



Gold Star Wives of America, Inc.

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Statement of

Gold Star Wives of America, Inc.

House Committee on Veterans' Affairs

Subcommittee on Disability Assistance and Memorial Affairs

Legislative Hearing on March 29, 2022

Presented By

Crystal Wenum

Gold Star Wives of America, Inc.

“With malice toward none; with charity for all; with firmness in the right, as God gives us to see right, let us strive to finish the work we are in; to bind up the nation’s wounds, to care for him who have borne the battle, his widow and his orphan.”

... President Abraham Lincoln, Second Inaugural Address, March 4, 1865

Introduction

Chair Luria, Ranking Member Nehls, and distinguished members of the Subcommittee on Disability Assistance and Memorial Affairs. Gold Star Wives of America, Inc. (GSW) is pleased to share our thoughts and concerns regarding *Pending Legislative Issues regarding survivors' benefits, increasing accessibility, automation, and financial information.*

Gold Star Wives of America, Inc. exists to preserve and enhance benefits to surviving United States Military spouses and children; to help our members and their children face the future with courage and determination; and to honor the memory of our military spouses who made the ultimate sacrifice. Our members consist of both men and women and our membership reflects all races and ethnicities. We are a non-profit organization and receive no federal grants.

DIC Modernization Act

Amend 38 Discussion Draft: Amend 38 USC § 103(d) to add a new paragraph that would allow surviving spouses who remarry after 10 consecutive years of receipt, or entitlement to, benefits relating to Dependency Indemnity Compensation to retain 50 percent of the amount payable under such provision and those who remarry after 20 years to retain the full amount. (Rep. TBD)

While GSW applauds any effort to lower or remove the remarriage penalty age for surviving spouses, we know that our younger members who are affected by the remarriage penalty will not think this legislation does enough to end their plight. We know that one of the primary motivators for our younger members to remarry is to provide a father figure for the orphaned children of the service member; or to begin a family and have children. A surviving spouse who loses their spouse at age 25 would have to live through their entire child-bearing and child-rearing age before being able to remarry without losing the DIC benefit.

In this current climate of economic uncertainty, the choice of giving up economic security in order to sustain or create a family, is just not a choice these widowed spouses should have to make.

In addition, surviving spouses would also very much like to retain education benefits and their medical benefits. Any legislation which would lower the age that they may remarry and retain DIC should also include retention of both education and medical benefits. Many of these surviving spouses are still in the midst of their schooling and to end education benefits would serve to cripple their economic prospects for the future. Moreover, having to give up their medical benefits in order to remarry presents a frightening dilemma for them.

Those with younger children are unable to obtain the children's medical records or arrange for their medical care unless the parent is also enrolled in the medical coverage (TriCare).

Newmann 066

Discussion Draft: To amend title 38, United States Code, to update certain terminology related to marriage under the laws administered by the Secretary of Veterans Affairs. (Rep. Newman)

GSW fully agrees with the need to remove the term “opposite sex” to be in alignment with laws of the US which allow marriage between either sex. Updating this will serve to show our active-duty military, Veterans, and Surviving families that the VA accepts and embraces legal marriages without prejudice.

Regarding the issue of Hold Yourself Out, GSW would like to see this language removed completely as it is a matter of conjecture or opinion. It does not benefit the VA or surviving spouses for the VA to try to police the living arrangements or morals of surviving spouses. To try to determine whether a surviving spouse is living with a room-mate of either sex or in a “relationship” with that person is beyond the scope of the VA.

We have heard stories from members of GSW who have been reported to the VA by former boyfriends, the former mother-in-law, or even disgruntled neighbors. If the surviving spouse has not entered into what constitutes a legal marriage in the state of residence, then that surviving spouse should not be subject to this type of scrutiny into their lives.

Neither the military or the VA awards benefits to a person living with a Veteran or active-duty military, even a fiancé, without benefit of marriage. Therefore, the VA should not deny benefits to a person living in a relationship with another, without evidence of marriage.

Honoring our Promise Act

Discussion Draft: “Honoring our Promise Act” To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to improve equitable access to certain benefits of the Department of Veterans Affairs for the survivors of veterans, and for other purposes. (Rep. Luria)

GSW appreciates any efforts the VA can make in removing the barriers to receiving benefits by Veterans and their surviving families. If creating a survey of Race, Ethnicity, Tribal Affiliation, LBGTQIA, and Geographic Location will be the first step in creating a better bridge to benefits, then GSW is in favor of this effort. Our Vice President, Claire Manning-Dick has related how difficult it can be for those on remote Indian Reservations to obtain benefits. This was especially true during the height of COVID as the VA not only did nothing to increase the ability to obtain care, but terminated the outreach that had been in place prior to COVID. There are cultural differences specific to *each* Reservation that need to be addressed to communicate effectively to the tribal members. Knowing and appreciating these cultural differences will be a great first step in providing better services that are so desperately needed.

VVA SSA

Discussion Draft: To direct the Secretary of Veterans Affairs to create fact sheets, for veterans and for survivors of veterans, that compare benefits and compensation, to such individuals under laws administered by the Secretary, to monthly insurance benefits under title II of the Social Security Act, and supplemental security income under title XVI of the Social Security Act. (Rep. TBD)

GSW is in support of the creation of any fact sheet which will help Veterans, their caregivers, surviving spouses and their families understand the benefits clearly, how to apply and deadlines for application. Understanding the benefits clearly is very important for the families of 100% disabled Veterans for their estate planning. The proposed fact sheet may help the surviving family experience less difficulties and hardships in the event of death. For example, knowing that there may have to be repayment of the Veterans benefits in the month of which they die can avoid the shock and financial hardship this can

cause. Having this type of financial hardship at a time of great emotional distress could be greatly avoided by providing better information ahead of time.

Modernization of Department of VA Disability benefit questionnaires

Discussion Draft: Department of Veterans Affairs Principles of Benefits Automation Act. (Rep. Bost)

GSW appreciates any effort to modernize the VA systems.

Survivor Solid Start Act

Discussion Draft: "Survivor Solid Start Act" To amend title 38, United States Code, to improve outreach by the Secretary of Veterans Affairs to dependents of deceased veterans, and for other purposes. (Rep. Mrvan)

While GSW appreciates any effort to reach out to surviving spouses and their families in regard to their benefits, currently survivors of active-duty deaths are currently assigned a casualty assistance officer, whose duties include making sure the family receives the benefits to which they are entitled. This legislation asks that a SOS representative contact that family on a quarterly basis until application for benefits have been made. We question if the role of the SOS representative would be expected to replace some of the duties of the casualty assistance officer.

In states where there are many military bases, survivors are able to go to the base and obtain info regarding benefits. Often there are SOS representatives at these bases. In the states in which there are few, if any military bases, there are also only one or two SOS representatives assigned to the entire state. For example, Oregon currently has one SOS representative and is looking to hire a second one. There is high turnover of the SOS representatives, and each time one is hired, there is a learning curve before they are aware of all the benefits and able to help in specific situations.

Moreover, GSW knows that the group that is *most underserved and least informed* about benefits and how to obtain them is not those of active-duty deaths, but of service-connected. Survivors of service-connected deaths not only have to navigate the VA without help from a Casualty Assistance Officer, but they are also not even within the scope of duties for SOS. Too often we hear from surviving spouses that figured out how to apply for DIC, but go for many years without anyone informing them that they may qualify for ChampVa or even a military ID card. The proposed legislation does not indicate that the families of service-connected deaths would receive communication from SOS representatives. We would suggest that it is *these* families of service-connected deaths that would benefit from communication from the SOS representatives.

The death of a Veteran has JUST as much if NOT MORE paperwork, and red tape as an active-duty death; and *the family is just as deserving* of having someone specifically available to help. These Surviving Spouses are often unfamiliar with the ways of the military and the navigation of the VA systems.

While some surviving spouses of service-connected deaths are lucky enough to find an experienced and knowledgeable VSO who can help inform them of benefits and help with paperwork, not all are so fortunate. There is no quality control when it comes to VSO's and not everyone even knows they exist.

Assigning SOS representatives AND the proposed fact sheet of benefits discussed above will help families of service-connected deaths in their greatest time of need.

“Honoring our Promise” “Survivor Solid Start” “Modernization”

These phrases regarding the above proposed legislation are all very encouraging and show that you, along with us, are taking seriously the words of Abraham Lincoln. “...*to care for him who have borne the battle, his widow and his orphan.*”

Gold Star Wives of America, Inc. would be honored to do whatever we can to be of help in advising, advocating and answering any questions in order to fulfill the obligations which our nation has to care for those left behind. Our spouses gave their all and we are prepared to do whatever we can to honor them and all those who come after.

Contributors

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