

Written Testimony Submitted for the Record
on the
CARING FOR SURVIVORS ACT of 2023
S. 414/H.R. 1083
to the
JOINT HEARING of the SENATE AND HOUSE COMMITTEES ON
VETERANS' AFFAIRS
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Summary of Written Testimony by Laura Lehigh
Expressing Concerns over the “Special Rule” language in S 414/HR 1083
The Caring for Survivors Act of 2023

In 1993 the Dependency and Indemnity (DIC) payment system was changed from a rank-based payment system to an indemnification-only flat-rate payment system.

“Old Law” pre-1993 protected rank-based payments include “dependency” amounts based on the deceased service-member’s rank and time in service.

The goal of the Caring for Survivors Act of 2023 is to increase the current rate of DIC to be equal to 55% of the disability payment made to a 100% disabled veteran with no dependents.

The “special rule for certain individuals” in the current language of the bill unfairly reduces or eliminates entirely the amount of DIC increase for some pre-1993 “Old Law” DIC spouses.

The indemnification amount inherent in all DIC payments is the same for all DIC beneficiaries.

The Department of Veterans Affairs pays add-on amounts to certain DIC beneficiaries depending on circumstances.

Protected pre-1993 rank-based dependency amounts should be viewed as an “Old Law” DIC add-on and not function as an offset.

All DIC beneficiaries should get the same amount of increase.

HOW THE CURRENT FLAT RATE DIC PAYMENT WAS CREATED

In 1993 when Congress approved a change to the then-existing Dependency and Indemnity (DIC) compensation scheme, they did an enormous disservice to all future DIC recipients. By lumping together survivors of lower-ranking service-members E1 thru E6 into a single flat-rate DIC payment group, Congress created a two-tier payment system: rank-based DIC and flat rate DIC. Recognizing, however, that they could not legitimately lower already existing DIC rank-based amounts, Congress preserved the rank-based classifications for survivors of ranks E7 and higher. In the future for all post-1993 DIC recipients, a deceased service member's achievements earned through rank and time in service would no longer be factored in as partial basis for DIC compensation. With the removal of the rank-based dependency amounts, post-1993 "new law" DIC compensation became an indemnification payment only.

DEPARTMENT OF VETERANS AFFAIRS STATISTICS FOR CURRENT DIC SPOUSE RECIPIENTS

The most recent statistics from the Department of Veterans Affairs Annual Benefits Report, updated February 2023, indicate that there are 459,566 DIC spouse recipients. Of that number, the pre-1993 rank-based-protected widows represent only about 11% of all DIC surviving spouses across the nation.

MY PERSONAL STORY AS A RANK-BASED WIDOW

My name is Laura Lehigh. I am the surviving spouse of 1LT Michael Schmidt, a combat-wounded veteran whose death in 1971 was the result of complications from wounds sustained in Vietnam in April, 1968. I am a pre-1993 "grand-mothered" rank-based widow, testifying here for myself and on behalf of the remaining 51,024 rank-based DIC recipients, most of whom are the elderly widowed spouses of America's deceased World War II, Korean and Vietnam War service members.

Many of us of the Vietnam and earlier generations stayed home to care for our families. We entered the work force late and at an economic disadvantage. Comparatively speaking my wages were low and my earned Social Security benefit is not very high. I rely on Social Security and my DIC benefit for income. Maintaining the robust nature of my protected rank-based DIC payment matters to me. Compared to the present flat rate indemnification-only DIC amount of \$1562.74, my rank-based payment includes an additional, small "dependency" portion of \$144.07. If S. 414/H.R. 1083 passes as written, that small dependency portion of my total payment will be used against me, functioning as an offset against any increase I might otherwise receive from a newly established flat rate.

THE PRE-1993 PRESERVED DEPENDENCY PORTION OF DIC SHOULD BE VIEWED AS AN ADD-ON

The VA allows add-ons for certain eligible individuals, depending on their qualifying circumstances. Some examples are Aid and Attendance, Homebound, and the 8 year/100% provision. Even the allowance for each dependent child is paid as an add-on. Because of the 1993 law change, I now view my "old law" protected rank-based dependency amount in the same way as if it were an add-on. I respectfully suggest here that Congress should do the same. If certain DIC recipients can have the benefit of an add-on to their DIC payment that is not calculated against them, then, in a similar way, the dependency amounts that are already embedded in "old law" rank-based DIC should not be used to reduce or eliminate any DIC increase otherwise available for pre-1993 surviving spouses.

HOW THE 'SPECIAL RULE' WILL HARM RANK-BASED RECIPIENTS

The "special rule" for certain individuals that is incorporated into the text of S. 414/H.R. 1083 will effectively reduce or, for some, even eliminate completely any amount of increase available to pre-1993 DIC recipients. Why would Congress now want to create a new offset to an earlier protected benefit? This outcome cannot be viewed as fair and equitable treatment when Congress in 1993 specifically acted to preserve the DIC dependency portion for those of us with rank-based payments.

CLOSING STATEMENT AND THE MATTER OF PRINCIPLE

My late husband served our country with distinction at a time when very few Americans supported the war or our warriors. After he was critically wounded, he faced many long months of painful recovery only to die from complications almost three years later.

Michael's name was not originally included to be inscribed on our nation's most venerated memorial, the Vietnam Memorial Wall. I fought successfully to get his name added there. For me, to do that was a matter of principle. His sacrifice was great and he deserved no less of an honor than those who never came home.

Today I bring that same matter of principle before all of you here. I do not believe that Congress would knowingly penalize and further marginalize any group of military survivors, and especially not those of us who are so few in number.

Congress must not chip away at a crucial, protected benefit for those of us who have reached our golden years. We are the widowed spouses of America's best. We carried on alone, often at great financial disadvantage, after the loss of our spouses. We deserve the same respect, the same consideration, and the same increase as every other DIC flat rate recipient will get when S. 414/H.R. 1083 becomes law.

**ADDENDUM to testimony of Laura Lehigh
on the Caring for Survivors Act of 2023**

**The following are members of the DIC Surviving Spouses Rank-Based Widows Dependency and
Indemnity Group receiving compensation under Old Law DIC**

Martha M. Baker, widow of MAJ Willard Baker, died March 25, 1992

Patricia Bergquist, widow of CDR Melvin D Bergquist Jr, died February 21, 1985

Harriet Boyden, widow of MAJ Dana Wesson Mitchell, died September 17 1969

Sally Brauer, widow of CPT Jimmy Mac Brasher, died October 18,1967

Beverlee Carter, widow of SrA Ernie Carter, died February 19, 1973

Pamela Catron Clarke, widow of SGT Robert D Pullen, died January 6, 1968

Rachel Bunn Clinkscale, widow of SFC James Albert Bunn, died February 2, 1968

Mary M Creighton, widow of SGT Timothy Creighton USMC, died September 14th, 1982

Annie M. Crowder, widow of MSG Ocarlue Crowder, died July 22, 1963

Carole Lasater Dahlinger, widow of Frank Dahlinger, CDR, US Navy, died April 18, 1986

Jeanette B. Early, widow of SFC Howard Lee Early, died February 19, 1969

Florence Ebel, widow of CAPT William E. Ebel, died September 24,1966

Sandra Faria, widow of William Franklin Holland (E5), died in 1972

Kathy Hendler, widow of TSgt Larry Brown, died 1983

Sheila McCamant Hobbs, widow LCDR Delbert Hobbs, died November 3, 1992

Alison F. Hoglan, widow of 1LT Gregory Hoglan USAF, died May 22, 1987

Georgia Hudak, widow of LTJG Nicholas Harris, died March, 1968

Nicolette Drummonds Janczak, widow of Tsg David John Janczak died March 1, 1991

Patricia C Kelly, widow of CAPT Vincent J Kelly, USAF died March 12,1970

Laura C Lehigh, widow of 1LT Michael Schmidt, died October 29, 1971

Sandra L Luhnnow, widow of PFC Glenn Eugene Luhnnow, died October 14, 1967

Debra Messer, widow of John J Messer Rank E4, died 1991

Martha Monsen, widow of SSgt Lance M Monsen USMC, died January 10, 1991

Lehigh Addendum to testimony p.2**The following are additional members of the DIC Surviving Spouses Rank-Based Widows Dependency and Indemnity Group receiving compensation under Old Law DIC**

Marianna Nelson, widow of SSGT Paul A Nelson, died March 28, 1969

Sandra M. Robertson, widow of MAJ Pierce I Robertson, died on October 9, 1966

Patricia Sampers, widow of IC1 James William Sampers, died September 9, 1969

Tracy Bailey Scott, widow of LCpl Allen Grossman, died 1991

Norma Smith, widow of TSgt. John Samuel Smith, died November 28, 1974

Jamie Tomek, widow of 1LT Glen Tomek, died April 18, 1969

Sharon Turner, widow of LT Charles John Turner, died Jan 18, 1991

Kathy Upchurch, widow of 2LT James Glenn Upchurch, died March 25, 1969

Katie Wegg, widow of SFC Joseph L Wegg, died November 17, 1980

Barbara Wilkerson, widow of MAJ Jimmy L Wilkerson, died February 25, 1991

Michelle Wimer, widow of SP4 Steven Donald Wimer, died 1992

Margie Wingfield, widow of SGM Robert Benton Wingfield, died 24 September 1992

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BIO of Laura C. Lehigh, widow of 1 LT Michael Schmidt, USAR, deceased

As a young woman growing up in the 1960's, Laura met her late husband when she was a freshman in college at St. Lawrence University in Canton, NY. After graduation from St Lawrence and while in law school Michael lost his student deferment status and was drafted into the US Army. He enrolled into Officers Candidate School and was sent to Vietnam in 1968 as a 2LT.

Critically wounded in April of that same year, Michael returned home for a long recovery, after which time he was medically retired. He and Laura married in 1969. His death in 1971 was attributed to service-connected causes.

When Laura learned that her late husband's name was excluded from the Department of Defense list of names to be inscribed on the Vietnam Veterans Memorial Wall in Washington, D.C., she took action. She contacted the Department of Defense to request that his name be added. She was successful in her mission. Today Michael's name can be found on Panel 2W Row 95.

Living in her native state of Rhode Island at the time, Laura's story was featured on the front page of the Providence Journal-Bulletin in May, 1986.

Shortly thereafter Laura became involved in helping to establish Rhode Island's first chapter of Vietnam Veterans of America (Chapter 273). She was honored to be a keynote speaker at Chapter 273's Charter Award Ceremony where she spoke along with Jan Scruggs, Founder of the Vietnam Veterans Memorial Fund. Through her association with Vietnam Veterans of America she was a frequent participant in the Speakers' Bureau, visiting local high schools along with area Vietnam veterans to share her story about her own Vietnam experience.

Through those experiences Laura learned the value of speaking up against injustice and educating others about the consequences of war. Presently she is an administrator on a dynamic Facebook group of over one thousand members, DIC Surviving Spouses and Friends. Most of the group members are the surviving spouses of America's Active Duty and service-connected deceased military members. Laura sees her role there as a way to help keep informed about their benefits America's military widows and widowers who often are not aware of how legislative changes may impact them. She also keeps in touch with the survivor community through other social media platforms including the Vietnam Veterans Memorial Fund Facebook group and The Military Officers Association (MOAA) Surviving Spouse Facebook group, where she uses her knowledge and experience to answer questions and provide clarity about survivors' benefits.

Disclosure

As an Independent Citizen Advocate Laura Lehigh has received no compensation of any kind for this testimony