



**NATIONAL  
MILITARY FAMILY  
ASSOCIATION**

Together we're stronger

Statement

by the

**NATIONAL MILITARY FAMILY ASSOCIATION**

for

**Subcommittee on  
Disability Assistance and Memorial Affairs**

of the

**UNITED STATES HOUSE  
VETERANS AFFAIRS COMMITTEE**

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The National Military Family Association is the leading nonprofit dedicated to serving the families who stand beside the uniform. Since 1969, NMFA has worked to strengthen and protect millions of families through its advocacy and programs. We provide spouse scholarships, camps for military kids, and retreats for families reconnecting after deployment and for the families of the wounded, ill, or injured. NMFA serves the families of the currently serving, retired, wounded, or fallen members of the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, and Commissioned Corps of the USPHS and NOAA.

The Association does not have or receive federal grants or contracts.

Our website is: [www.MilitaryFamily.org](http://www.MilitaryFamily.org).

### **Kelly B. Hruska, Government Relations Director**

Kelly became the Government Relations Director of the National Military Family Association in 2015. In this role, she leads the Association's advocacy for the families of the eight Uniformed Services and monitors the range of issues relevant to their quality of life. She began her work with the Association in 2007 as a Government Relations Deputy Director and served as Outreach Coordinator in 2014.

Kelly has represented military families on several committees and task forces for offices and agencies of the Department of Defense (DoD) and military services. She serves as the Families/Survivors Vice President of The Military Coalition (TMC), an organization of 35 military-related associations. She is also co-chair of TMC's Survivor and Membership and Nomination Committees. In 2008-2011, she represented NMFA on the first DoD Military Family Readiness Council.

Prior to joining NMFA, Kelly worked to develop the next generation of entrepreneurs as the chief of staff of CONNECT and the chief of staff of the San Diego Regional Economic Development Corporation.

A Navy spouse for 29 years, Ms. Hruska has served in various volunteer leadership positions in civilian and military community organizations including COMPASS mentor, Navy-Marine Corps Relief Society, The Girl Scouts, and various Navy Spouses Clubs. She was also appointed to the City Commission on Children and Youth by the Corpus Christi City Council.

Kelly is a recipient of the Navy's Meritorious Civilian Service Medal in recognition of her work on behalf of service members and their families at Navy Region Center Singapore.

A Pennsylvania native, Kelly earned her B.A. in Political Science from La Salle University and a Master of Public Administration from Shippensburg University. Ms. Hruska and her husband, Captain Jim Hruska, USN (Ret) reside in Annandale, Virginia with their daughter, Emily.

Chairwoman Luria, Ranking Member Nehls, and Distinguished Members of the Disability Assistance & Memorial Affairs Subcommittee, the National Military Family Association (NMFA) would like to thank you for the opportunity to present testimony today on the effectiveness of services for Survivors and Dependents provided by the Department of Veterans Affairs.

Over the past 20 years, in response to the wars in Iraq and Afghanistan, many aspects of the survivor benefits package have been changed and enhanced. The result is a multi-faceted array of benefits, provided by multiple federal agencies, designed to help surviving families cope with the loss of their loved one and transition to a new phase of life. Survivor benefits include not only financial assistance but also housing, educational, medical and counseling benefits. NMFA has included an appendix that gives an overview of the benefits at the end of this statement.

#### **COMMUNICATION**

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The VA provides surviving family members with an annual summary of benefits letter that indicates the amount of the Dependency and Indemnity Compensation (DIC) the survivor should receive. Not only does the letter provide important information for the survivor, but the letter may be used in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other verification of VA benefits that may be required. This letter is an official record of the survivor's VA entitlement.

Unfortunately, we have heard from some surviving spouses that they don't receive this important letter. The Veterans Benefit Administration (VBA) must ensure that the summary of benefits letter is sent to all beneficiaries annually.

Not only are all surviving family members not receiving the summary of benefits letter, but the information included in the letter is broad and may not be relevant to surviving family members. For example, the VA Benefits information doesn't provide an itemized list of compensation. The DIC is presented as a lump sum. If the surviving spouse is receiving an "add on" to their DIC that add on is included with the DIC payment. The lack of itemization leaves many surviving spouses wondering if they're receiving all their benefits and they may be unprepared when the temporary "add-ons" end without warning, such as the child allowances, aide and attendance, or housebound payments. Our office receives several phone calls a month from surviving spouses asking us to help verify they're getting their VA benefits. If the letter were more specific surviving families wouldn't have to guess or rely on outside organizations for verification.

The reverse side of the letter provides details on VA benefits for veterans and identifies Wartime Service Periods, but not benefits for surviving family members. Why can't VBA print survivor specific VA benefit information on the back of the survivor summary of benefits such as CHAMPVA, Meds by Mail, home loans, and education programs? They

could also provide the phone list that is provided in the *Federal Benefits for Veterans, Dependents and Survivors* booklet. This would be helpful to the surviving family members that don't use or don't have access to online resources.

We do appreciate that the summary of benefits instructs the survivor to contact their state or local Office of Veteran's Affairs for information on state or local benefits for which the survivor may be eligible. States and local communities provide valuable resources and benefits to surviving families that are often overlooked. This is an excellent reminder.

Our Association has also heard from surviving spouses, age 57 or older, that they receive the remarriage certification letter. This letter is unnecessary since retention of VA benefits after age 55 for CHAMPVA, Home Loans, and now for DIC, effective January 1, 2021, permits remarriage after age 55 or 57. ***We recommend the VA stop requesting remarriage certification after age 55 or 57, depending on the application of benefit eligibility.***

***We ask the VA to verify all surviving family members are receiving the summary of benefits letter annually.***

***We ask that the VBA itemize any monetary compensation in the summary of benefits letter and that they include survivor-specific benefits and their dedicated phone numbers on the back of the letter.***

## **OUTREACH**

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Counsel and advice on a continuing basis should be available. The surviving family will have questions as the years go by and their needs change. The young widow with a toddler has too many immediate concerns to think about the child's college education 15 years from now. However, that family will be looking for information at that time about those benefits. Will they be able to access that information and advice in an easy manner with someone who is an expert in benefits for families? Will they walk into an office where the counselor is more familiar with VA health benefits for veterans than about education benefits for surviving children? The surviving spouse needs information unique to their family, not a cookie cutter, one size fits all answer.

Entities that provide this type of survivor-focused service used to exist. Armed Forces Services Corporation (AFSC) supported the military community for years and was renowned for its expertise in government and military survivor benefits and the unparalleled survivorship services provided to their military members and families. AFSC's staff were experts in survivor and retirement benefits and provided assistance in matters related to military benefits, Social Security, Veterans Affairs, the military Survivor Benefit Plan, death gratuity, and SGLI/VGLI, among others. This service ensured surviving families were able to understand and coordinate their benefits in the years to come. ***Having an***

***office in the Department of Veterans Affairs or organization now that could provide advice and assistance would be very helpful to the surviving families.***

The VBA has done a great job developing online resources for surviving family members. Families can access eligibility information for benefits and services, detailed instructions on how to apply and applications that can be submitted online. They have also developed Frequently Asked Questions for many of the programs so families can find answers to many of their questions before they apply for benefits.

However, when considering how information is shared, it is important to keep in mind the needs of the population being served. According to the FY2020 VBA Annual Report, the surviving spouses' age breakdown is as follows:

Age 35 and under:	4,040	1.1%
36-56:	26,005	6.3%
57-75:	227,119	52.2%
Over 75	169,691	41.1%

Unfortunately, not everyone has access to online resources. Many of our older surviving spouses – the 41.1% of surviving spouses over age 75 - either don't use or don't have access to a computer. VA needs to meet surviving family members where they are. The VA needs to deliver information in different ways for surviving family members to get accurate information from trustworthy sources. Dedicated phone lines and trusted individuals to review benefits and help in applying for those benefits would fill a deepening gap.

Our Association often refers surviving spouses to their County Veterans Service Officer (CVSO) to review their benefits. Within the past three years, we have heard complaints that the CVSO wasn't very knowledgeable about VA survivor benefits. They just gave the surviving spouse or family member a stack of applications and sent them on their way. We've also seen a reduction in Veteran Service Officers (VSOs). The VA can't rely on CVSOs and VSOs to continue to provide counsel and advice to survivors any longer. They need to find a more reliable way to ensure surviving families can get the information they need.

#### **TIME TO UPDATE STATUTES**

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It has been seven years since the U.S. Supreme Court's decision in *Obergefell v. Hodges* declaring that same-sex couples possess a fundamental right to marry and requiring all fifty states to license marriage to same sex couples. Formal recognition of marriage equality by the Supreme Court was an important first step, while achieving actual marriage equality requires careful implementation.

After the decision the VA updated its forms to reflect the change. Just as VA updated all forms that requested marital status and dependent information in order to clarify that

same-sex married couples and their dependents are eligible for benefits, the statutes and [USC] “surviving spouse” in 38 USC §101 Paragraph 3 reads:

(3) The term “[surviving spouse](#)” means (except for purposes of [chapter 19 of this title](#)) **a person of the opposite sex** who was the [spouse](#) of a [veteran](#) at the time of the [veteran](#)’s death, and who lived with the [veteran](#) continuously from the date of marriage to the date of the [veteran](#)’s death (except where there was a separation which was due to the misconduct of, or procured by, the [veteran](#) without the fault of the [spouse](#)) and who has not remarried or (in cases not involving remarriage) has not since the death of the [veteran](#), and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the [spouse](#) of such other person.

Because formal marriage equality is now the law of the land, the statutes should be updated to reflect that change. Same-sex surviving spouses are entitled to the same survivor benefits as their opposite-sex counterparts, and this needs to be enshrined in law to provide assurance of this right and continue progress towards full marriage equality. Until same-sex couples can see themselves in the laws, and regulations that implement the law, then they will never feel that they are truly included and treated equal to their opposite-sex peers.

***We urge the Congress to update the laws, and the regulations that implement the laws, so they reflect that all marriages are important and respected, and to ensure that the promise of marriage equality becomes a reality for same-sex spouses.***

Also found in 38 USC §101 Paragraph 3 is an archaic notion that should be removed. The statute says “...lived with another person and held himself or herself out openly to the public to be the [spouse](#) of such other person.” The “hold yourself out to be married” clause is mentioned only once in the *Federal Benefits for Veterans, Dependents and Survivors* booklet, page 27. The VA has only enforced this restriction once in the past decade and even then, they waived the repayment of the DIC. It seems cruel to put an unknowing surviving spouse through an investigation and hearing for more than three years.

***We urge the Congress to remove “hold yourself out to be married” clause from 38 USC §101 Paragraph 3.***

## **SURVIVOR’S PENSION**

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The VA Survivors Pension is paid to widows of veterans of armed conflicts who meet certain minimum income level and net worth requirements set by Congress. The current amount paid to eligible survivors is well below \$12,880, the government established 2021 poverty level for one person. ***NMFA supports a legislative change to link death pension***

***benefits to the federal poverty level determined each year by the Department of Health and Human Services.***

### **INCREASE DEPENDENCY AND INDEMNITY COMPENSATION (DIC)**

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Too many surviving spouses struggle to make ends meet every month. For many surviving spouses of WWII, Korea and Vietnam, DIC and minimal Social Security benefits represent their entire income. Others rely exclusively on DIC. These DIC recipients struggle monthly with their budget of \$1,437.66 juggling bills to meet the rising costs in health and dental insurance, housing, utilities, food, clothing, and other living expenses. The struggle to meet financial obligations leads too often to homelessness. Congress must take action to rectify this inequity by increasing the current amount of DIC to a level comparable to other federal employees. Widows from WWII, Korea, and the Vietnam are now in their 60's through 90's. ***These surviving spouses are in dire need for an increase in DIC.***

### **WHAT'S WORKING**

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#### **DoD/VA Survivors Forum**

The DoD/VA Survivors Forum hosted by the VA's Office of Survivor Assistance is an example of successful outreach. Made up of senior level staff members from DoD, the VA, the Services and other stakeholders including organizations like Gold Star Wives of America, the Tragedy Assistance Program for Survivors (TAPS), National Military Family Association (NMFA), and surviving spouses, it meets quarterly, reviewing concerns as they arise and providing updates on various government programs of interest to survivors and those who work with them. Meetings often include representatives from federal agencies as well as non-federal entities that work with military survivors, providing an opportunity for them to talk about their programs and provide updates on policy and law. The Survivors Forum is an excellent example of interagency cooperation.

#### **Pre-Need Eligibility Determination**

The Pre-Need Eligibility Determination for burial program is another success we'd like to highlight. The program allows veterans and family members to find out if they're eligible for burial in a VA national cemetery. Interested veterans and/or eligible family members can submit VA Form 40-100007, *Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery*. Once the application has been reviewed the VA will provide written notice of its determination. The VA will save the determinations and documentation to expedite burial arrangements. This process provides a smooth transition in a stressful time. It is a small gesture that makes a big difference for the surviving family.

### **CONCLUSION**

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Thank you for the opportunity to share our thoughts on the VA's programs and services for survivors. We appreciate the Subcommittee holding a hearing to discuss these important

issues. The VA motto is “To care for him who shall have borne the battle, and for his widow, and his orphan.” These families deserve no less for the sacrifice they have made for our Nation.



## APPENDIX I

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### BENEFITS PAID BY THE DEPARTMENT OF VETERANS AFFAIRS (VA)

- **Transition Assistance** – a monthly payment of \$306 paid to surviving spouses with children for two years from the date of death of the service member to help with transition.
- **Dependency and Indemnity Compensation (DIC)** – Surviving spouses and children (and some dependent parents) are eligible for DIC. The rate has been adjusted annually for cost-of-living increases. The 2022 spouse DIC rate is \$1437.66 monthly. The DIC payment is non-taxable. Additional amounts, also adjusted annually, are authorized for a surviving spouse with minor children. The current monthly benefit for 2022 is \$356.16 for each child. Unmarried children are eligible for the benefit until they reach the age of 18 (19 if still in secondary school), between 18 and 23 if they are attending a VA approved institution of higher learning or for life if they are disabled while still eligible for the benefit. Children of a deceased member, who did not have a spouse at the time of death, receive a different monthly benefit. If the spouse remarries before age 57, payment of the spouse's DIC ends. The children's DIC payment continues as long as they are eligible. If the subsequent marriage ends in death, divorce or annulment, DIC will be reinstated.
- **Survivors' and Dependents' Educational Assistance Program** – Surviving spouses and children are eligible for up to 45 months of education benefits if the first use of benefits was before August 1, 2018. 36 months if the first use of benefits was after August 1, 2018. Surviving spouse of a service member killed on active duty has eligibility for education benefits of up to 20 years after the date of the member's death or 10 years from the Veterans death (there may be exceptions). Children are normally eligible to receive the educational benefits between their 18th and 26th birthdays. The current monthly benefit is \$1298 per month and increases every year.
- **Fry Scholarship** – Covers 36 months of benefits at the full in-state tuition costs for training at public schools and up to \$26,042.81 per year at private or foreign schools for surviving spouses and children. Surviving spouse don't have a time limit on the use of benefits. A child who became eligible before January 1, 2013, qualifies when they turn 18 years old, and can use the benefits until they turn 33 years old. A child who becomes eligible on or after January 1, 2013, has no time limit to use the benefits.
- **Home Loan Guarantees** – An unremarried surviving spouse is eligible for GI home loans and retains eligibility if remarriage occurs after 57th birthday.

- **CHAMPVA** – In most cases, CHAMPVA’s allowable amount is equivalent to Medicare/TRICARE rates. CHAMPVA has an outpatient deductible (\$50 per beneficiary per calendar year or a maximum of \$100 per family per calendar year) and a patient cost share of 25% of VA’s allowable amount up to the catastrophic cap (\$3,000 per calendar year).
- **Meds by Mail (MbM)** – Eligible CHAMPVA beneficiaries who do not have other health insurance (OHI) with pharmacy coverage are able to use MbM for nonurgent, maintenance medications. Prescribed, maintenance medications are mailed to the beneficiary’s home.