

UPDATE FOR SPOUSES AND SURVIVING SPOUSES - May/June 2018

1. **The MOAA State Report Card.** The Maryland Council of Chapters is scheduled to submit recommendations early in July to MOAA HQ regarding the listing of items monitored on what we refer to as the State Report Card. That document used to be printed in the Military Officer magazine annually, but now it is being maintained on the MOAA website. It is far easier to update the site and correct data on-line than in print. My husband, Harvey, shared with me the text of the five item submission going to National next week. In brief, the purpose of the State Report Card is to give the states leverage to use to their advantage those successes achieved by others states (legislative or otherwise). It also can serve as a highly informative and respected educational tool at all levels in a state. Please note that it contains several issues of special interest to spouses and surviving spouses (highlighted in green shading, below). Therefore, I am including an advance copy for your information here:

FIVE RECOMMENDED ITEMS FOR THE REVISED STATE REPORT CARD:

A. **Recognition by the State of Seven Uniformed Services** (as opposed to Five Armed Services) for all privileges, benefits, and entitlements. Some states still do not recognize the U.S. Coast Guard as one of the Armed Services for benefits purposes. Other states also do not consider the Commissioned Corps of the United States Public Health Service (USPHS) and the National Oceanic and Atmospheric Administration (NOAA) as organizations entitling members to Veterans status. Since 1984, Maryland recognizes all seven (7) Services as Veterans in the State. This applies to all considerations. Since Governor Hughes signed the law approved by the General Assembly 34 years ago, it has sometimes been necessary to correct legislative omissions and other deficiencies that did not comply with the 1984 State law. The MOAA Maryland Council considers this as one of our educational missions; we have issued and we periodically update our Fact Sheet on this subject.

B. **Property Tax Adjustments for Retired Uniformed Services Personnel.** The State of Maryland authorizes counties (and other real property taxing jurisdictions) to grant a 20% reduction in taxes for five consecutive years to retired personnel of the Seven Uniformed Services over the age of 65 and surviving spouses of those members. Unlike the 40-year requirement for long-term residents of a privately owned residence, there is no requirement for a retired Veteran to live in an owned home for any minimum number of years to earn eligibility for this benefit.

C. **Surviving Spouse Entitlements to Most Benefits Earned by their Sponsors.** Quite often in recent years, the MOAA Maryland Council and other Veteran organizations have had to go back to the General Assembly to correct intentional exclusion or inadvertent institutional discrimination against surviving spouses of Uniformed Services members in regard to benefits and entitlements. Recent examples have been related to property tax adjustments and the authorization for priority hiring and/or promotion by private sector employers (who opt to grant a surviving spouse a preference).

D. **Availability of Functioning Veterans Treatment Courts with Adequate Geographic Coverage Within a State.** With an increased awareness of the values of Veterans Treatment Courts, it is critical that they be available at reasonably accessible locations throughout a state and that they be managed in a manner to provide essential services to Veterans (e.g., post-traumatic stress victims, individuals with brain injuries, Veterans with other psychological problems). The Treatment Courts must be managed and supervised by willing and competent judges, supported by volunteers and/or paid counselors/advisors/coaches--frequently those who also are Veterans. Further, such courts need to avoid the stigma associated with being termed "Mental Health Courts," which frequently are not designed to service the special treatment needs of Uniformed Service Veterans.

E. **Existence of Functional Veterans Commissions/Commissions on Veterans Affairs.** At the State, County (or geographic group of counties), and City level -- as appropriate, there is a requirement for functional commissions to represent the Veterans and family members geographically distributed within each of our 50 states, plus the District of Columbia, as well as the U.S. Territories. These organizations

need to meet on a regular basis and give the Veterans community a meaningful voice in State and local government. [Note: How a local jurisdiction decides to organize such a commission is and should be a local option--to meet the needs of the local Veterans population.]

2. Second MOAA Virtual Chapter (SSVC02). An new MOAA Virtual Chapter for Surviving Spouses is now open to any surviving spouse of an officer of any Uniformed Service across the country. [The first such Chapter was organized to support the nursing community.] The new virtual chapter aims to solve problems and shape future legislation. The group held its first phone/on-line meeting on May 31st, and plans to hold hour-long virtual meetings every quarter. This will make it convenient for all surviving spouses to participate without leaving their homes. A participant may but need not be a physical Chapter member, and Spouse/Surviving Spouse liaisons in our Maryland Chapters also are invited to belong to the group. MOAA continues to push for Federal lawmakers to end the "Widow's Tax" on surviving spouses. This tax requires survivors of deceased military members to forfeit the majority of dollars they should receive as enrolled participants in the Survivor Benefit Plan (SBP) when they are awarded VA dollars for Dependency and Indemnity Compensation. This costs spouses and children of deceased servicemembers about \$15,000 annually. For those receiving SBP payments, kindly note that any SSIA payments will be adjusted for cost of living increases in the future. I've already covered SSIA in past issues, and won't repeat myself here about this limited supplementary allowance. Suggestion: Join the Virtual MOAA Chapter and make your voice heard. Your opinion is valued by all who hear it!

3. Mission Act Funding. The VA Mission Act was signed into law by President Trump in June, 2018, but lawmakers don't agree on how to fund the bill for 2019. It is most important that the Department of Veterans Affairs not be forced to choose among funding its own hospitals, its clinics, and community care programs for veterans who would have to wait too long or travel too far to get direct VA care. The law now does give veterans somewhat easier access to private doctors. We'll be hearing more about this subject in the months ahead.

4. Pay Raise in Defense Bill. The Senate passed a defense bill on June 18, 2018, which had to be reconciled with the House's bill passed in May. The bill calls for a 2.6% military pay raise, which is consistent with private sector wage growth. That subsequently was approved. It represents the largest pay raise for servicemembers in 8 years.

5. TRICARE Fees. The Senate bill repeals protections for health care beneficiaries who entered into the service before the first of January of this year. Unfortunately, all will now be governed by a new cost share structure with higher fees and pharmacy co-pays. MOAA HQ currently is completing an updated survey of members (following passage of the Defense Bill) in regard to the fee changes and other TRICARE matters. If you are signed up to receive updates and e-mails from MOAA HQ, you already have been notified of the updated survey and invited to participate. The survey is closing this weekend. If you did not get the word on this time-sensitive survey, please refer to the following paragraph #6!

6. Important Informational Updates from MOAA HQ. Some of our members are not getting time-sensitive updates and other general information from Headquarters via e-mail. If you are still relying on only the Military Officer magazine to get your relevant spouse or surviving spouse news, you truly need to get signed up for the series of updates that arrive each month via e-mail. You have to opt in to receive these, and it requires a one-time action on your part to do so. Even if you do not use a computer or other device for e-mail, you can sign up and receive the important information at your local library and many other convenient locations. You absolutely have the option of selecting only the categories of information you desire, and the frequency for receiving these e-mails from MOAA HQ. Talk to your Chapter President if you want to receive the relevant information--even if someone else currently is checking out the messages for you. Here's the place on the web to get started:

http://moaa.highroadsolution.com/moaa_preference_page/form.aspx . Suggestion: **As a starting point, I'd recommend signing up for all 6 categories of information on a Biweekly basis.** [Weekly and Monthly grouping of messages also are options.] The categories are: **(a)** Advocacy; **(b)** Transition & Career; **(c)** Health Care & Earned Benefits; **(d)** Spouse and Family; and **(e)** Recommended Reads. If you

wish, you also can add **(f)** MOAA Messages and **(g)** MOAA President's Message(s). You may adjust your options at any time if the formula you've selected doesn't work for you.

7. Commissary-Exchange Merger Plan. DoD needs Congressional approval to move forward to consolidate the Defense Commissary Agency and the defense resale enterprise (i.e., the Exchange Services of the Army/Air Force, Navy, and Marine Corps) into a single business enterprise. The purpose would be to achieve the economies and efficiencies necessary for substantive savings and benefits to be available into the future. MOAA and other members of The Military Coalition (TMC) are concerned that any dollar savings realized by a merger or consolidation not be used to fund other DoD readiness priorities and that this move must not reduce a valued and earned benefit even more.

8. LinkedIn Accounts. Military spouses are now qualified to receive free LinkedIn accounts during moves to new installations and at their sponsor's retirement (or departure from active service). LinkedIn will launch this new program in July 2018. Participants will have access to a library of more than 12,000 learning courses from LinkedIn. The procedure is that spouses verified through the Defense Enrollment Eligibility Reporting System (DEERS) will gain access to the premium account during each permanent change of station (PCS) move as well as when their spouse transitions out of service. MOAA has initiated discussions with LinkedIn to clarify eligibility of all seven Uniformed Services as well as surviving spouses; I'll keep you posted on this. Right now (effective on or about 1 July) all military spouses will have access to LinkedIn Premium under the rules of the program. Coast Guard spouses are included, but we are awaiting a decision from LinkedIn on NOAA and USPHS spouses.

9. More Caregivers for Veterans Eligible for Stipends. President Trump recently signed a bill that provides stipends for relatives and friends who assist those severely injured in the line of duty on or after 11 September 2001. They also can get training, access to health insurance, counseling, and respite care. Worthy of note is the fact that the stipends are not taxable. If you think you may be eligible, it's worth checking out all of the details!

10. Salary History. The Supreme Court will eventually decide whether or not gender-based pay disparity based on salary history is unconstitutional. Courts currently are splitting on the issue. In the interim, some states are passing laws against using salary history in hiring. Considering factors such as experience, individual skills, and special knowledge/education makes a whole lot more sense. If you are interested, here's a bit of additional and relevant background information:

Back in the spring of 2018, according to the Washington Post, a federal appeals court ruled that "employers cannot justify paying a woman less than a man doing similar work because of her salary history...." Advocates say this will help to close the wage gap between the sexes. The U.S. Court of Appeals for the 9th Circuit sided with the complaint raised in California in [Rizo v. Fresno County Office of Education](#), which argued that "considering prior compensation when setting a worker's pay perpetuates gender disparities and defies the spirit of the [Equal Pay Act](#)." In the written opinion of Yale Law School graduate Judge Stephen Reinhardt, "The Equal Pay Act stands for a principle as simple as it is just: Men and women should receive equal pay for equal work regardless of sex." He went on to clarify: "The question before us is also simple: Can an employer justify a wage differential between male and female employees by relying on prior salary? Based on the text, history and purpose of the Equal Pay Act, the answer is clear: No." Judge Reinhardt very recently died while still serving on the bench, on March 29th at the age of 87. His noteworthy concluding comment on the case was as follows: "Before this decision, our law was unclear whether an employer could consider prior salary, either alone or in combination with other factors, when setting its employees' salaries," he wrote. "We now hold that prior salary alone or in combination with other factors cannot justify a wage differential." Now the matter is up to the Supreme Court.

11. Note for 2018 Summer Travel Season. The Transportation Support Activity (TSA) now has tougher screening procedures in effect for carry-on items for air travel. All electronics larger than a cell phone will be subject to X-Ray separately from other carry-on items. Also, travelers may be asked to remove food, powder, and maybe even books from bags carried onto airplanes. Note that flyers enrolled in the TSA's Pre-Check Program are not supposed to be affected by this modification in screening protocols.

12. Clarification on MOAA Membership for Surviving Spouses. If an MOAA Life Member (i.e., the sponsor) dies, his/her wife automatically is entitled to MOAA membership as a surviving spouse. [Note: There will be a change in the membership number.] If a surviving spouse of a non-Life member or a non-member wishes to join MOAA, the spouse is encouraged to do so in her/his own right--as long as the sponsor was eligible for MOAA membership based on military service. Some surviving spouses find this subject confusing; contact the appropriate officer in your Chapter for details. [If you are not a Chapter member, feel free to contact me at nomikaplan@verizon.net with your questions.]

A number of you have been asking, and I'd like to let all of you know that I had open heart surgery for an aortic valve replacement at Walter Reed National Military Medical Center about six weeks ago. The surgery went extremely well! The care I received from doctors, nurses, all the medical staffers, and others who work at Walter Reed was truly amazing. Everyone who attended to my medical needs and waited on me was kind, competent, gentle, and considerate--even though I may not always have been the most "patient" patient. I will always be grateful to them for all of their help to me, as well as to my family and friends who visited me at the Hospital and after I came home. The recovery process is progressing well, and I look forward to more active participation in a range of activities (including MOAA events) later in the summer as I get back to myself. Thank you to those who sent their kind wishes!

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