



# Jayhawk Chapter MOAA Newsletter



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## September Program:

Our guest speaker will be Representative Melanie Meier from Leavenworth.

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awarded for  
2002 / 2003 / 2005 /  
2008 / 2009 / 2010 / 2011

★★★★★ CHAPTER  
awarded for  
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## President's Message . . .

GREETINGS,

CONGRATULATIONS to the membership of the Jayhawk Chapter of MOAA for our Five Star Award for Excellence for the year 2011. Our Past President Tom Arnold, the Elected Officers and the Board of Directors sincerely appreciate your generous support of their efforts to maintain our outstanding chapter. We are an exceptional group of military officers who enjoy each other's company and support the goals of MOAA.



At our last meeting, President Pat Long of Baker University presented an informative overview of her school. She highlighted the history of the school, her current goals and future plans for Baker. We were all reminded of the outstanding institution of higher education that is Baker University. THANK YOU, PRESIDENT LONG!!!

We are starting a new school year and are looking forward to the social activities, sports and cultural activities that the local high schools and the University of Kansas provide for the citizens of Lawrence. KU's ROTC units will be presenting the colors at our meetings during the rest of the year. The Army ROTC is scheduled for our September meeting. It is always enjoyable to converse with these future officers.

We all should be aware that this is an election year. MOAA has provided us with many of their goals and objectives regarding the current state of military forces and military benefits. I encourage all of you to vote in the November election and to continue to provide your input to your elected officials.

Representative Melanie Meier of Leavenworth will be our guest speaker at the September meeting. She is one of a few State Legislators who has a military background.

If you have a hearing problem, please contact me during the week before the meeting by phone or email, and I will reserve a seat for you as close to the podium as possible.

See you at the meeting,

*Bob*

## Volume XVII, Issue 5

1 September 2012

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**\* Reservations should be sent  
to Jim Cooper by  
13 September**



# JAYHAWK CHAPTER NEWS

## CONDOLENCES

Nellouise (Nell) Sherman, wife of **Jerry Sherman**, passed away July 19, 2012. She was born in Iola, Kansas, August 26, 1930, the middle daughter of Thomas E. and Calla B. (Allen) Shanahan. Nell grew up in Iola, graduating from high school in 1948. She attended the University of Kansas Medical School in KCK for nurse training graduating in 1951. After graduation, she married her high school sweetheart, Jerry L. Sherman on June 10, 1951 in Iola, Kansas.

During her husband's 20-years of service in the U.S. Air Force, they traveled extensively and Nell worked as a both a volunteer and practicing nurse. After her husband's Air Force retirement, the family moved to Lawrence, in 1972 where she worked as a professional nurse for several local doctors and for the Visiting Nurses Association. Nell went back to college, taking classes part-time as one of the few 'non-traditional' students on campus and earning a Bachelor of Science in Education from the University of Kansas in 1981. Nell then worked for 10 years as a nurse practitioner at the K-Mart Distribution Center until she retired.

Nell is survived by her husband of 61 years, Jerry; sons, Thomas B. and wife Marilyn, Barry N. and wife Rita, Fredrick L. and wife Susan, all of Olathe, and daughter, Penny Tubbs Johnson and husband Gary, of Arlington, Texas

Funeral services were held July 23rd at Warren- McElwain Mortuary with entombment following at Memorial Park Mausoleum.

**From Herschel Stroud:** We have been busy beavers this summer. Spent the month of April in Spain, nothing special – just practicing our Spanish; June in Gettysburg for the Civil War Conference at Gettysburg College; July, we had the pleasure of taking a granddaughter to Colorado for the 4th of July. In August, I took part in the 150th Anniversary Proclamation by Governor Brownback of the 1st Kansas Colored Volunteer Infantry Regiment, first black troops to engage soldiers of the Confederacy at the Battle of Island Mound, near Butler, Missouri, October 29, 1862. Also in August was the Civil War Reenactment of the Battle of Lone Jack, Missouri.

Had much fun. Ready to do it again. Can't wait for KU football season!!

### From Jim Cooper:

**Signonella Redux.** The first week of July Sandy and I visited our daughter (and chapter member) Veronica, a Labor and Delivery nurse stationed at Naval Air Station (NAS) Signonella, Sicily's hospital (incidentally, Veronica was promoted to Lieutenant as of



Veronica's work team

1 July). The weather was typically hot for Sicily, not as bad as here in Kansas, and the sky was clear, so we always had great views of Mount Etna looming just to our north. We had the chance to sample a lot of good Sicilian food and wine, and were unable to find any that was bad. We took in the 4<sup>th</sup> of July festivities at the base, and it was interesting that most of the folks in attendance were Sicilians, as the base opened the gates for the day. NAS Signonella is one of the few bases that Sandy and I don't recognize from our assignment there in the early 1980's; it was apparently totally rebuilt in the 1990s. On July 5<sup>th</sup>, we rented a Fiat 500 (I judged Veronica's Mazda to be a bit "sketchy" for a long drive based on unusual noises emanating from

under the hood) and we lit out for the Palermo area out west. We spent a day sunning on the beach at San Vito lo Capo, went wine-tasting in Marsala, and toured the Greek temple at Segesta – perhaps the best preserved Doric temple in the world. Before we left Sicily we had the chance to see an opera staged

in the ancient, open-air Greek-Roman amphitheater at Taormina – natural acoustics, coastline lights as a backdrop, it even impressed Veronica. Sicily is as beautiful and welcoming as we'd remembered, and we had a great time. By the way, if you're still traveling and looking for a place to visit that is a bit off the normal track, we highly recommend Sicily.



Pre-opera dinner overlooking the theatre in Taormina



**Washington DC.** The first week of August, we traveled to DC as one of my lieutenants from my tour at KU NROTC, Kerri Keehn, was promoted to Commander, and she asked us to attend the ceremony so I could help put on her new shoulder boards. As proud as I was to be asked, it also highlighted how fast the last nine years has flown by. It was a very nice ceremony, held in the Pentagon's Women's Corridor. Kerri has been selected for command and will take over as the commander of Naval Recruiting District Philadelphia next year.

**The newsletter is only as good as the material available,  
so each member is requested to forward news and other items of interest to the editors.**

Another by the way . . . we discovered a new museum in DC – the Newseum, located at 5<sup>th</sup> and Pennsylvania NW. It is a very interactive museum, all about the media, and, love ‘em or despise ‘em, it is totally engrossing. Don’t miss it!

**DIRECTORY UPDATE:**

Bill & Jan Ackerly - 301 North Eaton Drive, Lawrence, KS 66049. Phone: 785-857-0702

**The TRICARE Prime enrollment fees** for families, for FY2013, are \$538.56 annually. This is an enrollment fee, and not taken out as an allotment. It can be paid annually, in one lump sum, or quarterly, or monthly, but not by personal check. The new law limited the Prime fee hike for next year to 3.6% – the same rate as the 2012 COLA. A link to an article on our website is copied below:

[http://www.moaa.org/Main\\_Menu/Take\\_Action/Legislative\\_Update/2012\\_Legislative\\_Updates/July\\_6,\\_2012.html#Fees](http://www.moaa.org/Main_Menu/Take_Action/Legislative_Update/2012_Legislative_Updates/July_6,_2012.html#Fees)



## *Army News*

### *LTC Storm Reynolds, USA*

**Greetings Jayhawk Chapter!**

The University of Kansas’s Army ROTC program continues to achieve great success with training Cadets to be Army Officers and future platoon leaders. This last summer, we sent 16 Cadets to a development and accession course (LDAC) where they were evaluated on their potential to be leaders. KU’s Army ROTC Cadets achieved great success and is ranked in the top five universities within the mid-west region of nine states consisting of over 40 universities. In addition to the summer training at LDAC (Leadership Development and Assessment Course), there are other specialty schools and programs offered during the summer for cadets to experience. Schools such as Airborne, Air Assault and a new program called Cultural Understanding and Language Program (CULP) are all opportunities for growth and leadership development prior to commissioning.

This year alone, our program sent eight cadets to the various schools; two to Airborne, three to Air Assault, and three to CULP. All experiences vary, but collectively each individual learned something new that can be carried on to both their civilian and military life. That is a rare opportunity to come by and one that the program is very proud of. Cadet Dan Stork, an MS III, was one of the lucky few to get to go to a specialty school, Air Assault. Cadet Stork briefly describes his experience, “We had to pass a rigorous smoke session on “Zero Day”, followed by the obstacle course, and a 6- and 12-mile ruck march. It was a very valuable experience; we met cadets from both the air force and naval academy, as well as many foreign cadets”.

Another cadet who had the opportunity to attend Air Assault was Stuart McConnell, an MS III. During his time spent at Camp Smith, Cadet McConnell shared the 10-day school with a majority of ROTC Cadets and West Pointers whereas the rest of the attendees (about 30%) were comprised

of enlisted and officer personnel. Airborne School was another intense training school that some cadets were able to try. After attending this school, Cadet Collin Case, an MS III, says, “...it was amazing. I know now that I want to go Airborne in the Army”. This three-week course took cadets, enlisted and officers through rigorous operations of parachute landing falls, exiting out of 34-foot towers, mass exit techniques, and concluded with actually parachuting from either a C-130 or C-17 aircraft. Finally, CULP, Cultural Understanding and Language Proficiency Program, is a program designed to immerse cadets in a different culture in one of more than 30 countries. It exposes them to the different cultures and strengthens their language study.



Cadet McConnell while at Air Assault School

a foreign military, teach English, train and have an opportunity to receive foreign airborne wings. Cadet Portillo explains that, “Not



Cadet Danny Portillo after his jump at CULP-Spanish Airborne

only did cadets interact in military events, but they also had the opportunity to experience the culture of Spain by traveling to Madrid and Barcelona and eating famous dishes like Tapas.”

LTC Reynolds took 10 Cadets from across the USA to Cambodia for three weeks to teach the Cambodian Military Academy English. Cadet Wilcox went to Tunisia with a group of Cadets to interact and teach English as well. Overall, these training



Cadet Madeline Wilcox with a fellow cadet and local native in Tunis, Qabis during CULP training

opportunities provide experiences like no other and provide students with another type of learning that they won't find in a classroom.

**JAYHAWKS LEAD THE WAY!**

**LTC Storm Reynolds**



## Navy News CDR David Schweizer, USN



### Greetings from the Jayhawk Navy!

I am CAPT David Schweizer, the new Commanding Officer of the University of Kansas NROTC, and I am excited and honored to be a part of the great tradition at KU. Thank you for your partnership and your continued contribution to developing our future Navy and Marine Corps officers. I look forward to keeping you up to date on the latest successes of the KU NROTC program!

It was a great summer for our Midshipmen and Marine Options. Midshipmen from KU travelled the world participating in summer training with operational units around the fleet. These MIDN gained valuable experiences that will set them up for success as they pursue service assignment and careers



as officers in the Navy and Marine Corps. MIDN 1/C Jessica Denny (pictured on the left) commented, “My cruise was a great learning experience. Being able to shadow a Division Officer taught me a great deal about the role of division officers in the fleet.” MIDN Denny graduates in May and hopes to become a Surface Warfare Officer.

In other news, the entire Jayhawk Battalion proudly welcomed its newest members in the class of 2016.

This year’s freshman class started Orientation and Indoctrination (O&I) on 14 August. O&I included instruction in basic military drill, Navy policy and NROTC life. O&I develops camaraderie between the new classmates and allows them to learn from our best staff and students. (Pictured is GySgt Hakim, USMC, instructing a Marine Option Midshipman on how to render a salute)



Sadly, we will be bidding farewell to our Executive Officer, Commander John Clark, who will be retiring on 1 September after 27 years of outstanding service. We thank him for his leadership and selfless dedication to the KU NROTC and wish him and his family Fair Winds and Following Seas. Well done, John!!

As another academic year gets underway, you can be sure that the support offered by MOAA to our young men and women will be integral to their continued success.

**CAPT David Schweizer**



## *Air Force News*

### *LtCol Montague D. Samuel, USAF*

#### **Greetings from Det 280, the Flying Jayhawk Wing,**

The summer flew by . . . Maj Brian Schroeder and Capt Ben Smith both returned from Field Training where they served as Field Training Flight Commanders. They both survived the warm, sunny and humid Mississippi weather. We also welcomed back 11 cadets that completed the rigorous Field Training program. These cadets have now entered our Professional Officer Course program and are one step closer to receiving their commissions as 2LTs in the Air Force.

#### Detachment update:

The Flying Jayhawk Wing is off to what will be a very exciting Fall semester.

New Student Orientation was held on 17 Aug, where we welcomed 28 new cadets to our program. The cadet wing grew slightly from last semester and we are now 66 cadets strong: AS100 (Freshmen Cadets): 21, AS200 / AS500 (Sophomore Cadets): 17 / 4, AS300 (Junior Cadets): 11, AS400 (Senior Cadets): 13, and AS800 (Fifth year Senior Cadets): 1. Additionally, we were able to award seven High School scholarships to highly deserving new freshman cadets.

This semester will feature some of the usual events, but we plan to make things much more interesting. In the works is a field leadership exercise out at Fort Riley. The cadets will receive training from the Army and will get hands on practice of how to operate tactically in an urban environment. Another base visit to one of our nearby Air Force bases is planned and the Joint Military Ball (hosted by the Navy ROTC) will be another wonderful event. Veteran's Day activities will be the highlight of cadet activities for November. Air Force ROTC will once again host the 24-hour vigil that will take place at all three veteran memorials here on campus. We also plan to give the cadets an orientation flight and possibly a visit to the altitude chamber.

The Annual KU Heroes Game, now called "Salute to Service" will be held on 15 Sept 12. If you would like to go to the game, KU Athletics has set up a special ticket price for veterans and service members. Visit KUathletics.com for more information.

On 25 Sep, we will host a Junior ROTC open house in coordination with our sister services here at KU. This will be an opportunity to inform prospective cadets about the basics of our programs and scholarship opportunities. Additionally, it's an opportunity for the Junior ROTC cadets and midshipmen to interact with our cadets and midshipmen. We hope that this will allow the junior members to get started on the right foot with applying for scholarships and possibly selecting a college.

Plans for an alumni weekend in conjunction with homecoming are in the works! A dinner on Friday night and tailgating before the game on Saturday are planned for that weekend (26-28 Oct 12). If you are a KU AFROTC alumnus and would like to attend, please send an email to our event planner at [cadets\\_kuafrotc@ku.edu](mailto:cadets_kuafrotc@ku.edu) for more information and to register for the weekend events.

#### Cadre update:

On 31 Aug, we conducted a promotion ceremony promoting Maj Schroeder to Lt Col. Unfortunately, we will be saying good-bye to our Reservist, SSgt James Young. SSgt Young worked with us for 6-months. The support, dedication and leadership he provided were outstanding. He will be greatly missed. As mentioned previously, TSgt Kip Gomez transitioned to a new assignment but we recently received notification of a replacement. We eagerly await her arrival later this year. Until then SSgt George White will be pulling double/triple duty. On a sad note, we ask for MOAA's thoughts and prayers for Capt Smith and his family due to the recent loss of his grandmother.

MOAA Jayhawk Chapter, thank you again for your support. Detachment 280 is looking forward to what I know will be a very challenging and yet rewarding year of training our Air Force's future officers.

Very Respectfully,

**AIM HIGH – FLY, FIGHT, WIN!**

*LtCol Montague D. Samuel*

## KANSAS COUNCIL OF CHAPTERS

"Congratulations to the Jayhawks for winning another 5 Star Award. In these challenging times, the award is testimony to your hard work and diligence. Bravo!"

*Tony Pimentel, Council President*

## 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 July 6, 2012:

#### TRICARE West Contract Decided.

The GAO has issued a ruling that appears to end the three-year battle over which contractor will administer the new TRICARE contract for the 21-state TRICARE West Region.

#### 2013 TRICARE Prime Fees

This week, the Department of Defense announced how much TRICARE Prime enrollees will pay in enrollment fees for FY2013.

The fees for the new year were limited by a MOAA-championed provision in the FY2012 Defense Authorization Act that capped annual Prime fee adjustments at the retired pay COLA percentage. The new law limited the Prime fee hike for next year to 3.6% - the same rate as the 2012 COLA.

The new fees for retirees, survivors and family members under 65 will be as follows, effective October 1, 2012:

Individual: \$269.28 (Annual), \$67.32 (Quarterly), \$22.44 (Monthly)  
Family: \$538.56 (Annual), \$134.64 (Quarterly), \$44.88 (Monthly)

All Prime enrollees paying fees (active duty enrollees pay no fee) will pay the FY 2013 rates EXCEPT that the following categories will be kept at the same rate they paid in FY2012:

Survivors of members who died on active duty Retirees who received a medical (chapter 61) retirement from their parent service

The exceptions apply only to the listed beneficiaries who were already paying fees before Oct 1, 2012.

Beneficiaries in these categories who enroll in Prime for the first time after September 30, 2012 will pay the new FY 2013 rate, and then their fees will be frozen at that rate for future years.

These exceptions are not specified in the law, but are being made as a matter of DoD policy.

MOAA already has pointed out the inequity of excluding from the rate freeze other categories of survivors and disabled retirees whose circumstances may be equally deserving of rate protection.

#### "Stolen Valor" Legislation Revisited

Last week, the U.S. Supreme Court struck down the Stolen Valor Act, which had made it illegal to lie about receiving military awards and decorations. While such lies are reprehensible, the court ruled, they are protected speech under the Constitution, and cannot be made illegal.

In response, Representative Joe Heck (R-NV) has offered his proposed legislation (H.R. 1775) that would make it a crime for a person to profit by misrepresenting his or her military service or eligibility for military awards or decorations.

By barring any profit from such misrepresentation rather than criminalizing the false statement itself, H.R. 1775 would avoid the first amendment problems cited in the U.S. Supreme Court decision on this topic.

MOAA President VADM Norb Ryan (USN-Ret) has signed a letter of support for H.R. 1775, expressing MOAA's belief that it strikes the proper balance between preventing unscrupulous gain from false statements while protecting the individual freedoms that generations of uniformed servicemembers have fought to preserve.

#### MOAA vs. QRMC on SBP

The 11th Quadrennial Review of Military Compensation (QRMC) has recommended that the Pentagon end its opposition to allowing any deduction of VA survivor benefits from military Survivor Benefit Plan (SBP) annuities.

That's the good news.

Under current law, when an active duty or retired servicemember dies of a service-caused condition, the surviving spouse receives about \$1,200 a month in Dependency and Indemnity Compensation (DIC) from the VA. If the survivor also qualifies for SBP, the DIC amount in most cases is deducted from SBP.

For years, MOAA has fought to eliminate that offset, while Pentagon leaders have opposed that effort.

The QRMC logic for changing that position is that retirees paid premiums for SBP coverage, and it's not right to just cancel most or all of the coverage and refund the premiums (without interest) if the survivor also qualifies for DIC.

The QRMC report acknowledges that SBP is heavily subsidized by the government.

But since retiree premiums cover about 50% of SBP annuity payouts overall, the QRMC report recommends that SBP widows affected by the DIC offset should be allowed to keep 50% of their SBP annuity in addition to DIC. That is, they should get to keep the half that retiree premiums paid for.

The QRMC proposal would apply that rule for all SBP-DIC survivors, including those whose sponsors died on active duty and never had a chance to pay any premiums.

MOAA appreciates the QRMC's effort to make an objective assessment and its acknowledgement that the current offset is inequitable.

But we believe its proposal to "divide the SBP baby" misses the point.

First, there are some categories of survivors who already have been exempted from the offset. Surviving spouses of members who died on active duty after 9/11 can avoid the offset by transferring the SBP annuity to their children.

Second, a court decision several years ago ruled that SBP-DIC survivors who remarry after age 57 can retain both SBP and DIC.

So current law is a hodge-podge of conflicting provisions that belie almost any single rationalization, and the most recent changes have been aimed at eliminating the offset for selected categories of survivors.

MOAA believes the answer is to recognize the reality that SBP is, by-and-large, a member-purchased annuity intended to replace 55% of earned retired pay in the event of the member's death (for any reason).

Any caveat that members who died on active duty didn't pay premiums ignores the obvious - they paid the highest premium of all.

Similarly, any argument that survivors should only get the portion of the benefit that retiree premiums funded would subvert the whole intent of SBP, which was expressly designed as a government-subsidized program to incentivize participation and maximize survivor protection. By enacting SBP, Congress acknowledged that the previous, unsubsidized survivor annuity program was inadequate.

In contrast, VA Dependency and Indemnity Compensation is a separate plan whose intent is to compensate survivors when uniformed service causes the member's death. That's what "indemnity" means.

The law already recognizes that distinction by allowing some survivors to keep both payments.

The route to consistency is to extend that logic to all SBP-DIC survivors, rather than applying tortured math to create a new class of "half-SBP-eligibles."

## **MOAA's LEGISLATIVE UPDATE for July 13, 2012:**

### Pay Study: Garbage In, Garbage Out

This week, another beltway think-tank rolled out yet another study based on the premise that rising Pentagon personnel costs are unsustainable. "If personnel costs continue growing at that rate and the overall defense budget remains flat with inflation," the authors hyperbolize, "military

personnel costs will consume the entire defense budget by 2039."

On Thursday, the Center for Strategic and Budgetary Assessment (CSBA) released "Rebalancing Military Compensation: An Evidence-Based Approach" at the National Press Club, summarizing its conclusions from its recent on-line survey of servicemember compensation preferences.

The survey intent was to look at the value servicemembers and retirees place on pay and benefits. CSBA asked troops to rate their preferences for different types of compensation and benefits.

CSBA's analysis then compared the perceived value of the type of compensation or benefit against what it costs DoD to provide them and reported on the findings by group (junior enlisted, senior enlisted, junior officer, and senior officer).

Survey participants included 2,600 military personnel, retirees, family members, veterans and civilians.

Of those, 54 percent were active duty, 27 percent retirees, and 8 percent Guard and Reserve members. Other responses included family members, former military members and civilians.

But the findings focused on responses from the roughly 1,300 active duty respondents.

The study outlined that the current compensation system has "languished" since transitioning to an All-Volunteer Force and pitted the career force's retirement benefits against the non-career force's pay and benefits.

For example, one of the CSBA survey findings was that more than 80 percent of servicemembers would be willing to raise the military retirement eligibility age to 50 in exchange for a one percent increase in basic pay.

MOAA's response is: Garbage in, garbage out.

We looked at the survey when it was first offered and found it was a bogus instrument from the start.

It offered a series of forced choices that effectively challenged participants to choose between something that benefited them or cut someone else.

Choices between current pay and retirement benefits offered no context on the relative value of what was being given up (e.g., the lost retired pay value of delaying retirement eligibility until age 50).

You get one answer with a simple question, and likely a quite different one when the comparative value is properly explained.

On the other hand, if the respondent doesn't intend to pursue a military career at that time, he or she will be more than willing to trade steep cuts in retirement benefits for even a small increase in current pay.

As for targeting pay raises to more junior troops, the CSBA "experts" apparently fail to understand the dynamics of pay compression in the ranks - i.e., that giving larger raises to junior troops devalues promotion. The targeted raises undertaken over the last decade were properly aimed at mid-career personnel and senior NCOs to rectify a situation in which longevity increases had become more valuable than promotions. We don't want to go back there.

CSBA authors claim they offer no specific recommendations as a result of the study.

So let's see...

- They conduct an admittedly unscientific survey from an unrepresentative sample group, and then call a press conference to announce the seemingly startling results so they can have media across the country reporting their "non-recommendation findings" as something worth paying attention to.
- The main thing "tanking" at this "think-tank" is anything resembling actual thinking.

Such cavalier, self-serving publicity-seeking would be laughable if the issues involved weren't so serious, both for those who serve a career in uniform and for long-term retention and readiness.

### **MOAA's LEGISLATIVE UPDATE for July 20, 2012:**

#### Walgreens Rejoins TRICARE.

Walgreens has settled its dispute with Express Scripts and will start filling TRICARE prescriptions again. But when? (15 September 2012)

#### CBO: DoD's Costs to Spiral Higher

Last week's Congressional Budget Office (CBO) released report titled, "Implications of the 2013 Future Years Defense Program (FYDP)" offers long-term projections of Pentagon costs for acquisition, military construction, and operations and support programs.

While the defense budget share of the gross domestic product (GDP) is projected to decline from 3.5% in 2010 to 2.5% in 2030, CBO estimates the Pentagon budget will rise from to \$535 billion in 2013 to \$645 billion in 2030.

According to CBO, much of the increases will come in operations and support accounts, which include pay, health care, and retirement costs.

#### Walgreens Rejoins TRICARE

On Thursday, Walgreens announced it had come to an agreement with TRICARE Retail Pharmacy's contractor, Express Scripts on a new multi-year contract agreement.

Beginning on September 15, TRICARE beneficiaries and other Express Scripts participants will once again be able to fill their prescriptions at Walgreens locations.

Walgreens is the nation's largest retail drugstore chain, and previously served as the largest TRICARE network pharmacy.

This ends a long stand-off between the two sides which prevented TRICARE beneficiaries from using the popular pharmacy chain for more than six months.

MOAA is pleased to see both sides reach a long term agreement that will preserve broad access to retail pharmacies in the future.

### **MOAA's LEGISLATIVE UPDATE for July 27, 2012**

#### DoD Memo Totally Discredits TRICARE Cost Claims

For months, the Defense Department has defended its proposals to punish beneficiaries with thousands a year in higher TRICARE fees by claiming TRICARE costs are spiraling out of control.

Senior DoD and military leaders repeatedly trotted over to Congress to assert radically escalating TRICARE costs are "eating us alive." They even got the services' senior enlisted leaders to join the campaign.

But a new DoD reprogramming memo proves those claims were bogus, and DoD leaders knew it - or should have known it.

The new reprogramming request to Congress says military health care will cost \$708 million less than budgeted for FY2012.

"These funds are excess to Defense Health Program requirements," it says, "and can be used for higher priority items with no impact to the program."

And why exactly is that?

"The FY2012 budget estimate assumed private sector care cost growth of 12.9% for active duty and 8.5% for all other beneficiaries... Through the first six months of FY2012 [costs actually] are growing at historically low rates of 0.6% for active duty and -2.7% for all other beneficiaries."

So in other words, all the time those leaders were claiming retiree health costs were exploding, the costs actually were...going down.

And it turns out the DoD health budget had a surplus of over \$500 million for FY2011 as well.

MOAA has asserted all along that the blame for any cost growth lies more with DoD's own inefficiencies than with retirees. Now we can add budgeting incompetence and misrepresentation on top of that.

House Armed Services Committee leaders are as outraged as MOAA over this appalling revelation, and 24 bipartisan members led by Military Personnel Subcommittee Chair Joe Wilson (R-SC) and Ranking Member Susan Davis (D-CA) have fired a pointed letter to Defense Secretary Leon Panetta.

"As you are aware," the letter says, "The House of Representatives...declined to grant DoD the authority to raise TRICARE fees. We subsequently heard from DoD that our refusal...was endangering the sustainability of TRICARE programs. We have heard that 'TRICARE is crippling' the DoD. This does not appear to be the case if DoD has a \$708 million surplus in FY2012...We do not understand how DoD can justify a request to raise fees on a class of people whose costs to the department are actually decreasing."

#### Frustration Over DoD-VA Integration

While battle goes on for our troops on the frontlines, a struggle of a different sort continues within DoD and the VA as top leaders contend with their own bureaucratic systems that impede creating an integrated military and veteran support system.

On Wednesday, Defense Secretary Leon Panetta and VA Secretary Eric Shinseki appeared before a joint House Armed



Services and Veterans' Affairs Committee hearing to address their joint efforts to help troops transition from the military to civilian life.

"DoD and VA are working more closely together than we have before. But frankly, we have much more to do to try to reach a level of cooperation to better meet the needs of those who have served... especially our wounded warriors," Panetta told legislators.

Both Secretaries said most of the pieces for establishing a seamless system are in place, but the fundamental issue is their own agency staffs' resistance to the kind of transformational culture shift needed to make the two systems work together. They acknowledged it's not a technology problem, but a leadership problem.

A frustrated Panetta stated bluntly, "We're just going to have to kick [posterior] and try to make it happen, and that's what we're going to do."

Building an integrated system isn't easy, and MOAA commends the Secretaries' willingness to press the system. However, we remain concerned that budget and political pressures and leadership turnover have stymied most good intentions to date, leaving too many vets, families, and caregivers without the strong and seamless support they need.

#### **MOAA's LEGISLATIVE UPDATE for August 3, 2012:**

##### Runyan Offers TRICARE Bill

Rep. Jon Runyan (R-NJ) this week introduced legislation to protect TRICARE beneficiaries from unfair fee hikes. The bill mirrors the Senate version introduced in May by Senators Lautenberg (D-NJ) and Rubio (R-FL).

Runyan's "Military Health Care Protection Act of 2012" (H.R. 6266) would:

- Acknowledge that servicemembers pre-pay significant healthcare premiums through decades of service and sacrifice, over and above what they pay in cash
- Limit the annual percentage increase in cash fees (including pharmacy copays, TRICARE Standard deductible, and the cap on annual out-of-pocket expenses) to the percentage increase in military retired pay
- Bar any further increase in the existing TRICARE Standard retiree inpatient copay of \$708 per day, recognizing that the current amount is plenty high enough
- Specify that should the Defense Department establish an enrollment system for TRICARE Standard, any eligible beneficiary filing a claim must be automatically enrolled until they opt to dis-enroll. (This is to ensure beneficiaries who fail to get the word about any new Standard enrollment system don't have their claims rejected for failure to enroll -- e.g., in the event of a serious vehicle accident.)

MOAA is grateful to Rep. Runyan for his leadership in sponsoring this important legislation. As soon as the bill

information is loaded in the Hill's computer system, we'll put out an alert so you can urge your U.S. Representative to cosponsor it.

##### People Programs Protected? We Only Wish.

Earlier this week, acting Office of Management and Budget director Jeffrey Zients and Deputy Defense Secretary Ashton Carter were grilled over sequestration before the House Armed Services Committee.

Zients announced that the military personnel account would be spared from the \$50-\$57 billion in automatic defense spending cuts that will be imposed in January under current sequestration law.

But that's not exactly as good as it sounds.

As far as we know at this point, it means pay and allowance accounts wouldn't be cut, and that no additional force cuts would be imposed beyond the ones already planned for FY2013.

One of the big fears raised by sequestration was that it might force another 100,000 troops to be cut loose.

MOAA supports exempting personnel, but under the law, doing that also forces bigger (e.g., 10-12%) across-the-board cuts in other Pentagon accounts, including operations and maintenance, procurement, and wartime contingency operations.

And there are lots of programs in those other areas that directly affect currently serving and retired military people.

Testifying before the House Armed Services Committee this week, Deputy Defense Secretary Ashton Carter reminded legislators that health care funding for the nearly 10 million military personnel, retirees and their dependents comes under operations and maintenance and will be subject to sequestration.

Exactly how that cut would be implemented is uncertain. It would certainly mean slowing of equipment and supplies purchases, perhaps reducing the number of covered medications, and perhaps reducing payments to health care providers, to name a few possibilities.

MOAA still finds it inconsistent and inappropriate that VA health care programs are exempted from the sequester, but military health care programs aren't.

Five months remain for Congress to reverse the automatic, across-the-board cuts.

At the hearing, Zients asserted his confidence that lawmakers would come up with a more sensible package of spending cuts and revenue increases to avoid the automatic and "highly destructive" cuts that sequestration would require.

#### **MOAA's LEGISLATIVE UPDATE for August 10, 2012:**

##### New Law on Military Funerals

Last week Congress passed and the President signed new legislation to improve protections afforded for military funerals. The new law makes it illegal to cause a disruption in the vicinity of a military funeral from two hours before the ceremony until two hours after its conclusion.

It also increases the buffer distance between any protesters and a military funeral from 300 to 500 feet.

Congress agreed on these increases in protection after more sweeping funeral protection legislation was struck down by the Supreme Court as a violation of the first amendment.

MOAA applauds enactment of these steps to better protect military funerals from reprehensible disruption by outside activists.

#### VA Approves Lung Cancer Test

This week, the VA agreed to move forward on providing CT screenings for veterans at high risk for lung cancer.

MOAA has had a long-standing partnership with the Lung Cancer Association to make lung cancer a higher VA health care priority and authorize CT screening.

Lung cancer is the leading cause of cancer death, and military men and women are at higher risk for lung cancer than civilians due to higher smoking rates and exposure to cancer-causing chemicals.

We look forward to the rapid implementation of this important screening.

#### **MOAA's LEGISLATIVE UPDATE for August 17, 2012:**

##### New TRICARE Autism Policy

In last week's update, we reported on a federal judge's ruling that TRICARE's limitation of autism therapy to children of active-duty personnel is "arbitrary and capricious."

The Court ordered TRICARE to cover Applied Behavior Analysis (ABA) therapy as a covered benefit for all TRICARE beneficiaries, not just those on active duty. We hadn't expected any action pending a likely appeal of the ruling.

But on August 12, DoD issued a policy change expanding the coverage to comply with the judge's ruling. However, the document specified, "This is an interim benefit in effect until litigation is complete."

Under the interim benefit, TRICARE will cover ABA services for all eligible beneficiaries, including retirees and their dependent family members diagnosed with Autism Spectrum Disorder (ASD). The policy change is retroactive to March 5, 2010, the date the class action lawsuit was filed. For services received overseas, the effective date is retroactive to March 5, 2008.

The maximum covered payment is \$125 per hour for services provided by an authorized provider, though it may be less in some circumstances.

This interim policy gives rise to several questions, including:

- Does this mean all beneficiaries are currently eligible for coverage of ABA therapy immediately?
- Can retirees whose children received ABA therapy since 2010 (or 2008 OCONUS) be reimbursed if they kept receipts?
- Will this have any effect on active duty families already receiving services under the Enhanced Access to Autism Services Demonstration?

- Will ABA services rendered by a tutor supervised by a certified provider be covered?
- What, if any, impact will this have on the Extended Care Health Option (ECHO) Program?

We've asked those questions, but don't have the answers yet. In light of a potential government appeal of the court case, we caution against assuming too much until clarifying guidance is issued. Keep any receipts for services purchased.

But the issuance of the new interim policy statement can only be a good thing from beneficiaries' standpoint.

#### **MOAA's LEGISLATIVE UPDATE for August 24, 2012:**

##### Congress Won't Act, So You Have To

Continuing Senate inaction on the FY2013 Defense Authorization Act means your TRICARE pharmacy benefits are still at high risk.

Lots of legislators are talking about the terrible impacts that sequestration (and the associated \$500 billion defense budget cut looming for January 2013) will have on the military community - including cuts to military health care. But there's a big difference between talking about it and doing what it takes to stop it.

The end of the fiscal year is five weeks away, and Congress has only a few scheduled work days in September to stop a government shutdown.

And nobody's talking about the 27% cut in Medicare and TRICARE payments that will take effect in January unless Congress passes a law change to stop it.

Somebody has to cut through the political rhetoric and get busy if these problems are going to get solved in time to prevent serious problems for every member of the military community.

##### Is Medicare Threatening Your Identity?

Under congressional pressure, Medicare has agreed to look into the cost associated with removing Social Security numbers (SSNs) from Medicare ID cards. This could signal the first step in a long process to remove this sensitive information from the cards.

Medicare has long claimed that removing SSNs from ID cards would be too difficult and expensive due to the sheer size of the program, and the integral role the numbers play within the Medicare system.

MOAA understands the challenges, but we've seen similar resistance in the past from DoD and various states regarding the removal of SSNs from drivers' licenses and military ID cards.

But they found ways to make it happen in the interest of preventing identity theft.

MOAA will continue pressing Medicare to improve the security of its beneficiaries by removing this sensitive information.



# JAYHAWK CHAPTER MOAA



A membership meeting will be held **Tuesday, 18 September 2012**, at the Lawrence Country Club.  
Dinner cost is \$22.00/meal.

**The Program:** Our guest speaker will be Representative Melanie Meier from Leavenworth.

**Social Hour:** 1800 hours      **Dinner:** 1845 hours

**The Menu:** Chicken with a mushroom cream sauce, rice pilaf, vegetable, rolls, salad, tea or coffee and dessert

Send your reservation and check payable to Jayhawk Chapter MOAA to arrive no later than **Thursday, 13 September 2012**, to:  
CAPT (Ret) Jim Cooper - 1115 Stone Meadows Drive, Lawrence, KS 66049-3961

**Dinner reservations are confirmed on Monday before the dinner. Cancellations, if necessary, should be made prior to Monday noon; otherwise, the Lawrence Country Club will charge us for those meals.**

If you have any questions, you may contact Jim Cooper at 842-7037 or John Halladay at 843-6184.

*cut here*

Yes, please make \_\_\_\_\_ reservations for me and my guests. (Spouse and other guests are welcome.)

The cost is \$22.00 per meal. I am enclosing a check for \$\_\_\_\_\_ for meal(s).

Clayton L. Comfort Award program contribution \$\_\_\_\_\_  
**(Separate check made out to "KU Endowment")**

TOTAL: \$\_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Telephone

**IF YOU NEED A RIDE TO MEETINGS, PLEASE LET US KNOW HERE \_\_\_\_\_  
AND GIVE US YOUR TELEPHONE NUMBER \_\_\_\_\_**

**TEAR OFF AND RETURN THIS FORM WITH A CHECK PAYABLE TO:  
JAYHAWK CHAPTER MOAA  
CAPT (Ret) Jim Cooper, 1115 Stone Meadows Drive, Lawrence, KS 66049-3961**

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

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

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

**Thank you for receiving  
the newsletter via e-mail !!  
It saves the Chapter for both  
printing and postage.**

### **2012 Jayhawk MOAA Calendar:**

Tuesday 18 September MOAA meeting

Tuesday 13 November MOAA meeting

Tuesday 22 January 2013 MOAA meeting



*One Association, One Voice. Yours.*

*Newsletter Editor  
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**IN GOD WE TRUST**