



**STATEMENT OF
TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS (TAPS)
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES**

DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS SUBCOMMITTEE

**HONORING OUR PROMISE: REVIEWING THE EFFECTIVENESS
OF SERVICES FOR DEPENDENTS AND SURVIVORS**

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FEBRUARY 8, 2022

The Tragedy Assistance Program for Survivors (TAPS) is the national provider of comfort, care, and resources to all those grieving the death of a military loved one. TAPS was founded in 1994 as a 501(c)(3) nonprofit organization to provide 24/7 care to all military survivors— regardless of a service member’s duty status at the time of death, a survivors’ relationship to the deceased service member, or the circumstances of a service member’s death.

TAPS provides comprehensive support through services and programs that include peer-based emotional support, casework assistance, educational assistance, and community-based grief and trauma resources, all at no cost to military survivors. TAPS offers additional programs including, but not limited to: a 24/7 National Military Survivor Helpline; national, regional, and community programs to facilitate a healthy grief journey for survivors of all ages; and information and resources provided through the TAPS Institute for Hope and Healing. TAPS extends a significant service to military survivors by facilitating meaningful connections to other survivors with shared loss experiences.

In 1994, Bonnie Carroll founded TAPS after the 1992 death of her husband Brigadier General Tom Carroll, who was killed along with seven other soldiers when their Army National Guard plane crashed in the mountains of Alaska. Since its founding, TAPS has provided care and support to more than 100,000 bereaved military survivors. In 2021 alone, TAPS connected with 9,246 newly bereaved loved ones — an average of 21 new survivors every day. Of the survivors seeking our care in 2021, 31% of those were grieving the death of a loved one to illness and 27% having lost a loved one to suicide.

As the leading nonprofit organization offering military grief support, TAPS builds a community of survivors helping survivors heal. TAPS provides connections to a network of peer-based emotional support and critical casework assistance, empowering survivors to grow with their grief. Engaging with TAPS programs and services has inspired many survivors to care for other more newly bereaved survivors by working and volunteering for TAPS.

Chairwoman Luria, Ranking Member Nehls, and distinguished members of the House Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, the Tragedy Assistance Program for Survivors (TAPS) is grateful for the opportunity to provide a statement on issues and concerns of importance to the families we serve— all those who have served and died.

The mission of TAPS is to provide comfort, care, and resources for all those grieving the death of a military loved one regardless of the manner of death, the duty status at the time of death, the survivor's relationship to the deceased, or the survivor's phase in their grief journey. Part of that commitment includes advocating for improvements in programs and services provided by the U.S. federal government, Department of Defense (DoD), Department of Veterans Affairs (VA), Department of Education (DoED), Department of Labor (DOL), and Department of Health and Human Services (HHS), and state and local governments.

TAPS and the VA have mutually benefited from a long-standing, collaborative working relationship. In 2019, TAPS and the VA entered into a new and expanded Memorandum of Agreement that formalized their partnership with the intent to provide extraordinary services through closer collaboration. Under this partnership agreement, TAPS works with military survivors to identify resources available within the VA and private sector. TAPS and the VA further collaborate to address areas of relevance to all military survivors, such as education, burial, benefits and entitlements, grief counseling, and survivor assistance.

TAPS appreciates the opportunities provided by the quarterly VA and DoD Survivors Forum, which work as a clearinghouse for information on government and private sector programs and policies affecting surviving families. Through its partnership with the VA and DoD Survivors Forum, TAPS shares information on TAPS programs and services that support all those grieving the death of a military loved one and on specific resources available for the COVID-19 global crisis.

TAPS President and Founder, Bonnie Carroll serves on the Department of Veterans Affairs Federal Advisory Committee on *Veterans' Families, Caregivers, and Survivors* and chairs the Subcommittee on Survivors. The Committee advises the Secretary of the VA on matters related to Veterans' families, caregivers, and survivors across all generations, relationships, and veteran statuses. Ms. Carroll also serves as a PREVENTS Ambassador for the VA's suicide prevention initiative.

SURVIVOR EXPERIENCES AND CHALLENGES

Our TAPS Casework advocates work every day to address the immediate needs of survivors. We have close relationships with government agencies and service branches to help resolve issues, such as burials, benefits, records and anything else a survivor may need. Though most survivors generally have positive experiences with, and views of, the Department of Veterans Affairs (VA) they report having challenges both navigating information on, and accessing VA benefits - especially when they are consumed with grief.

When an active duty service member dies, the Department of Defense (DoD) proactively contacts the family and walks them through the benefits and programs available to them. The DoD helps ensure surviving families understand the benefits provided by the DoD and VA and who to contact for issues moving forward. The DoD can provide this service because it has the contact information of the family members before service members pass. The VA does not have the same capability as it does not track family members not receiving benefits, which places the burden on the bereaved family member to determine if they are eligible for benefits, who to contact for questions, and how to apply.

The VA's Office of Survivor Assistance (OSA) would be a logical office for questions and the resolution of problems - and it is very helpful but far too many survivors don't even know it exists until organizations like TAPS reach out on their behalf. Expanding OSA—a small office with only a handful of staff— would help make the survivor experience more manageable and alleviate many challenges. If OSA were funded and staffed appropriately, it could easily operate in a similar manner to DoD's Office of Casualty and Mortuary Affairs. OSA could become the entryway for surviving families who should be eligible for VA benefits and programs.

IMPROVE COMMUNICATION AND OUTREACH TO SURVIVING SPOUSES

Surviving spouses consistently share with TAPS their communication challenges in accessing Dependency and Indemnity Compensation (DIC) from the VA. Each year, the VA sends a letter asking survivors if they have remarried. Surviving spouses are required to send back the letter confirming their marital status. The VA terminates DIC benefits for surviving spouses who return incorrectly completed letters and those from whom the VA does not receive letters.

The VA does not consistently send annual letters to every surviving spouse, complicating this process. As such, surviving spouses are not proactively expecting to receive letters. They also do not have an easy way to verify whether the VA received

their returned letters, so many have no idea if the VA did not receive their letter until they stop receiving their DIC payments. Once VA turns off their benefits, it can take two to four months for VA to turn them back on, which can cause major financial issues for many surviving spouses with survivor benefits as their only source of income.

Morgan Zimmerman, Surviving Spouse of SSG Sonny Zimmerman

“My husband was ‘Killed in Action’ in July 2013. By January of 2014 my benefits had already stopped because I didn’t send a paper back that they mailed to me in September asking if I had remarried yet. I asked them why, I just applied in early August after he died, would I need to fill it out again? Needless to say I got it filled out but they told me it could take 60-90 days for benefits to be reinstated. After that I looked for it every September. A few years they didn’t send it and I called and they said I didn’t need to do it anymore. Then they started sending it again. This past year I got two. One for me and one for my daughter, who is a minor. There is no communication, no consistency, and no sympathy.”

Coleen Bowman, Surviving Spouse of SGM Robert Bowman

“In 2018, I received my “did you remarry letter”, as I have every year since 2013 when my husband passed away. I got anxious instantly and rushed to send it back. In my haste to get it back on time (as this is my major source of income) I did not fill it out correctly. By the time the mistake was realized, payday was upon us, and I did not get paid. I spent several days trying to navigate to the appropriate resource to help me correct the issue.

I was then able to send another form back (via fax). I carefully filled it out, by this time it was late January in 2019. Now February payday was here, and I once again did not receive pay. I had not been paid for two months. When I spent more time on the phone I was informed that I put the wrong date. I put the year 2018 instead of 2019, as many people do for the first month or two of a new year. I was fortunate to have other financial resources that carried me through while this paperwork was being processed. When I finally got paid, it was three months of back pay that I was owed.”

TAPS recommends that VA take a similar approach to most healthcare companies and send out an annual letter that surviving spouses only need to return **IF** they have remarried. The VA would no longer require surviving spouses with unchanged marital statuses to return annual letters to ensure on-time payment of their benefits.

STREAMLINE CLAIMS PROCESS FOR YOUNG ADULT SURVIVORS

When surviving children turn 18-years-old but are still in high school, they are eligible to continue receiving DIC until they graduate high school and through the summer, if they enroll at an Institution of Higher Learning (IHL) for the fall semester. Six months before a surviving child turns 18-years-old, VA sends out a 21-674 form for them to complete. It takes anywhere from six to 18 months for VA to process these claims, causing massive delays in benefits for many surviving children.

The problem is that these cases are not making it into the National Work Queue (NWQ). Instead of being processed as supplemental claims that could take four to six weeks to process, 18-year old surviving children are often recommended to initiate a new DIC claim in their own right using the 21-534EZ form in addition to the 21-674 form. The Pension Management Center (PMC) contacts the Office of Field Operations (OFO) to expedite claim assignments on a case by case basis, which still takes months to resolve claims. Although legally required, the offices do not coordinate when students who successfully continue their DIC payments transition to education benefits, so DIC payments do not stop and later identify as debt against students.

TAPS has worked closely with the Veterans Benefits Administration (VBA) to find a solution. VBA's current recommendation is to design a new 21P-674 form catering specifically to DIC students turning 18 and communicate claims processors inconsistency errors as learning opportunities in the field. The VA has also indicated that the Data Analytics Team designed a report to monthly pull any files with claims for continued DIC, based on school attendance, and pushed out as a priority workload in an effort to bypass the National Work Queue.

While TAPS acknowledges and appreciates the VA's efforts, we believe this solution is more of a temporary bandage than a long-term productive solution. Adding another similar form for survivors to complete will create additional confusion.

The DoD experienced similar problems with executing benefits for child option, Survivor Benefit Plan (SBP) recipients, which, for years, was a much bigger issue than the DIC issue for transitioning students. The Defense Finance Accounting Service (DFAS) rolled out a new process in 2019 that appears to be heavily based on an honor system. It recognizes that the application and supporting documents required to process benefits are legally binding documents. Survivors are expected to report any changes related to their eligibility statuses, offering more straightforward navigation for survivors and more efficient processing for the agency.

Upon reaching the age of maturity, the VA requires surviving students who already had existing annuities as minors under their parents' benefits to submit three forms: the School Certification, Federal Tax Withholding Form, and a new Direct Deposit Form. This requirement allows students to apply for their benefits in their own right as adults.

Students annually resubmit the School Certification, which the VA has simplified to confirm their personal identifying information, current school, and future intents to attend or continue attending school on a full-time basis. Survivors are no longer required to have their school officially certify forms and instead include signatures acknowledging that they must immediately notify DFAS if any information needs updating. For example, if students transfer schools or discontinue school, reduce school attendance to less than full time, or change their marital status, they must contact DFAS to update their information. Survivors receive a notification after submission that DFAS received their forms along with a case file number. If survivors file these forms electronically, assigning a processor and notifying the survivor is often a matter of days. If there are any errors with the submitted forms, DFAS will often contact survivors and guide what needs to be corrected. After updating student annuities, survivors receive a final communication confirming the processing of the annuity with the account in "paying status." Now that this process is streamlined and filed electronically, what used to take up to nine months to address is now on average thirty days.

Surviving families have repeatedly told us that navigating only one new form is easy and that electronic filing has prevented payment delays. Thus, TAPS highly recommends VA switch to a similar process. The following personal testimonials of survivors affected by the DIC young adult issue support our recommendation:

Colleen Evans, Surviving Spouse of CW2 Mark Evans

"I literally gave up on my daughter's DIC from her birthday until graduation. TAPS helped me submit it and confirmed a date correction but it was denied off the first submission date and I quit trying. She had already graduated. I really should have her apply again since she isn't using education benefits and DIC is rightfully hers, but the process takes so long and it seems not worth it."

Kaanan Mackey Fugler, Surviving Spouse of SSG Matthew Mackey

"All three of my young adult children have December and January birthdays and none of them got paid until the middle of summer (Jon, not until September). The back pay is supposed to make up for 9 months of no money during the most expensive parts of their senior years!"

Lindsay McKenna, Surviving Spouse of SSGT Robby McKenna

“I submitted paperwork, but received something saying I never submitted paperwork. I submitted again, still nothing. I didn't try again. I submitted the paperwork to social security at the same time and it was processed with no issues.”

Lisa Luttrell, Surviving Spouse of LTC Stuart Luttrell

“I actually paid my children so I didn't have to fill out/assist them with paperwork. I just gave them the amount. When I called the VA and was told what I had to do to submit, the sheer amount of ‘man hours required’ on my part outweighed a few hundred bucks a piece. DIC was already awarded and shouldn't require more than one box to check.”

INCREASE DIC BENEFITS FOR SURVIVING FAMILIES

More than 450,000 survivors receive DIC from the VA. DIC is a tax-free monetary benefit paid to eligible surviving spouses, children, or parents of service members whose death was in the line of duty or resulted from a service-related injury or illness.

The current monthly DIC rate for eligible surviving spouses is \$1,437.66, which has only increased due to Cost-of-Living-Adjustments (COLA). TAPS is working to raise DIC from 43% to 55% of the compensation rate paid to a 100% disabled veteran; ensure that the base rate is increased the same for all DIC recipients bereaved pre and post-1993; and protect added monthly amounts like the eight-year provision and Aid and Attendance.

TAPS and the survivor community have supported increasing DIC for many years, especially for military survivors whose only recompense is DIC. Passing the ***Caring for Survivors Act*** is the top priority for The Military Coalition (TMC) Survivor Committee, co-chaired by TAPS. TMC consists of 35 organizations representing more than 5.5 million members of the uniformed services— active, reserve, retired, survivors, veterans, and their families.

The following statements from veteran survivors demonstrate that stringent limitations on DIC payments to survivors have financial and widespread impacts on housing, transportation, utilities, clothing, food, medical care, recreation, and employment on all family members, including children who lost a parent.

Ann Drago, Surviving Spouse of LCPL Joseph Drago

“I have lost our family home because the DIC is so low. I have been renting with my son for the last few years. I recently had to move to a new rental. Rent here in Anchorage, Alaska has risen by several hundred dollars per month for similar units. Food has risen by 10-70%. Gas prices are up and wages are not increasing. Child care, if you are lucky

enough to find it at all, can easily cost more than many jobs pay. Having groceries delivered is becoming my best option, for health and safety, but that costs money too.”

Barclay Murphy, Surviving Spouse of Major Edward Murphy

“Widows with older children especially need a DIC increase. As our children reach age 16, "our" portion of Social Security goes away, effectively reducing our income by over \$1,700 a month. At the same time, expenses for our children are on the rise between graduation, supplies, college applications, and expenses for school visits— and basics like higher car insurance premiums for a young driver. Costs are up on EVERYTHING and we're already being told this winter will see some of the highest heating costs.”

Katie Hubbard, Surviving Spouse of CSM James Hubbard, Jr.

“An increase in DIC would mean little less stress and worry each month. That increase would ensure money for groceries and basic necessities would be covered and I wouldn't have to struggle as much to ensure the rest of the ends would be met. I could travel the three hours to see our grandson without wondering how to fit that expense in the budget and have a few extra hours each month to spend with my son on extra learning opportunities, family time without constraints, and play. It would mean a less stressed mom for him that could enjoy playing with legos or cars without thinking about whether I worked enough that day for the bills and food.”

CHALLENGES IN ACCESSING BENEFITS FOR CAREGIVER SURVIVORS

About 55% of those coming to TAPS were caregivers for service members or veterans with visible or invisible illness or injuries, according to a TAPS 2020 survey completed by all supported survivors. Caregiver Survivors are often ill-equipped to access and navigate whatever support, resources, and services may be available and offered to them through the VA.

Many challenges come with being a Caregiver Survivor. In addition to health and mental health concerns, planning for and meeting legal and financial requirements as a Caregiver Survivor is demanding. After death, they are challenged by understanding and executing wills, arranging funeral plans, and accessing and applying for all relevant benefits, including dependent youth. Without information or assistance, Caregiver Survivors often fail to apply for or receive all the benefits they are eligible for promptly. Thus, they lose potential income or resources when bills are accumulating, expenses are increasing, and finding appropriately compensated employment is difficult.

Caregiver Survivors also find themselves fighting to establish service-connection before or after the death of veterans or service members, compounding a stressful caregiving and grieving process. The following personal account illustrates this challenge:

Amy Antioho, Surviving Spouse of Captain Peter Antioho, US Army

“We spent the first year fighting the disease, and the second year fighting the VA for my husband's cancer to be service-connected. I had to wear too many hats, and that made it very challenging for me to also fill my responsibility as a mother. I was constantly on the phone with the VA or Doctors, all the while trying to care for our young son. I was learning as I went, give them evidence, get denied, give them advice, get denied. Each time I thought I had all my ducks in a row, and again was denied.”

REMOVE BARRIERS AND PROTECT SURVIVOR BENEFITS

TAPS and The Military Coalition (TMC) Survivor Committee are committed to removing the “Hold Yourself Out to be Married” clause within the definition of surviving spouse and the term “opposite sex” in Title 38 U.S. Code, section 101, paragraph 3.

According to 38 U.S. Code § 101 Paragraph 3:

“(3) The term ‘surviving spouse’ means (except for purposes of chapter 19 of this title) a person of the **opposite sex** who was the spouse of a veteran at the time of the veteran’s death, and who lived with the veteran continuously from the date of marriage to the date of the veteran’s death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried or (in cases not involving remarriage) has not since the death of the veteran, *and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person.*”

We believe this language unduly penalizes surviving military spouses and may cause them to lose their survivor benefits. Many military surviving spouses choose not to remarry to protect their survivor benefits. Instead, some choose to live together with their significant others without marrying, still living in fear of losing their benefits. TAPS has collected stories from surviving military spouses helping to illustrate this issue, including the following personal testimonials:

“I have been engaged to my boyfriend since June 2011. We have not married due to the penalty nor do we live in the same household because I am in fear of common law marriage if we lived together. We have been together for 14 years. He has been very supportive in my decision to not remarry, so I do not have to work full time and have

more time to spend with my daughter. Being so young it has been difficult over the past 15 years. I am now 35-years-old, still unmarried and with no other children.”

“I was widowed when I was 24. The single most pervasive issue I have faced besides losing my husband, has been the knowledge that I will not be able to remarry without losing eligibility for my health insurance/access to crucial mental health services that I have relied on. Even with a bachelor’s degree and a 9-5 job, I depend very heavily on my monthly DIC allotment to help me survive. I am in love with a man I cannot afford to marry, because despite how hard he works, his income would not cover the losses that marriage would bring to my life. As I approach my mid 30’s, I feel that my relationship is valued less by others in our community because we are not married. It feels infantilizing to always have to refer to my 33-year-old partner, as a ‘boyfriend’ because to call him anything else threatens my ability to live comfortably and independently near my family and my husband’s resting place.”

“I won’t remarry because it affects what I can provide for my children, but it’s awkward to have to tell people that the man I have 3 children with and one more on the way is just a boyfriend. I think he also feels a little less important without the ‘husband’ title and some part of me yearns to be a wife again, but this penalty would hurt financially. Having to make it clear I would not be able to remarry probably discouraged some men. As a woman, being married isn’t everything but it’s sure a part of feeling whole again.”

“At the time of my husband’s death, we had been married for 18 years. His military career was all I’d ever known and our families only financial future. Multiple deployments and overseas moves greatly limited my ability to work. When he died, I found myself raising 3 kids alone without the means to financially support them and myself. Giving up his benefits for a choice of remarriage is not something I feel that I could ever do. Not only did he serve for those benefits, I served alongside him too. His benefits are also my benefits and the only retirement plan that I have.”

STRENGTHEN CRITICAL SERVICES AND SUPPORT FOR LGBTQIA+ VETERANS, THEIR FAMILIES AND SURVIVORS

TAPS appreciates the VA’s efforts to provide and strengthen services for LGBTQIA+ veterans, their families, and survivors, recognizing that this population often faces stigma and discrimination, affecting their health, mental health, and overall well-being.

The “Hold Yourself Out to Be Married” clause within title 38 U.S. Code, section 101, paragraph 3 defines a surviving spouse as a person of the “opposite sex” and excludes same-sex marriages. While *Obergefell v. Hodges* fully legalized same-sex marriages

and the VA has complied across the board, the VA has not updated certain statutes to be inclusive of LGBTQIA+ surviving spouses.

ONGOING IMPACT OF COVID ON SERVICE DELIVERY AND ACCESS

Veterans who die after being ill with coronavirus may have their cause of death labeled as “COVID-19” without accounting for service-related disabilities that further complicate their diagnosis or contributed to their death. TAPS worked with Members of Congress to introduce the ***Ensuring Survivor Benefits during COVID-19 Act of 2021***, ensuring the VA takes service-connected disabilities into account and family members’ access to the survivor benefits they are eligible to receive.

The VA has stated that they can and are implementing this as policy, which we greatly appreciate. Still, TAPS has heard from impacted surviving spouses who have difficulty gaining access to their benefits due to processing errors or processors who do not know about this policy change. We ask Congress to codify the regulation ensuring its continuation. The length of the COVID-19 pandemic is unknown, and codifying this policy will ensure its perpetuity.

NATIONAL CEMETERY ADMINISTRATION OUTREACH TO SURVIVORS

During the ongoing COVID pandemic and its impact on burials being conducted at National Cemeteries across the country, the National Cemetery Administration (NCA) has navigated a very difficult time and provided tremendous support to newly bereaved survivors. Through outreach efforts and public engagement, NCA provided veterans’ families and survivors up-to-date information on burial benefits and procedures.

The NCA created virtual ways for survivors to honor their veterans’ lives and legacies through the Veterans Legacy Memorial. It also enhanced community awareness through the Veterans Legacy Program and utilized Facebook live streaming honoring Memorial Day, Veterans’ Day, and cemetery dedications. Helping educate veterans and survivors on burial benefits, the NCA also works with Veteran Service Organizations. The VBA is a natural NCA partner in educating our veterans and survivors on their benefits; every effort should increase this communication before services are needed.

CONCLUSION

TAPS is grateful to the leadership of the House Committee on Veterans’ Affairs, Subcommittee on Disability Assistance and Memorial Affairs and its distinguished members for holding this oversight hearing to review the effectiveness of VA services for dependents and survivors. TAPS appreciates the opportunity to testify before this committee on many important issues affecting our survivor community.