

News Flash

From The Retired Enlisted Assn

www.trea.org



TREA WASHINGTON UPDATE FOR AUGUST 28, 2009

The news has been out throughout the country (where you are) and in Iraq and Afghanistan rather than in Washington during these last hot days of summer. Of course, the country's focus will be back here tomorrow when Senator Edward M. Kennedy (D-MA) is returned to the Capital for burial at Arlington National Cemetery.

[1. Social Security Projects NO COLA for the Next 2 Years](#)

[2. VA Sends Incorrect ALS Letters](#)

[3. A Portrait of TRICARE and the Future](#)

[4. Rules for Burial at Arlington National Cemetery](#)

[5. VA Announced Cemetery Grants](#)

[INTRODUCING - NEW TREA PARTNERSHIPS](#)

[Who Do You GoodSearch for?](#)

[TREA My Power Mall](#)

[Donate to TREA](#)

[TREA Insurance Program](#)

1. Social Security Projects NO COLA for the Next 2 Years-As you all know the Social Security Cost of Living Adjustment (COLA) is calculated every year by comparing the year's 3rd quarter CPI (Cost Price Index) with last year's 3rd quarter CPI. Last year's Social Security's COLA (and thus Military retired pay's COLA, and the SBP's COLA and VA disability pay and DIC's COLA-which has always followed Social Security's calculation) was 5.8%. This high COLA was primarily based on the skyrocketing cost of gas last fall. For months the Social Security Administration has been hinting that there would be **NO COLA** this year. (that is that their cost of living calculation has dropped this year). Now Social Security has projected that there will be no Social Security COLA for the **NEXT 2 YEARS**.

Their reasoning is that the CPI is a cumulative calculation-so they say that if the 3rd quarter's CPI comparison of 2008 and 2009 is negative then the basis of the calculation for the 2011 COLA is **still** the 3rd quarter of 2008. They don't start with this year's

calculation That means we could start in the hole for 2 years (That indeed is Social Security's present projection!)

While the law for military retired pay is silent on a cumulative negative carryover, we are told that DoD's General Counsel is, not surprisingly, taking the position that their calculation for retired pay and SBP will follow Social Security's (and while we have not heard from the VA we expect the same thing).

This is something we need to start working on **NOW** and it is important that you know about it as soon as possible..

2. VA Sends Incorrect ALS Letters-Last year, then VA Secretary Peake, made ALS (Lou Gehrig 's disease) a presumptive service connected condition. That means that if someone is diagnosed with ALS and has served at least 90 days active duty they are entitled to a service connected disability rating and benefits. Last week the VA sent out letters to inform veterans and veterans' survivors with ALS of the new benefit. However, "due to a coding error" some veterans who **do not** have ALS received letters saying they had ALS and were entitled to these new benefits. Obviously, they were horrified to receive such news. How many incorrect letters were sent out is not clear. Early reports said that 1200 incorrect letters went out, but the VA says there were many fewer. Below please find the official letter that the VA put out and the "Q & A" about this dramatic mistake:

In our efforts to keep Veterans informed of their expanding eligibility for benefits, VA sent notifications to Veterans with amyotrophic lateral sclerosis (ALS) for disability compensation benefits from the Department of Veterans Affairs (VA), outreach letters were sent to 1,864 veterans and survivors last week. VA has since been contacted by a small number of these Veterans who do not have ALS, but were mistakenly sent the ALS outreach letter. VA is immediately reviewing the individual claims files for all the recipients of this letter to identify those who received the notification in error. VA employees are personally contacting these individuals to ensure they understand the letter should not be confused with a medial diagnosis of ALS, explain why they mistakenly received the letter and express VA's sincere apologies for the distress caused by this unfortunate and regrettable error. Recipients of this letter are encouraged to call VA at 1-800-827-1000 with any questions.

Below is VA's statement and Q&A's relating to ALS notification letters sent to Veterans and Survivors.

STATEMENT:

Last September the Secretary of Veterans Affairs made amyotrophic lateral sclerosis (ALS) a presumptively compensable illness for all Veterans with 90 days or more of continuous active service in the military. As a result, the Department of Veterans Affairs (VA) can now pay disability compensation to Veterans with ALS. Their survivors are also eligible for VA benefits.

In an effort to provide Veterans this new and much-needed support, VA sent notification letters to Veterans with ALS advising them of their potential eligibility for disability

compensation benefits. On August 13, 2009, VA sent outreach letters to 1,864 Veterans and survivors across the country. Unfortunately, VA made a coding error and a number of Veterans who should not have received this letter did. The Department is reviewing individual claims files for all the recipients of this letter to identify those who received it by mistake.

VA employees are calling Veterans and survivors to ensure that they understand the purpose of the letter, explain why they mistakenly received the letter, and express VA's sincere apologies for the distress caused by this unfortunate and regrettable error.

Q & A:

How many Veterans have been affected?

- Approximately one third of the letters VA sent were miscoded.

Will VA be issuing a formal apology?

- Yes, the Department is calling all affected Veterans and will also be issuing them a formal letter of apology.

Why did Veterans who do not have ALS get letters?

- VA used data and information from its data base to identify Veterans diagnosed with ALS or who had filed a claim for ALS, but were not currently receiving disability compensation benefits for the condition. However, as a result of problems in the codes VA used to identify these Veterans, VA sent the letter to some Veterans who do not have ALS.

What is VA doing to correct the mistake?

- We are working to identify the specific problems that caused the misidentification of Veterans records. We will ensure any future data extracts for similar outreach purposes are properly formulated and independently validated to prevent these types of problems in the future.

Will Veterans be reimbursed for medical expenses incurred?

- VA will reimburse Veterans who incurred expenses for medical evaluations conducted as a result of receiving an erroneous notification.

What will VA do to prevent this from happening again?

- As a result of this incident, VA is creating a more rigorous process that includes thorough and careful screening of the data, comprehensive review and approval process that will include involvement from our stakeholders before release of notifications letters

3.A Portrait of TRICARE and the Future-This week I represented TREA at a meeting held by RADM Christine S. Hunter, MC, USN, the new Deputy Director of TRICARE Management Activity (there has not been a proposed appointment made for the political health care position) She went over what TRICARE covers " TRICARE-Who We Are" and the numbers were interesting. TRICARE has 9.4 million beneficiaries. 5 million of these are enrolled in TRICARE Prime. The other 4.4 million are in TRICARE for Life (TFL), TRICARE Standard/Extra, TRICARE Plus, TRICARE Reserve Select (TRS). There are 63

Hospitals and Medical Centers and 414 Health Care Clinics. In the TRICARE Networks there are 347,673 providers. And the TRICARE various dental plans covers 1.7 million Active Duty members, 1.8 million AD family members and 1.4 million retirees.

In a typical week RADM Hunter said there are 19,600 inpatient admissions (5,000 direct care, 14,600 purchased care), 1.8 million outpatient visits (642,000 direct and 1.17 million purchased) 3.5 million claims processed, 2.22 million prescriptions filled and 2,100 births.

She could not speak about the T-3 contracts since there are pending protests but said that TMA was using the time to prepare for new contracts when they go into effect. She said that she was also focused on:

*-standing up the new active duty program to promote members' dental readiness,

*-promote enrollment in TRICARE Reserve Select (TRS),

*-standing up the new Smoking cessation program for all beneficiaries under the age of 65 (when asked about those over the age of 65 she noted that the statute specifically excluded them. If you are interested in working on having this benefit extended please e-mail me at dholleman@treadc.org.)

*-standing up the new demonstration web based behavior health program (TRIAP) for Active Duty, Active Duty Family Members, TRS and TAMP beneficiaries;

*-a push for preventive care and much more.

For those of you enrolled in a MTF you will be seeing a change from a named Primary Care Manager (PCM)-which has not been working well to what is being called a "Military Medical Home" which means being assigned to a medical practice group. This is being tested in the federal capital region but will surely being rolled out across the country soon.

4. Rules for Burial at Arlington National Cemetery-Since the announcement that Senator Edward Kennedy (D-MA) is to be buried at Arlington National Cemetery I have been answering questions about the present Army rules for burial at Arlington. (Of course many of you remember the huge debate about the Army's eligibility rules for Arlington burials at the end of the Clinton Administration.) Here are the present rules for ground burial. Senator Kennedy qualifies for an Arlington National Cemetery under the Army's regulations.

A GUIDE TO BURIAL AT ARLINGTON NATIONAL CEMETERY
ESTABLISHING ELIGIBILITY
Eligibility for Interment (Ground Burial)

The persons specified below are eligible for ground burial in Arlington National Cemetery. The last period of active duty of former members of the Armed Forces must have ended honorably. Interment may be casketed or cremated remains.

- a. Any active duty member of the Armed Forces (except those members serving on active duty for training only).
- b. Any veteran who is retired from active military service with the Armed Forces.
- c. Any veteran who is retired from the Reserves is eligible upon reaching age 60 and drawing retired pay; and who served a period of active duty (other than for training).
- d. Any former member of the Armed Forces separated honorably prior to October 1, 1949 for medical reasons and who was rated at 30% or greater disabled effective on the day of discharge.
- e. Any former member of the Armed Forces who has been awarded one of the following decorations:
 1. Medal of Honor
 2. Distinguished Service Cross (Navy Cross or Air Force Cross)
 3. Distinguished Service Medal
 4. Silver Star
 5. Purple Heart
- f. The President of the United States or any former President of the United States.
- g. Any former member of the Armed Forces who served on active duty (other than for training) and who held any of the following positions:
 1. An elective office of the U.S. Government
 2. Office of the Chief Justice of the United States or of an Associate Justice of the Supreme Court of the United States.
 3. An office listed, at the time the person held the position, in 5 USC 5312 or 5313 (Levels I and II of the Executive Schedule).
 4. The chief of a mission who was at any time during his/her tenure classified in Class I under the provisions of Section 411, Act of 13 August 1946, 60 Stat. 1002, as amended (22 USC 866) or as listed in State Department memorandum dated March 21, 1988.
- h. Any former prisoner of war who, while a prisoner of war, served honorably in the active military, naval, or air service, whose last period of military, naval or air service terminated honorably and who died on or after November 30, 1993.
- i. The spouse, widow or widower, minor child, or permanently dependent child, and certain unmarried adult children of any of the above eligible veterans.
- j. The widow or widower of:

1. a member of the Armed Forces who was lost or buried at sea or officially determined to be missing in action.
 2. a member of the Armed Forces who is interred in a US military cemetery overseas that is maintained by the American Battle Monuments Commission.
 3. a member of the Armed Forces who is interred in Arlington National Cemetery as part of a group burial.
- k. The surviving spouse, minor child, or permanently dependent child of any person already buried in Arlington National Cemetery.
- l. The parents of a minor child, or permanently dependent child whose remains, based on the eligibility of a parent, are already buried in ANC. A spouse divorced from the primary eligible, or widowed and remarried, is not eligible for interment.
- m. Provided certain conditions are met, a former member of the Armed Forces may be buried in the same grave with a close relative who is already buried and is the primary eligible.

5.VA Announced Cemetery Grants-This week the VA announced several cemetery grants. \$7,000,000 has been granted to establish a state Veterans Cemetery in Newton, Mississippi. (The nearest national cemetery is the Department of Veterans Affairs Biloxi National Cemetery 145 miles away.) For information call (601) 576-4850 or go to www.vab.state.ms.us.

A grant of \$7.2 million was made to establish a state veterans' cemetery in Dublin, which is in the southwestern part of Virginia. This will be the third state veterans' cemetery in the state. For information concerning this project you can call (804) 561-1475 or go to www.dvs.virginia.gov/cemetery_services.htm. Finally, two grants totaling \$567,000 was made for improvements at the State Veterans Cemeteries in Springvale and Caribou Maine.

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GoodSearch.com is a new Yahoo-powered search engine that donates half its advertising revenue, about a penny per search, to the charities its users designate. Use it just as

you would any search engine, get quality search results from Yahoo, and watch the donations add up!

GoodShop.com is a new online shopping mall which donates up to 37 percent of each purchase to your favorite cause! Hundreds of great stores including Amazon, Target, Gap, Best Buy, ebay, Macy's and Barnes & Noble have teamed up with GoodShop and every time you place an order, you'll be supporting your favorite cause.

Just go to www.goodsearch.com and be sure to enter **Retired Enlisted Association (Aurora, CO)** as the charity you want to support. And, be sure to spread the word!



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YOU MAY EARMARK YOUR DONATION TO SUPPORT WHATEVER YOU WOULD LIKE. (GENERAL FUND, THE VOICE/WEB, MEMORIAL FOUNDATION, SCHOLARSHIP, OR JUST MARK "WHERE IT IS NEEDED MOST")! DONATIONS TO TREA ARE DEDUCTIBLE.

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National Headquarters email: treaHQ@trea.org

Phone: 800-338-9337 - Fax: 303-752-0835

Washington Legislative Office email: treadmin@treadc.org

Phone: 800-554-8732 Fax: 703-548-4876