



**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**

**PRESENTED BY
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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 or veteran 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 survivor's relationship to the deceased service member, or the circumstances or geography of a service member's death.

TAPS provides comprehensive support through services and programs that include peer-based emotional support, casework, assistance with education benefits, and community-based grief and trauma resources, all delivered at no cost to military survivors. TAPS offers additional programs including, but not limited to, the following: the 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 peer survivors with shared loss experiences.

In 1994, Bonnie Carroll founded TAPS after the death of her husband, Brigadier General Tom Carroll, who was killed along with seven other soldiers in 1992 when their Army National Guard plane crashed in the mountains of Alaska. Since its founding, TAPS has provided care and support to more than 120,000 bereaved military survivors.

In 2023 alone, 9,611 newly bereaved military and veteran survivors connected with TAPS for care and services, the most in our 30-year history. This is an average of 26 new survivors coming to TAPS each and every day. Of the survivors seeking our care in 2023, 34 percent were grieving the death of a military loved one to illness, including as a result of exposure to toxins; 30 percent were grieving the death of a military loved one to suicide; and only 3 percent were grieving the death of a military loved one to hostile action.

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.

Chairman Luttrell and Ranking Member Pappas, and distinguished members of the House Committee on Veterans' Affairs, Disability and Memorial Affairs Subcommittee, the Tragedy Assistance Program for Survivors (TAPS) is grateful for the opportunity to provide a statement for the record on issues of importance to the 120,000-plus surviving family members of all ages, representing all services, and with losses from all causes who we are honored to serve.

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 or location 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 — the 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 2014, TAPS and the VA entered into a Memorandum of Agreement that formalized their partnership with the goal of providing earlier and expedited access to crucial survivor services. In 2023, TAPS and the VA renewed and expanded their formal partnership to better serve our survivor community. TAPS works with military and veteran survivors to identify, refer, and apply for resources available within the VA, including education, burial, benefits and entitlements, grief counseling, and survivor assistance.

TAPS also works collaboratively with the VA and DOD Survivors Forum, which serves as a clearinghouse for information on government and private-sector programs and policies affecting surviving families. Through its quarterly meetings, TAPS shares information on its programs and services as well as fulfills any referrals to support all those grieving the death of a military or veteran loved one.

TAPS President and Founder Bonnie Carroll served on the Department of Veterans Affairs Federal Advisory Committee on *Veterans' Families, Caregivers, and Survivors*, where she chaired 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 is also a distinguished recipient of the Presidential Medal of Freedom, the nation's highest civilian honor.

DEPENDENCY AND INDEMNITY COMPENSATION FOR HIGH SCHOOL STUDENTS

If a surviving child turns 18 before graduating high school, Dependency and Indemnity Compensation (DIC) should continue to be paid to the child until their high school graduation. Unfortunately, this has not been happening. TAPS consistently raised this issue with the VA over the past five years, but during that time the VA has not developed a way to process claims for continuation of benefits until graduation in a timely manner, delaying payments for these surviving children up to 18 months and longer.

Approximately six months before a child turns 18, the VA sends them a copy of VA Form 21-674 to complete in order to maintain DIC until graduation. The VA has stated they cannot legally begin to process these forms until the day the child turns 18. At this point, the applications should be dropped into the National Work Queue (NWQ), but because they are supplemental claims, they are not. When the VA finds the application, usually on average three months after the child has turned 18, if the parent signed it, they kick it out as they need the child's signature as a legal adult. If the child signed it before turning 18, the VA has kicked it back requesting it be resubmitted and dated after the child's 18th birthday. At this point, the application disappears into the VA system but does not go into a file or the NWQ.

Approximately six to 12 months later, when the claim is processed, after repeated calls from the survivor or their representative, and usually after the child has graduated high school and started college, it's kicked back for a third time. This happens because the student is now utilizing VA education benefits and is no longer eligible for DIC, despite the claim being for the timeframe between their birthday and before they began utilizing VA education benefits. This is the point where most survivors give up because they feel it is not worth continuing to try to obtain their benefits.

In order for the Pension Management Center (PMC) to take immediate action to process these student claims, "the claim needs assignment from the NWQ." The problem is that these student claims are supplemental claims and are not typically dropped in the NWQ. On occasion, the PMC has contacted the Office of Field Operations (OFO) to expedite claim assignments to the PMC, but it is on a case-by-case basis, usually at the request of a VSO or NSO, and still takes months for movement on the claim. Most claims to extend benefits for surviving children who are adults still in school are well over six months to two years.

We have seen three methods to extend the benefits work: complete the 21-674 Approval of School Attendance; complete the 21-534EZ application for DIC; or both. Additionally, sometimes the forms completed by the parent are accepted; other times the requirement of the child's signature is requested by the VA, or vice versa based on the date of the form and the child's 18th birthday. There has been no consistency as to

which of the above processes works. There has also been no consistency as to who is required to sign the form that is eventually accepted.

TAPS elevated this issue to the Veterans Benefits Administration (VBA) Under Secretary Josh Jacobs in December 2023. The VA has provided us with what they view as a temporary fix as well as a long-term solution. The short-term solution has been to pull the list of applications, manually, weekly and put them into the NWQ. To date, we have not seen shorter processing times with the temporary fix, but we hope this begins to address the issue in the short term.

The proposed longer-term fix is to redo VA Form 21-674 and to add a secondary signature block so that both the parent and child can sign the form. The VA expects this to take 18-24 months to complete. However, this does not fix the fact that these applications do not get dropped into the NWQ. The VA has stated that once they finish redoing the form, they will start to look for a fix to the NWQ issue. TAPS appreciates the form being updated to reduce many of the challenges our survivors face, but the bigger issue has always been that these forms do not get automatically dropped into the NWQ, which is something the OFO must prioritize.

As a temporary solution, TAPS has suggested to survivors that once a student turns 18, to avoid years of extended delays as mentioned above, the student should complete both the 21-534EZ and the 21-674 to bypass the supplemental claim delays in the NWQ. On average, this workaround usually takes three to six months, but this is not a real or permanent fix.

To break it down, a case example of an actual surviving child who “gave up” after three years of trying:

A surviving child’s Army retiree father succumbed to a service-connected illness in November 2018. Prior to turning 18 in August 2019, his mother had been receiving DIC benefits on the child's behalf.

- September 2019: Because the child was enrolled in school and not accessing VA education benefits, TAPS confirmed with the VA the adult child submitted the VA Form 21-674 Request for Approval of School Attendance, the VA Form 21-674b School Attendance Report, the VA Form 21-686c Application to Request to Add and/or Remove Dependents, and the updated Direct Deposit notice.
 - About a week later the Pension Management Center (PMC) advised TAPS, "one of the coaches would review the claim."
- December 2019: The VA advised that there had been "no activity" regarding the DIC claim.

- January 2020: The BVA liaison told TAPS and the survivor "to call the VA hotline" and to involve the liaison "when the matter is urgent or an emergency," but also confirmed there were "no updates available on the status of the DIC claim."
- February 2020: The VA advised that the adult student now needed to submit his own VA Form 21-534 Application for Dependency and Indemnity Compensation, Survivors Pension, and Accrued Benefits by a Surviving Spouse or Child to apply for DIC "in his own right."
- May 2020: The VA confirmed the mother was not receiving benefits for the adult student since he reached the age of maturity. Additionally, the VA advised the VA Form 21-674 could not be used to "continue" his DIC award, but then also said there was no 21-674b on file to show he was enrolled in college. Later that month, the VA then recommended the adult child also submit the VA Form 21-534a Application for Dependency and Indemnity Compensation by a Surviving Spouse or Child In-Service Death Only and stated the original submission of the VA Form 21-674 "only complicated things."
- July 2020: The VA advised that all the "paperwork" was received in early June and to expect a "few months" to process.
 - While waiting for his DIC to process, the adult student did apply for DEA and started using the benefit.
- August 2020: The VA advised that "no further action had been taken" in regard to the claim.
- September 2020: The VA advised there "was no update as of yet" in regard to the unpaid DIC claim.
- October 2020: The VA advised the claim "was still pending."
 - Late October: The VA advised because he started using DEA, he was not eligible for DIC. TAPS raised the question of the unpaid months for DIC between the time his father passed before he started using DEA, as he was enrolled in school the entire time and would be eligible.
 - The VA provided the additional response that the family has "missed some time requirements" — that the mother originally submitted the 21-674, but he was already 18. On June 20, the VA received his 21-534EZ along with the 21-674, and the 21-674b which was not signed by the school. The student started using DEA in August 2019, so the VA denied his claim for DIC due to receiving education benefits. TAPS again questioned the unpaid DIC between November 2018 (when the veteran passed) and August 2019 (when the child started using DEA).
- Late October 2020: The adult student formally submitted the VA Form 20-0995 Decision Review Request: Supplemental Claim, VA Form 21-4138 Statement

in Support of Claim, VA Form 21-674 Request for Approval of School Attendance, and VA Form 21-674b School Attendance Report for the ongoing unpaid DIC benefits prior to accessing DEA benefits. The VBA confirmed receipt on Nov. 4, 2020.

- November 2020: The VA confirmed the documents were "entered into the system on Nov. 17, 2020." The VA advised it was in the "National Work Queue" and would "likely be resolved within the next several weeks."
- January 2021: The VA advised the claim had been "assigned to a specific office, however, there was no final determination as of yet."
 - Later that month, the VA advised there were again concerns with the VA Form 21-674b being incomplete and that an updated Direct Deposit form was required.
 - The adult student again resubmitted the VA Form 21-674b School Attendance Report and the VA Form 29-0309 Direct Deposit Enrollment/Change.
- February 2021: The VA advised they had sent a letter dated Jan.19, 2021, which stated, "Since he is already getting his DEA, he can't be back paid for the DIC he didn't receive." This denial was despite his efforts to apply for DIC one week after turning 18, and nine months before he started receiving DEA.
 - After this second denial and 18 months of trying, the student gave up trying to "fight" for the unpaid DIC benefits.

**** VA did pay the child in December 2023 after Under Secretary for Benefits, Josh Jacobs, was provided this case example from TAPS.***

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 is 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.

Survivors are no longer required to have their school officially certify forms; instead, they sign 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 them through corrections. 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 30 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 the VA switch to a similar process.

TAPS RECOMMENDATION: Allow students to submit a single school certification form, such as, or similar to, the VA 21-674, upon their 18th birthday, along with a new direct deposit form that will generate a process into the NWQ upon receipt. This will ensure students’ DIC payments continue through their high school graduation. Additionally, if the VA Education Office awards benefits, the Pension Management Center is required to be notified by the Education Office to release additional funds for the summer months between high school graduation and their first day of utilizing the education benefits.

To help further highlight this important issue, the following are personal testimonials from survivors who have been fighting for DIC while in high school:

Rebecca Eggers, Surviving Spouse of CPT Daniel W. Eggers, U.S. Army

“My son turned 18 in December 2018, during his senior year of high school. In January 2019, we faxed the paperwork to the VA to indicate he was still in school and that his DIC should continue. In August 2019, he began using Chapter 33 benefits for college. We received a letter in March 2020 indicating that his DIC eligibility was approved and he received a retroactive payment of approximately \$3,500 for DIC for January 2019 through July 2019.

“In the spring of 2022, he received notification that an audit was done on his account and that he received DIC while also receiving education benefits. We filed a dispute; however, we still have not received anything back in the mail on whether the debt was resolved. Although the retroactive payment was made in 2020, the payment was for January through July 2019 when he was not receiving education benefits. Had the VA processed the initial student verification in a timely manner, rather than taking over a year, the payment would not have conflicted.”

Lisa Luttrell, Surviving Spouse of LTC Stuart Luttrell U.S. Army

“I actually paid my children so I didn't have to fill out or assist them with the 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 dollars apiece. DIC was already awarded and shouldn't require more than one box to check.”

DEPENDENCY AND INDEMNITY COMPENSATION FOR HIGH SCHOOL GRADUATES

Not only is Dependency and Indemnity Compensation (DIC) supposed to be paid until a dependent child graduates high school, they are also to be paid the months between graduation and starting college, if they activate VA education benefits for the following term. The VA does not do this but instead, DIC is terminated upon graduation from high school. Most survivors do continue on to post-secondary education, and as eligible surviving students, elect VA Education Benefits, that application does not extend the DIC for the summer.

38 CFR 3.667(b) allows continued DIC benefits through summer break when a school child receiving DIC in high school elects DEA/Fry Scholarship starting with the fall school year. Continued payment of DIC is warranted only if there is no break in school beyond summer. If the child took the fall semester off or a gap year, then DIC ends with high school. Adjudication procedures for VA field stations on this topic are found in M21-1 III.iii.6.C.2.b

TAPS recently worked with the St. Paul, Minnesota Regional Processing Office (RPO) who did provide a workaround. They recommended that surviving children submit a second 21-674, but, instead of putting in the dates of attendance, list the citation “38 CFR 3.667 (b)” to show the claims processor where to look statutorily for what the student is applying for in terms of benefits. While we are seeing this work so far, with the handful of cases we have helped to submit, we do not view this as a long-term permanent fix.

The VA has stated that the long-term fix for this is to update VA Form 21-674 and add a box that states “continuing education next year” or something similar to allow them to pay the student through the summer months. We are optimistic that this will work, but these forms do not get automatically dropped into the NWQ, so they have extremely high processing times. The VA's estimated timeline for updating this form is 18-24 months from the January 2024 House Committee on Veterans' Affairs oversight hearing.

Additionally, the VA has stated that they do not have a way to track these students as the Education system does not talk with the Pension system to determine dates for when a child has graduated high school and when they have activated education benefits, which could create debts for students if they do not stop payments when education benefits begin.

DELAY IN CLAIMS PROCESSING FOR DEPENDENCY AND INDEMNITY COMPENSATION

TAPS has concerns about the current wait times we are seeing for initial claims for Dependency and Indemnity Compensation (DIC). We have seen several cases where the processing time is over a year for an initial claim. We are also concerned that the response our Casework team is receiving from the VA has generally been along the lines of “we are backlogged,” but there have not been any updated timelines provided.

A case example of this is a Navy Vietnam veteran who died on June 6, 2023, of Chronic Obstructive Pulmonary Disease (COPD) as a result of Agent Orange (AO) exposure through Blue Water Navy. He only had a disability rating of 10 percent for tinnitus. His surviving spouse applied for accrued benefits and DIC on Sept. 10, 2023. TAPS Casework reached out to the VA requesting a status update and confirmation of receipt of claims in October, which was confirmed. In December, the surviving spouse received a request for additional information, as they did not have him listed as having deployed to Vietnam. The surviving spouse provided this information within a few weeks. TAPS reached out to the VA for an update on the status of the claim on Feb. 3, 2024, and received a response on April 8, 2024. At that time, TAPS was informed that there had been “no movement” on the claim. TAPS followed up on May 6, 2024, and again on June 6, 2024, when it was confirmed that claims processing was “quite behind” and that “processing for many of the AO claims for non-Vietnam boots on ground (BOG) or littoral waters are temporarily suspended.”

We understand that many of these DIC cases are incredibly complicated due to challenges, such as contributing factors not being listed on death certificates. However, the VA has had all the information on this file since January, and there has been no movement on the claim. This leaves the family in financial hardship while awaiting a decision that should be fairly clear-cut due to the *Blue Water Navy Vietnam Veterans Act of 2019* (PL-116-23).

Additionally, because the backlog is so high at the Philadelphia Regional Processing Office (RPO), where most of the DIC claims are processed, they have been sending them to the Milwaukee RPO which appears to not be equipped to handle them. We have seen several letters that were erroneous due to the backlog and Milwaukee being ill-equipped to handle these cases. One example is a letter that stated “Denied Service

Connection” on the first page, but all subsequent pages stated that service connection was approved. The VA did later confirm that the death was ruled “service-connected” and that the letter was erroneous, due to human processing error.

The VA has confirmed that they have hired 35 new Veteran Service Representatives (VSR) and 25 new Rating Veteran Service Representatives (RVSR) who will start in Philadelphia in July and should be fully trained by August. We are optimistic that this should fix the backlog in Philadelphia and pull all of the DIC claims out of Milwaukee and back into Philadelphia, where they belong.

While we appreciate the VA sharing these updates, our biggest challenge has been — and still is — lack of an updated timeline. We know that the increased number of VSRs and RVSRs will help decrease wait times and clear the backlog. We hope to see an updated timeline for processing times from the VA soon. Having a clearer timeline would help TAPS and survivors better manage expectations for such critical benefits.

CONCLUSION

TAPS thanks the leadership of the House Committee on Veterans’ Affairs, their distinguished members, and professional staff for holding this important hearing on survivor issues. TAPS is honored to testify on behalf of the thousands of military and veteran surviving families we serve.