

STATEMENT OF  
THE NATIONAL MILITARY and VETERANS ALLIANCE (NMVA)  
before the  
SENATE & HOUSE COMMITTEES ON VETERANS' AFFAIRS

MARCH 22nd, 2017

Presented by:

Captain Ted Painter, US Army (Retired)  
Co-Director, National Military & Veterans Alliance  
National Legislative Director, American Military Retirees Association

Staff Sergeant Aleks Morosky, US Army (Veteran)  
Co-Director, National Military & Veterans Alliance  
National Legislative Director, Military Order of the Purple Heart

Chairmen Isakson and Roe, Ranking Members Tester and Walz and distinguished members of the committees: On behalf of the National Military and Veterans Alliance (NMVA), a non-partisan policy and advocacy organization composed of numerous military and veteran service organizations, we are grateful to the committees for this opportunity to express the views and legislative priorities of our collective membership during the 115th congressional session.

While each of the undersigned organizations has its own legislative priorities and while collaboration among the member organizations of the Alliance will occur on numerous issues throughout the current session, for the purposes of this hearing, we have agreed to focus our collaborative efforts on two specific legislative goals: The total repeal of the Survivor Benefit Plan and Dependency and Indemnity Compensation offset (SBP-DIC) and total repeal of the concurrent receipt offset with the intended goal of providing all of the earned income that our disabled retirees and their widows have sacrificed for.

The NMVA thanks the committees and its members for any and all efforts that have previously been undertaken on behalf of veterans, our active and reserve service members, and their dependents and/or surviving spouses and we look forward to working with and assisting the committees and its members in any future efforts that would be beneficial to these groups of Americans.

### **Repeal the Survivor Benefit Plan and Dependency and Indemnity Compensation Offset**

The National Military and Veterans Alliance strongly urges action that would end the dollar-for-dollar offset that is applied to the military Survivor Benefit Plan (SBP) due to receipt of veterans Dependency and Indemnity Compensation (DIC). Because everyone on these committees is familiar with the SBP-DIC offset issue and due to the number of decades that the offset has been in place, we will not waste the Members' time with lengthy explanations of its details. Instead, we will provide a very succinct overview of the issue and then focus on the adverse effects the offset has had on approximately 63,000 U.S. military retirees' widows.

In an effort to illustrate the negative effects of the offset, we have included the personal testimonials and statements of just a few of the widows who are financially impacted by what is commonly viewed as the theft of earned income by the very government that their spouses served. These testimonials will be found at the conclusion of our full testimony in appendix A.

As members of the Committees know, the Survivor Benefit Plan (SBP) is a DoD program that provides income protection to survivors of retired military personnel. Upon retirement, uniformed service members may elect to make monthly contributions of 6.5% of their retirement pay. This serves as a monthly premium and on the occasion of the retired service member's death his or her dependents receive 55% of the deceased service member's retirement pay.

Dependency and Indemnity Compensation (DIC) is a Department of Veterans Affairs (DVA) program that provides a modest monthly annuity of \$1,257.95 (\$15,095 annually) to survivors of a service member, active duty or veteran, who dies from a service-connected condition.

Therefore, SBP is comparable to an insurance plan paid for in the form of monthly premiums that allows a surviving spouse to receive a portion of retirement pay earned through longevity of service to our country. On the other hand, DIC is compensation earned by the service member and paid to the surviving spouse for a disability incurred as a result of those years of service and that is deemed to be the cause of the service member's death.

Under current law (10 USC 1450 (c) (1)), regarding a surviving spouse who is eligible to receive both DIC and SBP, DoD is required to reduce ("offset") the amount of the surviving spouse's SBP payment on a dollar-for-dollar basis by the amount of the DIC benefit. As a result, widows, upon eligibility for DIC, lose a majority -- or all too often -- the entire amount of their monthly SBP annuity. In essence, the widow is funding her DIC payments or, one could argue, the DoD, with the permission of Congress, is essentially garnishing income that was earned through payments of premiums by U.S. military retirees from their widows.

NMVA recognizes that in 2008 Congress acknowledged the inequity in law, authorizing a modest Special Survivor Indemnity Allowance (SSIA) for SBP- DIC widows to begin phasing out the offset. In June 2009, Congress took the next step, increasing SSIA monthly payments to \$150 beginning in FY 2014 and rising to \$310 in FY 2017. In the most recent FY17 National Defense Authorization Act, Congress extended the payment of \$310 per month to May 2018. NMVA certainly appreciates these piecemeal fixes but believes that the right and honorable thing to do is to fully fund the benefits owed to these widows.

The National Military and Veterans Alliance urges you, the members of the committees, to pursue a repeal of the current SBP-DIC offset and to work with your colleagues sitting on other applicable committees to provide surviving spouses of our military service men and women with the benefits that they, in good faith, earned and sacrificed for.

There are currently two bills that seek to end the offset: Senator Bill Nelson's S. 339 and Representative Joe Wilson's H.R. 846. The NMVA urges all of the committee members to co-sponsor these bills in an effort to begin a process that would end this offset and to work together to advance and reconcile these bills so that they may be sent to the President of the United States to be signed into law.

### **Provide Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation**

A similarly unjust offset of earned financial benefits exists with regard to retirement pay and disability pay. The NMVA urges action aimed at the complete repeal of the offset for military retirees still impacted by it.

Once again, because of the familiarity of the Members with this issue as a result of the length of time it has existed, we will provide a very brief summary that will

illustrate the absurdity of the current policy with the intent of justifying a total repeal designed to provide all disabled military retirees with the financial benefits that they have earned.

As you know, military retirement is earned by serving twenty or more years in the military or by a service member who is medically retired due to a disability that prevents further service, compensates for longevity of service, and is funded by the DoD. Disability pay is earned in connection with those years of service and compensates for pain and suffering resulting from it, can be both combat and non-combat related, and is funded through the VA.

Therefore, if a retiree has the misfortune of becoming disabled as a result of service to his or her country, VA disability compensation is available. However, to receive this compensation the disabled retiree must waive, dollar-for-dollar, an equal amount of retired pay. In other words, disabled retirees are required, by law, to fund their own disability payments.

NMVA recognizes and appreciates that progress was made in overturning the bar on disabled military retirees from collecting their full retirement for serving a minimum of 20 years in the service of their country in the 2003 National Defense Authorization Act (NDAA). At that time Congress authorized a special compensation for military retirees injured in combat, resulting in providing concurrent receipt to most military retirees with combat related disabilities and to personnel with service-connected VA disability ratings of 50% or higher. However, the offset still exists for retirees with less than 50% disability ratings and for ALL medically retired service members with non-combat related disabilities who, because of their disability, were unable to complete 20 years of service.

The National Military and Veterans Alliance asks the members of the committees to pursue a total repeal of the current law in order to allow ALL disabled military retirees to receive the financial compensation for their service that they have earned.

There are currently three bills that seek to end the offset of retirement pay for disability pay. They are Representative Bilirakis's H.R. 303 and Senator Heller's companion bill, S. 66. These bills would eliminate the offset for all currently affected by it with the exception of disabled medical retirees with less than 20 years of service. Representative Sanford Bishop has also re-introduced H.R. 333. This bill would end the offset for everyone still impacted by it.

As a starting point for ending the offset, NMVA urges you to co-sponsor each of these bills and to help them be advanced, reconciled, and sent to the President of the United States to be signed into law.

### **The National Military and Veterans Alliance Appreciates the Opportunity to Submit Testimony to the Senate and House Committees on Veterans' Affairs**

The NMVA believes that both of the issues above deserve the immediate attention of all lawmakers who claim to be concerned with veterans' issues and causes. We realize that there are numerous veterans' issues that could be considered equally as important. However, these issues are unique in that no other policies exist that literally take earned financial benefits out of the pockets of veterans and/or their

widows. In both cases, Congress has acknowledged that the offsets are policies that unfairly target disabled retirees and widows and it has made great strides in restoring some earned benefits. It is now time to finish the job. The fact that either issue need even be discussed should be considered a national embarrassment of the highest caliber and the shame they bring upon everyone in a position to do something about them should be immediately ended.

NMVA realizes that the cost of rectifying both of these issues is high but, this is the price of the volunteer, professional military that provides freedom for Americans here at home and our allies abroad. Incidentally, roughly 75% of our volunteer forces are the sons, daughters, nieces, and nephews of those who have served. Failing to honor the obligations owed to our service members dishonors them and, as a result, puts in jeopardy the future of a volunteer force.

NMVA appreciates any serious attention that the committees give to these two very important survivor and retiree issues and we thank you for holding this hearing and for considering our testimony.

NMVA recognizes that leadership and interest in these issues by Members of Congress have allowed for changes that have, in part, eased the burdens for those affected by both of the offsets discussed above. While these changes are valuable steps in the right direction, there is still much more that must be done. These are decades old issues. The time for action is now.

We sincerely appreciate your continued concern and attention regarding both SBP-DIC and Concurrent Receipt and we remain cautiously optimistic that your leadership will put an end to both of these offsets.

Sincerely,



Ted S. Painter  
Co-Director  
National Military & Veterans Alliance  
National Legislative Director  
American Military Retirees Association  
508-335-3616  
tedscottpainter@gmail.com



Aleks Morosky  
Co-Director  
National Military & Veterans Alliance  
National Legislative Director  
Military Order of the Purple Heart  
703-642-5360 Ext: 117  
aleksmorosky@purpleheart.org

#### National Military and Veterans Alliance Member Organizations

American Logistics Association  
Armed Forces Marketing Council  
American Military Retirees Association  
American Military Society  
American Retirees Association  
AMVETS  
Army Navy Union  
Association of the United States Navy  
Korean War Veterans Foundation

Military Order of Foreign Wars  
Military Order of the Purple Heart  
National Defense Committee  
Naval Enlisted Reserve Association  
Society of Military Widows  
Tragedy Assistance Program for Survivors  
The Flag and General Officers' Network  
The Retired Enlisted Association  
Vietnam Veterans of America

The National Veterans and Military Alliance does not receive any grants or contracts from the federal government.

# Appendix A

## SBP-DIC Offset (Widow's Tax) Testimonials

The Survivor Benefit Plan (SBP) is a DoD program that provides income protection to survivors of retired military personnel. Upon retirement, uniformed service members may elect to make monthly contributions of 6.5% of their retirement pay. This serves as a monthly premium and on the occasion of the retired service member's death his or her dependents receive 55% of the deceased service member's retirement pay. Dependency and Indemnity Compensation (DIC) is a Department of Veterans Affairs (DVA) program that provides a modest monthly annuity of \$1,215 (\$14,580 annually in 2015) to survivors of a service member, active duty or veteran, who dies from a service-connected condition.

Under current law (10 USC 1450 (c) (1)), regarding a surviving spouse who is eligible to receive both DIC and SBP, DoD is required to reduce ("offset") the amount of the surviving spouse's SBP payment on a dollar-for-dollar basis by the amount of the DIC benefit. In essence, the spouse is funding his or her DIC payments.

*The following testimonials have been gathered from widows of American military retirees and serve to illustrate the financial and emotional hardship that our government is levying upon its military widows when it deducts money for a benefit that a premium was payed to earn from their bank account.*

**Lynn Ratcliffe** <[lratcliffe@embarqmail.com](mailto:lratcliffe@embarqmail.com)>

8/9/16

to me

I am a surviving spouse of a disabled vet receiving DIC payments.

When I was working, the SBP-DIC offset was only a slight problem. But when I became unable to work and living off the DIC payment only, it was extremely difficult. Over a 10 year period, I accumulated about \$10,000 in credit card debt because I didn't have enough money in some months.

What bothers me the most about the offset is that if I were to remarry now that I am over the age of 57, then I would receive both the SBP and the DIC as a result of US Court of Appeals ruling in 2009. Why should a remarried widow need more money than a single widow trying to support herself? It is really unfair!

Ruth Lynn Ratcliffe

[lratcliffe@embarqmail.com](mailto:lratcliffe@embarqmail.com)

**Carol Balog** <cab3271@yahoo.com>

8/9/16

to me

permission given: Carol B, Pennsylvania

I know that the money received makes it easier to meet my bills, to buy groceries, and to save for Christmas for the many great grandchildren and younger grandchildren. And, I know that I will have to buy Dental Insurance.

**PETE LAVOIE** <pjl30217@bellsouth.net>

8/10/16

Thank you so much for fighting for this much needed off set to stop. It still cost almost as much to live as it did before my husband passed away. The bills are the same as if he were still living, but the money coming in is not. I feel I paid my dues right along side my husband and deserve a comfortable living. I try very hard to make do, but some months its very hard an imposable. to make ends meet. Congress needs to wake up and take care of our Veterans and their families. It seem they drag their feet and wait for them to die without helping them Shame on CONGRESS. They sure get pay raises an all the perks that go along with the job. Thanks, Judy Lavoie

I hope you go my first Email about this dollar for dollar off set. It so unfair to the surviving spouse. When one dies the bills are almost the same. making it so hard to make ends meet. When something tears up or and unexpected emergency comes up its so hard to get caught up. We deserve to have a better life as its been a tough one!! I pray the people in charge will stand up and do the right thing for us as they do for themselves. Thanks, Judy Lavoie Georgia

It is so hard to make ends meet in today's world. My bills are the same as when my husband was alive, except for food maybe. I can't live the life I deserve. People in congress doesn't have to worry about this. They need to be in session right now to straighten out all the mess that's going on. Congress I ask you to please give us widows the full pay that we deserve. We severed right along beside our love ones from beginning to end. Have a heart and take a stand and do the right thing for

us.  
anks,

Th

Ju

dy, Lavoie

**Janet Snyder** <groundhog71@gmail.com>

8/10/16

to me

Dear Ted,

Six years ago my husband Tom passed due to his service-connected disabilities from Vietnam. At the time, he felt reassured that I would be receiving my monthly annuity from DFAS (55% of his retirement pay). After he passed, it was a shock to learn about the SBP/DIC offset. At the time of his retirement from the US Army, Tom was in good health. It wasn't until the 1990s that he started having health problems. First it was diabetes type 2, and later prostate cancer - both related to Agent Orange exposure in Vietnam in 1969 - 1970. He had devastating side effects from his medication for diabetes, and radiation treatments for prostate cancer. He was also diagnosed with Alzheimer's Disease. I was his full-time caregiver until he passed in 2010.

There are many reasons to support - and vote for - the elimination of the SBP/DIC offset for approximately 63,000 military surviving spouses who are affected by this offset:

- 1) It would make Senator / Congressman ---- a big hero to all of us military surviving spouses;
- 2) Bringing long-awaited justice to survivors will bring comfort and hope to those currently serving military servicemembers and their families, that people in our government actually do care about us;
- 3) Those disabled retired military servicemembers - who have been paying into the Survivor Benefit Plan during their retirement years - will be gratified to know they have not been wasting their money;
- 4) The U.S. Treasury will receive regular funds from us, because the Survivor Benefit Plan is taxable;
- 5) It is a win-win situation for all of us.

With gratitude,

Janet

**Janet Snyder** <groundhog71@gmail.com>

9/9/16

to JB, me, Peg

When my husband Tom passed in October 2010, and after notifying DFAS, my SBP started in one month. After applying to the VA for DIC, it took 6 months to start receiving it. During that time, I learned about the SBP/DIC offset. It is shocking that this injustice exists for unremarried military surviving spouses.

When the legislation was passed in 2005 to grant concurrent receipt to disabled military retirees, that benefit was not extended to their survivors.

**By passing the legislation to eliminate the SBP/DIC offset for unremarried widows and widowers, we are honoring the service and sacrifice of the military veteran who lived and died for our country.**

In 2012 my grandson made this video to highlight the situation:

<http://www.youtube.com/watch?v=6wkaM1KdpYw&feature=related>

"We are only as strong as we are united, as weak as we are divided." -J.K. Rowling

If we want to get any action on Capitol Hill for our military widows legislative issues, we need to organize and get passionate about it.

The way we are doing it now -- looks like we don't really care.

If you want to succeed, you must DO WHATEVER IT TAKES.....

Watch this short motivational video:

<https://www.facebook.com/goalcast/videos/1062613000482556/>

"When you want something bad, you can't count the costs." ~ Eric Thomas

Ask yourselves, "How much do you want it ?"

-- On previous Society of Military Widows (SMW) Legislative Conference Calls, we have discussed ideas that are "outside of the box" -- and this is how we must think, in order to be motivated enough to act.

My granddaughter is a Law student, and I have asked her what to do. We discussed all kinds of ideas - from going to court - to having a hunger-strike.

Remember our foremothers who demonstrated for the right to vote for women !!

We owe it to ourselves - and to the military surviving spouses who come after us - to do something, and we must want it as much as we want to breathe !!

Janet Snyder  
Las Vegas, Nevada

**Doris Jones** <gmadjones@yahoo.com>

9/13/16

to me

**SBP-DIC OFFSET... why should DIC take a pay cut? If our government is so in need of money...stop foreign aid. Our service members paid the ultimate price and now you want to take from their surviving families as well???? Stop giving to all ILLEGAL foreigners and take care of our citizens. God Bless America and the military families that our government wants to ignore.**

**widow of a deceased 100% disabled vet  
Doris J JonesBaxter**

**Linda A Walters** <lindaawalters@gmail.com>

9/14/16

to me

For me it has been 42 years... that is a long time not to receive the benefits my husband signed up for. After 20 years in the USMC serving in both Korea and Viet Nam and signing up for SBP... the offset took over much of my survivor's benefits. We appreciate any help you can give us... Thank you, Linda A Walters

**Sumner Foster** <sumjul@tds.net>

9/14/16

to me

Sir

I was asked to comment on how this offset has affected me and my family.

My husband Major Julian S. Foster passed away 10 years ago. He is buried at Arlington National Cemetery. He was awarded a Purple Heart and a Silver Star. He served in W.W.II, Korea and Vietnam. He was so badly wounded in Korea that when he came off the battlefield it was thought he would not survive. Consequently his obituary was published in the Army Times. He spent 3 years at Ft. Benning getting put back together. His recovery was good enough that he went back on active duty and served with Special Forces working with the Montagnards in the early Vietnam days. When he retired he went to work as Safety Officer with NASA at Cape Canaveral. He was diagnosed with terminal lung cancer in 2005 and given 6 months to live. He passed away January 19, 2006.

He always warned me that the government would have very little regard for the members of the family who were left behind and that out benefits would be cut and cut and cut and cut again. I am an aging Army widow. My health is not as good as it was when my husband passed away. I work at a few volunteer jobs to help my community and my church. I feel that I have earned to be treated with respect because of what my husband has done for his country and what I continue to do as an Army widow. Living with diminished financial resources is not a show of respect for military widows and certainly having to beg for consideration is demeaning.

Sincerely,

Sumner M. Foster

[615.773.8025](tel:615.773.8025)

[sumjul@tds.net](mailto:sumjul@tds.net)

**Linda Stewart** <lindastewart123@aol.com>

9/14/16

to me

To: National Legislative Director Ted Painter  
[tedscottpainter@gmail.com](mailto:tedscottpainter@gmail.com)

(I hereby give you, or someone working on your behalf, permission to use my letter in any manner in order to address the SBP-DIC OFFSET)

I am a military widow. My husband served his country honorably for 21 years, and died from a service-connected cause one year after he retired, which devastated our family. He signed up for the Survivor Benefit Plan (SBP), which provides an annuity to surviving spouses. Little did he know his service-connected disability would cause an offset in benefits to me. This offset applies to approximately 62,000 military surviving spouses.

For each dollar the surviving spouses receive in Dependency and Indemnity Compensation (DIC) from the Veteran's Administration, that dollar is taken out of their Survivor's Benefit Plan. DIC is \$1,254.19 per month. Having this amount taken out of our benefit plan leaves little money that we receive each month from our annuity. Many surviving spouses are totally offset, so that all they receive is their DIC to live on. Insurance policies in the civilian world pay benefits to the survivor when the policyholder passes. Why should it be different for those who serve in the military?

Surviving military spouses have been fighting for over 14 years to have this unfair offset eliminated. The Veterans Disability Benefits Commission has urged elimination of the offset for all SBP-DIC widows, asserting that when military service causes the member's death, the indemnity compensation from the VA should be paid in addition to SBP coverage, not subtracted from it. I am asking you to honor our military deceased by helping their spouses receive a decent annuity – one that can lift many surviving spouses out of poverty. There are currently two bills in Congress to correct this injustice: House Resolution 1594 and Senate Bill 979. Sadly, both of these bills are still in committee. Eliminating this offset in the National Defense Authorization Act (NDAA), or by any other method, would make a huge difference in the lives of those spouses, who also made many sacrifices for their loved-one's military career, including the ultimate sacrifice of losing their loved one. This will also honor the service members who gave "the last full measure" for their country. Thank you for your consideration.

Linda Stewart  
40797 Calle Katerine  
Temecula, CA 92591  
[703-975-6694](tel:703-975-6694)

**Suzanne Gerstner** <[sgerstne@tampabay.rr.com](mailto:sgerstne@tampabay.rr.com)>

9/17/16

to me

### SBP-DIC OFFSET

My Name is Suzanne Gerstner, my spouse of 18 years was TSgt, Edward C. Gerstner, USAF, E6. He died of malignant melanoma cancer, caused by his service to our country. My husband was diagnosed terminal in his 17<sup>th</sup> year of service. He served his full 20 years. He retired on June 30,2001, just months before 9/11. I found out I would be a widow at 29, and became one at 36. I am now 48. Ed retired at 37, and was **43** when he died. I was his caregiver and he died at home witnessed by myself and the children (now grown).

I was working off and on throughout our marriage, but I had over his career, sacrificed my career and started over at each new installation. So his retirement was in fact our retirement.

Upon retirement, Ed purchased Survivor Benefit Plan for spouse and child. He was terminal, we knew we would not be able to obtain commercial annuity insurance elsewhere. The premium was approximately \$67.00 month. This was a benefit that was offered to secure *a portion* of his retirement for the children and myself. The plan as I understood it was that if I ever became ineligible, then the children would be covered. It wasn't until many months after his death that I was informed that ineligible was my death or remarriage. Being offset was not ineligible. So 4 months after his death the SBP stopped and the DIC finally started, with adjustments for prior months being made. So I received no SBP at 100% offset and my children received no SBP. They were not covered by the post 9/11 dependent coverage change. I currently receive the SSIA.

Ed truly earned his retired pay, and it is hard for me to understand why the disabled retirees families should be treated different after their death. Death should not cancel the benefit he worked and paid premium to secure for our family. At a great financial hardship to us, he responsibly and voluntarily chose to purchase a survivor annuity for his family to ensure that we would continue to receive a portion of the retired pay he worked to earn.

I am currently disabled with a severe hearing impairment caused by Superior Canal Dehiscence and Otosclerosis. I basically have holes in my skull that allow sound to travel differently. In one ear I have titanium ear bones and wear a hearing aid. This condition causes me unbalance in addition too visual and weather induced migraines. My only financial security is the DIC and SSIA at this time.

Over the past 12 years, I have run the gamut of emotions regarding this offset. Feelings of anger, rage, disgust, injustice, abandonment, disappointment, hopelessness, and continuing worry. the enactment of the SSIA, there was hope, that finally they would do something about this. At the same time it felt like being slapped in the face, for paying less then owed and at the beginning at a

poultry amount, and being treated like a beggar given money for no earned work. A classic modern Dickens tale, "Please sir can I have some more" There was earned work though. Loyal, patriotic, steadfast, honest work by my husband. Now as it begins to sunset without action, those emotions resurface.

Removal of the offset is about securing that retirement benefit he earned and expected us to receive. I made Ed a deathbed promise that I would set things right He died thinking that he did the right thing with DOD and that he provided for us. In fact, he did not know what would really happen to our children and me. We, like others, found out the hard that DIC offsets SBP and that we would not receive any SBP.

Your assistance in eliminating this SBP-DIC offset is appreciated.

Suzanne Gerstner  
Surviving Spouse of TSgt Edward C. Gerstner  
1318 Village Court  
Brandon, FL 33511

**Rebecca Anthony** <Anthony.Rebecca@gaston.edu>

9/23/16

Dear Ted,

I receive the following information on the Facebook SBP-DIC Offset page: *We ask that you join us by telling us how the offset has affected you and your family, or even how you feel about the injustice of this type of offset. We will be most appreciative of your assistance.*

First let me say that this offset has changed my life and my family's; but for me a Gold Star Wife it has made me have nightmares at night. But, let me explain how my husband and I found out about the offset.

My husband retired from the Air Force after serving for twenty years. He was a great provider and took great pride in his abilities to take care of his family. About 10 years after his retirement he was placed on dialysis and it was determined that it was service-related. When he received his VA compensation...they withheld his retirement. A year later that ruling was overturned and he began receiving his retirement and VA disability.

My husband was not a transplant candidate and we knew he was dying. So, he started making sure all the paperwork and contacts were current for me to use when he died. We went to our local VA office and sat down with the assistant. My husband was proud to know that he had been paying into the annuity SBP. It was at that point that the assistant told us about not receiving the annuity.

Ted, I will never forget the look on my husband's face and the disappointment in his eyes at that moment! They haunt me to this day! Here is a man that served his country...(yes, he was drafted) did all the right things for his family, and the organization that he depended on **SCREWED HIM OVER!** That is how my husband felt...not so much me...but a dying man realizing that the organization that he sacrificed for (our family sacrificed everyday and continue to) has lied to him.

**BUT.** let's not forget that my age (55) I could remarry after 57 and receive concurrent SBP and DIC. **OMG!** My husband is gone...I did dialysis at home with him for 8 years, worked full-time, and raised our children...for this organization to tell me that I could remarry and re-

ceive the money is beyond me. That is the craziest thing I have ever heard. Talk about disrespectful and a slap in the face.

So, how has the offset affected me and my family? Memories of the disappointment of my husband, the inability to take early retirement as we planned, and the blatant disrespect that I could receive both if I re-marry after 57 years of age are just a few of the issues that my family has concerning the offset. The money from the annuity was to be used to allow me to retire at 60 in order to allow me the opportunity to spend time with my children and grandchildren. Since my husband's death I have been diagnosed with a chronic illness. The money from the annuity would allow me to have a better quality of life as it progresses.

What do I want? I want peace for my husband, that the money he paid, into the annuity, has been honored!

I have been active in this fight since the death of my husband in February, 2005. Enough is enough! As we say around home...quit straddling the fence. It is time for this issue to be resolved. Play dirty if you have to...it is how I feel that my husband and family have been treated.

Thank you for what you do! Peace!

Rebecca "Becki" Anthony, RN, MSN/ed, NBPT  
Medical Office Administration  
CET 201E  
[Anthony.Rebecca@gaston.edu](mailto:Anthony.Rebecca@gaston.edu)  
[704.922.6287](tel:704.922.6287)

**Jennifer Carazo** <carazojennifer@gmail.com>

9/28/16

to me

Dear Mr. Painter,

I am one of the wives impacted by the offset. My husband served almost twenty years when he was KIA July 22, 2010. I am now left to raise my two teenage children on my own. The emotional factors of my husband's death have been great, as well as the financial. As a Gold Star wife, it is difficult for me to grasp why myself or my children should have to continue to sacrifice.

I appreciate your efforts with all of this. It means a great deal to all of us.

Thank you,

Jennifer Carazo

**Lisa Dahl** <ldahl1964@gmail.com>

9/28/16

**Mr. Painter -**

I am writing to you today to express my comments relating to the SBP-DIC offset thrust upon surviving spouses.

I am a surviving spouse with 2 college age children. When my husband died, of a service related cause while on active duty, I was left with about 1/3 the income my household used to bring in. Unfortunately, the bills did not also become 1/3 of what they were before. I had to figure out how I would continue to pay the bills and college tuition on a fraction of what we had before.

Enter the Survivor Benefit Payment. This, I thought, would be what I needed to help keep my bills paid and my children going to college. Upon discussion with my Casualty Assistance Officer and the military death benefits coordinator I discovered that, although entitled to both the SBP and DIC payments due to the death of my husband, I would not get the full SBP amount because the "law" required that the VA-DIC benefit offset the SBP amount. As a result, I would get about \$15,000 less, per year, than I was entitled to. On the other hand, a civil service widow is entitled to both benefits with no offset. How is this fair to a military surviving spouse whose spouse died as a result of military service for our country? There are approximately 63,000 surviving spouses who this reality affects. That \$15,000 would go a long way in providing for the surviving family. Many military wives live at the poverty level and this money would help to raise them above that.

The SBP is essentially an insurance annuity, paid by the DOD out of Mandatory Funding, that is supposed to aid the surviving spouse. It is not paid out of Discretionary Funding. It is paid for by the military member through his retirement income and/or his life. The DIC is a social benefit paid for by the VA and is directly related to the military member's sacrifice, his life. The offset of these monies, from two different sources and two different monetary pools, creates a hardship on surviving spouses that, in addition to dealing with the death of their husband, they now have to deal with. We need to stop this offset and allow surviving spouses to breathe a little easier due to the receipt of monies they are entitled to. It is unfair to penalize those spouses left behind after a military member has voluntarily fought and died for their country while allowing a civil service spouse the full benefits.

Sincerely,

Lisa Dahl

[847-507-1628](tel:847-507-1628)

[LDAHL1964@GMAIL.COM](mailto:LDAHL1964@GMAIL.COM)

**Susan English** <sueaenglish@hotmail.com>

9/28/16

to me

My name is Susan E., Virginia

I married my husband and left a lucrative job in Manhattan. He was an E-2 at the time. Over the next 18 years we lived in 4 different duty stations. Our son was born in 1990. Dad was gone on and off for years until he became a teenager and was on land duty. At 44 yrs old he died. My son was devastated, barely graduated high school and was unable to use his scholarship. Prior to that he was a gifted child. He has been depressed ever since. Trying to stay in our home. Paying high medical insurance and prescription bills as well now that he aged out. I'm unable to work as I have chronic pain. Have volunteered for years before this condition. Concerned about his future.

**lilian davis** <l-davis2011@hotmail.com>

9/29/16

to me

Dear Sir, received your a dress from the widowed survivors MOAA.  
I receive service connected DIC from my husband who died in 2005..  
I am 75 yrs old, work 30 hrs a week. This \$310 which last \$35 I will receive in Nov, this helps me so very much. I cannot make it without working, if Congress, stops this, I will be working till I pass on, I am praying they will continue this, & increase it, now a days as u know, everything is so expensive.. I feel we are the forgotten widows, congress can give money everywhere else, but we widows, seems like they cannot come up with money.  
U have my permission to use for AMRA. I live in Chillicothe, Mo.  
Ph [660-247-1039](tel:660-247-1039)  
Any help u can give us, would be greatly appreciated..  
I would like to cut a day out of my week, as I am getting tired, at my age u do, but if they don't renew this \$310 or increase it, I will have to choice.  
Thank u  
My e-mail is [l-davis2011@hotmail.com](mailto:l-davis2011@hotmail.com)



**Vicky Hovis** <[vhovis@suddenlink.net](mailto:vhovis@suddenlink.net)>

10/2/16

to me

Dear Mr. Painter,

Please vote to get rid of the DIC/SBP offset. I was a Military Spouse for 31 years. My husband paid into SBP for many years. This was a benefit we paid for and was deducted from our pay check each month. This was NOT an entitlement. I lost my husband to Lung and Bone Cancer, both stage 4 caused from Agent Orange. It is a disgrace to let this go on. We sacrificed the most precious thing in our life, our spouses.

You may use my comments in your Advocacy efforts.

Vicky H., Texas

**Nancy Mullen** <nnullen@kraftcpas.com>

10/2/16

to me

Mr. Painter,

Janet mentioned you wanted a few examples of how we have individually been impacted by the SBP/DIC offset. I attached a PowerPoint presentation that walks you through the calculation in a clear manner and really drives home the impact of the offset. I know you understand the calculation and the impact, but it is confusing to many and I use this when I go to visit the various DC offices. You may find it useful as well.

My husband was WO1 Sean W. Mullen, 5<sup>th</sup> Group SFG(A), who was KIA in Afghanistan in 2013. He served 18 ½ years and my gross monthly annuities prior to the SSIA were 26% of his gross pay when he was alive based on 2013 numbers. The SBP after the offset was 8%. To even consider receiving both benefits in full as “double-dipping” as if we are taking more than we should is ludicrous! For many this may be the only remaining household income. Try living off a 70% reduction in income! Regardless of my remaining income, there is no doubt that the loss of his life and his income has had a negative impact on my life and my household income.

For many laws those service members who died in service are considered to be 100% disabled and afforded the same benefits. The SBP calculation itself for post-9/11 active duty deaths provides this recognition. As those like my husband did indeed make the ultimate sacrifice for his country, he has paid for this full benefit in blood. Concurrent receipt for combat disabled veterans over 50% was removed and those veterans are able to receive both their disability pay and retirement pay without offset as it should have been. Many of these veterans are able to continue to work and earn income to take care of their families. In our case, we do not have a spouse remaining who can continue to contribute to the household income. The concurrent receipt issue for combat veterans was wrong and thankfully was rectified. The SBP/DIC offset is the same issue – it is concurrent receipt for widows(ers) and should be removed. The increase in the death gratuity and SGLI does not replace the lifetime earning potential of that service member. The SGLI amount is by no means excessive and when you consider many families must relocate after the death of the service member. Many surviving spouses must assign the SBP to their children in order to make ends meet, forever signing away any right they have to that pension.

Additionally, the offset is removed if a surviving spouse remarries after 57 but stays in place if he/she never remarries. Unbelievable. You are financially punished if you move forward and remarry when you are a young widow(er) and financially punished after 57 if you do not remarry! England has since recognized the need for the young widows to remarry and allows remarried surviving spouses at any age to retain their benefits without consequence. We should follow suit.

Congress has recognized that this offset is wrong and unfortunately has not been able to correct this travesty. To make matters worse, the little we do receive in SSIA is currently in jeopardy as it expires next year. It leaves surviving spouses in a state of limbo unable to predict their future income. Due to the expiration – and even if it is extended for only a short period of time – the SSIA income cannot be utilized for purposes of consumer loans, like mortgages and vehicle loans. This is just plain wrong. These service members who gave their lives for their country have EARNED the right for their loved ones to be treated fairly.

Feel free to contact me using the email or phone number below if you have any questions or would like to discuss further.

Thank you,

Nancy Mullen  
[nmullen8289@gmail.com](mailto:nmullen8289@gmail.com)  
[910-987-4778](tel:910-987-4778)

**Patricia Pope** <ppope4761@gmail.com>

10/2/16

to me

Dear Mr. Painter,

I am the surviving spouse of LTC Robert J. Pope who died Oct. 23, 1995 due to a cancer caused by his exposure to Agent Orange during his two tours in Vietnam. I have had my SBP offset for the last 21 years and have spent many hours fighting this injustice. I have appealed to congress and the senate with calls and letters but to no avail. I've gotten form letters from most but Nancy Pelosi wouldn't even accept my email because I am not a constituent. Bottom line the only thing i ever heard was they needed to find the money, my husband was told when he signed up for SBP that the money went into a special trust fund just for the widows, so where is that money?

I feel that they are waiting for us to die off and our numbers are shrinking. I was a young widow in my forties so I went to work and was able to survive, but the money I lost each month would have made a huge difference in my life. What about the older widows, they needed that income to live. Why were the women who remarried able to get around the offset? Our government spends billions on helping others but they have forgotten us. I am tired of the platitudes and lies. A few years ago they started giving us a stipend and it's now \$275. a month, I think they thought it would keep us quiet, while our numbers continued to shrink. I think the senate and congress have made sure they are protected but really don't care about the veterans and their families. They made a lot of promises and have not kept many.

Regards,

**Paula Spear** <paulareadingspear@gmail.com>

10/13/16

to me

Ted, I already have sent you some material, including the newspaper article I wrote. I am sending now a copy of the letter I wrote for Kathy S Prout and Edith Smith to take to DC in their meetings with Congress next week to present again our case. Maybe there are some additional insights into the varied backgrounds of us surviving spouses.

Paula Spear

----- Forwarded message -----

From: "Paula Spear" <[paulareadingspear@gmail.com](mailto:paulareadingspear@gmail.com)>

Date: Oct 13, 2016 4:54 PM

Subject: Fwd: Re: SBP/DIC offset and SSIA. HR 1594, S 979, SSIA. Added a couple of sentences for effect.

To: "Kathy" <[kathy92118@aol.com](mailto:kathy92118@aol.com)>

Cc:

Kathy, you can replace Sen Feinstein's name and on 2d line in body replace sponsorship with co-sponsorship

Senator Nelson:

As a military widow I implore you, as the sponsor of S.979, to remain strong in support of and even increase your advocacy of this bill. Please find funds, which we know are there, to end the onerous, unjust SBP/DIC Offset or else advocate the extension of the SSIA with substantial incremental increases. We surviving spouses are grateful for efforts to date.

Unbelievable how indifferent Congress and our military can be toward military surviving widows/widowers and how they turn their backs on contractual promises made to our late warrior spouses. How can Congress even think there can be this choice in whether they pay us this annuity or extend and increase the temporary SSIA. It seems that many in Congress treat this money that we responsibly contracted for and paid into for years as welfare, an entitlement or handout. In addition, there is the irony that if we remarry at or over age 57 the SBP will be fully restored with concurrent benefits, while we widows who remain single must endure the offset. Please explain that one. What an inequity.

Understand, also, that nothing appeared about the offset in most of the contracts our spouses signed or was said verbally until at or near our spouses' end. Therefore, for most of us, we never could make an informed choice about our financial planning and the best use of our money. Instead, we were encouraged to pay into this annuity and with our federal govt behind it, who would have questioned it? Should we have been skeptical, even distrustful, and checked a code of laws separately? Did people do that when they bought war bonds or treasury bills? One respected Military Times writer called it a bait-and-switch. Others have drawn comparisons to predatory practices on troops near military bases that the military has condemned. Whether intentional or not, the end result is the same. We feel kicked to the curb and our spouses' intent and memories dishonored. My husband suffered horribly for years from service-related causes, primarily Agent Orange. Yet his Facebook page said simply, proudly "I Was A Soldier." His final 15 years were one life-threatening hospitalization after another. He bravely

and selflessly had been in some of the most dangerous and highly classified special ops and intel operations, but this disease pain and compromised health was unbearable. Yet he kept assuring me the money would be there later, and the figure he used in our financial planning included that \$15,050 year annuity. Like the rest of us, I already have lost 60 to 75 pct of our former income through his passing.

I already have worked professionally well past the retirement age most people enjoy, so feel that I am a responsible citizen merely asking for what is owed me, not a handout. I need to continue working and options are limited. I stopped only to help him through risky surgery and a hoped for, but futile recovery, then took a temporary position for 6 mos last year after his passing. Now I must start job searching again.

We had met in Saigon just before the Tet Offensive, lived through that and later were together in the violent revolutionary runup to the overthrow of the Shah of Iran with him working out of the Embassy and me working first for a hotbed university of anti-Shah unrest and then the Private Cabinet of the Empress of Iran. This is not to mention having taken over temporarily for a rotating Colonel's wife just two weeks before he was ambushed and murdered, one of the first Americans cut down by revolutionaries who then turned their attention to my husband's group, causing his commanding officer and family to be emergency evacuated and my husband taking over. Later my husband's rapidly failing health cut into our success and cost us dearly. Added insurance became prohibitive or impossible, but he assured me that with the annuity I could cover operating expenses after his passing. The survivor stories of the 63K of us affected by this law vary, but we each contributed mightily to our spouses' performance and our national security.

Please give us your co-sponsorship for the offset repeal and in its absence on the NDAA 2017 this year, extend the desperately needed SSIA with incremental increases.

Sincerely,

Paula R. Spear

Oakhurst, California

Member: MOAA, Society of Military Widows, Caring Veterans of America, Facebook SBP/DIC Offset 2016

**Fran Vandre** <[vandre2122@gmail.com](mailto:vandre2122@gmail.com)>

10/15/16

to me

My husband served the Army for 26 years. During that time we moved our family several times as instructed. Five years ago, at age 64, he died from an affliction caused by Agent Orange which he was exposed to when he fought in Vietnam. Nothing and no one can replace my best friend but the DIC offset alleviates a bit of the loss in income that now affects my life. He fought in Vietnam as his country asked him to and he died, albeit several years later, because of it.

Fran V., Wisconsin

**Rosemari Gehrke** <blackroses2211970@yahoo.com>

10/15/16

to me

I'm not sure what this is all about because I've never been into politics but I am the surviving spouse of an military man , who died from agent orange and I watched him die ,I was married to him for 36 years and not a day goes by without me thinking of him and I can say that if this income is taken away or cut I wont survive,what I have now is just barely covering my expenses so stop them if you can .....

**edemurf68@aol.com**

10/25/16

to me

Dear Sir:

My name is Barclay Murphy, and I have been a Military Widow for 11 years, having lost my husband, MAJ Ed Murphy, in the line of duty in Afghanistan. My two children and I came “home” to Charleston, SC after Ed was killed from our last duty station in Vicenza, Italy.

What does the DIC offset mean for me and my family? At 47 years old, I am back at work for the first time since my career as an Army wife because I cannot pay all of my bills. I had to go back to work as my older child went to college and I saw the first of what will be several benefit decreases. Of course, as a Military widow receiving benefits, I am limited to how much money I can make.

My son will graduate from high school in 5 years and, as my last child at home, my benefits will decrease to a trickle. There will be no way I can keep the home we have created new memories in and called home since my husband was killed. I just plain will not be able to afford it. I will be 52 years old at the time and be forced to transition to a full time position, with no hopes of retirement in the foreseeable future.

The DIC offset represents almost dollar for dollar what I am able to make at a job right now....still not quite enough to cover the mortgage but, it would make a significant impact. I would be able to keep my house when my son goes to college. I honestly cannot imagine my children not having a home to come home to—this home represents more than a place to live for us; it is our safe place and place of comfort.

I am incredibly bothered by the outpouring of support for the National Guard members in California when we widows have been fighting against this DIC offset for decades. Our story is still not being told in a way that the public can empathize and support our fight. This is no ethical reason to deny widows what is rightfully ours—what our husbands died for.

Please let me know what I can do to assist in this.

AMRA has my permission to use my story.

With gratitude,  
Barclay Murphy  
Widow of MAJ Ed Murphy  
Sent from [Mail](#) for Windows 10

**quiltr1024@comcast.net**

10/26/16

to me

Hello,

I am one of the widows that is affected by the DIC / SBP offset. It has greatly affected my lifestyle by only receiving the DIC after my husband died in an Army airplane crash on Dec. 1, 1989.

I gave up a lot for myself since our son was 12 years old at that time.

My husband is buried at Arlington National Cemetery. He also served two tours in Vietnam and is a Purple Heart recipient... This seems so unfair since he gave his life for his country and every year the government seems to take away more of my promised benefits.

Kris B., Woodbridge, Virginia.