



Federal Update for October 14 - 18, 2013



VA Resuming Normal Operations as Government Shutdown Ends

WASHINGTON (Oct. 17, 2013) – Employees at the Department of Veterans Affairs are working to resume normal operations as quickly as possible. Veterans Benefits Administration (VBA) regional offices are re-opening their doors and resuming public contact services for Veterans today.

“With the shutdown over, we are all very grateful that the Nov. 1 benefit checks will go out to approximately 5 million Veterans and other beneficiaries as scheduled,” said Secretary of Veterans Affairs Eric K. Shinseki. “We at VA are working quickly to resume normal operations in order to fulfill our solemn obligation – to ensure that Veterans receive the benefits and services they have earned through their service. I want to thank all of our VA employees for their dedication and resolve during this difficult period.”

During the government shutdown, VA medical centers, clinics, and other health services remained open. Due to the shutdown, VA claims processors were unable to continue working 20 hours of overtime per month to reduce the backlog of claims, overtime that has helped VA significantly reduce the disability claims backlog by more than 190,000 claims over the last six months. Mandatory overtime will resume immediately and will continue as planned through Nov. 16, at a minimum.

“In the coming weeks and months, we will fight hard to regain ground lost as a result of the government shutdown,” said Shinseki. “We remain committed to eliminating the disability claims backlog in 2015.”

COLA 2014 Update ► Debt Ceiling Potential Impact

Advocates for federal and military retirees are worried Congress and the White House will agree to reduce retirement benefits as part of a deal to raise the debt ceiling. The proposed change, under consideration in several deficit reduction talks during the past year, involves switching to a less generous formula for determining cost-of-living adjustments for federal retirees and Social Security beneficiaries. The result would be lower COLAs for retirees, including federal and military retirees, over time. The change also would affect veterans' benefits and disability insurance benefits. "As our leaders in Congress debate yet another grand bargain, we are here to reiterate that no deal should come at the expense of our seniors and the most vulnerable," said Jessica Klement, legislative director at the National Active and Retired Federal Employees Association, during a rally on Capitol Hill Wednesday. The event also included the National Committee to Preserve Social Security and Medicare, the Military Officers Association of America and the American Foreign Service Association, as well as Sen. Bernie Sanders, I-Vt., and Rep. Jan Schakowsky, D-Ill. "There's a troubling theme shared by both the shutdown and the chained CPI," added Klement. "The general disregard for the well-being of the men and women who serve our country must stop."

COLAs currently are determined using a formula that takes into account increases in the Consumer Price Index for Urban Wage Earners and Clerical Workers. But some economists argue that switching to a formula using what's known as the "chained CPI," which takes into account modifications in purchasing habits as prices change, provides a clearer understanding of inflation. It also would save the government money. The government publishes the annual cost-of-living adjustments typically in late October, based on the percentage increase (if any) in the average Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the third quarter of the current year over the average for the third quarter of the last year in which a COLA became effective. The 2013 COLA is 1.7 percent. NARFE and other opponents of the change argue that the current index and the chained CPI do not account for how much seniors spend on health care. And they said switching to the chained CPI would increase taxes on lower- and middle-income taxpayers and adversely affect job growth in every congressional

district in the country. NARFE and others support switching to the CPI-E index, which the Bureau of Labor Statistics uses when calculating an experimental price index for elderly consumers. Under that measure, inflation is more than it is under the CPI-W, which would yield more generous COLAs.

This is how a 2010 memo from the nonpartisan Congressional Budget Office explains the chained CPI: "The chained CPI grows more slowly than the traditional CPI does: by an average of 0.3 percentage points per year over the past decade. As a result, using that measure to index benefit programs and tax provisions would reduce federal spending (especially on Social Security and federal pensions) and increase revenues." And this is how a February 2012 article from the Center on Budget and Policy Priorities puts the issue into context: "Many of the federal government's retirement, disability and income-support programs -- including Social Security, federal civilian and military retirement, railroad retirement, [Supplemental Security Income], and veterans' compensation and pensions -- pay annual COLAs that are linked to the CPI." The line was included under a subheading that read "Using Chained CPI Would Affect a Number of Programs and Save Significant Amounts." Under the chained CPI, NARFE estimated that over the next 25 years, federal retirees would lose \$48,000, military retirees would lose \$42,000 and Social Security recipients would lose \$23,000. Wednesday's rally featured more than 40 shoeboxes with more than \$100,000 worth of coupons, collected by NARFE members from all 50 states to represent the average financial loss to retirees. The average Social Security benefit now is about \$15,000 per year.

"So I say to the Congress, and I think our champions here would agree with me, stop the malarky," said Max Richtman, president and chief executive officer of NCPSSM. "Stop the malarky. Pass a continuing resolution that funds the government, raise the debt limit without cutting Social Security, Medicare and Medicaid." The Obama administration has supported switching to the chained CPI in previous deficit reduction talks. The White House plans to meet with congressional leaders over the next week to figure out how to raise the debt limit before the Treasury exhausts its emergency borrowing authority on 17 OCT. At that point, Treasury will have only about \$30 billion cash on hand to pay the country's bills. Schakowsky said that any discussion about Social Security should be "completely separate from this budget negotiation wherever the suggestion comes from." The Illinois Democrat said she has spoken directly to the president

about the chained CPI proposal and was “hopeful” that it would not be part of any final deal. “And let’s be clear, the president said he will not be part of any negotiation without serious revenue on the table,” Schakowsky told reporters. “So far, we have not seen that at all from the Republicans.” [Source: GovExec.com | Kellie Lunney | 9 Oct 2013 ++]

Disney’s Armed Forces Salute Update ► Extended thru SEP 2014

The House of Mouse is extending the magic for troops and military family members. Disney’s popular Armed Forces Salute was set to expire soon, but Magic Kingdom officials have announced a new deep discount program will continue savings through September 2014 for its resorts in Florida and California. “It is essentially the same. No big changes,” says Steve Bell, who runs the Military Disney Tips website <http://www.militarydisneytips.com/Disney-Armed-Forces-Salute.html>. “The tickets have gone up, because their price is based on the gate price, which increased last June,” Bell tells OFFduty, but the overall discounts remain largely unchanged. For example, while a Four-Day Park Hopper Pass now costs most people \$338, military visitors will still pay half that at \$169. The current cheaper military ticket prices are still in effect for any trips before Sept 28, 2013. So, if you’re still thinking about trip this summer, that same 4-day Park Hopper will cost only \$156.

Room discounts at Disney resorts also remain the same at 30 percent to 40 percent off regular prices under the new program. There are some restrictions and block-out dates, so be sure to read the fine print when planning your vacation, advises Bell. There are also a limited number of rooms available at the military discount prices, both by resort and room type, so the earlier you book the better, he says. Eligibility extends to:

- Current military Active, Reserve, National Guard, and Coast Guard members.
- Retired Active, Reserve, National Guard, and Coast Guard personnel.
- 100% Service Connected Disabled with the DAVPRM code on their military issued ID.

- Spouses or Unremarried Widows of the above, if the member is unable to go. (Note: The Disney Armed Forces Salute benefit is for the member only. While spouses may use their member's benefit, they are not entitled to the benefit themselves and cannot stack their use on top of the members. Non-spouse dependents are not eligible).
- Foreign partners/Coalition partners stationed at a US base are eligible. They must have a permanent US Military issued ID (CAC card with blue stripe).

[Source: <http://www.militarydisneytips.com/Disney-Armed-Forces-Salute.html> Oct 2014 ++]

Arlington National Cemetery Update ► Section 60 Cleanup

Elizabeth Belle walked toward the grave of her son carrying a canvas bag full of miniature pumpkins, silk leaves and other decorations for his headstone. Then she noticed the changes. Section 60 of Arlington National Cemetery, where more than 800 Iraq and Afghanistan war dead are buried, had been stripped bare. The photographs of young dead soldiers were gone. The balloons, too, and love letters, the sonograms and worry stones, the crosses and coins. “They’ve taken everything,” Belle said. Belle’s son, Lance Cpl. Nicholas Kirven, was killed eight years ago in Afghanistan. Ever since, Belle has decorated her son’s grave for his birthday, Thanksgiving, Halloween, Christmas, St. Patrick’s Day and Easter, leaving the adornments up for two or three weeks and then tucking them away in her attic. “That’s my way of remembering Nicholas,” she said. “All these silly holidays.” Another mother, whose son was killed in Iraq in 2005, recently left small glass hearts on the graves of her son and several other soldiers. When she returned to the cemetery the next day, everything was gone. “I cried. It was like no one cared anymore,” Teresa Arciola said.

Over the past weeks, a quiet transformation has taken place in Section 60, leaving family members of the dead feeling hurt, saddened and bewildered. Today Section 60 resembles the quiet cemetery of an older generation’s war, not the raw, messy burial ground of one still being fought. The changes began in August when cemetery officials decided that Section 60 should be subject to the same rules as the rest of the grounds. “The policy hasn’t changed,” said Jennifer Lynch, a spokeswoman for the cemetery. “The policy is the same, but the enforcement is different.” She said the cemetery was responding to complaints that the section had become too disorderly. Most families discovered the change when they

visited the grounds and found only tape marks where laminated pictures of their loved ones had been hanging for the last several years. Some of the mementos “deemed worthy of retention” were gathered by Army historians for storage at Fort Belvoir, according to a statement from the cemetery. Most appear to have been thrown in the trash.

The cemetery’s executive director is planning to meet with families to discuss the new enforcement approach. The cemetery’s advisory board, meanwhile, “is wrestling with these issues as they develop and recommend a permanent policy,” said Lynch, the spokeswoman. “The fact is that Arlington National Cemetery is not the Vietnam War Memorial or the WWII memorial — it is a functioning cemetery, and we must remain true to that mission.” In the first years of the war, Section 60 resembled other areas of the cemetery. As the death toll from the wars mounted, the mementos built up in the graveyard. Army curators collected some objects for storage in a climate-controlled facility. The rest of the photos, letters and children’s drawings were usually left until they became “unsightly,” said Ami Neiberger-Miller, a spokeswoman for TAPS, a nonprofit organization that works with military families who have lost relatives in the war. But, what is happening now appears to be the first wholesale cleaning of Section 60.

The mothers, fathers and spouses of the recent war dead generally agree on the need for limits. Noisy wind chimes and Christmas lights have long been banned. Bottles of whiskey, cartons of cigarettes and 12-packs of beer are often left as tributes to fallen friends. “I understand they want to maintain the dignity of the cemetery, and that has to continue,” said Vanessa Adelson, whose son Stephan Mace was killed in Afghanistan in 2010 and who has decorated his grave with laminated photos. “But they have to understand a lot of families are grieving, and this is how we cope with grief.” Although Section 60 is dominated by the Afghan and Iraq war dead, deceased veterans from World War II, Korea and Vietnam are still being buried there. Some of the dispute over the cemetery’s appearance seems to be generational. “My parents are buried in Section 60 . . . and it was upsetting to see the rules being disregarded,” said one commenter on Arlington National Cemetery’s official Facebook page. A spokeswoman for the cemetery sent the string of comments on the new policy to show that there was support for the change. The posting was mixed in with others insisting that Section 60 deserved special treatment. “The saddest acre in America” is what Elizabeth Belle calls it. Unsure of what to do when she saw that the section had been stripped

clean, Belle approached her son's grave and placed the pumpkin she had brought with her on top of the headstone. At the end of her visit, she picked it up and took it away with her. "I guess I'm going to have to drive around with a pumpkin in my car for the week," she said. A dozen rows away, Laura Hess pulled out a penny stamped with the year of her son's birth. "They won't find this," she said, stuffing it into the ground next to his headstone. Then she bent over and kissed the headstone, leaving a crimson lipstick mark on the white marble. "They can't take this away," she said. [Source: The Washington Post | Greg Jaffe | 1 Oct 2013 ++]

DoD Chronic Adjustment Disorder Policy ► ***Notable Change***

The Pentagon has changed its physical disability policy to include chronic adjustment disorder as a condition potentially eligible for disability compensation. The Defense Department amended DoD Instruction 1332.38 in April to name chronic adjustment disorder as incompatible with military service, but possibly service-related and therefore eligible for disability compensation. The change is notable because thousands of service members have been discharged for adjustment disorder, which had been previously characterized as a condition present before troops joined the military, and therefore ineligible for compensation or mental health treatment. A Defense Department spokeswoman said the change was made to bring the policy in line with the Veterans Affairs Department's schedule of rating of disabilities.

Critics have charged that the military services used the diagnosis of adjustment disorder in lieu of post-traumatic stress disorder to avoid paying benefits to troops who could no longer serve. In 2006, 1,453 troops were discharged for adjustment disorder from the services. That figure rose to 3,844 in 2009. In the Army alone, 6,492 soldiers were discharged for adjustment disorders between 2008 and 2010, according to figures obtained by the Vietnam Veterans of America and Yale Law School's Veterans Legal Services Clinic. Lawmakers have pressed the Defense Department to examine the more than 31,000 discharges since 2001 for adjustment disorders and personality disorders, another group of mental health conditions considered to presage military service. Efforts have been made to review at least some of the cases. Last June, then Defense Secretary Leon Panetta ordered the review of thousands of military mental health discharges for those

whose diagnoses were changed to a non-compensable condition like adjustment or personality disorders during a medical evaluation board.

In August, the Pentagon's top doctor issued a memo stipulating that an adjustment disorder diagnosis should not be given if a more specific disorder, like PTSD or personality disorder, also could explain the symptoms. Dr. Jonathan Woodson, assistant secretary of defense for health affairs, said separation for adjustment disorder for those who have deployed to a combat zone requires additional screening. The diagnosis "requires an evaluation for PTSD, must be corroborated by a peer or higher level mental health professional and endorsed by the surgeon general of the military department concerned," Woodson wrote. In March, Rep. Tim Walz (D-MN) introduced a bill that would have required the Pentagon to review all of the discharges for personality or adjustment disorders since Sept. 11, 2001. That legislation has not moved, but the fiscal 2014 defense authorization bill calls for the Government Accountability Office to evaluate the use of personality and adjustment disorder discharges by the services since Jan. 1, 2007.

Both Iraq and Afghanistan Veterans of America and the Wounded Warrior Project have pressed Congress to pressure the Pentagon to review the thousands of discharges of personnel for personality or adjustment disorders. Women's groups like Equality Now and the Service Women's Action Network also have charged that the two diagnoses are being misused to discharge sexual assault victims. A Pentagon spokeswoman, Army Lt. Col. Catherine Wilkinson, did not disclose how many troops have been or would be affected by the change. She added that the military services initially thought there would be "thousands of cases." But a DoD review of the criteria necessary to determine a diagnosis of chronic adjustment disorder showed the standards the services used to for their estimates were only a small part of the overall requirements needed to determine a legitimate diagnosis, Wilkinson said. [Source: MilitaryTimes | Patricia Kime | 11 Oct 2013 ++]

VA Budget 2013 Update ► \$562,000 Artwork Purchase Questioned

On 7 OCT U.S. Senator Jerry Moran (R-KS), a member of the Senate Appropriations Committee and the Senate Veterans' Affairs Committee, today called on the Department of Veterans' Affairs (VA) to justify their purchase of

\$562,000 of artwork in the final days of Fiscal Year 2013. “At a time when the nation’s crushing debt threatens the well-being of our veterans and all Americans, and when spending across the government is being reduced, I fail to comprehend the reason why this purchase was authorized,” Sen. Moran said in the letter to VA Secretary Eric K. Shinseki. Sen. Moran went on to request a justification for what he sees as a complete failure to prioritize the spending of taxpayer dollars. The senator also outlined several examples of VA programs that could have put a half-million dollars to good use. “If the overall fiscal stability of our country is not of sufficient concern, then the VA should have at least prioritized service to veterans who continue to wait inordinate lengths of time to receive decisions on benefit claims,” Sen. Moran said to Sec. Shinseki. “These funds also would have been better spent filling positions in Community Based Outpatient Clinics in Kansas and other rural states where staffing remains an acute problem to which the VA is struggling to respond adequately. Among these and many other problems before the VA, it is very troubling that appropriations were not put to better use.” The Washington Post recently reported the purchase as part of a “use it or lose it” shopping spree by agencies concerned that they will lose their allotted funds if they are not spent before 1 OCT. Additionally, there is concern among agencies that they could face decreased funding levels in the future if appropriated funds are not spent by the end of each fiscal year. [Source: Sen. Moran News Release 7 Oct 2013 ++]

VA Pain Management Update ► House Hearing on VA Opiate Use

On 10 OCT, the House Veterans Affairs Subcommittee on Health held a hearing to examine the rising use of opiate painkillers to treat veterans. The committee expressed concern over the skyrocketing rate of prescriptions for these highly addictive medications, and the sense that there is a need for greater care coordination in pain management across VA. Emotional testimony was heard from the widows of two current-era veterans who recently died from overdoses of VA prescribed opiates, as well as two recently medically retired servicemen who continue to struggle with issues surrounding pain and addiction. VA representatives acknowledged the potential harm caused by opiate painkillers and stated that they are developing new alternative pain management programs which will soon be instituted across the department. The new approach, known as the Chronic Pain Rehabilitation Program (CPRP) and based out of the Tampa VA

Hospital, focuses on exercise, occupational therapy, pool therapy, relaxation training, acupuncture and massage, with the goal of eliminating dependency on opiate painkillers. Although the CPRP currently accepts referrals from all 50 states, it is the goal of the VA to establish a similar program in every VISN. Subcommittee Chairman Dan Benishek closed by noting that further hearings on this issue will be held in the future to monitor progress. [VFW Washington Weekly 11 Oct 2013 ++]