



VETERANS SERVING VETERANS

GREENE COUNTY VETERAN SERVICE OFFICE

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<http://www.co.greene.oh.us/Veterans>



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The Greene County Veteran Service Commission and Veteran Service Office want to take this opportunity to express our deepest gratitude for all those who served our Great Nation.

We hope you will find the contents of this newsletter very helpful and informative. This newsletter will be published and mailed to all Veterans' Organizations within Greene County on a quarterly basis or as new and updated information is made available.

<http://www.co.greene.oh.us/Veterans/> is the website for the Greene County Veterans' Services. This website consists of a wide array of information ranging from the services that our office provides such as assistance with filing for entitled VA benefits, financial assistance, and transportation to VA medical facilities. This website also provides a list of very helpful website links.

The Veterans' Services Transportation Van has a new look:



More pictures can be found on the website.

This newsletter contains the following articles:

1. VA Compensation Garnishment---(Alimony/Child Support)
2. Military Award/Service Misrepresentation---(3 Arrests)
3. Vietnam Memorial Wall---(Interactive Wall)
4. SBP SSA Offset---(No More Offset)
5. SBP Termination---(100% Disabled Option)
6. VA Dental Treatment---(Outpatient Change)
7. VA Category 8 Care---(Lower Income Cap)
8. Economic Stimulus---(VA Benefit Impact)
9. Economic Stimulus---(Payment Dates)
10. Veteran Legislation Status---(Where We Stand)

VA COMPENSATION GARNISHMENT: Contrary to popular belief there are some conditions under which VA compensation can be garnished in order to pay alimony or child support. Although VA compensation cannot be attached or assigned there is no statutory prohibition against garnishment of military retired pay. Under Public Law 95-30, a veteran's disability compensation can be garnished in order to pay alimony or child support and pursuant to a court order, only if the veteran receives disability compensation in lieu of an equal amount of military retired pay, in accordance with a total or partial military retired pay waiver. In these cases, under 5 CFR 581.103, the Veterans Service Center (VSC) withholds disability compensation, and makes a payment in compliance with the garnishment order for certain categories of payees.

MILITARY AWARD/SERVICE MISREPRESENTATION: Federal investigators arrested two Mississippi men on 25 MAR who allegedly falsely represented themselves as Purple Heart recipients in order to obtain free vehicle license plates. John Wayne Lebo, 57, of Tylertown and Christopher Billeaud, 52, of Biloxi are suspected of altering their "official military discharge papers to reflect awards and medals (they) did not receive," according to records filed in federal court. In doing so, both obtained the Mississippi Purple Heart vehicle license plate, which never expires and is given to Purple Heart recipients at no cost, Assistant U.S. Attorney Ruth Morgan said. "It's not just about earning the tag, but when you have a Purple Heart, you get priority treatment at V.A. medical centers. When this happens, you cheat true veterans that need treatment for their wounds suffered in combat." Purple Heart medals are given to war veterans wounded in combat by an enemy attack and are posthumously given to family members of those killed in battle by an enemy. Both men were released on unsecured bonds of \$25,000 and \$5,000, respectively.

The arrests followed separate investigations by the U.S. Department of Veteran Affairs. Lebo served with the U.S. Army from 1967-69 as a firearm instructor. According to court papers, along with fraudulently claiming a Purple Heart, Lebo altered his discharge papers to show he had received a Silver Star, Airborne Medal and Sharpshooter. Since 1999 he used the documents to obtain license plates for eight different cars. Lebo was discharged as a Private E-1 in 1969. Lebo's alleged phony discharge papers were discovered after an investigator compared his original forms with the ones he used in Walthall County in order to obtain the Purple Heart license plate. Billeaud is a veteran of Operation Desert Storm and the Gulf Coast chapter president of the National Defense Transportation Association. According to court papers, officers with the U.S. Air Force Office of Investigations went to the Billeaud home in APR 07, after they discovered he was claiming to be a chief master sergeant, although he retired as a master sergeant and the recipient of a Bronze Star and Purple Heart. One of the officers noticed that a vehicle parked at his home had a Purple Heart license plate. During the interview, the officer asked Billeaud if he received a Purple Heart and he told the officer no. Kathleen Billeaud said her husband has been recognized by the Department of Veterans Affairs and the head of Keesler Air Force Base hospital as receiving a Purple Heart but not by the U.S. Air Force. Investigators obtained a letter from the V.A. Regional Office in Jackson stating Billeaud was rated 100% service-connected for his disability but the letter did not "mention anything about a Purple Heart," court papers said. Billeaud is a veteran of Operation Desert Storm and the Gulf Coast

chapter president of the National Defense Transportation Association. Falsely claiming war medals is a misdemeanor punishable by up to one year in jail and a fine of up to \$100,000.

In a similar case after three days of testimony in federal court in Roanoke VA -- and a thorough dissection of Randall A. Moneymaker's long list of supposed awards and overseas postings -- a jury found him guilty of six charges tied to fraud and theft. Moneymaker's charges included five counts of making false statements on forms he filed or in claims he made while applying for disability benefits or inquiring about a military pension. He also was charged with theft for receiving \$18,449.32 in disability payments to which he was not entitled. Moneymaker was in the Reserves from 1981 to 1982, then in the Army from 1983 to 1985. He left after misconduct that prompted an "under honorable conditions (general)" discharge, a certificate below an honorable discharge. He was supposed to be barred from re-enlisting, but in 2004 talked his way into the Active Guard Reserve, claiming he'd been on active duty since the early '80s. He became a recruiter and often wore medals including combat and Ranger badges and a Purple Heart. Most of the charges carry a five-year maximum prison term, but no date has been set for sentencing.

VIETNAM MEMORIAL WALL UPDATE: The National Archives is joining with a Web site to make historical records of tens of thousands of deceased Vietnam War veterans available electronically for the first time. The interactive site is a Web re-creation of the Vietnam Veterans Memorial on the National Mall. The site allows access to thousands of pages of casualty records and agency photos. People can search by name, hometown, birth date, tour date, or dozens of other categories. Such information now is typically found only at National Archives locations, including the headquarters in College Park MD, and by poring through files organized by topic. That makes searches a hit-or-miss proposition with long odds of finding relevant information, the agency said. At www.footnote.com/thewall & www.youtube.com/watch?v=scwMAgCLdks can be found a short video about how one veteran found a fallen friend on The Wall using this site and information on how to add your own tribute to anyone listed on the wall that you know.

Hundreds of veterans visit the central research room each year "to examine the documents that may enable them to establish their rights, and, just as with the wall, to honor, remember and appreciate," said Allen Weinstein, archivist of the United States. "And historians increasingly turn to these essential records to explain the significance of the Vietnam conflict in American history. The site will help 'provide ever-greater access to our critical holdings on this subject,'" he said. The interactive wall allows people to post photographs they may have of a deceased veteran and to make comments. There is currently no charge for Vietnam War information; the company is deciding whether to charge fees for some of the 50,000 National Archives photos now digitized. The goal is to tell the stories behind the more than 58,000-plus names on the wall' polished black granite, with information such as specialty, rank, posthumous decorations, regiment, cause of death and whether the body was

recovered, the company said. Veterans' advocacy groups praised the move as a good way to promote public awareness of the contributions of those who served in Vietnam. But some said they would like to see the effort expanded to provide electronic access of records for living Vietnam veterans. Many of them must go through a lengthy process of searching for records at the Archives and elsewhere to establish a disability claim with the government.

SBP SSA OFFSET UPDATE: The phase-out of the Social Security Offset (SSO) for Survivor Benefit Plan (SBP) annuitants is almost complete. Currently, beneficiaries receive 50% of their deceased spouse's SBP annuity base amount. The fact that the SBP payout is 50% instead of the full 55% is the SSO. There is no reduction in your Social Security amount. Starting APR 08 all survivors will receive the full 55% of their late military retiree's pay covered by SBP and the SSO will be completely phased out. The increased benefit is automatic for everyone — no applications or requests are required.

SBP TERMINATION UPDATE: There are four payment termination scenarios for retirees who have elected SBP:

1. Between the 25th and 36th month after the retiree begins to draw retirement pay. Your spouse must concur in such an election to withdraw and there is no premium refund or renewal option.
2. Divorce or death of the eligible beneficiary. No premium refund but SBP may be reinstated within one year of acquiring a new spouse.
3. Rated by the VA as totally disabled for 10 or more continuous years or less than 10, but more than five, years continuous from the last date of active duty. Under these circumstances, your death would be presumed to be of service-connected causes, ensuring your spouse's entitlement to DIC. When you die, your spouse will be refunded all premiums paid, except for the added costs associated with an Open Enrollment period. Your spouse must concur in such an election to withdraw and there is no renewal option.
4. Any retiree who is age 70 or older and whose retired pay has been reduced for SBP premiums for at least 360 months. Coverage continues without premiums with no premium refund.

Under option 3 you and your spouse may find no advantage to continue SBP coverage. However, before you make a final decision there are a number of factors to be considered:

a.) How much retirement pay do you draw? Current DIC rate for 2008 is \$1091 for veterans whose death resulted from a non service-related injury (i.e. accident, murder or suicide) or disease. VA will add to this \$233 monthly if you have been disabled for 8 years prior to death and the spouse has been married to you this entire time. At 55% of base pay how much will be your SBP benefit? If less than \$1324 monthly she/he will have to forfeit it IAW current law to receive DIC. If so, all premiums paid to date will be refunded to your beneficiary in lump sum.

b.) SBP is taxable whereas DIC is not. Thus, the lump sum refund of premiums will be considered income for the tax year in which you die if it is paid by 31 DEC of that year. Your spouse will be able to file a joint tax return for that year allowing her to claim the standard deduction for two and married filing jointly deductions on her gross income. Using 2007 figures this equates to \$6800 and \$10700 (more if over 65 at time of death) for a joint return vice \$3400 and \$5350 for a single return. This equates to approximately \$875 in reduced tax. If the payment is not made until after 31 DEC of the year in which you die she will have to pay tax on the full amount of the refund without the benefit of including you in her exemptions. Payments can take in excess of 5 months.

c.) Nonresident aliens are taxed automatically at the rate of 30%, unless there is a tax between the United States and the foreign country permitting lesser rate. This includes any lump payment of premium refunds.

d.) The 2008 NDAA authorized a special "indemnity allowance" payment of \$50 per month effective 1 OCT 08 to survivors of members entitled to retired pay (or of Guard/Reserve retirees who died before age 60) whose SBP annuities are reduced by VA survivor benefits (DIC). That amount will increase by \$10 each year for 5 years. The indemnity allowance might be perceived as a first step toward easing the ban on concurrent receipt for military widows. DFAS has not yet published the guidelines on to whom this will be paid. To withdraw from SBP now could eliminate any future option of receiving this amount and/or full SBP in addition to full DIC if Congress subsequently approves legislation to accomplish this. In recent years this legislation has been introduced annually and each year has advanced further through the legislative process than in the previous year.

e.) By 1 OCT 2012 under current law the spouse will be receiving an extra \$1200 indemnity allowance per year. To drop SBP the lump sum payment of all premiums paid would have to equal or exceed \$24,000 to earn \$1200 in taxable interest at a rate of 5%.

Eligible retirees must complete a DD Form 2656-2, SBP Termination Request available at <http://web1.whs.osd.mil/forms/DD2656-2.PDF>, and, if married, obtain their spouse's written concurrence (notarized or witnessed by an authorized military representative).

VA DENTAL TREATMENT UPDATE: Outpatient dental benefits are provided by the Department of Veterans Affairs according to law. In some instances, VA may provide extensive dental care, while in other cases treatment may be limited. Veterans are eligible for outpatient dental treatment if they are determined by VA to meet one of the following criteria:

- Those having a service-connected compensable dental disability or condition are eligible for any needed dental care.

- Those who were prisoners of war (POWs) and those whose service-connected disabilities have been rated at 100% or who are receiving the 100% rate by reason of individual unemployability are eligible for any needed dental care.

- Those who are participating in a VA vocational rehabilitation program under 38 U.S.C. chapter 31 are eligible for dental care necessary to:
 - 1.) Enter into a rehabilitation program, achieve the goals of the veteran's vocational rehabilitation program; or prevent interruption of a rehabilitation program; or

 - 2.) Hasten the return to a rehabilitation program of a veteran in interrupted or leave status; or

 - 3.) Hasten the return to a rehabilitation program of a veteran placed in discontinued status because of illness, injury or a dental condition; or

 - 4.) Secure and adjust to employment during the period of employment assistance; or

 - 5.) To achieve maximum independence in daily living.

- Recently discharged veterans with a service-connected noncompensable dental condition or disability who served on active duty 90 days or more and who apply for VA dental care of within 180 days separation from active duty, effective 28 JAN 08 may receive one time treatment for dental conditions if the dental condition is shown to have existed at the time of discharge or release and the veteran's certificate of discharge does not indicate that the veteran received necessary dental care within a 90-day period prior to discharge or release. This includes veterans who reentered active military, naval, or air service within 90 days after the date of a prior Note: Veterans discharged between 1 AUG 07, and 27 JAN 08, are eligible for the dental benefit by making application within

180 days (formerly 90 days) of their discharge. Veterans previously denied this one time dental benefit because application was made outside of the previously mandated 90 day period after separation will be contacted to review and correct, as appropriate, your application denial. Affected veterans may also contact their local medical center to review and correct, as appropriate, their denied application.

- Those having a service-connected noncompensable dental condition or disability resulting from combat wounds or service trauma are eligible for repeat care for the service-connected condition(s).
- Those having a dental condition clinically determined by VA to be currently aggravating a service-connected medical condition are eligible for dental care to resolve the problem.
- Those with nonservice-connected dental conditions or disabilities for which treatment was begun while the veteran was in an inpatient status in a VA medical center, when it is clinically determined to be necessary to complete such dental treatment on an outpatient basis.
- Those receiving outpatient care or scheduled for inpatient care may receive dental care if the dental condition is clinically determined to be complicating a medical condition currently under treatment.
- Certain veterans enrolled in a VA Homeless Program for 60 consecutive days or more may receive certain medically necessary outpatient dental services.

VA CATEGORY 8 CARE UPDATE: If the Veterans Affairs Department won't open its health care system to all veterans, Democrats on the House and Senate veterans' affairs committees are urging the relaxation of eligibility rules to allow some moderate-income veterans with no service-connected medical needs to still receive care. In a letter to VA Secretary Dr. James Peake, Democrats from the two committees said the current \$28,430 cap on income for veterans without service-connected medical conditions to receive care is overly restrictive. Peake could change the income limit under his own authority, but such a move would have budget implications. VA is not prepared to pay for additional patients, and some lawmakers worry it does not even have enough money to properly care for those already eligible. Still, Peake, a former Army surgeon general, has told Congress he is willing to look at the issue, which is why lawmakers are pressing him for change, said Sen. Daniel Akaka (D-HI) Senate Veterans Affairs Committee chairman and one of the signers of the letter. Since 2002, the Bush administration has banned new enrollments of so-called "Priority 8" veterans — those who make at least \$28,430 a year, do not have service-connected disabilities, and are not eligible under any other circumstance, such as being a combat veteran who is within five years of leaving active duty. The change prevents up to 1.5 million veterans from enrolling in the VA

health care system. Bush administration officials have argued that most are eligible for health care through other means, such as from an employer. In the letter, lawmakers said Peake has authority to change the income caps, and could allow more people into the system without necessarily opening the door to everyone. They do not recommend a specific income limit, leaving that for Peake to decide.

ECONOMIC STIMULUS PACKAGE UPDATE: Income from the Economic Stimulus Act of 2008, Pub. L. 110-185, does not count as income for any of VA's need-based benefits (i.e., healthcare, pension). The applicable provision is Section 101(d) of Title I of the public law. It reads: "(d) Refunds Disregarded in the Administration of Federal Programs and Federally Assisted Programs- Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (c) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following two months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

ECONOMIC STIMULUS PACKAGE UPDATE: The Internal Revenue Service announced 17 MAR that it will begin sending stimulus checks starting in May. The first round of direct deposits will begin 2 MAY and the first round of checks are due to be sent out 16 MAY Those dates are set for tax returns submitted and processed by the IRS by 15 APR. The IRS has also set up a calculator available at <http://www.irs.gov/app/esp/> to help taxpayers determine if they are eligible for a stimulus payment and how much that payment will be for. The estimated payment amount could be reduced, however, if you have an unpaid tax liability. The Economic Stimulus Act of 2008, which authorized the pre-payment of this one-time credit, stipulates that the payment is not to be made to any of the following:

- Individuals who can be claimed as a dependent on someone else's tax return;
- Nonresident aliens; or
- Anyone who does not have a valid Social Security Number.

If you become eligible during 2008, you may be able to claim the credit on your Tax Year 2008 return, but you will not receive the advance payment this year, since that is based on your 2007 return. Payments will follow the schedule below:

1. For Direct Deposit - If the last two digits of your Social Security number are:

00 - 20 (Check Will Be Deposited By May 2)

21 - 75 (Check Will Be Deposited By May 9)

76 - 99 (Check Will Be Deposited By May 16)

2. For Standard Paper Check - If the last two digits of your Social Security number are:

00 - 09 (Check Will Be Mailed By May 16)

10 - 18 (Check Will Be Mailed By May 23)

19 - 25 (Check Will Be Mailed By May 30)

26 - 38 (Check Will Be Mailed By June 6)

39 - 51 (Check Will Be Mailed By June 13)

52 - 63 (Check Will Be Mailed By June 20)

64 - 75 (Check Will Be Mailed By June 27)

76 - 87 (Check Will Be Mailed By July 4)

88 - 99 (Check Will Be Mailed By July 11)

VETERAN LEGISLATION STATUS: The House and Senate recessed 15 MAR for their Spring/Easter and District work periods. The House reconvened 29 MAR and the Senate reconvened 31 MAR for business. Refer to http://www.thecapitol.net/FAQ/cong_schedule.html for future times that you can access your representatives on their home turf. For a listing of Congressional bills of interest to the veteran community that have been introduced in the 110th Congress refer to the Bulletin's House & Senate attachments. By clicking on the bill number indicated you can access the actual legislative language of the bill and see if your representative has signed on as a cosponsor. Support of these bills through cosponsorship by other legislators is critical if they are ever going to move through the legislative process for a floor vote to become law. A good indication on that likelihood is the number of cosponsors who have signed onto the bill. A cosponsor is a member of Congress who has joined one or more other members in his/her chamber (i.e. House or Senate) to sponsor a bill or amendment. The member who introduces the bill is considered the sponsor. Members subsequently signing on are called cosponsors. Any number of members may cosponsor a bill in the House or Senate. At <http://thomas.loc.gov> you can also review a copy of each bill's content, determine its current status, the committee it has been assigned to, and if your legislator is a sponsor or cosponsor of it. To determine what bills, amendments your representative has sponsored, cosponsored, or dropped sponsorship on refer to <http://thomas.loc.gov/bss/d110/sponlst.html>. The key to increasing cosponsorship on veteran related bills and subsequent passage into law is letting our representatives know of veteran's feelings on issues. At the end of some listed bills is a web link that can be used to do that. Otherwise, you can locate on <http://thomas.loc.gov> who your representative is and his/her phone number, mailing address, or email/website to communicate with a message or letter of your own making.

UPCOMING EVENTS IN GREENE COUNTY:

National Bike To Work Day: Friday, May 16, 2008, Location/Time TBA

Greene County Parks encourages you to bike to work on this day not only to better your health, but also to help the environment. More details coming soon!

Healthy Ohioans walk: Wednesday, May 21, 2008, Location/Time TBA

Greene County Parks is hosting a local walk to help reach the state's goal of over 100,000 Ohioans walking one mile for a total of one hundred thousand miles. More details coming soon!

Scramble on our Greene Golf Outing: Friday, May 23, 2008, Beaver Creek Golf Club, 7:30 a.m.
Proceeds from this annual outing provide new, innovative recreational programs throughout Greene County. More details coming soon!

Summer Camps: All Summer Long - Various Locations

We've got what the kids want...FUN STUFF TO DO! Look for our upcoming summer guide available in early April 2008 for available camps.

3rd Annual Doggie Dash 'n Splash Fest: Saturday, August 23, 2008, Fairgrounds Rec. Center, Xenia
www.dashsplash.com Bring your dog and enjoy a day of canine swimming, a pet psychic, exhibitors, demonstrations, and lots of games. You can even enter your pooch in the 2008 Canine King & Queen Contest. A whopping 10,000 people and 5,000 dogs visited this popular festival in 2007! Free admission; \$5 parking donation. Proceeds benefit the dog park.

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