

Western New York Chapter Fall 2023 Newsletter A Veterans' Service Organization

P.O. Box 472 North Tonawanda, NY 14120 Jo Anne Lichwala, Editor Website: wnymoaa.org



<u>President's Message</u> By Frank Sparacino LTC U.S. Army (Retired)

I want to thank our members for all their hard work this past year in supporting our Chapter. Collectively we supported the VA tailgate party, JROTC/ROTC programs, the MOAA's National Scholarship Fund, and MOAA's Advocacy in Action initiatives to name a few. Our heartfelt work awarded us a 3-Star Level of Excellence (LOE) Award for 2022 however; we should not be discouraged since that was the tail end of the Covid era and our activities were limited. I wish to thank those members that contributed to the LOE and especially Mike Concannon for putting the packet together and submitting it on our behalf.

Our biggest challenge this year is recruiting additional members. In order for our Chapter to survive I am challenging each member to bring in one new or former member to our annual meeting. We all know someone that served or is serving that would make a good prospect.

Our Chapter dues are due again this year so please make every attempt to renew your membership so we can support our initiatives such as those listed above. For those Officers that belong to the National MOAA, those dues do NOT support our local Chapter. Our local Chapter dues are very economical especially if you pay for 3 years at a time. Please support our local Chapter.

The MOAA 2023 Annual Convention at Tioga Casino this past September was a great success. I was pleased that we had representation from both our Board and membership for the entire event. I wish to congratulate our Council for all their work in putting this event together as everyone enjoyed the facilities as well as those trying their luck at the casino. Kudos to the hospitality team AGAIN, outstanding job!

To reduce costs, the newsletter is now emailed to members. If you know of anyone that does not have an email, please have him or her contact us for paper copies. Please make every attempt to contact me at fispa26@gmail.com, to update your contact information. It makes it easier for us to reach out to you on upcoming events. Please forward this newsletter to anyone you feel would be interested in MOAA.

We've made contact with our Canadian comrades to the North, the RNMI. Their current Chaplain and President Shawn Bennett CD has expressed an interest in joining us in future endeavors. His email is Rnmipres.chaplain@gmail.com. We have added him to our email list as well. Hope to see them soon!

The Armed Forces Committee is ramping up for their 2024 May event and is hosted by the Air Force. Anyone with interest to join their committee contact me for further information.

Finally, **Save the Date**, the annual meeting, which is also our Christmas Social, is December 2, 2023. Please make every attempt to join us at Salvatore's Italian Gardens, 6461 Transit Rd at 1130 for lunch and a brief meeting. We have a short presentation from Daniel Arnold, Veterans One Stop advocate on what no cost programs they offer veterans. Hopefully this information would help you or someone you know. Please make every attempt to ask another member/ Officer/guest to join us.



Personal Affairs

By Richard A. Scalfani CW4 U.S. Army (Retired)

TAPS:

MG John W. Cudmore, USA (Ret.)

Died February 28, 2023.

Previous Commander of the New York State's National Guard 42nd Infantry Division (Rainbow Division) among several other command positions. His service spanned over 35 years.

Col Richard W. Muscatello, USAF (Ret.)

Died November 11, 2021.

LtCol Harold E. Reverts, USAF (Ret.)

Died March 20, 2017. He served as a Logistic Officer in the 107th Air Refueling Wing.

LTC Andrew Diakun, USA (Ret.)

Died on June 11, 2017.

He served in Germany at the End of WWII with the US Counterintelligence Corps and later as commander of the 402nd Civil Affairs Co.

CDR Daniel M. Gregorio, USCG (Ret.)

Died February 16, 2022. In addition to serving in the USCG, he was in the USN and the. USMC during the Korean Conflict.

A former chapter member:

COL Anthony J. Smaczniak, USA (Ret.)

Died on September 29, 2023. He served in the 98th Division as Battalion and Brigade commander in addition to being Commandant of the 1151st USAR School.

WELL WISHES to all chapter members and their family members who may be experiencing health Issues.

SPOUSAL BENEFITS:

How Long Do You Have to be married to a Veteran to Get Benefits?

The duration of marriage needed for benefits as a U.S. veteran's spouse varies depending on the specific benefit and eligibility criteria.

Sometimes, you become eligible for VA benefits for spouses as soon as you become legally married to a veteran with a service-connected disability.

However, in other cases, you must be married to a veteran with a service-connected disability for at least a year to take advantage of the benefit.

And what benefits and how much of each benefit you're eligible for often depends on your spouse's time in service, disability rating, and other factors.

Who Qualifies for Spousal VA Benefits? The VA uses the same definition of "spouse" as the U.S. Code of Federal Regulations.

To meet this definition, your marriage must: Have been recognized under the law of the place where you or your veteran spouse resided when you got married, or

Have been recognized under the law of the place where you or your veteran spouse lived when your veteran spouse became eligible for VA benefits.

The same rules apply to same-sex marriages. The VA now recognizes all same-sex marriages no matter what state your marriage was performed in.

VA benefits for spouses: Health Care

What: The Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) is optional health insurance for civilian spouses and dependents who don't qualify for TRICARE.



Who: Spouses, surviving spouses, children, and surviving children.

Marriage duration: No marriage duration requirement.

Other requirements: You're the spouse of a Veteran who's been rated permanently and totally disabled for a service-connected disability by the VA regional office, **or**

- You're the surviving spouse of a Veteran who died from a service-connected disability, or
- You're the surviving spouse of a Veteran who was at the time of death rated permanently and totally disabled from a service-connected disability, or
- You're the surviving spouse of a service member who died in the line of duty, not due to misconduct.

NOTE: If you're the surviving spouse of a qualifying CHAMPVA sponsor and you remarry before age 55, you no longer qualify for CHAMPVA.

CHAMPVA benefits: Covered services include:

- Ambulance service
- Ambulatory surgery
- Durable medical equipment (DME)
- Family planning and maternity
- Hospice
- Inpatient services
- Mental health services
- Outpatient services
- Pharmacy (prescription medicines)
- Skilled nursing care
- Transplants

Survivors Pension:

What: Survivors pension offers monthly payments to qualified surviving spouses and unmarried dependent children of wartime veterans.

Who: Surviving spouses and surviving children.

Marriage duration: At least 1 year immediately preceding the veteran's death. But if you've had a child with the veteran, you could qualify regardless of marriage duration.

Other requirements:

- -You haven't remarried after the Veteran's death
- -The deceased Veteran didn't receive a dishonorable discharge
- -From December 1, 2022 to November 30, 2023, your net worth (assets + annual income = net worth) is less than \$150,538 (this amount changes annually)

The veteran's service meets at least one of these requirements:

- -The Veteran entered active duty on **or** before September 7, 1980, and served at least 90 days on active military service, with at least 1 day during a covered wartime period, **or**
- -The Veteran entered active duty after September 7, 1980, and served at least 24 months or the full period for which they were called or ordered to active duty (with some exceptions), with at least 1 day during a covered wartime period *or*
- -The Veteran was an officer and started on active duty after October 16, 1981, and hadn't previously served on active duty for at least 24 months.

Dependency and Indemnity Compensation (DIC)

What: DIC is a tax-free monthly payment for qualifying surviving family members who don't exceed certain income limits.

Who: Surviving spouse, surviving child, surviving parent

Marriage duration: At least 1 year immediately preceding the veteran's death. But if you've had a child with the veteran, you could qualify regardless of marriage duration.

Other requirements: You may be eligible for DIC if you meet these requirements:

ONE of these must be true:



-You lived with the Veteran or service member without a break until their death, **or** -If you're separated, you weren't at fault for the separation **And**

ONE of these must be true:

You married the Veteran or service member within 15 years of their discharge from the period of military service during which the qualifying illness or injury started or got worse, or You were married to the Veteran or service member for at least 1 year, or You had a child with the Veteran or service member

Education and Training Benefits:

What: VA education benefits can take the form of job training, scholarships, or tuition assistance.

Who: Spouse, surviving spouse, children, and surviving children.

Marriage duration: As soon as you become legally married to a veteran.

Other requirements: You may be eligible for VA education benefits (Chapter 35 benefits) if you're the spouse or surviving spouse of a Veteran and at least one of these is true: The Veteran is permanently and totally disabled due to a service-connected disability, or The Veteran died while on active duty or as a result of a service-connected disability You could still be eligible for VA education benefits even if your veteran spouse doesn't have a service-connected disability rated by the VA if at least one of the following is true: The service member died in the line of duty after September 10, 2001, or

The service member is missing in action or was captured in the line of duty by a hostile force, **or** The service member was detained (held) by force while in the line of duty by a foreign government or power, **or**

The service member is in the hospital or getting outpatient treatment for a service-connected permanent and total disability, and is likely to be

discharged for that disability. A serviceconnected permanent and total disability is a disability resulting from your service that doesn't go away.

Home Loan Programs:

What: The VA-backed Home Loan program helps qualifying surviving spouses get a Certificate of Eligibility to show their lender.

Who: Surviving spouse

Marriage duration: As soon as you become

legally married to a veteran

Other requirements:

The Veteran is missing in action, **or**The Veteran is a prisoner of war (POW), **or**The Veteran died while in service or from a service-connected disability, and you didn't remarry, **or**

The Veteran died while in service or from a service-connected disability, and you didn't remarry before you were 57 years old or before December 16, 2003, *or*

The Veteran had been totally disabled and then died, but their disability may not have been the cause of death (in certain situations).

<u>Family Servicemembers' Group Life Insurance</u> (FSGLI):

What: FSGLI offers coverage for the spouse and dependent children of service members covered under full-time Servicemembers' Group Life Insurance (SGLI)

Who: Spouse and children

Marriage duration: As soon as you become legally married to a veteran.

Other requirements: You may be eligible for FSGLI if you're the spouse or dependent child of a service member who meets one of these requirements:

The service member is on active duty and covered by full-time SGLI, **or**The service member is a member of the National Guard or Ready Reserve covered by full-time SGLI.



Who's Covered? Spouses of service members covered under SGLI Dependent children of service members covered under SGLI.

What: FSGLI offers coverage for the spouse and dependent children of service members covered under full-time Servicemembers' Group Life Insurance (SGLI).

Who: Spouse and children Marriage duration: As soon as you become legally married to a veteran.

Other requirements: You may be eligible for FSGLI if you're the spouse or dependent child of a service member who meets one of these requirements:

The service member is on active duty and covered by full-time SGLI, **or**The service member is a member of the National Guard or Ready Reserve covered by full-time SGLI.

Who's covered? Spouses of service members covered under SGLI Dependent children of service members covered under SGLI.

Will I Receive My Spouse's Monthly VA Compensation if they Die? No, surviving spouses can't receive monthly disability compensation.

Does the VA Recognize Common-Law Marriages? Yes, the VA recognizes commonlaw marriages as legal marriages if the state where you reside recognizes common-law marriages

Does the VA Recognize Domestic Partnerships or Civil Unions? The VA will only recognize your domestic partnership or civil union as a marriage if your state does. If you live in a state that does not recognize a civil union or domestic partnership as a marriage, neither will the VA, and you won't be eligible for VA benefits for spouses.

Do VA Benefits for Spouses Change with a Veteran's VA Disability Rating?

VA benefits for spouses can change as the veteran's VA disability rating changes. A veteran with a disability rating of 30% or higher is entitled to additional "dependents" benefits, which are payable to a spouse. These benefits can increase with the number of dependents and the severity of the veteran's disability.

How Long Do You Have to be Married to a Veteran to Get Benefits?

The duration of marriage needed for VA benefits as a veteran's spouse varies depending on the benefit and eligibility criteria.

Do I Automatically Receive VA benefits if I am Married to a Veteran?

No, you don't automatically receive benefits for being married to a veteran. The VA determines eligibility for benefits on a case-by-case basis.

How Do I Apply for VA Spousal Benefits? You can apply for VA spousal benefits online, by mail, or in person at a VA office.

Can the Children of Veterans Receive VA Benefits?

Yes, children of veterans may be eligible for benefits such as health insurance, monetary benefits, and educational assistance.

Can I Receive Benefits if I'm a Spouse of a Veteran who was Dishonorably Discharged? Generally speaking, benefits aren't available to spouses of veterans who received a dishonorable discharge.

Can a Divorced Spouse Get Veteran Benefits? Yes, in some cases, a divorced spouse of a veteran may be eligible for certain benefits.

However, the benefits are limited, and the eligibility criteria can vary depending on the



specific benefit program and the divorce circumstances.

Can an ex-Wife Get VA Benefits After Death?

Sometimes, if a veteran's ex-spouse meets certain conditions, they could qualify for VA benefits after the veteran passes away. It depends on the type of benefits (such as a survivor benefit's plan), if the veteran's death was related to their service, and what was agreed upon during their divorce.

Understanding Medicare Part D and TRICARE pharmacy coverage

FALLS CHURCH –You may already have TRICARE For Life (TFL). Or perhaps you're eligible to transition to this coverage soon. Either way, you may have questions about your TRICARE prescription drug coverage. For instance, you may wonder if you need to have Medicare Part D, Medicare's prescription coverage. You don't need Medicare Part D to have TFL. That's because TFL has the same prescription drug coverage as other TRICARE health plans. (This doesn't include the US Family Health Plan.)

"While you're required to have Medicare Part A and Part B to have TRICARE For Life, as long as you have TFL, you have TRICARE prescription drug coverage," said Anne Breslin, TRICARE For Life program manager with the Defense Health Agency. "If you have TFL, there's almost no advantage to signing up for Medicare Part D." Here are some common questions about pharmacy coverage through TFL and Medicare. Use the answers to help guide you to the best decision for yourself or your family member.

Q: Do I have pharmacy coverage when I transition to Medicare and TFL?

A: Yes. As outlined in the TRICARE and Medicare Turning Age 65 Brochure, if you're eligible for TRICARE and have Medicare Part A and Part B, you're automatically covered by TFL. And if you have TFL, the TRICARE Pharmacy Program provides your prescription drug coverage. This is

creditable drug coverage that pays at least as much as Medicare's standard prescription drug coverage.

Your TRICARE pharmacy coverage will continue seamlessly when you transition to Medicare and TFL from a TRICARE health plan. This is especially helpful if you have maintenance drugs that you take regularly for a chronic condition.

Q: When should I consider getting Medicare Part D in addition to my TRICARE pharmacy benefit? A: Before you sign up for Medicare Part D, compare Medicare prescription drug plans and costs with the TRICARE pharmacy benefit. Keep in mind, the TRICARE Pharmacy Program has no monthly premium. Most people pay a monthly premium for a Medicare Part D plan. Also, take into consideration:

- Deductibles
- Copayments
- Coverage and costs of drugs you already take (costs may vary based on which medications you take).

Q: What if I need help paying for Medicare Part D coverage?

A: If you have limited income and resources, you may want to consider Extra Help. Extra Help is a Medicare program to help people pay Medicare drug program costs, like premiums, deductibles, copayments, and coinsurance. Some people automatically qualify for Extra Help.

You may automatically qualify if:

- You have both Medicare and Medicaid
- You're in a Medicare Savings Program
- You get Supplemental Security Income benefits

If you don't automatically qualify for Extra Help, you can apply.

Q: How do Medicare Part D and TRICARE Pharmacy Program coverage work together? A: If you have both Medicare Part D and TFL, Medicare is the primary payer. TRICARE pays last.



Q: Where can I fill my prescriptions?

A: If you have Medicare Part D, follow your Medicare prescription drug plan's rules for getting your prescriptions. If you have TFL and don't have Medicare Part D, you have the following TRICARE pharmacy options to fill your covered prescriptions:

- Military pharmacies
- TRICARE Pharmacy Home Delivery
- TRICARE retail network pharmacies
- non-network pharmacies

Q: Are there resources to help me manage my TRICARE prescriptions?

A: To help manage your prescription drug coverage:

- Sign up for an Express Scripts online account at https://militaryrx.express-scripts.com/price-medication
- Download the free Express Scripts Pharmacy mobile app
- Use the TRICARE Formulary Search Tool
- Use the Express Scripts Price a Medication tool
- Find a pharmacy

Express Scripts is the TRICARE pharmacy contractor. If you need help or have questions, call 1-877-363-1303.

Q: If I decide to, when can I enroll in Medicare Part D?

A: You can enroll in a Medicare Part D plan during your Medicare Initial Enrollment Period, the Medicare Part D Annual Open Enrollment (Oct. 15–Dec. 7 every year), or during a Medicare Part D Special Enrollment Period. Having TRICARE pharmacy coverage makes you eligible for the special enrollment period. In this case, you won't pay the late enrollment premium penalty.

Military Funeral Honors:

The US Military provides a free burial service for all veterans who meet eligibility criteria – generally if they served in the active military and were discharged under conditions other than dishonorable, or if they were a member or

former member of the selected reserve. The funeral home typically arranges the Military Funeral Honors, but they will need the required documents to get the process started.

Documents You Need for a Military Burial:

In addition to qualifying military service, the veteran must be able to prove his or her military service. This is most commonly done with the DD Form 214, which is the record of service each military member receives upon discharge (prior to 1950, each service used its own discharge form).

Unfortunately, not everyone has a copy of his or her DD Form 214. It is possible to <u>order a replacement form</u> from the National Archives, but there is also a large segment of the veteran population whose <u>military records</u> were destroyed in the <u>National Archives Fire of 1973</u>. The fire occurred before the government had digital or microfilm backups of military records and many military records were permanently lost or destroyed. For those veterans, proving military service may be more difficult.

Thankfully, there are other ways to prove military service for last burial rights and other veterans benefits beyond the DD Form 214. In many cases, you can provide an Honorable Discharge certificate, retirement order, military documentation from your state if you served in the Guard, or a variety of other documents. You can find the full list at the VA of those documents that can be used to establish eligibility.

Burying a family member is always a stressful time. If you are a veteran and plan on receiving a military burial, then please inform your spouse, children, or other survivors of your intentions and have your documentation in order in advance. The last thing your family needs to stress about during this time is finding your military records or requesting a copy of them from the National Archives – which could delay



your burial service. Take the time to put together a folder with your military documentation and other records so your family can take them to the funeral home. From there, the funeral director should be able to take care of the rest of the details with the VA.

Employment Compensation from a Foreign Government Can Impact Your Retired Pay Did You Know: Your military retired pay can be impacted if you receive compensation from a foreign government without advance permission?

The U.S. Constitution prohibits federal government employees from accepting compensation, gifts, or titles from foreign governments without the prior consent of Congress. This prohibition also applies to military retirees. Congress granted its consent to retirees seeking foreign government employment so long as the retirees obtain the advance approvals required by 37 U.S.C. § 908. Retirees who are considering accepting foreign government employment for compensation must receive approval in advance of receiving the compensation. In general, the Secretary of State and the Service Secretary from which you retired must both approve the employment/compensation. If the foreign government payment or award is limited to speeches, travel, meals, lodging, registration fees, or non-cash awards, you only need approval by the Service Secretary from which you retired. The purpose of this restriction is to prevent the exercise of undue influence by foreign governments on retired members of the United States military.

If a retired member accepts compensation from a foreign government or foreign governmentcontrolled entity for employment or for speeches, travel, meals, lodging, registration fees, or non-cash awards without prior approval, the member's retired pay becomes subject to a withholding and/or debt, generally in an amount equal to the total amounts received from the foreign government.

To request approval of compensation from a foreign government for employment, speeches, travel, meals, lodging registration fees or a noncash award, retirees should contact their Branch of Service at the appropriate address listed below. Retirees may also review the Service Instructions listed below that are publicly available on the web or by contacting the appropriate POC listed below. There are other laws that restrict some retirees from representing a foreign government entity before U.S. government agency or officials, or that may require additional approvals, such as the Foreign Agents Registration Act and the International Traffic in Arms regulations. Retirees should consult with their employer's human resources or general counsel offices for guidance on whether these other requirements apply.

Legislative Liaison Report

By BG Tony Caruana, USA, Retired

Since my last report, and as of this one, not much successful action has progressed with MOAA's Advocacy in Action (AiA) campaign initiatives on Capitol Hill. Nor has the National Defense Authorization Act (NDAA) been passed. On September 30, after prolonged delays, and on the last day, both houses passed an emergency Continuing Resolution (CR). It will kick the passage and stop a government shutdown only until November 17. If Congress fails to enact the 12 annual appropriations bills for the annual budget by that date, the federal agencies must cease all non-essential functions-meaning a government shutdown.

Both the House and the Senate have their own versions of the NDAA and need to come to a compromise to get it passed. This has not yet happened.



MOAA National has been vigorously working to pass legislation on this and other bills. TRICARE Pharmacy Networks, Full Payment for BAH (Basic Allowance for Housing), and Supporting the All-Volunteer Force, are the three major items for the AiA. Additionally, MOAA and The Military Coalition (TMC) are supporting many other issues concerning the military services, veterans, and our families.

Our help is needed to convince our national government leaders to support and get these items passed.

TAKE ACTION. This is where our voices are needed. MOAA National has set up a new onestop shop for action section on its website, called **Legislative Action Center**, to help us make a difference on Capitol Hill.

With this platform, you can help MOAA to make that difference. This one-stop shop supports the advocacy mission by contacting our legislators about these important issues. MOAA has the largest advocacy team of any of the veterans' service organizations that lobbies on Capitol Hill and in the TMC.

When you go to the **Legislative Action Center** to contact our legislators, you help make our voices louder and contribute to making a difference in the lives of servicemembers, veterans, and our military families.

The action center has the capability to inform you about issues coming up in Congress, to log interactions with your lawmakers, to highlight what bills MOAA supports, to find your elected officials, and to contact your legislators.

To use this site, go to www.moaa.org/takeaction. Click on the "Sign Up" button at the top right corner of the page. You will need to create a profile. This is different from your profile on

www.moaa.org since it is technically a separate website. Your name and address information will then automatically populate on the pre-written letters and emails that you can utilize for each legislator, and on any other items you choose to support.

Then you can explore the site and send letters MOAA has crafted, and you can customize the message by adding a note with your personal experience to make it even more effective.

This is an easier way to contact your legislators and doesn't require envelopes, stamps, or a visit to a mailbox.

Please help in the efforts to get our messages heard and important legislation passed. With more participation from members and spouses, the louder our voices will be. Though not every issue may affect each of us individually, every issue will somehow impact the greater overall state of our military, our servicemembers, our veterans and our families.

The motto of MOAA is "One Powerful Voice". So, let's be heard!

Tailgate Party at VA Hospital

By Stanley Lichwala CDR U.S. Navy (Retired)

On November 13, 2022 our Chapter partnered with Home of the Brave and hosted our twelfth annual Tailgate party in Freedom Hall at the Buffalo VA Hospital for the patients. This year will mark our thirteenth Tailgate Party in Freedom Hall on November 19th at 4:25 p.m. The Bills will host the Jets. If you can help serve pizza and wings to the patients, please contact me (Stan Lichwala) at (716) 639-7225. Our chapter has a long tradition of supporting the Buffalo VA Hospital and the patients have appreciated our "Tailgate Parties" very much.



Online Dues Payment

By Stanley Lichwala CDR U.S. Navy (Retired) WNY Chapter Treasurer

Again this year you will be able to pay your chapter dues online. All you need to do is go to www.moaa.org and click on Chapters and Council and then click on Chapter Dues. The one-year renewal fee is \$16 and your Board of Directors has provided a discount for members who want to renew for more one year. The fee for a two-year renewal is \$30 and for a three-year renewal is \$44. Those choosing to make charitable contributions may also do so online. If

you are uncertain if your dues payments are current, you may call Chapter President LCOL Frank Sparacino at (716) 200-9957 to confirm your dues status. Our annual dues payments are the Chapter's only source of income to support our newsletter, the VA Hospital, the Naval Park. and other charitable activities. Your support is greatly appreciated

Editor's Note

By JoAnne Lichwala

All comments and/or suggestions for our new format can be sent to me at lichwala@verzion.net Have a great holiday season.

2023 FALL EVENTS CALENDAR

OCTOBER

31 Halloween

NOVEMBER

- 05 Daylight Savings Time Ends
- 07 Election Day
- 11 Veterans Day
- 19 Tailgate Party at the VA Hospital
- 23 Thanksgiving

DECEMBER

- 02 Annual Meeting/ Holiday Party
- 08 Hanukkah Begins
- 09 Army/ Navy Game at Gillette Stadium
- 25 Christmas Day
- 31 New Year's Eve