENT OF
PARALYZED VETERANS OF AMERICA
BEFORE THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
ON
"HONORING OUR PROMISE: REVIEWING THE EFFECTIVENESS OF SERVICES FOR
DEPENDENTS AND SURVIVORS."**

FEBRUARY 8, 2022

Chairwoman Luria, Ranking Member Nehls, and members of the Subcommittee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to submit our views on Department of Veterans Affairs (VA) benefits and services available to the surviving family members of military servicemembers and veterans. It is essential that we recognize and support the survivors of those who served, and we trust that the information gained from these proceedings will help ensure VA is properly prepared and resourced to better meet their needs.

VA offers directly, or in conjunction with other federal agencies, several benefits for surviving spouses, children, and dependent parents of deceased veterans to provide them with financial, educational, and emotional support. The cornerstone of this assistance is Dependency and Indemnity Compensation (DIC), a monthly, tax-free cash payment for eligible surviving spouses, children, and dependent parents. Other benefits include survivors pension, burial and plot internment allowance, education assistance (Fry Scholarships or Chapter 35), home loan guaranty, health insurance through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), and life insurance. There are definitive eligibility requirements for each of these benefits that the surviving family members must meet; so, they may qualify for some, none, or in a limited number of cases, all of them.

The time immediately following the death of a servicemember or veteran is when most survivors are forced to make big life decisions like the burial of their loved one, finances, and living situations. This is typically when they need the most help and having the assistance from an informed professional when making these decisions usually helps alleviate the stress of their loss and allows survivors to process their grief.

When a servicemember dies, the Department of Defense's (DOD) Casualty Assistance Program makes sure that their families have support in their time of need, including understanding all benefits and other forms of assistance. Their program assigns a casualty

assistance officer to advise and assist the surviving family members and a host of other experts are available to help the family through this difficult transition period.

VA's Office of Survivors Assistance (OSA) was established by Public Law 110-389 in October 2008, to serve as a resource regarding all benefits and services furnished by the Department to survivors and dependents of deceased veterans and members of the Armed Forces. Unlike DOD's program, OSA seems to be largely a web-based program with no outreach to the veteran's surviving family members once a veteran has passed. A statement on OSA's webpage seems to confirm this observation. It expresses the hope that by perusing their page, "survivors and dependents, veterans, their families, caregivers and others will become more knowledgeable about the benefits and services offered by VA to eligible survivors and dependents, and take the next steps to apply, if deemed eligible."

Better Outreach Needed

We spoke with several survivors recently and most described their interactions with VA as being "cold" and "transactional" with little or no empathy demonstrated by the Department personnel they spoke with. A widow of a PVA member who died from ALS noted that VA did an excellent job taking care of them until her husband passed. After that, the only communication she had from VA acknowledging his death was a letter warning her not to spend his final compensation check because the Department would be pulling it back.

Our service officers tell us that most surviving spouses they work with are unaware of the benefits they are eligible to receive and how to apply for them. A few survivors were aware of DIC and burial assistance but did not know they could be eligible for other benefits like the survivors pension, education benefits, and home loans. This general lack of awareness about benefits and services they may be eligible for is a clear indicator that VA's current outreach and education efforts are insufficient. Ideally, VA should meet survivors where they are through active outreach that extends beyond their webpage and perhaps mirrors some of what DOD offers.

Streamlined Information for Survivors Needed to Decrease Confusion

Survivors often tell us they find having multiple sources of information confusing because in some cases the information provided through those venues is contradictory. VA's main webpage, the OSA webpage, MyVA411, USA.gov, the National Archives, and even the US Census Bureau all provide information regarding veteran survivor benefits. In addition, individual military service sites and a host of private entities provide similar information. Providing a one-stop, easily accessible site for survivors to learn about DIC, survivors pension, education benefits, home loan guarantees, bereavement, and financial counseling,

as well as support available from other agencies would ensure they are getting accurate information and make their search for it less daunting.

Better Protections Against Loss of Disability Compensation Needed

PVA's members are veterans with spinal cord injuries or disorders (SCI/D). To serve their needs, PVA employs a cadre of service officers who assist all veterans and their families, not just those with SCI/D, with a wide variety of VA claims. Service officers report that the change most needed is to soften the adverse financial impact that occurs once an SCI/D veteran dies. Many of our oldest veterans are passing away and, in most situations, their widows were their primary caregivers for 40 years or more. Therefore, many of them did not have careers, could not work, or even go to school. In addition to this loss of income, because many of them could not work, they earned no Social Security work credits. So, when a service-connected SCI/D veteran passes away monthly compensation that may have been upwards of \$8,000 a month stops, and their widow receives only about \$1,400 per month in DIC. Occasionally, adjusting to this precipitous drop of revenue into the household can be too difficult for some surviving spouses and they are forced to sell their homes and move in with friends or family members.

Losing a spouse is never easy and having a security net to provide financial assistance after the passing of a loved one eases this burden. DIC is intended to protect against spousal impoverishment after the death of a service-disabled veteran. For 2022, this compensation starts at \$1,437.66 per month and increases if the surviving spouse has other eligible dependents. DIC benefits last the entire life of the surviving spouse except in the case of remarriage. For surviving children, DIC benefits last until the age of 18. If the child is still in school, these benefits might go until age 23.

The rate of compensation paid to survivors of servicemembers who die in the line of duty or veterans who die from service-related injuries or diseases was created in 1993 and has been minimally adjusted since then. In contrast, monthly benefits for survivors of federal civil service retirees are calculated as a percentage of the civil service retiree's Federal Employees Retirement System (FERS) or Civil Service Retirement System (CSRS) benefits, up to 55 percent. This difference presents an inequity for survivors of our nation's heroes compared to survivors of federal employees. DIC payments were intended to provide surviving spouses with the means to maintain some semblance of economic stability after the loss of their loved ones. Survivors who rely solely on DIC benefits face significant financial hardships at the time of their spouse's death. PVA strongly believes the rate of compensation for DIC should be indexed to 55 percent of a 100 percent disabled veteran's compensation.

Additionally, if a veteran was rated totally disabled for a continuous period of at least eight years immediately preceding death, their eligible survivors can receive an additional amount (currently \$305.28) per month in DIC. This monetary installment is commonly referred to as the DIC “kicker.”

Unfortunately, survivors of veterans who die from Amyotrophic Lateral Sclerosis (ALS) rarely receive this additional payment. ALS is an aggressive disease that quickly leaves veterans incapacitated and reliant on family members and caregivers. Many spouses stop working to provide care for their loved one who, once diagnosed, only has an average lifespan of between three to five years; thus, making it very difficult for survivors to qualify for the kicker.

VA already recognizes ALS as a presumptive service-connected disease, and due to its progressive nature, automatically rates any diagnosed veteran at 100 percent once service connected. The current policy fails to recognize the significant sacrifices these veterans and their families have made for this country. PVA strongly endorses H.R. 5607, the Justice for ALS Veterans Act which would allow these survivors to receive this additional amount of compensation. We urge Congress to pass it as quickly as possible.

Surviving spouses of LGBTQ veterans have also experienced complications when filing for survivors benefits. For the DIC kicker, a veteran must have been married to their surviving spouse for eight years. However, if a veteran passes away in a state that did not previously recognize same sex unions, those marriages have only been federally recognized since 2015. This could prevent some surviving spouses from receiving their full benefits.

Additional Considerations

Claims Process

Normally, VA pays out benefits by direct deposit each month in arrears. That is, VA pays out benefits for each month on the first business day of the following month. Any compensation received after the date of death must be returned. This is true even if the check is a retroactive check covering a past period of entitlement. When a veteran dies, VA may electronically submit, then retract a payment even in instances where the veteran’s estate is clearly entitled to receive that payment. The Department will then return the payment electronically or via a hard check within a few weeks after the veteran’s passing. This inexplicable transaction occurs at a time when the surviving spouse is physically and emotionally fragile as he or she deals with a profound sense of loss, burial arrangements, and many financial and legal matters. We recognize VA’s fiscal responsibilities in this area but also observe the adverse impact it has on the surviving family members at a particularly sensitive time. We encourage VA and this Subcommittee to examine this process to see where changes could be made to make the process more humane.

Also, when PVA is notified a veteran for whom we held a power of attorney (POA) has died, our service officers will normally contact the surviving spouse to offer condolences and assistance in obtaining benefits like DIC or a survivors pension. When PVA submits the VA Form 21-22 to become their representative, we are not always granted access to VA programs that we need to review the file or check the status of the survivor's claims. This adversely affects our ability to serve the surviving spouse. The specific programs service officers need to access are the Veterans Benefits Management System (VBMS) and Share, a Microsoft Windows®-based application which serves as an interface with other programs and data bases related to the claims process. These glitches in the system are frustrating for service officers and family members alike and merit further study.

CHAMPVA

The surviving spouse and eligible children of veterans with service-connected disabilities may qualify for CHAMPVA. Even though a service officer has been given a POA to assist surviving family members in filing for this benefit, representatives are not copied on any correspondence coming from VA regarding their application. Absent any personal follow up, this leaves service officers in the dark regarding the status of their request. It would be extremely helpful if they were notified about the status of these claims.

There are also parity issues for the children of service-disabled veterans who rely on CHAMPVA. Coverage for children under CHAMPVA currently expires when they turn 18 unless they are full-time students, in which case they continue to receive care until they turn 23 or stop attending school on a full-time basis. In 2010, all commercial health insurance coverage increased the age for covered dependents to 26 years, in accordance with the provisions of the Patient Protection and Affordable Care Act (Public Law 111-148). At this time, the only qualified dependents that are not covered under a parent's health insurance policy up to age 26 are those of 100 percent service-connected disabled veterans covered under CHAMPVA. H.R.1801, the CHAMPVA Children's Care Protection Act of 2021, would raise the maximum age for CHAMPVA eligibility to 26 to bring the program's eligibility up to the level of all other insurance programs. We urge the House to pass this legislation.

PVA would once again like to thank the Subcommittee for the opportunity to submit our views on VA's survivor programs and benefits. We look forward to working with the Subcommittee on this important issue.

Information Required by Rule XI 2(g) of the House of Representatives

Pursuant to Rule XI 2(g) of the House of Representatives, the following information is provided regarding federal grants and contracts.

Fiscal Year 2022

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$437,745.

Fiscal Year 2021

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$455,700.

Fiscal Year 2020

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$253,337.

Disclosure of Foreign Payments

Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.