

**THE
MILITARY ORDER OF THE PURPLE HEART
OF THE U.S.A.**



**THE ONLY CONGRESSIONALLY CHARTERED VETERANS ORGANIZATION
EXCLUSIVELY FOR COMBAT-WOUNDED VETERANS**

**STATEMENT OF
NEIL VAN ESS
NATIONAL COMMANDER**

**BEFORE A JOINT HEARING OF THE
SENATE AND HOUSE COMMITTEES ON VETERANS' AFFAIRS**

MARCH 14, 2018

MILITARY ORDER OF THE PURPLE HEART

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2018 ANNUAL TESTIMONY

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Chairmen Isakson and Roe, Ranking Members Tester and Walz, and Members of the Committees, on behalf of the approximately 46,000 members of the Military Order of the Purple Heart (MOPH), it is my honor and privilege to appear before you to offer our testimony.

As I am sure all of you are aware, MOPH is a unique organization in that our membership is made up entirely of veterans who were wounded in combat. Still, our advocacy efforts extend to all veterans, servicemembers, and their families and survivors.

To that end, MOPH will assist any veteran in filing a claim with the Department of Veterans Affairs (VA). Our network of 108 accredited National Service Officers and staff operate out of 75 offices across the country, in addition to Guam and Puerto Rico. In Fiscal Year 2017, they submitted over 12,000 claims to VA, filed 629 Notices of Disagreement, processed 286 appeals, appeared at 77 hearings, and made over 2,000 outreach visits to Vet Centers, hospitals, and MOPH Chapters. These efforts resulted in over \$213 million in VA benefits for deserving veterans and their dependents. All of this assistance is, of course, provided completely free of charge.

MOPH is also proud to give back to our fellow veterans through our robust Veterans Affairs Voluntary Services (VAVS) program. Last year, MOPH volunteers donated more than 150,000 hours of their time at over 120 VA Medical Centers (VAMCs). Their contributions resulted in a savings of nearly \$3.4 million to the VA Health Care System. Certainly, this selfless service by MOPH Patriots epitomizes the phrase, "veterans helping veterans."

In addition, MOPH gives back to the community through our Scholarship Program. Each year, MOPH grants scholarships to Purple Heart recipients, their spouses, children and grandchildren. This includes surviving family members of Purple Heart recipients who were killed in action. In 2017, the MOPH Scholarship Program awarded 87 scholarships for a total of \$241,000.

This is just a brief overview of the MOPH National Programs. It does not even begin to describe the many contributions of what we believe to be the backbone of our organization, our MOPH

members. Organized into 420 Chapters across the Nation, they are constantly engaged with their local communities, acting as ambassadors to the general public by participating in civic events and managing their own unique programs.

MOPH Members also stand ready to support each other, especially in times of crisis. In response to the devastation caused by multiple hurricanes, numerous fires and floods in Texas, Florida, the Caribbean and California, MOPH Departments and Chapters raised more than \$63,000 and realized more than \$25,000 funds from external sources. The Order assisted with direct financial aid and emergency supplies to more than 17 Member Families in Texas and thousands of dollars to Members in Puerto Rico and North Bay, Sonoma County, California. The Order further assisted in the relocation and temporary housing for four Member families from Puerto Rico to southern Florida.

We would also like to take this opportunity to express our appreciation to both Committees for your continued hard work on behalf of our Nation's veterans during this past year. The successful passage of multiple pieces of significant legislation addressing VA accountability, appeals modernization, and G.I. Bill improvements, stands as a testament to the ability of your Committees to tackle complex issues in a bipartisan manner. For that, we thank you.

However, we all recognize that there is still more work to be done. While MOPH always has been, and will continue to be, the first to stand up for our fellow Purple Heart recipients, our priorities reflect the fact that we are staunch advocates for all veterans and their families. With that, ***on behalf of the Order***, I am pleased to present the MOPH legislative agenda for 2018.

Community Care

MOPH strongly believes that VA has an obligation to provide high quality medical care to every enrolled veteran. In cases where VA facilities cannot provide veterans with care that is both timely and geographically accessible, veterans must be given the option to receive care from community providers. While we believe that VA should remain the primary provider and coordinator of care, there will always be a need for a well-integrated community care program to serve as a supplement to VA direct services.

Still, any future improvements or expansion of community care must not come at the expense of funding for VA capacity. We believe this would amount to a move towards privatization, to which MOPH remains firmly opposed.

Over the past year, several bills have been introduced to modernize the existing VA community care programs. MOPH supports S. 2193, the *Caring for Our Veterans Act*, sponsored by Chairman Isakson and Ranking Member Tester. This comprehensive legislation would create a single, streamlined community care authority which would empower veterans and their doctors to choose when and where they receive their care, while also requiring VA to coordinate all community care through integrated provider networks. At the same time, it would expand VA capacity with significant investments in VA capital infrastructure, improve VA's ability to recruit health care professionals, and allow VA to provide telemedicine across state lines. It would also

finally expand full caregiver benefits to veterans of all eras, a change which MOPH has long supported.

Another community care reform bill is S. 2184, the *Veterans Community Care and Access Act of 2017*, introduced by Senator Jerry Moran. Title 1 of S. 2184 would allow veterans to access community care whenever clinically appropriate, while also establishing additional standards for community care eligibility based on individual market area assessments of each VA medical facility. This locally tailored approach would improve upon the arbitrary, nationally-mandated “30 day/40 mile rule” of the Veterans Choice Program, while still providing veterans with a clear understanding of when they would become eligible to seek care in the community, should they choose. MOPH supports this provision of S. 2184, and asks that the Committees consider including it in the final community care reform bill.

Chairman Roe has also introduced H.R. 4242, the *VA Care in the Community Act*. This bill would similarly reform and consolidate existing VA community care authorities, a goal that MOPH strongly supports. Recognizing that certain differences will ultimately have to be resolved between the various proposals, we encourage both Committees to continue to work towards a bipartisan, bicameral agreement to provide veterans with a fully modernized community care program.

Recommended Action: MOPH urges the House and Senate Veterans’ Affairs Committees to pass bipartisan, bicameral community care reform legislation without delay.

Individual Unemployability

Individual Unemployability (IU) is a benefit that allows veterans whose service-connected disabilities are rated less than 100 percent to receive disability compensation at the 100 percent rate, if one or more of their disabilities prevent them from maintaining substantial gainful employment. In this way, IU acts as a safety net for veterans who would otherwise be unable to financially support themselves and their families due to the severity of their disabilities.

Last year, the VA budget submission proposed eliminating IU eligibility for veterans over the age of 65. The rationale behind this proposal was that once veterans reach the age of retirement for the purposes of Social Security, any benefits they receive due to an inability to work become unnecessary. Since IU eligibility is established by regulation rather than statute, VA would have had the authority to make this change without an act of Congress.

MOPH strongly opposed this restriction of IU eligibility, arguing that many veterans who rely on IU become disabled at a relatively young age, denying them the opportunity to make sufficient contributions to receive full Social Security benefits upon reaching retirement age. Stripping them of IU benefits would impose severe financial hardships for those veterans.

Thankfully, VA concurred with this position, and withdrew the proposal to strip retirement age veterans of IU benefits. Furthermore, no proposal to change IU eligibility was included in the most recent VA budget proposal. Still, many of our members remain deeply concerned that a

similar proposal could resurface in future budget requests, or that VA could simply strip veterans of IU benefits at any time using its regulatory authority.

For this reason, MOPH strongly supports H.R. 4369, the *Protecting Benefits for Disabled Veterans Act of 2017*, introduced by Representative Maxine Waters, which would codify IU eligibility once and for all. We believe this legislation is critically important, not only to give veterans who rely on this benefit peace of mind, but also to ensure that any future changes or reforms to IU eligibility will be fully vetted by your Committees before they are enacted.

Recommended Action: MOPH urges Congress to pass H.R. 4369.

Concurrent Receipt

As your Committees are well aware, military retirees who have a service connected disability, rated less than 50 percent, are still subject to an offset of their retired pay by an amount equal to their VA disability compensation. Veterans who were retired from service after less than 20 years due to a disability are subject to the offset, regardless of their disability ratings. While MOPH is grateful for the provision of the 2003 National Defense Authorization Act that provided concurrent receipt of these two benefits for military retirees with disabilities rated at 50 percent or higher and more than 20 years of service, we strongly believe that the time to extend full concurrent receipt to all military retirees is long overdue.

To MOPH, the fact that so many veterans are still subjected to the offset implies that they would somehow be “double dipping” if they were allowed to collect both benefits. We strongly disagree with this. Military retired pay and service connected disability compensation are two different benefits granted for entirely different reasons. Retired pay is granted for having served a full military career as funded by DOD appropriations, while disability compensation is a benefit available to all veterans who were disabled while in service paid, for by VA mandatory funding. We see absolutely no rationale why any military retiree continues to be penalized for suffering a service-related disability by having his or her retired pay reduced.

To correct this injustice once and for all, we urge your support of H.R. 303, introduced by Representative Bilirakis, and S. 66, introduced by Senator Heller, which would extend full concurrent receipt to all military retirees with at least 20 years of service. We also ask that you support Representative Bishop’s bill, H.R. 333, which would also extend full concurrent receipt to all veterans who were retired due to a disability.

Recommended Actions: MOPH urges Congress to pass S. 66, H.R. 303, and H.R. 333.

SBP/DIC Offset

It is not just veterans who are subject to unjust offsets. Surviving spouses who are eligible for both the DOD Survivor Benefit Plan (SBP) and VA Dependency and Indemnity Compensation (DIC) also experience a dollar-for-dollar offset of their SBP payments. Among surviving spouses, this unfair policy is commonly referred to as the “Widow’s Tax.” Similar to concurrent receipt,

the collection of both SBP and DIC should in no way be considered “double dipping,” as they are likewise granted for completely different reasons.

Under the SBP program, retirees make voluntary contributions of 6.5 percent of their retired pay, with the understanding that their dependents will continue to receive 55 percent of their retired pay when they die. This insurance program is completely voluntary, and is a personal decision by each retiree to sacrifice a portion of the payments they receive over their lifetime in order to provide some financial stability to their survivors. In this way, it is similar to the decision to purchase a life insurance policy.

DIC is a VA benefit granted to surviving spouses of veterans who die due to a service-connected disability. This serves as compensation to a spouse when a veteran’s life is cut short due to their service. MOPH sees absolutely no reason why an annuity that was bought and paid for by a veteran should be reduced, simply because they suffered the misfortune of dying of a service-related disability.

While we recognize that the Special Survivor Indemnity Allowance has provided some relief on an incremental, temporary basis, we believe that Congress must act to correct this situation permanently. For this reason, we ask for your support of H.R. 846 introduced by Representative Joe Wilson and S. 339 introduced by Senator Bill Nelson, which would eliminate the SBP/DIC offset.

Recommended Actions: MOPH urges Congress to pass H.R. 846 and S. 339.

Education Benefits

MOPH commends both Committees for last year’s passage of the *Harry W. Colmery Veterans Educational Assistance Act*, commonly known as the *Forever G.I. Bill*. This landmark legislation made multiple improvements to the G.I. Bill, including extension of the Yellow Ribbon Program to Fry Scholarship recipients, granting G.I. Bill eligibility to Reserve Component members activated under 12304(a) and 12304(b) orders, and eliminating the requirement that veterans use their education benefits within 15 years of discharge.

Notably, this legislation also finally granted full G.I. Bill eligibility to all Post-9/11 Purple Heart recipients. As a result, an estimated 660 Purple Heart recipients will see increased G.I. Bill benefits each year, making it far more likely that they will be able to reach their educational goals.

The *Forever G.I. Bill* also restored entitlement to education assistance for veterans affected by school closures. While this was the right thing to do for those veterans, we believe that more must be done to prevent subpar institutions from gaining access to G.I. Bill funding in the first place. MOPH believes that this would be accomplished in part by including VA education benefits as federal funding for the purposes of the 90-10 rule. For this reason, MOPH supports S. 2109, the *Military and Veterans Education Protection Act*, introduced by Senator Tom Carper. This legislation would close the 90-10 loophole for VA and DOD education benefits, ensuring

that veterans and servicemembers receive the same protections as other recipients of federal education benefits.

Recommended Action: MOPH urges Congress to pass S. 2109.

Death Gratuity

When a servicemember dies on active duty, his or her family is entitled to a tax free payment of \$100,000, known as the death gratuity. Bereaved military families rely on this money to meet any financial hardships they may incur, immediately following the loss of their loved one. Unfortunately, these payments cannot be made during a government shutdown. MOPH strongly believes that no family entitled to this relatively modest benefit should ever have to experience a delay in payment, simply because Congress temporarily fails to perform its primary duty of funding the U.S. Government.

Although the most recent government shutdowns were brief, grieving military families still suffered. Death gratuity payments were shamefully delayed for the families of two U.S. Army soldiers killed in a helicopter accident at Fort Irwin, California on January 20, 2018. It was only because of generous donations by the non-profit Fisher House Foundation that they were able to receive the funds to cover funeral costs and other expenses. MOPH finds these delays unacceptable.

For this reason, we strongly support H.R. 1928 and S. 2430, the *Families of Fallen Servicemembers First Act*, introduced by Representative Gerald Connolly and Senator Christopher Coons, which would require death gratuity payments to be made in a timely manner in the event of future government shutdowns.

When servicemembers put on the uniform each day, whether in combat or in peacetime, they take comfort in the fact that their families' basic needs will be met, should something happen to them. Under no circumstances should political gridlock ever put those families in financial jeopardy.

Recommended Action: MOPH urges Congress to pass H.R. 1928 and S. 2430.

POW/MIA Accounting

Each year the MOPH National Commander leads a delegation to participate in the Pearl Harbor Day Commemoration ceremony. While in Hawaii, the delegation also schedules an annual visit to the Defense POW/MIA Accounting Agency (DPAA) for an update on progress in locating and identifying our servicemembers who remain missing in action.

MOPH believes strongly that when the United States sends its sons and daughters into battle to defend our democracy, our freedoms, and our National Interests abroad, we owe it to our servicemembers and their families to also bring them home. If they are killed in action, become prisoners of war or are missing in action, our Nation should spare no expense until we account for each and every one of them. To this end, MOPH was pleased to learn that in November 2017, DPAA reached a milestone when it made the 100th identification from the casualties

from the USS Oklahoma who had been buried as Unknowns. As a result, it helps resolve the uncertainties 100 families had harbored for 76 years.

MOPH is concerned that three consecutive Continuing Resolutions, which cap spending at FY2017 levels, continue to create adverse impacts to DPAA operations, causing it to either cancel or reduce their scope of their investigations and recoveries. MOPH urges Congress to find a mechanism whereby the DPAA can be funded on a two-year basis, similar to the Department of Veteran Affairs, to ensure search and recovery missions can be scheduled and completed as quickly as possible.

Recommended Action: MOPH urges Congress to provide two-year advance appropriations for DPAA.

Military Exchange/Commissary Access

Under current law, only military servicemembers, retirees, veterans with 100 percent disability ratings, and their dependents are able to shop at on-base military exchanges and commissaries, allowing them to take advantage of significant savings on retail items and groceries. MOPH has long advocated that Purple Heart recipients should also be eligible for this benefit.

For this reason, MOPH strongly supports the *Purple Heart and Disabled Veterans Equal Access Act of 2018*, introduced by Representative Dan Lipinski, which would extend access to military exchanges, commissaries, and military lodging facilities, not only to Purple Heart recipients, but to other disabled veterans, and their eligible caregivers, on the same basis as military retirees. We believe this would not only honor their tremendous sacrifices to our nation, but also provide needed growth to the customer bases of the exchange and commissary systems.

Recommended Action: MOPH urges Congress to pass the Purple Heart and Disabled Veterans Equal Access Act of 2018.

Protecting the Purple Heart Medal

For servicemembers who pay the ultimate sacrifice, the Purple Heart is often the last tangible item their family receives in their memory. In cases where Purple Hearts are lost or stolen, we believe every effort should be made to return those medals to their rightful owners.

Unfortunately, it has come to our attention that certain military memorabilia dealers are selling military-issued Purple Hearts on the secondary market at exorbitant prices, making it harder to reunite veterans and families with lost or stolen medals. Due to the morbid curiosity of some collectors, medals engraved with the names of those killed in action command the highest prices.

The *Private Corrado Piccoli Purple Heart Preservation Act* would put an end to this objectionable practice by making it illegal to sell military-issued Purple Hearts. This would prevent merchants and collectors from profiteering from the sale of those medals, eliminating the market and making it easier to return them to their rightful owners. This bill would not prevent the sale of replacement or duplicate medals through authorized sellers.

This legislation was introduced by Representative Paul Cook as H.R. 544, and by Senator David Perdue as S. 765. The Senate has already passed S. 765 by Unanimous Consent; however, the House has yet to take any action on either bill. MOPH strongly urges the House to pass the *Private Corrado Piccoli Purple Heart Preservation Act* without delay.

Recommended Action: MOPH urges the House to pass Private Corrado Piccoli Purple Heart Preservation Act.

National Purple Heart Hall of Honor Commemorative Coin

Finally, MOPH strongly supports H.R. 1683 the *National Purple Heart Hall of Honor Commemorative Coin Act*, sponsored by Representative Sean Patrick Maloney. This bill would honor all Purple Heart recipients, while also providing needed funding to the National Purple Heart Hall of Honor, located in New Windsor, New York. The mission of the Hall is to preserve the stories of Purple Heart recipients of all eras, serving as a public tribute to their extraordinary service.

Since the Commemorative Coin Program began in 1892, Congress has used coins to commemorate scores of notable people, events, and causes. Still, no commemorative coin has ever been authorized to honor Purple Heart recipients. MOPH believes that the minting of a National Purple Heart Hall of Honor coin would represent a fitting tribute to Purple Heart recipients, not only by providing budget-neutral funding to an institution that preserves their memory, but also by creating a tangible item that will serve to remind the general public of their sacrifice to our nation.

Recommended Action: MOPH urges Congress to pass H.R.1683

Chairmen Isakson and Roe, Ranking Members Tester and Walz, this concludes my statement. ***On behalf of the Order***, I thank you for the opportunity to testify today, and I look forward to any questions you or the other Members of the Committee may have.

Yours in Patriotism,



Neil Van Ess
National Commander

Disclosure of Federal Grants and Contracts:

The Military Order of the Purple Heart (MILITARY ORDER OF THE PURPLE HEART) does not currently receive, nor has MILITARY ORDER OF THE PURPLE HEART ever received any federal money for grants or contracts other than the routine allocation of office space and associated resources at government facilities for outreach and direct veteran assistance services through its Department of Veterans Affairs accredited National Service Officer Program.



Neil Van Ess



National Commander

Neil Van Ess served in the U.S. Army from 1968 to 1970, and was wounded in August 1968, while assigned to Company C, 3/506th, 101st Airborne Division.

Following military service, Neil returned to college, receiving bachelor's and master's degrees in criminal justice. In 1982, he entered into law enforcement with the Totowa, New Jersey Police Department. He advanced steadily until his promotion to Captain Patrol Commander in 2010, capping a distinguished 30-year career.

Devoting himself to the community, he served on the Totowa Board of Education from 1986 to 2005, including 12 years as President of the Board, and served as Chairman of the Governor's Council on Alcoholism & Drug Abuse for 6 years.

Neil and his wife Louisa live in Totowa, New Jersey. He is the proud father of two grown children.