The One Percent: Supporting America's Surviving Military Family Community

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Statement of

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With Respect To

The One Percent: Supporting America's Surviving Military Family Community

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Chairman Bost, Ranking Member Takano, and members of the committee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our remarks on issues related to military and veteran survivors.

The VFW has long advocated for an increase in benefits and services for family members who sacrificed alongside of their loved ones in support of service in the United States military. Many spouses who are survivors require assistance with obtaining the benefits and services needed to sustain a healthy lifestyle and cope with the grief of losing a loved one. As a member of the VFW Auxiliary and president of the Gold Star Wives Arlington Chapter, I made it my mission to support and advocate for survivors. My employment as a case worker for the VFW was instrumental, providing me the means and resources to help survivors access their benefits and maneuver the Department of Veterans Affairs (VA) system. The VFW has strongly advocated for specific changes and supported specific legislation that would help with reducing some of the challenges that survivor families face. I am proud to provide testimony drawing from my years of experience working with this great organization to assist survivors from around the country.

My passion for this work was birthed on April 2, 2012, when my husband of five years died suddenly due to an undiagnosed heart ailment. We were childhood friends and high school sweethearts living in Chesapeake, Virginia, where he was stationed for duty with the United States Navy. My husband was only thirty-one years old, and imagining life without him was something I was not prepared to do. Navigating life as a survivor is challenging. I quickly discovered the negative impact of unaddressed gaps in the communication process between VA and its outreach to survivors concerning their eligibility for benefits and services made available by their fallen loved ones.

VFW-accredited service officers from across the country have reported common themes that reveal the difficulties survivor spouses and dependents face when attempting to access VA benefits. Common issues pertain to a lack of proper education and understanding of their entitled benefits, limited and confusing communications from VA, and missed opportunities for effective outreach. Also noted over the course of a year is an increase in original Dependency and Indemnity Compensation (DIC) claims considered to be backlogged more than 125 days.

To gain firsthand knowledge on the challenges that survivors face, VFW-accredited service officers work directly with them on their claims for VA benefits, as well as answer questions regarding access to health care education. As a survivor myself, and a former VFW caseworker, I can attest to the work and commitment of this organization on behalf of survivors. The VFW's message is loud and clear, and will remain consistent until the issues that negatively impact survivors are addressed. Its position is not new, but it bears repeating.

Outreach to Survivors

It is critical to ensure that survivors receive the information to understand their eligibility and the processes to apply for VA benefits. Veterans who receive VA disability compensation or health care may assume that VA will automatically award benefits to their surviving spouses or children when they die without identifying the important and necessary paperwork in advance. VFW service officers report that very often surviving spouses do not realize that when their veterans die, the VA disability payments they were receiving will stop and they will need to take the steps to apply for DIC. Survivors also typically expect that DIC payments will be the same amount as the previous disability payments, when in fact DIC is significantly less. Without anticipating this change in compensation, survivors may suddenly find themselves in difficult financial situations.

When an active duty service member dies, as was my situation, the Department of Defense assigns a Casualty Assistance Officer to assist the survivor with the preparation and submission of necessary claims for VA benefits. When a veteran who is no longer in the military dies, VA needs to be informed of the death and then will attempt to contact the spouse or dependents informing them that they can apply for survivor benefits. Unfortunately, the language used and the information provided in VA's letters can be confusing and frustrating. The wording can be unfamiliar to civilians and lack sufficient explanation. Survivors may not understand how the veteran's time in service equates to eligibility, and some are then surprised when certain service dates "don't count" toward receipt of certain benefits. Denial letters also do not explain well why the survivor did not qualify for a benefit. The lack of clear and effective communication regarding entitlements can make an already distressing situation worse.

The VFW has and will continue to highlight the need for the Veterans Benefits Administration (VBA) and the Veterans Health Administration (VHA) to share data. This should also include National Cemetery Administration (NCA) data. When VA is informed that a veteran has died, this should trigger communications from VA to the spouse and dependents identified in VA records. Much of the required information to effectively reach and communicate with survivors already exists in one of VA's many IT systems, although some survivors are still missed. Upgrades required to facilitate information sharing across existing platforms are long overdue.

Investments in these critical technology upgrades or moving to a single IT system will take dedicated staff, planning, and funding. These improvements are critical to ensure the efficiency and accuracy of claims processing for veterans and their survivors.

Pre-planning is key. The VFW recommends that VA create a pre-need process for benefits for families while the veteran is still alive. Those enrolled in the VA Caregiver Support Program are already receiving communications from VA and should be the easiest to reach, though VA should work to contact all families of veterans within its system to provide communications and guidance regarding benefits. NCA currently has an extensive end-of-life planning document intended for any veteran, at any age, to gather all important information in advance of death. This could be promoted more by VA as it contains useful information that could be shared throughout its three administrations to inform and prepare survivors.

The VFW also recommends that VA expand outreach to survivors to connect them with accredited claims representatives for assistance. They can help survivors during the incredibly difficult moment following the death of a loved one by listening to their situations, informing them of the benefits to which they are eligible, and identifying the necessary paperwork to accomplish a successful claim.

Claims for Survivor Benefits

The VFW continues to urge VA to be more deliberate and transparent with claims quality control. This remains important especially as VA uses automated processes where certain claims, like those for DIC, are reviewed and assessed by IT programs designed to identify required criteria and quickly make a grant or denial determination. Automation has been shown to greatly shorten the processing time for DIC claims. When the VFW last testified on this subject two years ago, its service officers reported observing quicker decision times for both DIC and survivors pension claims, mentioning decisions for many claims were available in one to two weeks. Unfortunately, the VFW has noticed slower processing times by VA for DIC claims over the last year, but the reason is not clear. Backlogged DIC claims have risen from 30.4 percent in January 2023 to 50 percent in January 2024. This could be a result of the growing number of PACT Act claims, though it is unfortunate that VA's

automation has not been able to prevent significant delays in processing times.

Survivors also have difficulty gathering other records for claims, including the service records and divorce decrees from any prior marriages. Additionally, VA will look at a death certificate and the stated cause of death but should always obtain a medical opinion regarding how any service-connected disabilities contributed (or not) to a veteran's passing. Unfortunately, VA will typically not take this additional step without the urging of a claims representative. Even when VA does provide a medical opinion, the doctor is often still unwilling to determine that any service-connected condition contributed to the death, and so the risk of a denial of the claim remains. VFW service officers express that they do all they can to encourage survivors to request that the veteran's medical provider correct the death certificate, knowing that this will be the best chance for a favorable claim outcome.

In addition to improving the claims process for survivors, the VFW strongly supports an increase in the rate of DIC payments to survivors. It is an injustice that the DIC benefit has only been minimally increased since it was created in 1993. Currently, DIC is paid at 43 percent of 100 percent permanent and total disability while all other federal survivor programs are paid at 55 percent. The VFW urges Congress to pass H.R. 3402 / S. 976, *Caring for Survivors Act of 2021*, which would increase DIC to 55 percent, finally reaching parity with other federal agencies.

It also time for legislation to update the definition of "surviving spouse" found in title 38, United States Code, to reflect modern legal and social realities. The last time the definition was updated was in 1962, and much has changed in the past sixty years. The current definition is outdated with its reference to marriage being between people of the opposite sex and to the undefined "holding oneself out to be married" clause. The VFW supports updating this language to ensure the definition of survivor is fair and in alignment with marriage requirements of the current era.

Education

After my husband died, I decided to pursue continuing my education and applied for the Graduate Gateway Program at American University. It was a one-semester program where

students took two graduate level classes and completed an internship. This was perfect for me to try out graduate school, start a new life in Washington, D.C., and find an internship that could lead me to a fulfilling career.

The only VA education benefit available for survivors at that time was the Dependent Education Assistance Program (DEA). Fortunately, I was able to pay the tuition upfront and then waited for the DEA support to come. While the funding was helpful, the total amount of assistance I received that semester was less than the cost of one month of rent.

In my personal experience, the systems that VA has in place for survivors have worked. Any time I had a question about my benefits I was able to quickly get answers from competent VA employees. It is especially great that survivors have their own number to push on the GI Bill Hotline. Every time I called, they were very pleasant and knowledgeable.

The internship I completed was with the VFW's legislative department. It helped me acquire my next position at Walter Reed, and then I returned to the VFW where I held two different positions over the course of five years.

I had heard from a number of veteran friends over the years that George Washington University (GWU) was very military friendly. So deep was their commitment that no veteran who has attended has had to pay anything as long as they were using their VA education benefits. By this time, the Marine Gunnery Sergeant John David Fry Scholarship existed. Since I was now eligible for the Fry Scholarship, I was also eligible for the Yellow Ribbon Program. It is the funding of the Yellow Ribbon Program by GWU that enables students to attend the university with no tuition. If it were not for the Fry Scholarship, and the Yellow Ribbon Program and GWU's commitment to funding theirs, I would not have been able to afford the master's degree in political management I just completed this past May. I am grateful for the VA education benefits that enabled me to continue my studies, find meaningful professional work, and volunteer in my area of passion, making sure the voices of the survivor community are heard.

Health Care

While working at the VFW, I was assigned to participate on the VA Veterans' Family, Caregiver, and Survivor Advisory Committee. In that capacity, I was able to request information from VA regarding laws and policy. This was a resource that would prove to be helpful when I found myself in need of mental health assistance and knew to reach out to a Vet Center for counseling. I quickly understood the need for legislation like the *Vet Center Improvement Act of 2021* that was introduced in the last Congress but never gained traction. I share my Vet Center experience to echo the Government Accountability Office comments in its report from May 17, 2022, *VA Vet Centers: Opportunities Exist to Help Better Ensure Veterans' and Servicemembers' Readjustment Counseling Needs Are Met*. A direct quote reads, "VHA could better assess Vet Center services. For example, it isn't measuring the extent to which Vet Centers are meeting client needs, and it doesn't know whether it isn't minimizing barriers to Vet Center care." I have encountered two very different interactions with Vet Centers. My first experience was prior to the implementation of VHA's Readjustment Counseling Service, and I was extremely satisfied with the results. My second experience after implementation of the Readjustment Counseling Service did not go as well.

After losing my husband at the age of thirty-two in 2012, I had to figure out a new life for myself. I moved back to my parent's house in northern New Jersey. Knowing the importance of therapy, I eventually started going to counseling at the Secaucus location. My therapist had also been a military spouse and her husband was a disabled veteran. The work we did together resulted in my applying for graduate school courses and making the move to Washington, D.C., where I knew one person who was someone I met through Running to Remember with the Tragedy Assistance Program for Survivors. There is no way I would have had the courage and ability to move forward with my life had it not been for that therapist at the Vet Center.

After successfully completing the program at American University, I was still floundering. That is when I knew I needed to go back to counseling. I started counseling with the Washington, D.C. Vet Center. This new therapist and I were able to get me to the point of applying for jobs and finding a passion in helping veterans and survivors. Yet again, a Vet Center therapist helped me find my way to a more fulfilling life.

Next fast forward approximately five years. While I had a great family, friends, job, condominium, and car, I was approaching the ten-year mark of losing my husband. It was

especially difficult to reflect on having been alone for a decade and the possibility of that continuing for the rest of my life. And what do I do when I really need help? So far, I had gone to a Vet Center, but this time was different.

I was connected with the Washington, D.C. Vet Center and was assigned a female therapist, which I requested. However, there was a gap in time between my initial contact and beginning therapy. Once we started, I thought it was going fine. After some time together, my weekly sessions were reduced to every other week. I was told this was because the Vet Center was trying to accept more patients. I was alright with that because I know how important counseling is and that there is an overwhelming need in our community.

Then, in January of 2022, I received a call from my therapist letting me know that she would have to discontinue our sessions. She said survivors were short-term Vet Center customers and that my time had expired. She did let me know that she did not agree with this and thought we were nowhere near finished with our work.

This was the first time I ever heard about any time limit on Vet Center sessions for survivors. I was able to reach out to VA to request information on any law or VA policy change. Once this was brought to the attention of the VA headquarters staff, my therapist called back to tell me that I could continue therapy with no time limit. I was told that this was a policy misinterpretation by middle management and that corrective action would be taken.

A month later my therapist quit. The Washington, D.C. Vet Center then did not have any female therapists to which I could transfer. I asked about nearby Vet Center locations in Virginia and Maryland and was told I could go to them but once a female therapist was hired in Washington, D.C., I would be obligated to switch to that person. Creating a relationship with a therapist takes time and it is painful to recount certain memories over and over again. I decided I would wait for a female to be hired so I would not have to switch providers again. It is now two years later, and I have not had any counseling since then. I hope this committee will conduct oversight into this problem at the Washington, D.C. Vet Center, in addition to the overall availability of mental health services for survivors to ensure that all Vet Centers are properly staffed and resourced.

Lastly, the VFW supports surviving spouses regaining their TRICARE benefits if they remarry and that marriage later ends. Survivors who remarry but whose marriages later end can regain DIC and Survivor Benefit Plan payments. TRICARE benefits to which unmarried survivors are entitled should be reinstated if their future marriages end in order to have parity with other survivor benefits.

Year after year, the VFW and advocates like me ask Congress to improve on a variety of survivor issues, and legislation is drafted but never receives the needed attention or votes to enact significant changes. I strongly urge this committee to find pathways necessary to make sure survivor benefits are taken seriously and not pushed off again for the next Congress.

Chairman Bost, Ranking Member Takano, thank you for the opportunity to share my testimony today. I look forward to any questions you may have.

Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2024, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.