



# Jayhawk Chapter MOAA Newsletter



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## March Program:

Our guest speaker will be COL (Ret) Marvin Nickels, USA,  
Deputy Director, US Army Command and General Staff School

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awarded for  
2002 / 2003 / 2005 / 2008

☆☆☆☆ CHAPTER  
awarded for  
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## Note from the President . . .



Dear Jayhawk Chapter Members and Friends,  
I know you all will join with me in thanking Dave Darwin and the Chapter departing officers and board members for a very successful year. It is my sincere hope that I will, with your support, continue their momentum in recruiting many more members for the "Give Me Ten!" program. I also hope we can continue the superior quality of our guest speakers this coming year. With that in mind, if any member has a suggestion for a speaker, please let one of your officers know. Our March 10 speaker, COL (Ret) Marv Nickels, Deputy Director of the US Army Command and General Staff College will, I am certain, follow the long list of excellent speakers and give us an update of the Army's premier educational institution at Fort Leavenworth.

Our support of the three ROTC programs, I believe, is a top priority. I know that we all enjoy meeting the next generation of fine young cadets/midshipmen who will serve our Nation. This support also includes the Clay Comfort Scholarship and I would like to count on your continued generous support for the Fund. Hopefully, our interaction with these young men/women will continue to result in their involvement with MOAA and the Jayhawk Chapter.

I look forward to working with our Chapter Officers, Board, Newsletter Editor Shirley Halladay and our Webmaster Stan Sneegas in strengthening our Chapter. It is my personal wish to become better acquainted with more of you at our Chapter meetings. I ask that we all become more involved in seeking out new members in our community. There is indeed strength in numbers and our organization should continue to grow in the coming years. I also believe that we have an obligation to our community and ask that you seek ways to represent the Chapter in volunteer service to our community.

In closing, I ask for your support and best wishes for the coming year. With your strong involvement I am certain the Jayhawk Chapter will continue to uphold its outstanding state and national reputation.

I hope you will all turn out for the March 10 meeting with COL (Ret) Nickels discussing how the Command and General Staff College is meeting the needs of our Army and the Nation.

Hope to see you all at our March 10 meeting!

## Charles

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\* Reservations should be sent  
to Jim Cooper by  
**4 March**



## JAYHAWK CHAPTER NEWS

### **DUES: 2010 CHAPTER DUES (\$20) WERE DUE 1 JANUARY 2010**

**If you have not already submitted your dues, please get them to Jim Cooper right away.**

**Dave Darwin** was recognized as one of the five most influential individuals in the concrete industry for 2009 in the January 2010 issue of Concrete Construction. KU had a nice follow-up story:

<http://www.news.ku.edu/2010/february/9/darwin.shtml>

In January **Tom and Francie Arnold** spent two weeks in Japan visiting their son, Andrew, who is a Navy Supply Corps Officer stationed on board USS BLUE RIDGE (LCC 19) at the US naval base in Yokosuka. Andrew was commissioned as an Ensign in Nov 2008 and, after attending Supply Corps School in Athens, GA, reported to BLUE RIDGE last July. He is enjoying his tour in Japan and his travels all over the Far East (seven countries visited so far!). Tom and Francie had a wonderful time in Japan visiting with Andrew as well as seeing many old friends from their own tours in Japan from 1997-2001 and 2003-2006.

**From Vic Braden** (response to a Marsgram sent to him with Christmas greetings from the Chapter):

It is busy here in the southern portion of Afghanistan. It is the central focus of military operations. My job is the Senior Advisor for the 205<sup>th</sup> Corps Commander (Afghan National Army). He has command of all ANA soldiers in this region. Although difficult, the job is fascinating.

Beautiful weather here – 60's in the day and 30's at night.

**From Herschel Stroud:**

**Bad news:** In 1996, I was operated on for prostate cancer. A radical prostatectomy was performed at Johns Hopkins Medical School in Baltimore, Maryland. In 1997, an artificial urethral sphincter was surgically placed. It failed in 2002 when we took the Topeka Jayhawk Club to Hutchinson, Kansas, to represent KU at an Alumni function held at the Kansas State Fair. I went back to Baltimore for the removal and surgical replacement with a new artificial sphincter. That sphincter lasted until about a month ago.

I am in the process of making arrangements to return to Baltimore for another revision/replacement of the current failed system. The first trip back east will be for evaluation, consultation, and determination of scheduling for the surgical procedure. I do not know what times or dates any of this will take place. I have a telephone conference scheduled for later this week to set up the first visit with the surgeon. So, other than the obligations I have already made, one might say I am on a short fuse as to future time schedules. I think the surgery will take place sometime in late April or early June.

**Good news:** I have every reason to believe that the upcoming surgery will be successful, and recovery rapid. In the meantime what a delight it is to be a Kansas basketball fan – with both K-State and KU doing so well thus far in the season. Yes, all you K-Staters, we root for the purple every time they play, except when they play KU.

**From Andy Bauch:**

As part of Missouri's National Guard State Partnership Program, I traveled to Panama City, Panama, in late January. The Missouri Guard Partnership has established relationships in both the medical and civil engineering fields, but not the legal field. The purpose of our trip was to establish initial lines of communication on the ground and determine the future needs of the legal exchange.

As a member of the 139th Air Wing Judge Advocate General's Office, I traveled to Panama as part of a legal exchange. The partnership program is traditionally formed between individual states and a foreign country's military. However, Panama no longer has a military force after the U.S. invasion in the 1980s. The defense role is now provided by the National Police Force.

Over the course of three days we gave a number of presentations to our Panamanian counterparts on topics including: Domestic Operations, the general legal structure in the United States, Rules on Use of Force and Rules of Engagement, Criminal Investigations in drug and homicide cases, and Counterdrug Operations. Bilingual Missouri guardsmen were used as translators. We utilized an old US military barracks in Panama City as a base of operations.

The Missouri Guard contingent received briefings from the National Police, and included border security, counterdrug operations, and homicide investigations. One interesting note was that the lawyers for the border patrol perform as active members of the force. The result is that the attorneys go with the other police officers into the jungles for 30 days. They work as a team, patrolling the area for drug smugglers and human traffickers. Firefights between criminals are not out of the ordinary. In fact, while we were there three drug smugglers were killed in a shoot-out with National Police Forces. At the end of the 30 days, the patrol comes back to the city where they continue to train. The lawyers then shift to a more traditional legal role of handling administrative matters.

We had the opportunity to eat at a number of seafood restaurants. The most notable of which was on the canal. The patio provided the perfect observation point from which

to watch massive container ships passing through the lock system. We also toured the Ministry of Government and Justice and briefly met the Minister of Justice.

Plans are in the works for bringing a small group up from Panama in April to visit local, state and federal legal entities.

My background is that I am a prosecutor for the Kansas Attorney General's Office in Topeka, KS, but a Captain JAG in the Missouri Air National Guard in St. Joseph, Missouri.

### **Our Guest Speaker for March:**

COL (Ret) Marvin Nickels, USA is currently the Deputy Director, US Army Command and General Staff School. A Missouri native he holds a BA degree in Political Science from Southwest Missouri State University and Masters Degree in Forensic Science from The George Washington University in Washington, DC. He has also graduated from a number of Army schools including the US Army War College, Carlisle, Pennsylvania; US Command and General Staff College (CGSC) where he graduated with Honors. As a Military Police officer he also graduated with Honors from the Military Police Basic Course and was Distinguished Graduate, Forensic Medicine Fellowship, Armed Forces Institute of Pathology, Walter Reed Army Medical Center.

While on active duty, COL Nickels commanded or was executive officer of a significant number of Military Police Units and Correctional facilities here in the United States and Germany. Among these he served as the Commandant of the US Disciplinary Barracks at Fort Leavenworth and Executive Officer of the US Army Correctional Activity, Fort Riley.

His service at Fort Leavenworth spans both his military and civilian careers. He served in numerous CGSC positions to include: Chief, Leadership Instruction Branch; Director Combined Arms and Services Staff School (CAS3); Director, Academic Operations; Instructor, Department of Joint and Multinational Operations; and Program Manager, Leadership Instruction Division, CGSC.

He is a published author and has written articles for the *Journal of Forensic Sciences and Military Review* (Spanish Edition).

There is no one more knowledgeable about the changes that the US Army's Command and General Staff College has undergone in the last several decades than COL (Ret) Marv Nickels.



## *Army News* *LTC John Basso*

### **Greetings Fellow MOAA Jayhawks,**

In an effort to toughen ourselves, as I write this note cadets and cadre from Army ROTC are breaking through the ice outside with picks and digging foxholes. I'm kidding, but it has been a hard winter of training for the battalion. We've already conducted four outdoor labs in conditions that can most generously be termed "inhospitable" including a day and night land navigation exercise in six inches of snow at Fort Leavenworth. Frankly, I'm pleased. You fight as you train – and we're training hard.

Among a number of recent individual highlights, I'd like to single out three cadets. Cadet Glenn Ryman, who was ranked #14 in the nation out of just under 5,000 senior cadets, recently completed Airborne school and also won the prestigious Daedalian Foundation Scholarship for future Aviation officers, one of only three winners nationwide. I would also like to congratulate Cadets Mayes and Pierson who won gold and silver German Army Proficiency Badges respectively at the University of Indiana this past weekend.

As the weather warms – hopefully – we've turned our attention to our two major spring events. We will host a six battalion Joint Field Training Exercise at Fort Riley the weekend of 9 April. Six hundred cadets will improve their ability to lead, conduct tactical operations, land navigate, decision make, and maneuver simulated tank companies. It promises to be a great weekend. Two weekends later, on 24 April, we will once again host the KU Ranger Buddy Competition at Clinton Lake's Outlet Park. This all-day event will test the stamina, skills, and fortitude of 240 of the best cadets in the US. You're certainly welcome to come watch – be prepared to be motivated by our terrific young leaders.

**Jayhawks Lead the Way!**

*LTC John Basso*



## *Navy News*

### *CAPT Carl Carpenter, USN*



#### **Greetings from the Jayhawk Navy!**

KU Fall Term promises to be another busy semester for the KU Naval ROTC Battalion as we start planning for an ROTC Drill Meet at the University of Colorado, the annual Notre Dame ROTC Leadership Conference, rifle/pistol competition against other NROTC units, and the Spring Awards Ceremony. Many of our midshipmen will participate in one or more of these events. MOAA members are always welcome to attend both the Spring Awards Ceremony, scheduled for 28 April, and the Joint Commissioning Ceremony scheduled for 17 May. We are planning to commission ten new officers into the Navy and Marine Corps in May!

We welcomed two additions to the Battalion of midshipmen . . . Midshipman Marcus Hamilton and Midshipman Stephen Messer are two Kansans "who saw the light" and returned to the state of Kansas from the University of Nebraska NROTC program.

The active duty staff has seen a few changes since the last newsletter . . . LT Krista Mann will be departing this month for Newport, RI to attend Surface Warfare Department Head School before going back to sea duty as the Operations

Officer in a frigate in Everett, Washington. Krista's replacements (yes, two of them) are LT Bill McGrath and LTJG Janet Broome. LT McGrath is a submariner, who with his family came from King's Bay, Georgia, where he served aboard the USS MARYLAND (SSBN 738). LTJG Janet Broome, a Surface Warfare Officer, comes to KU NROTC from the staff of Mine Counter-Measure Squadron THREE homeported in Ingleside, Texas. Capt Jose Nicolas, our USMC instructor, was recently selected for promotion to Major and should start to get the additional pay sometime this summer!

In closing, I want to again thank the MOAA Jayhawk Chapter membership for your support to the KU NROTC Unit. The midshipmen and my staff always enjoy the opportunity to meet and talk with the MOAA members. Thank you again for your warm hospitality and for the effort you make to recognize the ROTC programs and to honor our nation's future officers.

*CAPT Carl Carpenter*

## *Air Force News*

### *LtCol Gena Stuchbery, USAF*



#### **Greetings MOAA!**

Note from Gena — I asked our newest Major-select, Corey Edmonds, to write this month's article. If you see him around, please congratulate him on his selection for promotion! I hope everyone is finding a way to stay safe and warm during this extended winter. As a San Diego native I'm ready for spring and some warmth.

#### **Farewells**

At the beginning of this semester we had to say farewell to a few members of our Detachment. Maj Geoffrey Akers completed his Doctorate in Engineering through the Air Force Institute of Technology (AFIT) program at the University of Kansas, and has moved on to teach at the AFIT campus at Wright Patterson AFB, OH. 2d Lt Leah Pound, another AFIT student, completed her Masters in Psychology

and has moved on to Wright Patterson AFB as well to start her scientist career.

Last, but certainly not least, we said farewell TSgt Eliza Morales. She left to support the SOCOM mission at MacDill AFB, FL. During her 5-year tour at Det 280, her outstanding professional skill, leadership, and ceaseless efforts resulted in the commissioning of 63 outstanding new second lieutenants. She managed over \$1M to pay cadets' tuition, fees, subsistence and textbook funds. Her keen attention to detail saved the Air Force over \$100K from university erroneous charges and cadet unauthorized repeat coursework. Additionally, her dedication to the mission resulted in the unit receiving an "Excellent" rating in two Headquarters Air Education and Training Command inspections. She will be sorely missed.

## Training

The spring semester is always exciting because many of the cadets are approaching one of their ROTC hurdles. The sophomores are working hard to get the enrollment allocations and proceed to field training. The juniors are looking forward to hearing if they got a rated slot and career selections. Finally, the seniors are preparing to graduate and commission. Motivation is in the air and we expect to see the highs and lows of this process. Experiencing the high points is one of the most rewarding aspects of this job as we share the cadets' excitement in seeing all of their hard work actualized.

This semester, through the leadership of our Drill Team Commander, Cadet Justin Sadowski, the Det 280 Drill Team competed in their first drill competition in three years. LtCol Stuchbery escorted the 9-member team to Tulane University where the atmosphere was just electrifying, to say the least. With the New Orleans Saints winning the Super bowl and Mardi Gras starting up, the environment was similar to when the Jayhawk Basketball team won the National Championship times two. It was an amazing experience and more importantly, the younger Drill Team cadets got a taste of competition.

One other note, we're hosting our third annual AFROTC Det 280 Alumni Weekend, 24-25 April. Events include a Combat Dining In, Cadet Wing Parade, nine (9) holes of golf and a BBQ/Social to close out the gathering. It promises to be a fun couple of days. If you're a Det 280 alum and are interested in attending, please contact us at 785-864-4676 to reserve a space.

## Recruiting

I would be remiss if I didn't mention anything about recruiting. This has been another phenomenal year in the high school scholarship program. Per Headquarters, there were over 15,000 applicants this year, so competition for scholarships was fierce. Please continue educating and encouraging the young high school and junior high students to maintain their grades, take on leadership roles in their community or school, take the ACT early and often, and stay in shape. That is the best advice I can give to increase their chances to earn a 4-yr scholarship. There are also several other scholarships available if they start the program as a college student.

Finally, I'd like to say my farewells. This is my last semester here after four years of training the next generation of leaders. It has been a tremendous and rewarding ride in which I learned so much. I'd like to say thank you for all of your support for our programs; we appreciate it and I know the cadets appreciate it as well. Farewell and Godspeed to you all!

**Rock Chalk Jayhawk! Go KU!**

Respectfully,

**Capt Corey Edmonds**

## MOAA LEGISLATIVE UPDATES

This is a summary of the many items MOAA produces each week on legislative activities.

Those who have e-mail receive the full Legislative Updates each week.

### MOAA's LEGISLATIVE UPDATE for January 8, 2010:

#### Medicare Part B Inequity Strikes

The Senate failed to act in time on legislation to prevent all Medicare beneficiaries from seeing a Part B premium increases this year.

As a result nearly 25% of Medicare beneficiaries are now subject to increased Part B premiums (and a net reduction in their Social Security checks) this month.

In years like 2010 when there's no Social Security COLA, current law protects most Medicare beneficiaries from premium increases. This "hold harmless" provision covers nearly 75% of Medicare beneficiaries who will maintain their 2009 Part B premiums of \$96.40 per month.

The other 25% of Medicare-eligibles will see a significant increase in their premiums. Those affected by the Part B premium increase include:

- \* new eligibles who will turn 65 in 2010
- \* Medicare beneficiaries who don't yet receive Social Security benefits and pay Part B premiums directly to Medicare

- \* some Medicare-eligibles who also qualify for Medicaid
- \* beneficiaries with 2008 adjusted gross incomes greater than \$85,000 (\$170,000 for married couples)

Even though overall inflation was negative for FY2009, medical costs actually rose, and that's what drives Part B premiums, which are supposed to reflect 25% of Medicare's cost of delivering care. But when the premium for 75% of beneficiaries is frozen, the cost increase must be borne entirely by the remaining 25% (about 11 million beneficiaries).

So the basic Part B premium for beneficiaries not protected by the "hold harmless" provision will be \$110.50 a month in 2010 - a \$14.10 increase. Premiums for higher-income people with a modified adjusted gross income of more than \$85,000 (for those filing an individual return) or \$170,000 (married couples filing jointly) will rise even more -- to \$154.70 - \$353.60 a month, depending on the size of their incomes.

MOAA believes all Medicare-eligibles should have their premiums frozen in years with no Social Security COLA, and the House already passed legislation (H.R. 3631) to do that. But the Senate has to pass it to make it happen.

### Spouse Residency Relief Act Questions

Now that the Military Spouse Residency Relief Act is signed into law, what can spouses and servicemembers expect?

The law prevents spouses from losing (or automatically gaining) a domicile for voting and tax purposes, due to a military move.

Some spouses may be eligible for a tax refund on their 2009 withholding in the state where they work, provided that they have an established domicile in a different state and relocate to the current state only because of a military-directed move.

Most states have issued guidance on what spouses should do to apply for such refunds. The Federation of Tax Administrators (PDF) has also issued some broad guidance about the new federal legislation.

Attorney Mary Benzinger with the Pentagon Army and Air Force Legal Assistance Office briefed servicemembers on the bill this week. In most cases, states will use voting, a physical presence, intent to return, and/or property ownership as key indicators of domicile. The bill will be easier for servicemembers and spouses to understand and manage in the future, but those attempting to take advantage of the law for 2009 tax refund purposes may find that many states closely examine the time since the last PCS move.

Here are a few highlights from Benzinger's presentation:

- \* spouses can't just pick a state of domicile
- \* not every employer is required to withhold taxes from every state, so spouses may have to file state income taxes quarterly
- \* the most dominant indicator of domicile will probably be where a spouse votes as well as physical presence
- \* spouses claiming domicile in a different state should expect states to challenge some applications for state tax refunds from 2009

Before spouses seek to establish a different state of domicile or file for a state tax refund based on such different domicile, they should contact legal and tax counsel (most installations have legal assistance) and check specific state tax regulations on the issue.

<http://echo4.bluehornet.com/ct/6479317:7591748820:m:3:230981068:D24EBA68F4D54571F8A322B2AEE8075D>

### Medicare Therapy Cap Looms

Congress failed to approve an extension of the Medicare therapy cap exception before it expired on Dec 31. Without the cap exception, Medicare payments for speech, physical, or occupational therapy will be limited to \$1,860 for 2010. Medicare beneficiaries needing therapy services in excess of that cap will pay any such excess expenses out of pocket.

This could pose very significant costs for Medicare-eligibles recovering from stroke, hip fracture, or other severe conditions that require extensive therapy to continue their recovery.

The therapy cap was originally approved by the 1997 Balanced Budget Act, but Congress delayed implementation of the cap three times from 1999 through 2003.

In 2005 the therapy cap was allowed to take effect, but Congress authorized an exceptions process for beneficiaries if their therapy was deemed a medical necessity.

With the exception to the cap now gone, many may go without necessary therapy until Congress takes action to reauthorize the exceptions for medically necessary care.

MOAA supports repealing the caps altogether, but renewal of the current therapy cap exception is the minimum action needed to protect the Medicare beneficiaries who need care most.

Both the House and Senate health care reform bills contain provisions to extend the cap exceptions, but these bills are still up in the air and are most likely weeks away from passing.

<http://echo4.bluehornet.com/ct/6479318:7591748820:m:3:230981068:D24EBA68F4D54571F8A322B2AEE8075D>

### **MOAA's LEGISLATIVE UPDATE for January 15, 2010:**

#### White House Speaks to TRICARE Concerns.

This week, the White House issued a statement asserting that anyone claiming TRICARE would be taxed under national health reform legislation is wrong.

#### Did Your Net Retired Pay Drop in January?

Federal income tax withholdings increased slightly in January, yielding a net reduction in most members' military retired pay checks.

But the withholdings adjustment wasn't some new tax increase. It occurred because last year's economic stimulus package provided extra money in retirees' checks for the last eight months of 2009.

For 2009 and 2010, last year's Making Work Pay provision of the American Recovery and Reinvestment Act authorized a refundable tax credit of up to \$400 for working individuals and up to \$800 for married taxpayers filing joint returns.

The law was enacted in February 2009 and the IRS needed additional time to adjust tax withholding tables. Because of that delay, the \$400/\$800 tax reduction for calendar year 2009 had to be packed into the May-December paychecks rather than equally spread over the January-December checks.

In 2010, by contrast, the \$400/\$800 withholding reduction could be spread over the full 12 months of the year.

An example will illustrate. Reducing withholding by \$400 over 8 months of 2009 meant a single person's taxes went down \$50 a month for May thru Dec of 2009. In 2010, that same \$400 withholding reduction will be spread over 12 months...meaning their taxes are reduced by \$33.33 a month for 2010.

So between Dec 2009 and Jan 2010, they'll see their withholding increase (and take-home pay go down) by \$16.67.

So there was no new law or tax change. It's just that the two-year stimulus withholding initiative could not be implemented until the spring of 2009, so the tax withholding schedule had to be different for 2009 and 2010 in order to give people full \$400 tax credit each year.

If there had been a COLA for 2010, most people probably wouldn't have noticed this unusual withholding issue.

But the absence of any COLA made the change obvious - far more obvious than the explanation is!

### **MOAA's LEGISLATIVE UPDATE for January 29, 2010:**

#### Debt Reduction Commission: Coming for You?

Also during consideration of H.J. Res. 45, the Senate rejected an amendment by Senators Kent Conrad (D-ND) and

Judd Gregg (R-NH) proposing a statutory debt reduction commission.

The proposed commission would be tasked to find ways to reduce the national debt by cutting spending on Medicare, Medicaid, Social Security and other so-called "entitlement" programs (which also might include military/VA/federal civilian benefits) or raising taxes, or a combination of both.

#### First Lady Highlights Family Initiatives

On January 26, First Lady Michelle Obama briefed nearly 400 military spouses attending the Joint Armed Forces Officers' Wives Luncheon at Bolling AFB, DC on the administration's plans to invest \$8.8 billion in military family support programs for FY2011.

Among the highlights were \$1.3 billion to improve availability of high-quality childcare and youth programs, and \$84 million for spousal career development, including tuition assistance and a federal internship program.

\$1.9 billion is slated for counseling and related services for families dealing with deployments

The budget also includes funds to build 10 new DoD schools and renovate more than 100 others, she said.

#### Bills of Interest

The following is a selection of bills recently introduced in support of members of the military community.

H.R. 4427 - Rep Joe Wilson (R-SC): Authorize a pay increase of 1.9 percent for members of the uniformed services for fiscal year 2011 (vs. the 1.4% expected in the defense budget).

HR 4043 - Rep Carol Shea-Porter (D-NH): Recognize spouses of members of the Armed Forces who are serving in combat or have served in combat through the presentation of an official lapel button.

H.R. 4469 - Rep. Michael Turner (R-OH): Prevent revocation of child custody arrangements based upon the deployment of a military parent in support of a contingency operation

#### **MOAA's LEGISLATIVE UPDATE for February 5, 2010:**

##### DoD Budget on Pay Raise, Concurrent Receipt, TRICARE Fees

The Pentagon rolled out its FY2011 defense budget this week, proposing a \$549 billion base budget (a 3.4% increase over 2010) and \$159 billion more to support war operations in Iraq and Afghanistan.

During testimony before the House and Senate Armed Services Committee this week, Secretary of Defense Gates outlined three major priorities in the DoD base budget:

Strengthening the nation's commitment to the all-volunteer force Rebalancing America's defense posture to prevail in current conflicts Continuing DoD's commitment to reform, especially in acquisition

Highlights of initiatives proposed in the new budget include:

- \* Pay Raise - A military pay increase of only 1.4%. This would match private sector pay growth between 2008 and 2009. But it would be the lowest military raise since 1963. If enacted, it would be the first year since 1999 without at least some progress in reducing a basic pay raise gap that still stands at 2.4%.
- \* Concurrent Receipt - The budget again proposes a five-year plan to phase out the disability offset to

military retired pay for all members whose service-caused conditions forced them into medical retirement. Congress failed to enact a similar proposal last year after being unable to identify cost offsets.

- \* Family Support - The budget provides \$8.8 billion - an increase of \$450 million from last year - to emphasize the importance of child support and youth programs, spouse employment, commissaries, and schools.
- \* Health Care - The budget proposes \$50.7 billion to fully fund the Defense Health Program without any TRICARE fee increases for retirees.

#### Pentagon Settles PTSD Lawsuit

The Government, in order to stay a final ruling, negotiated a deal in the U.S. Court of Federal Claims - the result will provide disability retired pay and family TRICARE coverage, at least temporarily, for thousands of veterans previously separated from service after suffering PTSD.

The arrangement stems from a class action lawsuit brought by the National Veterans Legal Services Program (NVLSP). The NVLSP, representing seven veterans, claimed that the veterans' Military Service Physical Evaluation Board (PEB) violated their legal rights, by assigning a disability rating for PTSD below the minimum 50% as required by the Veterans Administration Schedule of Rating Disabilities (VASRD).

The seven veterans have asked the Court to order the military services to give them all of the military retirement benefits to which a veteran with at least a 50% PTSD rating would be entitled.

According to the NVLSP, the federal court has allowed the lawsuit to be a class action suit on behalf of the following individuals:

All individuals who (a) served on active duty in the U.S. Army, Navy, Marine Corps, or Air Force; (b) were found by a Physical Evaluation Board to be unfit for continued service due, at least in part, to the individual's PTSD; (c) were assigned a disability rating for PTSD of less than 50%; and, as a result, (d) were released, separated, retired, or discharged from active duty after December 17, 2002, and prior to October 14, 2008 (regardless whether such release, separation, retirement, or discharge resulted in the individual's placement on the Temporary Disability Retirement List).

There are over 4,300 Iraq and Afghanistan war veterans diagnosed with PTSD who could potentially be eligible for increased benefits. NVLSP is in the process of mailing to these veterans "opt-in" forms.

For those who "opt-in" to the class action suit, the military services agreed to prioritize applications to the records corrections boards requesting an increase of their PTSD ratings. In most cases, any such correction will be effective retroactively to the date of the action taken on the report of the Military Service PEB.

Veterans who choose to opt-in have until July 24, 2010 to return their form by either fax or postmark. The lawyers involved with the lawsuit have agreed not to charge any service fees to veterans who agree to join the lawsuit.

#### **MOAA's LEGISLATIVE UPDATE for February 12, 2012:**

##### Medicare/TRICARE Cut Looms.

Something may be going on behind the scenes to stop the impending 21% cut in Medicare/TRICARE patients to doctors.

But nobody on the Hill is talking - and Congress is about to take a week-long recess. So what can you do about it?

We recommend sending your legislators one more message, telling them it's time to get off the dime and stop this huge cut that would certainly cause thousands of doctors to stop seeing Medicare and TRICARE patients.

<http://echo4.bluehornet.com/ct/6792445:8021854166:m:3:230981068:076598983BE2ED435F51D24C641BAFEA>

#### FY2011 VA Budget Details.

The administration's funding request for the VA includes a big increase to attack the growing mountain of claims for disabled veterans, survivors, and educational programs.

The total VA budget would increase from \$114 billion to \$125 billion, including \$64.7 billion for disability, survivors and educational claims and \$60.3 billion in discretionary spending.

The VA is asking Congress for \$2.15 billion (a 27% increase) in FY2011 to process a huge surge in claims in all areas. Secretary Shinseki and the Administration are calling 2011 "the Year of the backlog," and their intent is to cut processing time with additional manpower, improved business practices, and upgraded technology.

The FY2011 budget also includes funding upgrades for a number of high-interest programs, including:

- \* Care for Iraq and Afghanistan veterans: \$6.8 billion (\$859 million increase)
- \* Mental health care programs: \$5.2 billion (\$410 million increase)
- \* Women veterans' health: \$219 million (\$19 million increase)
- \* Rural veteran care access: \$25 million
- \* Reduce veteran homelessness: \$799 million

#### **MOAA's LEGISLATIVE UPDATE for February 19, 2010:**

##### President Appoints Debt Commission Leaders

On Thursday, President Obama appointed former Clinton White House Chief of Staff Erskine B. Bowles and former Senator Alan Simpson (R-WY) to co-chair a bipartisan, 18-member National Commission on Fiscal Responsibility and Reform.

The Commission is charged with developing recommendations to reduce the federal budget deficit to 3% of the gross domestic product by 2015. The deficit is close to 10% today, and rapidly rising.

All government programs will be subject to scrutiny, including defense expenditures, Medicare, Social Security, federal retirement programs, and VA benefits. Additionally, the commission will consider whether changes need to be made in the U.S. tax code.

The commission will include eight Republicans, six named by congressional GOP leaders and two by the White House.

##### You Said It on MOAA's Pharmacy Survey

The Defense Department could only wish that those who responded to last week's MOAA pharmacy survey represented a cross-section of all military beneficiaries.

Maybe it's the demographics of MOAA legislative update subscribers, maybe it was the way we worded the survey invitation, or maybe our subscribers just like saving money, but our survey respondents showed a far higher utilization of TRICARE's home-delivery (mail-order) pharmacy program than the beneficiary population as a whole.

Of the approximately 7,700 who took the survey, 64% had tried the home-delivery system, and 45% said they use it as their primary source of maintenance medications.

Of those who tried it, 18% reported being "mostly satisfied" and a whopping 69% "very satisfied" with the program.

91% said they liked the convenience of having medications delivered to their home, 78% cited the ease of managing prescriptions by web or phone, and 73% liked the 67% copay savings compared to retail pharmacy use.

Asked what the home-delivery users disliked about the program, 68% said "Nothing; I've been very happy with it." The most frequent specific problem cited (by only 9%) was "difficulty with telephone/computer support."

The most frequent reason cited by those who hadn't yet tried the home-delivery system was preference for the flexibility of the local military/retail/VA pharmacy.

##### Force Cut Coming for Coast Guard

The Coast Guard's newly announced FY2011 Posture Statement puts top priority on recapitalizing its aging air and surface fleet.

But MOAA was struck most by the proposed reductions in the Coast Guard's overall discretionary spending and manpower levels, compared to FY2010 - even while homeland security needs are increasing stress on Coast Guard mission requirements.

The proposed discretionary budget is down nearly 1 percent from FY2010 funding and calls for a net reduction of 773 positions (a reduction of 1,112 uniformed positions and an increase of 339 civilian full-time positions).

In order to meet its missions with a smaller budget and fewer people, the Coast Guard plans to decommission legacy assets and pursue consolidation initiatives.

For example, five of the twelve Maritime Safety and Security Teams (MSSTs) would be decommissioned, while regionalizing the remaining seven MSSTs.

The budget also plans a fifth 418-foot National Security Cutter, scheduled to replace 12 High Endurance Cutters that have been in service over 40 years.

##### Spouse Career Aid Program Screeches to Halt

The Defense Department has temporarily halted the Military Spouse Career Advancement Accounts (MyCAA) program, pending a top-to-bottom review of all procedures, financial assistance documents, and the overall program.

DoD announced the MyCAA program's temporary stoppage on the Military OneSource website early this week, but gave no estimate as to when the program will resume operations.

MyCAA provides a financial assistance benefit of up to \$6,000 for military spouses who are pursuing licenses, certificates, credentials or degree programs leading to employment in portable careers. Since last march 133,000 military spouses have applied for the program and about 98,000 have been approved or are currently enrolled.

The temporary pause does not affect already approved financial assistance applications, but no new or pending applications will be processed during the review.

Absent far better reasons for the suspension than this, MOAA will urge Defense leaders to resume and fully fund the program.



MOAA WEBSITE: [www.moaa.org](http://www.moaa.org)

KANSAS COUNCIL WEBSITE: [www.kansasmoaa.org](http://www.kansasmoaa.org)

JAYHAWK CHAPTER WEBSITE: [www.jayhawkmoaa.org](http://www.jayhawkmoaa.org)

*We are making progress,  
but we are still asking for members  
who can/will receive the Newsletter via e-mail.*

*Please let us know at  
[jwhalladay@sunflower.com](mailto:jwhalladay@sunflower.com)*

## 2010 Jayhawk MOAA Calendar:

<b>Wednesday</b>	<b>10 March</b>	MOAA meeting	Tuesday	20 July	MOAA meeting
Tuesday	18 May	MOAA meeting	Tuesday	21 September	MOAA meeting
			Tuesday	16 November	MOAA meeting

***PLEASE LOOK AT THE CHAPTER DIRECTORY.  
IF YOUR PICTURE IS NOT THERE OR IF YOU WANT A NEW PICTURE,  
PLEASE SEE JOHN HALLADAY AT THE NEXT MEETING  
OR CALL HIM AT 843-6184.***



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***HAPPY  
EASTER !!!***