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PUBLIC HEARING

before

ASSEMBLY VETERANS AND MILITARY AFFAIRS COMMITTEE

"Concerns and needs of the dependents of military personnel
from New Jersey serving in the Persian Gulf War"

February 13, 1991
FAA Technical Center
Atlantic City International Airport
Atlantic City, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Fred Scerni, Chairman
Assemblyman John "Jack" E. Casey, Vice Chairman
Assemblyman D. Bennett Mazur
Assemblywoman Dolores G. Cooper

ALSO PRESENT:

Assemblyman Edward H. Salmon
District 1

Frank J. Parisi
Office of Legislative Services
Aide, Assembly Veterans and
Military Affairs Committee

* * * * *

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New Jersey State Legislature
ASSEMBLY VETERANS AND MILITARY AFFAIRS COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625-0068
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NOTICE OF PUBLIC HEARING

The Assembly Veterans and Military Affairs Committee will hold a public hearing on the following topic:

**The Concerns and Needs of the Dependents of Military Personnel
from New Jersey Serving in the Persian Gulf War**

The hearing will be held on **Wednesday, February 13, 1991, beginning at 10:00 a.m. in the Auditorium of the Technical Building, FAA Technical Center, Atlantic City International Airport.**

The committee will take testimony on the concerns and needs of the families affected by the recent military call-up stemming from Operation "Desert Shield" and Operation "Desert Storm."

Major General Vito Morgano, the Adjutant General of the New Jersey Department of Military and Veterans Affairs, and members of the family support organizations of units already deployed to the Persian Gulf area have been invited to attend this public hearing to give testimony. Members of the public are also invited to attend and testify.

The public may address comments and questions to Frank J. Parisi, Aide to the Committee and persons wishing to testify should contact Kathleen Espieg, Secretary, at (609) 292-9106. Those persons presenting testimony should provide 10 copies to the committee on the day of the hearing.

(over)

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TABLE OF CONTENTS

	<u>Page</u>
Major General Vito Morgano Adjutant General New Jersey Department of Military and Veterans' Affairs	1
Richard J. Bernard Deputy Commissioner for Veterans' Affairs New Jersey Department of Military and Veterans' Affairs	14
Lt. Colonel Brendan P. Bonner Executive Service Assistant from the Air Force New Jersey Department of Military and Veterans' Affairs	15
Colonel Carl Merwin 514th Military Airlift Wing McGuire Air Force Base	15
Lt. Colonel Elizabeth M. Yull Family Program Coordinator New Jersey National Guard	22
Captain Robert "Budd" Springer Troop Command Headquarters State Area Command New Jersey National Guard	30
Dona Jean Feldhann Volunteer Coordinator North Jersey Support Group New Jersey National Guard, and President NCO Auxiliary	38
Vincent L. Brinkerhoff Legislative Chairman Department of New Jersey Veterans of Foreign Wars of the United States	44
Jayne M. Simms 144th Family Support Group	46

TABLE OF CONTENTS (continued)

	<u>Page</u>
Dr. Roy Soloff American Legion	50
JoAnna M. Hawn Wife	51
Donald Fuller Bergen County Vice Chairman Joint Legislative Committee Disabled American Veterans	53
Frank Zimmermann Disabled Combat Veteran World War II	54
APPENDIX:	
"Mobilized Guard and Reserve Units (New Jersey) Number of People Activated, Date of Activation" submitted by Major General Vito Morgano	1x
Statement submitted by Colonel Carl Merwin	10x
Letter addressed to Committee Aide from Dominick D. Critelli President Local No. 195 International Federation Professional & Technical Engineers	13x
Miscellaneous materials submitted by Frank Zimmermann	15x

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ASSEMBLYMAN FRED SCERNI (Chairman): Good morning, and thank you all for being here. As I am sure you are aware at this point in time, this is a public hearing being conducted by the Assembly Veterans and Military Affairs Committee. This is the first in a series of hearings that we will conduct statewide. I anticipate that following today's hearing we will, in fact, be conducting a similar hearing in North Jersey. I also anticipate a third hearing someplace in Central New Jersey.

The scope of today's hearing will be limited to, and focused upon those issues that deal with the families of our service personnel who are currently serving in Saudi Arabia. The members of the Committee recognize that in addition to this particular problem, there are, and will be, at different times, other problems which will spin off from the current war in the Middle East. However, for purposes of today, we will deal with the issues relating to the families of our service personnel.

For those of you who have already registered to be witnesses, you will, in fact, be called. We are not imposing any particular time limit on our witnesses. We wish to hear what it is you have to say. For anyone who has not already signed up as a witness, there are, in fact, witness forms at the table in front of us. Please feel free to sign up, and have those forms passed up to our staff.

To the extent that we have somewhat of a height difference between those of us here at the table and the witness table, I would apologize and say that that is a function of logistics, and certainly nothing else. With that in mind, let us proceed.

I am pleased to welcome Major General Vito Morgano, Adjutant General, New Jersey Department of Military and Veterans' Affairs. General Morgano?

M A J O R G E N E R A L V I T O M O R G A N O: Good morning. Thank you, Mr. Chairman, and thank you for giving me

the opportunity. I would also like to thank your Committee for the opportunity to speak this morning. And I would also like to thank a few groups here. I would like to thank all the family support groups that have taken the time to come to this hearing this morning. And I would really like to thank some of the veterans' groups that are here this morning, which have really been helping us in our family support.

What I would like to do is just talk about this in an opening statement, and then be available for any questions; talk about the mobilization and what is happening right now. At the present time, as I mentioned to you before, we have approximately 4500 people from New Jersey who have been mobilized. I put a handout out and I just got an update on that handout. They are mobilizing some of the IRRs -- the Individual Ready Reserves -- from New Jersey now also. So we could very well have over 5000 people mobilized from New Jersey now.

In front of you you have a sheet with the different units, the times they were called, and just an update, on page 4, where we have the Air Force Reserve, the 514th -- and we have a representative here this morning from that area-- We had 1100 people as of September of '90, but I understand that is now 1632 people. We continue to activate troops. We have troops leaving this morning as we talk here, and we have troops that are going to be leaving this week. So we continue to activate troops throughout the period here, and the lists are growing.

I would be glad to answer any questions on the different units, if you have any questions later on.

I would like to introduce some of the people here from my staff, in the event there are any questions: On my left are my Deputy Commissioner for Veterans' Affairs, Dick Bernard, who represents the veterans; my Director of Administration, Colonel Lowe; and his assistant, my Legislative Liaison, Pat Layton.

To my right are my Executive Service Assistant from the Air Force, Lieutenant Colonel Bonner; my Family Support Coordinator, Lieutenant Colonel Yull, who I understand will be testifying; and my PAO, Major Guarascio. These people are here to answer any type of question that may come about.

I would really like to talk about family support. One of the things that I told all the families -- the wives, the husbands, and some of the mothers and fathers -- was that my staff would be available 24 hours a day, seven days a week, to support these families. And we are. We have a hot line. Twenty-four hours a day, if someone calls they get a voice, not an answering machine. We are working with the families.

There are many problems that are out of our hands, problems that we cannot control, that we are having with the families. It is something we really have to talk about. You know, there are a lot of things with the Army -- the Sailors and Soldiers Act that went into effect with the 6%, and we can't foreclose, and a lot of different things that are happening. We have to start thinking about some of the things that are going to happen when these troops come home. When these troops come home and they start getting inundated with bill collectors and other people calling them because now that they are home and they have to get involved with some of their problems-- We are really going to have a problem. Some of these troops are going to have a problem readjusting when they get home, especially now that we are in combat. We are going to have a real problem with some of our veterans when they start coming home and we are going to have a real problem with some jobs.

You know, we talk about the fact that when someone gets activated we have to hold his job, and give that person his job, or her job back when they come home. And that's great if the company hasn't gone bankrupt or the company hasn't closed down, or if the company isn't a two-person-run business or a gas station where they had to hire someone to take over for this individual.

In the State of New Jersey, as you know, Governor Florio signed the legislation to continue to pay the benefits and the salaries of the people who went away. This is great. A lot of the big corporations have done the same thing, but we have a lot of small corporations out there, the one-, two-, and five-person corporations, and they cannot afford to do this. We are having a lot of problems in that area.

To give you an example I gave to the Committee this morning about the young individual who was activated who lives in a rural area in Pennsylvania-- His wife went into the hospital and they found out she needed emergency surgery. She comes under CHAMPUS. Everything was paid except \$13,000. Now they have put a lien on her house. How do we tell this young guy who is over in Saudi Arabia, "Keep your head on your shoulders so you can lead your people and not get shot," when he is worried about his wife back home in New Jersey with a lien on her house because she had to go in for emergency surgery?

These are some of the problems we are running into that we can't control with CHAMPUS and health insurance, because in many cases, if they can't get to a military base for treatment, they have to go through CHAMPUS, and CHAMPUS does not cover everything. You should have a supplement. That is a big problem we are running into now, and that is something I don't think can be controlled in the State. That is something that has to be done by the Federal government. But, these are some of the problems.

Yesterday we had an individual activated by name. They needed a chaplain's assistant, and by name we were notified from Washington that this individual should be activated. Now here is an individual who is a GS-14 earning about \$52,000 a year. He is an E-6 in the Air National Guard, and his salary is going to drop down to about \$28,000 a year. He has six children. He was in the process of selling his

house. but he had to stop. Yet, the individual left. He didn't say he didn't want to go, and his family is going along with it. But, these are some of the things that we have to take care of for some of our families later.

You know, we talked about a lot of legislation that the Assembly had passed, which is now in committee with the Senate. I would just like to reemphasize a couple of things: I go to these family support meetings and I talk to the wives and the families and the mothers. I talk about all these great benefits we are trying to get for these people in New Jersey, and nothing has happened yet. Okay? We've got to do something, because I have to give these families some promises and tell them some things when I go back and say, "Yes, this is pending, and this is going to happen." For instance, free education in New Jersey for some of our guardsmen, or all of our guardsmen who are in the National Guard in good standing, who will go to a State college and get a free education. I know it passed the Assembly, and now it is just sitting there. We need to do something on that.

Also in that was the fact that if a guardsman is killed on active duty or in the line of duty, his children could go to a State college free of charge. I think this is important for when these people come back. Right now, we are doing what we can to handle some of the problems with some of the people who are there, and especially the families, but it is going to be a much worse problem when some of these people come back and don't have jobs; some of these people come back and maybe will want to go to school so they can find a better job. We have to start thinking about some ways we can help our people. You know, some of these benefits don't cost the State any money. For instance, the school bill would just let an individual go to a class on a space available, student seat basis. I think this is important.

You know, the Federal government just passed a law that anybody who is serving in Desert Shield overseas doesn't have to pay Federal income tax on their combat pay there. Well, this is great, except that we haven't passed that in New Jersey yet. Okay? They still have to pay the State tax. Now, while that individual is there and he is getting his Federal pay, they are not deducting State tax. So, when that individual gets back, he is going to get hit with a State tax bill for "X" number of dollars that he, or she, is going to have to come up with. So these are some of the things that I am really concerned about. When these people come back home, in a couple of months, or six months, or whatever it is-- As you know, they have just been extended up to a year. When they come back home, they are going to have so many problems. I just don't feel we should treat our people this way when they get back home, and have to go through another situation like we had with Vietnam. I think we have to start talking about what we can do for the families now, and what we can do for the families when the service people come back home. I think this is important.

This is my main goal. The soldiers over there are being well taken care of. They are being fed well, and their training-- My main concern is about the soldiers and their families who are here, because we really have to work with them.

That is all I have to say. I am open for any questions from the Committee on anything they would like to discuss. Thank you.

ASSEMBLYMAN SCERNI: Thank you, General. Let me raise a question: You have noted the problem with the medical benefits and CHAMPUS. From your perspective, do you see anything we can do at the State level to assist with that? I recognize that the CHAMPUS insurance fund itself is, in fact, Federal. Would there be any ideas that you might share with us as to how we can somehow factor State efforts to provide some relief in that regard?

MAJOR GENERAL MORGANO: The only two ways to do it, Assemblyman, are-- Of course, the Federal government would have to pass the legislation. By the time that legislation could be passed, the troops would probably be home. They have a supplement which goes with the Medicaid -- or with the CHAMPUS. They have a supplement that they can buy. In many cases, they can't afford to buy it. It is probably \$200 or \$150 a month additional that they would have to pay.

I am only showing you some of the problems. There is probably not a lot we can do. What we have to do, as I talked about in this case, is, we have to keep in very close contact with the families, and when we find a situation where someone has to go in for surgery, we have to make arrangements, whether it be through the State or the National Guard or the Reserves or whatever. We have to make arrangements to get these people to a hospital -- a military hospital -- that will do the same type of surgery, the same type of operation, where it won't cost the individual so much. This is a matter of educating our people out in the field, getting to our people. When someone has an emergency, they go to the closest hospital to get treatment. I just brought this up as one of the problems we are having.

I've got to tell you, of all the people we called in New Jersey, not one person refused to go. I mean, you talk about a good record. We see articles in other states about some of the things that are happening. Not one person has refused to go. We haven't had one parent or one family call up and say, "I've got a problem and I can't go." Everybody has gone. We have some people over there with some serious problems back home, who we are trying to get home. We brought one or two people home. They came home, resolved their problems, and went right back. Okay? This is the type of individual we are dealing with, and we've got to do something for that type of individual.

Money-wise, I don't know what we can do to offset a bill like this, except to maybe work something out where a lien doesn't go on an individual's house, so that the husband doesn't have to sit there and worry about it. But this is legislation that should be passed for the future. If someone gets activated as a National Guardsman or a Reservist, a special bill, or a special law ought to be set for them. You know, the people in the active component, they are all set. They are set in their lives; they are set in their ways. They live on many bases where they are getting free medical treatment through their bases. So they don't have the problems that we have. We are here to serve. That is the main function of the Guard and the Reserve, but we just need a little help as we serve.

ASSEMBLYMAN SCERNI: Thank you, General. Just an observation: You have indicated some of the legislation that we have moved on our side, but which apparently has not moved through the Senate at this point. Prior to this hearing, we had a conversation among staff -- that is, your staff and our staff here for this Committee -- and we will be attempting to coordinate with the Senate. I am sure you recognize that, to the greatest degree possible, this Committee has been responsive to the needs you have expressed. Now it is a matter of getting the entire Legislature on board. We are going to make a special effort to coordinate that particular situation.

MAJOR GENERAL MORGANO: I would appreciate that.

ASSEMBLYMAN SCERNI: Other members of the Committee? Ed -- Assemblyman Salmon?

ASSEMBLYMAN SALMON: Yes, Mr. Chairman. First of all, I feel I would be remiss, General, if I didn't commend you and your staff on your tireless efforts since the emergency broke out. I had the opportunity, with Chairman Scerni, to get a briefing at Fort Dix on what you are doing, and what your staff is doing, and you serve this State well.

MAJOR GENERAL MORGANO: Thank you. I appreciate that.

ASSEMBLYMAN SALMON: I am very proud of the men and women we have. I think we should be extremely proud of the men and women and the families that represent this State, and I do commend you.

MAJOR GENERAL MORGANO: We have a good National Guard in this State, and a good Reserve.

ASSEMBLYMAN SALMON: We sure do.

ASSEMBLYMAN SCERNI: Anything further, Ed?

ASSEMBLYMAN SALMON: I think we, as a Committee, should make every effort we can to move this legislation through the Senate and get it signed into law by the Governor. I just think it says that as the State of New Jersey, we are totally supportive of the men and women who are serving. It sends the right positive signal to our men and women who are over there.

ASSEMBLYMAN SCERNI: Thanks, Ed. Jack, do you want to--

ASSEMBLYMAN CASEY: No, not at this time.

ASSEMBLYMAN SCERNI: Ben, is there anything you would like to add right now?

ASSEMBLYMAN MAZUR: I would just like to add my voice and thanks for the fine job that the National Guard is doing, and the Reserves, you know, following up with the families and giving the families support the best they can with the resources they have at their disposal.

We want to push whatever legislation through we can, as fast as we can. It is just a question of which buttons have to be pushed, and what particular format we want to use to help them. Thank you.

MAJOR GENERAL MORGANO: I just came back from Washington. I was at an Adjutant Generals' conference for a week, and I was told that we have one of the best family support programs going. It is not because of my staff. It is

because of the mothers and the wives who are running the programs. These are civilians who are running them. We coordinate it. I mean, we've got civilians running all over the State. We have one wife who has put 15,000 miles on her own car since this started to try to help out. So, we have a lot of people working.

The one thing I want to bring out, one of the reasons I have my Deputy for Veterans' Affairs here, is, today these young fellows are National Guardsmen and soldiers; tomorrow, they're veterans. Okay? We are going to have some wounded veterans, we are going to have some PTSD veterans. You know, we have these programs going in the State, and we've got to continue these veterans' programs and the veterans' homes we have, because these people will be veterans. There will be 4000 or 5000 or maybe 10,000 veterans from the ones who are on duty, and I think this is important.

Some of the things I don't know how we can control. I ask for advice from you. I will give you a for instance: I talked to a young lady here this morning -- and I am not going to mention her name -- whose husband owns a truck. He is a truck driver. She is sitting here with these large payments. Her insurance payment is due next week of \$1200. The truck has been sitting in the garage for six months because he is away. She can't take the plates off the truck and not pay the insurance, because the truck is financed. So now she is sitting with a \$1200 bill. I know we are not going to be able to deal with the insurance company in a situation like this. But we should be able to have a low-cost loan, or a no-interest loan for this woman so she can pay her insurance. Then when the husband comes back, he can offset that later on.

These are some of the things I am really concerned about. There are certain things we cannot control, but we have to try to do things to help the people now, not when he comes home, or when she comes home, and ends up with \$30,000 or

\$40,000 worth of bills outstanding. We have to draw these out over a period of time. I don't know if the Legislature can do anything in situations like this. You know, here is a situation where they can't repossess the truck while he is on active duty. We are in a catch-22 situation. She can't take the plates off because the truck is financed, but the insurance is due, and the insurance company is not going to make any arrangements and say, "Okay, we'll waive that premium."

I need some advice. We need some help from the Legislature. I don't know what we can do in some of those areas.

ASSEMBLYMAN SCERNI: What we have begun to do, at the staff level at this point -- and this has not yet been reduced to legislation-- We are aware of that kind of problem, and we are currently dealing with the concept of an emergency relief fund. As everyone well knows, given the financial status of the State at this time, anything we do of that nature is going to be somewhat controversial. But I believe that within the Legislature there is a commitment to the establishment of that type of fund.

At this point in time, the scope of the fund has not been defined. The original intent was to deal with these men and women when they come out of the service with regard to their reestablishing themselves. It may very well be that as we deal with this concept, we should back it up somewhat to provide assistance to the families which are currently having difficulties. Again, it is on the drawing board now. That is something that we are, in fact, discussing, and hopefully will be able to present in the not too distant future.

MAJOR GENERAL MORGANO: These might only be two or three individuals. There are not that many.

The other point I want to make -- then I have to leave because we have a unit leaving this morning and I try to visit every unit before they go-- We have had a problem in New

Jersey with retention because of the economy. They tried to take a portion of the 50th Armored Division. We are in a process where they say that in two years we are going to lose the 50th Armored Division because of recruiting and retention. But I have to tell you, we have the best National Guardsmen in the country, barring none. When I listen to some of the problems in the other states, we have the best.

I have to tell you, when these young kids come home and some of these husbands come home and some of these wives come home -- and we need them in the Guard because the Guard has a twofold purpose-- Every time there is a flood or an emergency or a hurricane, the Guardsmen are out. Okay? When these people come home, if their families are not treated right, and their wives say to them, "Okay, honey, go find a new hobby, because I am not going to put up with this for five more years, or two more years," or an individual with six years of service comes back and his mother or wife tells him, "Get out of the Guard," especially with some of the families-- We had a nursing unit activated. A woman's husband was activated that morning in the Reserves -- a Lieutenant Colonel -- and she was activated that afternoon. She was getting ready to ship out to Saudi Arabia in the Air Force, leaving a nine-year-old daughter at home. No complaints. I was all upset. She said, "General, don't worry about it. We called our in-laws. They are in Florida, retired. They closed up their home in Florida, and came up to New Jersey so we wouldn't have to take the little girl out of school."

We have to assure our people now that we are going to do something for them, so that when they do come home they don't get out of the Guard and we end up with a 40% shortage in the National Guard. We have to keep the Guard strong. It is the same thing with the Reserves. I really think this is an important thing; that their families know now that we are going to do something for them later on to take care of them, so this will never happen again.

ASSEMBLYMAN SCERNI: Thank you, General. Before you step away from the table, one member of our Committee has not had a chance to speak yet. Being here in the Second Legislative District, my colleague from the Second Legislative District, Assemblywoman Cooper-- I know she would like the benefit of you and your staff here while she shares some thoughts with you. Assemblywoman Cooper?

ASSEMBLYWOMAN COOPER: Thank you, Fred. Of course, having served for five years on the Veterans Affairs Committee, I have shared many of the experiences that General Morgano has spoken of, because I have been on flights to-- I have been to Camp Drum, Tindall Air Force Base, and I have spent quite a bit of time with the National Guard. I must say they are men and women of whom this country can be extremely proud of their dedication and love for their country.

I want to say good morning, everyone. I am, as Fred told you, Assemblywoman Dolores Cooper. I am very glad to be here today with you to hear your concerns, and hopefully develop solutions to the problems faced by our military personnel and their families during this crisis.

At the moment, we have 11 bills already introduced to help with major costs, such as property taxes, auto insurance, education, etc. I hope that today's hearing will help to move some of those bills along, as well as generate ideas for additional legislation such as General Morgano just spoke of. And I have a couple of ideas of my own.

On behalf of my two fellow Republican colleagues on this Committee -- Assemblyman John Kelly of Nutley, and Michael Arnone, the Mayor of Red Bank -- I would like to convey their regrets for not being able to be here today due to other legislative business in Trenton. Both of them are U.S. Army veterans, and thus have a very real understanding of the situation our military families are in.

All of us are ready to work together to develop responses to the issues that will be discussed here today. Thank you.

ASSEMBLYMAN SCERNI: Thank you, Dolores. General, before you leave, would Mr. Bernard or Colonel Bonner wish to share anything specific with us?

MAJOR GENERAL MORGANO: I think so. I would also like to thank the business community. You know, I forgot to thank them. They have really done a hell of a job in supporting our people as far as paying bills, supplying food, and all kinds of support. They have been great.

I think you might want to say a few words, Dick.

R I C H A R D J. B E R N A R D: Yes. The General is quite a guy. He is about the most supportive person I know among the veterans.

Each and every one of these individuals who are over there now we know are going to be coming back as veterans. We must not let them down. We must at least make sure that the benefits that all the veterans from the Second World War and the others -- the Korean veterans -- have are still there.

I know I will be going to Washington at the end of the month to be briefed on some of the benefits and how they are going to be affecting our veterans. We should also-- The Governor has-- This is one of the three departments that has not been cut -- the Department of Military and Veterans' Affairs -- but we are going to have to expand, to come up and be creative and innovative. These fellows are going to be coming home looking for jobs. They are going to be looking for educational benefits.

There is only one group that we really have kind of let down a little on. That is the Vietnam veteran. But I think that with what I have seen around the country, and seen in New Jersey, the support we are getting, the patriotism, and people speaking out in support of our troops over there, I'm

sure we are going to be able to, hopefully, meet the commitments that we owe these people who are over there now defending us.

Thank you.

ASSEMBLYMAN SCERNI: Thank you, Dick. Colonel?

L T. C O L O N E L B R E N D A N P. B O N N E R: Yes, sir. On behalf of all the men and women of the New Jersey National Guard and all members of the armed forces, I wish to publicly thank everybody in the State of New Jersey for the outpouring of support. It has been absolutely tremendous; it is heartwarming, reassuring, and patriotic. Thank you.

ASSEMBLYMAN SCERNI: Thank you, Colonel. General, the only thing I would tell you is, with all the thanks that have crossed this table today, no one should be deceived. The purpose of this hearing is not for us to thank one another, but to put together a new direction so we can do more for these men and women and for their families.

So, while we sort of share our mutual congratulations today, this is the beginning, not the end.

MAJOR GENERAL MORGANO: Thank you; thank you very much.

ASSEMBLYMAN SCERNI: Thank you, General. Colonel Carl Merwin, 514th Military Airlift Wing?

C O L O N E L C A R L M E R W I N: Good morning.

ASSEMBLYMAN SCERNI: Good morning, Colonel.

COLONEL MERWIN: Thank you, Mr. Chairman. Members of the Assembly, ladies and gentlemen: I represent the 514th Military Airlift Wing at McGuire Air Force Base. The 514th has 1632 Reservists mobilized. That is currently 44% of our total strength. This mobilization also includes my unit, which has 180 people mobilized. That's the 69th Aero Evac Squadron.

The 514th is the second largest Air Force Reserve Unit in the United States. Consequently, this large diverse group has experienced a variety of family and individual problems resulting from the mobilization. Reservists from all branches

have had to make significant sacrifices. They have left their families and their jobs. Families have been impacted both financially and emotionally by the mobilization.

The 514th has formed its own family support group and dubbed it "Operation Kind Heart." It is to solve the problem of significant reduction in pay for most Reservists; problems meeting their financial obligations such as rent, heating, child care, electric bills, etc. Many of these cases were brought to the unit commanders, and we, as a unit, had to do something.

We formed a committee in December. Initially we asked other Reservists to contribute. From our full-time civilian personnel, we were able to collect approximately \$800 in donations. Other units on training weekends passed the hat, ran 50/50s, plus individuals donated funds. Our program has ballooned as a result of an article on Operation Kind Heart which appeared in The Philadelphia Inquirer. The phone rang off the hook following this article. About the same time, we received a free shipment of T-shirts, for which we accept \$10 donations, which has helped to build up our funds. A Channel 6 and Channel 9 interview featuring the program, plus more articles in the Burlington County Times and The Trentonian, brought more attention and more donations for our program.

To date, our collections have totaled approximately \$6600. The committee which was formed within the 514th has dispersed approximately \$3200 to Reservists with financial problems. We lent a wife of a deployed Reservist \$500 to tide her over until her husband's civilian paycheck arrived. We also helped another wife with cash and canned goods, and another Reservist, who happened to be a member of my organization-- We helped the individual move from a rental that was too expensive, but, unfortunately, it had to be a move out of the State. We helped two other Reservists who were students with virtually no money when they reported for their active duty tour.

Although we cannot pay large amounts -- the average dispersement runs about \$250 -- the Reservists thoroughly appreciate our efforts. In their situations, every little bit helps.

Most Reservists were unprepared financially for the recall. They have had to make great financial sacrifices to "see them through" for the duration. To alleviate the financial burden they must carry, which affects family members the most and causes stress and other problems, I would like to suggest some of the following for the future:

Each employer of a reservist receive a Federal and/or State tax credit. This credit could be given with the provision that money saved by the employer be used to make up the differential in pay for a period of approximately 90 days following recall.

Since recalls occur approximately every 25 years, the employer should be able to accrue plenty of equity to assist the employees.

Employers should also receive some incentive to have Reservists within their organizations.

The Soldiers and Sailors Relief Act of 1941, mentioned by the General, does not adequately protect mobilized Reservists. But this is something the Federal government is going to have to resolve. There are numerous bills working in the Assembly now to help Reservists, and we would encourage you to pursue them.

Family income, in most cases, has been cut by as much as 50%, thereby materially affecting their ability to meet mortgage, lease, and other financial obligations. Reservists who reside in local communities find that their civilian jobs, in many cases, pay substantially more than their military grade.

The proposed differential pay will encourage employers to provide pay and benefits to Reservists and Guardsmen during their activation.

As we know, COBRA requires employers to maintain health insurance providing the employees pay their share. That burden itself can reach several hundred dollars for a family that may already be financially strapped.

CHAMPUS -- Civilian Health and Medical Program for Uniformed Services -- which has been mentioned previously, plus our military medical facilities, are benefits which are available to these activated Reservists. However, in a time of national crisis, the military medical facilities will be seriously burdened supporting casualties. Also, as previously identified, CHAMPUS health care requires a copayment, and the payment for reimbursement is generally going to be slowed because of the burden on the military health care system. Reservists need assistance in maintaining health insurance and maintaining continuity of medical care.

Some of our college students have encountered problems. Some college administrations have been less than sympathetic to Reservists who have been mobilized. If a student fails to enroll in a semester, he or she stands to lose any scholarship they may have. Inflexibility and lack of accommodation by certain institutions of higher learning have caused students to withdraw from classes. We have researched several New Jersey colleges and junior colleges and have found that they are all developing their own policies on how to handle Reservists. In most cases we have found that they are providing 100% reimbursement, and they do have some sort of accommodation for pass, fail, withdrawal, incomplete courses, etc.

The crisis is taking an emotional toll on our families. They rely heavily on the mail for news from their loved ones and, as we all realize, there have been some difficulties moving the mail in the last couple of weeks because of the fighting. Reservists and Guardsmen are pleased with the support generated in their communities. The letters

from home, schools, and other organizations are great for morale. At home, counseling services may be necessary in some cases to help Reservists and families to deal with the stresses of the war. I have learned that the State Veterans' Service Office can assist with counselors. There are a lot of services available to assist our families, but I am having difficulty finding out what they are and where to find them.

The services available to families through State and local agencies need to be consolidated. There are a lot of outstanding programs and support groups, each wanting to help. We deeply appreciate the concern and generosity. The statewide response has been outstanding. Our families and Reservists appreciate the expression of support.

I would like to thank you for your attention. Are there any questions?

ASSEMBLYMAN SCERNI: Thank you, Colonel. Any questions from the Committee? Jack? (no response) Dolores?

ASSEMBLYWOMAN COOPER: No, other than the fact that there-- I don't know if you have read, Colonel, all of the bills we have in now. A number of them concern the issues of which you just spoke.

COLONEL MERWIN: Yes, I am aware of them.

ASSEMBLYWOMAN COOPER: We hope to get them moving soon.

COLONEL MERWIN: Okay.

ASSEMBLYMAN SCERNI: Ben?

ASSEMBLYMAN MAZUR: Your problems with the Reservists seem to be pretty much the same as the National Guards.

COLONEL MERWIN: Yes indeed. Our Reservists all obviously come from the local communities and they have similar circumstances and similar problems to what the Guardsmen have. Their financial problems and their health related problems are quite similar, yes.

ASSEMBLYMAN SCERNI: Colonel, if I may-- We see the problem with the one example, or the two examples the General

gave us with regard to health benefits and with regard to the insurance premiums for automobiles. In addition to that problem, on the ground, are your people experiencing a day-to-day problem with regard to the very basics such as food and things of that nature? Has the problem become that severe?

COLONEL MERWIN: That particular aspect has not been brought specifically to our attention. What we do is, we have the unit members and the families contact the unit commanders dealing with our Operation Kind Heart. We have found probably the best way for us to deal with that is through the financial donations. The problem of trying to handle large amounts of donated food, canned goods, and things like that, is a significant distribution problem. There are agencies on McGuire Air Force Base that are beginning to handle that for, obviously, the local area, and the borough and the county areas. It would be very difficult to initiate something like this statewide.

But, by being able to provide some financial assistance, that has been able to help to alleviate some of these problems. We have not had a report of anyone going hungry or not being able to feed their families. Problems, obviously, are going to be in the housing area and the health insurance area. They are probably the most significant areas.

ASSEMBLYMAN SCERNI: As I perceive it, I think we have potentially two different levels of problems: One is the larger level, such as the insurance and the mortgage payment area, where you are going to need real assistance from the Legislature. The other is on a day-to-day level, which probably will have a more immediate critical impact, if that problem should arise. But if I understand what you're saying from your perception, that lower level problem, which would have a greater immediate impact, probably has not arisen as of yet.

COLONEL MERWIN: It has not come to our attention yet. It may surface as time goes by and more of it may be brought to our attention. We are dealing with the situation of individuals as they identify their needs. Our committee is responding to them and providing whatever financial assistance we possibly can.

ASSEMBLYMAN SCERNI: Anyone?

ASSEMBLYMAN CASEY: Mr. Chairman?

ASSEMBLYMAN SCERNI: Yes?

ASSEMBLYMAN CASEY: Colonel, you said services are hard to find, and also where to call. What services were you talking about at the time?

COLONEL MERWIN: All right. There are a lot of support groups around. There are a lot of services that are available such as counseling -- financial counseling, psychiatric counseling, and things of that nature. There are people who are willing to assist, but we have no real central place to clear them. As I read through the newspaper I will occasionally pick up that this group is helping out here, this group can provide assistance, and we try to share that with our people. But it is very fragmented. If you are not paying attention, watching, and following the papers very closely, you could very easily miss something that would be of tremendous benefit to some of these people. That is what I meant.

With a lot of these, the availability of services is not consolidated in such a way that it is easy for an organization commander, for the people in the Guard, for the families to get assistance when they really need it.

ASSEMBLYMAN CASEY: Thank you.

ASSEMBLYMAN SCERNI: Dolores?

ASSEMBLYWOMAN COOPER: Colonel, I was going to wait until Captain Springer testified because my office already has been working very closely with him. As a matter of fact, I happened to have a check given to me this past week by the

senior citizens of the Meadowview Nutrition Site. Most of them are World War II veterans, and they chipped in their 50 cents or a dollar and gave me a check for \$50 to turn over to Captain Springer, because he has been recognized from television.

What is beginning to bother me -- and after all I come from World War II -- is the aspect of fraud. With all the dedicated people-- Every day I open my press here and I see this group and that group. Fraud is going to come up somewhere, where somebody or some group is going to say, "I represent," or, "we represent," and they are going to collect money, food, clothing, and then disappear. Has your unit, your military group given any thought to how we can prevent fraudulent operations within this very vital humane structure?

COLONEL MERWIN: Well, I agree with your concern because I have expressed that myself, too, that there are opportunists, there are con men who will take this opportunity to prey upon individuals and to use this as an opportunity for personal gain.

To answer your question specifically, we have not taken any particular steps in that area, but I do believe that by some sort of consolidation of the services that are available and the support, we can filter out the potential fraud, the potential con men, and stuff like that. I think we need some sort of a -- almost like a clearing, kind of like a little clearinghouse. I think yours is a very appropriate point, yes.

ASSEMBLYMAN SCERNI: Colonel, thank you.

COLONEL MERWIN: Thank you very much.

ASSEMBLYMAN SCERNI: It may be that that issue that is hanging out there can be dealt with to some extent by our next witness, if I understand her title. Lieutenant Colonel Elizabeth Yull?

L T. C O L O N E L E L I Z A B E T H M. Y U L L: Good morning, everyone. I am Lt. Colonel Elizabeth Yull, the Family

Program Coordinator for the New Jersey National Guard. I have held this position for over five years in either a part-time or a full-time capacity.

I would like to provide you this morning with some background on exactly what the National Guard Family Program is and how it has grown and developed through Desert Shield and Desert Storm. In 1983, then Chief of Staff of the Army General Wickham wrote a white paper on the Army family. In that paper he stated: "A partnership exists between the Army and the Army families. We must remain committed to strengthening the mutually reinforcing bonds between the Army and its families."

Out of this statement grew a new awareness and concern for the military family, because as we recruit soldiers, we retain families. The National Guard, being a part of the total force, did not take long to join in this concept of total Army family. While the National Guard has always been considered and thought of as a community, family-centered organization, there seemed to be a feeling we were growing away from this concept and something needed to be done. The armory was thought of as where the guys went on weekends and one or two nights a week, and the families were not informed about what went on. This had even reached the point where some families did not know we got paid. There was also the ever-growing possibility that the National Guard could be called to participate in some conflict on a short notice, and what would be the fate of the families we left behind?

Based on these facts, the Family Program was introduced into each state. Each state hired a Family Program Coordinator like myself, and we set out to build a program from the ground up. Much of what we did was left to our own individual imaginations or what we borrowed from each other. Other parts of the whole came from suggestions from family members, Guard members, and the community. The program was slow to build, with individual family members volunteering to

help in their spouses' armories and various interest levels among commanders ranging from total support to total disinterest. But we carried on and took each small victory and new support group as a step in the right direction. It was important to never give up because in the back of our minds was the possibility, however remote, that the National Guard could be called someday to support the active forces.

Then the first week of August 1990 came and there was the beginning of what we have today. At first the talk of calling up the Reserves was just academic discussion and then there was the Presidential authorization to call 200,000 personnel. Then we all started to move into high gear, knowing each state may have had at least one unit that could be called early on, depending on the needs of the various services.

Every good military organization has plans, but in family support the plan can only go so far. It depends a lot on the participation of the family members and the community surrounding that unit. Since the middle of September and the official mobilization of our first New Jersey Army National Guard unit, family support has taken on a life of its own. This is not to mean it has run out of control, but to indicate that what was even in anyone's wildest imagination has been far surpassed.

There exists, at the present time, four family support groups throughout the State devoted totally to the families of our mobilized soldiers and airmen. This is looking to expand as the Air National Guard develops their own family support groups based on the number of personnel who have been called. These groups work for mutual support to work out problems, help each other, and to just be there for each other.

Located in Cape May Court House and the Hammonton Armories are full-time personnel on board for family support. They are able to interface with the military community and the community itself to coordinate support for families. This

support has come in various ways: The Employer Support for the Guard and Reserve Committee, which I am sure the Committee is aware of, has organized within itself and the businessmen they associate with the Car Dealers' Association, which is willing to give people names of mechanics who are going to do a good job at a decent rate; and plumbers, pipefitters, painters, carpenters, and masons who are willing, in many cases, to only charge the personnel and the families for the supplies and do the work for free.

The bankers of the State have offered to do free financial counseling for their customers. Some people didn't even know how to balance checkbooks when their spouses were mobilized. They are also doing a lot of tax work for people.

The Red Cross, which has always been a very supportive organization of the military because that is part of their charter, has come forth even more so to help families and, in many cases, lending money.

The American Legion throughout the entire country has an 800 hot line which will refer people to their local American Legion Post for assistance in just about any subject you could possibly think of.

The local churches are sending gifts, letters, and cards to our service members. They are adopting the families of those in the community whom they know have had personnel mobilized. And they are donating money to our family support funds.

Youth groups in schools are doing the same thing -- individuals. My telephone rings all day long with: "This is Johnny Jones calling to say what can I do to help? If it is only that I can take Mrs. Smith to a family support group meeting, or I will take care of her children while she goes to a meeting."

Food banks: You asked a question about food. We have located throughout the State now four food banks: one in Cape

May, one in Hammonton, one in Jersey City, and one in Sea Girt. It is not necessarily an identified crisis situation when it comes to feeding your family, but these are very proud families who are used to being able to pay their bills. And when you have to make a decision between, "Do I pay the car insurance so I can continue to drive back and forth to work legally, or do I cut back on the food budget this week?" sometimes people have to make the decision in favor of the car insurance. So the food banks -- and we work through the local community food banks, and we also get donations from business organizations and restaurant associations -- give people the opportunity to purchase a quantity of food at a greatly discounted price. This money goes back into replenishing the food banks.

Other National Guard members and their families: Throughout the State we have other family support groups, not just those devoted to the mobilized troops. They have taken many of the members of their community who live in the area and adopted them and invited them to their family support meetings.

Last of all, the military installations throughout the State of New Jersey have opened their doors with no questions asked to support the mobilized soldiers and airmen in New Jersey.

New Jersey does not have the best family support system in the country. I don't think anyone could say that. But we have one that meets the needs of its people. We have had some rough cases and I expect there will be some more rough roads to cross. But we have a system in place to meet those needs, and it works.

I have concentrated this morning on the National Guard, and I would like to clarify something here at this point also. There are seven Reserve components located, you know, in the armed forces. All seven of those Reserve components exist in some way in the State of New Jersey. Six of those,

exclusive of the Coast Guard, have in some way had personnel mobilized. We each have our own way of doing things. We each have our own support system. So the fact that Colonel Merwin may not know of all the programs that are going on throughout the State, Colonel Yull may also not know of all the programs that are going on throughout the State, because every organization has people calling themselves, and it would be very important that we figure out a way to get ourselves a clearinghouse so that we do not overlap.

There are many other citizens of this great State who have been affected by Desert Storm -- the Navy, Army, Air Force, and Marine Corps Reserves and the families of active military personnel who live in this State. We are here for all. Just as the active installations will not turn away someone with a question or a need, we will not either. Some we help on the spot; others we refer to their own branch of service. But whatever and whoever, the New Jersey National Guard is proud to say it is now a total family in every sense of the word.

In conclusion, I would like to take this opportunity to publicly thank the Committee for hearing us out, and to thank all the citizens of this State who have given their all to make this program what it is today. Thank you.

ASSEMBLYMAN SCERNI: Colonel, thank you. Let me ask you a question: Does your office maintain an 800 number?

LT. COLONEL YULL: Yes, sir. We have access to an 800 number. I do not personally have my own 800 number.

ASSEMBLYMAN SCERNI: But in terms of providing family support through your offices, there would be access to that type of a number?

LT. COLONEL YULL: Yes, sir.

ASSEMBLYMAN SCERNI: If someone needed to reach you or your staff?

LT. COLONEL YULL: Yes, sir.

ASSEMBLYMAN SCERNI: Okay. We realize that the American Legions have 800 numbers in terms of local services. I know we have a number of American Legion representatives here today. And I assume that with the food banks-- Do we have access to phone numbers for those food banks someplace?

LT. COLONEL YULL: Yes, sir.

ASSEMBLYMAN SCERNI: What I would like to do-- I would like a memo to go from this Committee to all members in our house, advising all members in the house as to what these phone numbers are. I know that each of us gets requests at different times from people for different kinds of services, and the information we are generating here, at least at this level -- in terms of this level of support -- ought to be put down in one spot and shared with our membership, so that when we have these kinds of requests coming in, at least we will know where to direct people.

So, Frank (speaking to Committee aide), maybe you can coordinate that for us and send it out, you know, on behalf of this Committee, to all members in the Legislature. If anyone else has a need for it, make it available to them, but I at least want to start with our own members so we know where to go. If you need to coordinate with the Colonel to get those numbers -- and her 800 number-- I know Captain Springer probably has a whole handful of phone numbers he can share with us, too, and he will be next. But, let's get them all in one spot. I'll be with you next, Budd (comment made to Captain Springer). Let's get them all in one spot and at least get them out to our membership.

Any questions or comments for the Colonel?

ASSEMBLYMAN SALMON: I was just going to make one, Mr. Chairman: From hearing the last two witnesses, I think they hit on one important issue, and that is a clearinghouse so that we don't have duplication; also a clearinghouse so that we don't have anyone come in with fraud, or someone come in who

really doesn't have his heart in the right place for the men and women who are serving.

A family support program and a clearinghouse that coordinates those efforts are absolutely, I think, important so that there isn't a duplication, so that everybody is being reached, and there are no individuals falling through the cracks.

I commend you on your suggestion about all the phone numbers. I think that is a good point.

I ask the Colonel this question with that thought in mind: What would be your suggestion, if you were in charge-- Where would you set the clearinghouse and what would be the organization in charge of the clearinghouse?

LT. COLONEL YULL: Being selfish, I think it should be the National Guard. (laughter) Maybe I am not being selfish. I, personally, and from what I see and the work I have done with my counterparts throughout the State, really feel we are the best organized. We were the best organized at the beginning. We were the only organization that had someone dedicated to this project full-time before. And I think it should be centrally located either in Trenton or Sea Girt, you know, places I happen to have access to, because it is needed.

I get phone calls from people, you know, "Is this fund-raiser legit?" I say, "Yes, I know about it and, yes, we are getting some funds from it." So, it is important; it is very, very important. It may take a little-- I work real well with the Air Force Reserve, but I don't work that well with the Navy. You know, we are all very parochial. We've got our own little niches. We need to learn to work together, because families don't see blue and green, or navy blue.

ASSEMBLYMAN SALMON: This may be, Mr. Chairman, one issue that comes out of this hearing -- How do you establish the clearinghouse? Who will be in charge? -- so that we can have the intercommunication that is necessary; so that everyone

is working in the same direction. If we could get something that would result from this Committee where that would be put into place, that would certainly be a very beneficial result of this hearing today. I thank the Colonel for her comments.

ASSEMBLYMAN SCERNI: At any point, has anyone attempted to put all of the support personnel -- leaders, if you will -- in one room?

LT. COLONEL YULL: No, sir. We talked about it, you know. I talked to the Army Reserve, and I talked to the Air Force Reserve. I said, "We've got to do this."

ASSEMBLYMAN SCERNI: Well, maybe that is a good idea. You know, I don't think that this Committee should necessarily be the forum for that, but if you want to use the offices of this Committee to make that happen, I would be glad to make them available. Maybe that is something else we ought to work on beyond the parameters of the memo. Let's get them all together, Ed.

ASSEMBLYMAN SALMON: Yes, I think so, Mr. Chairman.

ASSEMBLYMAN SCERNI: Colonel, thank you for being here today, and also thank you for the work you have done through the years, especially at this point in time. I know the citizens of this State, especially the military families, appreciate it, as do the members of this Committee.

LT. COLONEL YULL: Thank you, sir.

ASSEMBLYMAN SCERNI: Just so everyone will know where I am going after Captain Springer, we have a number of private citizens who wish to speak, as well as representatives of a number of veterans' organizations. After Captain Springer, I am just going to alternate between some of our private citizens and our veterans' organizations. Budd, welcome.

CAPTAIN ROBERT "BUDD" SPRINGER: Thank you, sir. It is my pleasure to be here. I am just going to give a quick overview of what we have been doing in the family support centers in the armories.

First, a little introduction about myself so you will know where I am coming from. I am Captain Robert "Budd" Springer. I am a member of Troop Command, which is a detachment of Headquarters State Area Command, Atlantic City. My Guard job is to help to train and mobilize Army National Guard supply units.

I am a traditional Guardsman, a part-time soldier -- or a militiaman, or whatever you want to call us today -- and have been for 20 years. I have served in some capacity with the two large Army National Guard units that are now serving in the Persian Gulf, and have commanded both of those units. So you can probably get the idea that I am very committed to these soldiers. I know all of them very well. I have worked with them; I have recruited them; I know their families. So I am very committed to the job I am doing. I can't be over there serving with them, so I am going to do what I can for them back here.

I have been a Cape May County resident all my life. My full-time job -- my civilian job -- is a carpenter, or a construction superintendent. Right now I am on active duty. I have been on active duty since September 19, when the 253rd from Cape May Court House was mobilized. I helped to mobilize them, and have stayed on active duty since then to do family support.

I would like to talk a little bit about what I perceive as the mission of the Army National Guard and the way I understand it. Under Section 630, or 673 of Title 10 United States Code -- that is where the President can declare a national emergency and call up a million Reservists for two years. The way I understand it, we are not under this program right now. We are under Section 673B, Title 10, which is the Presidential call-up. The problem we have in the Army National Guard State Headquarters is, under the national emergency, we would mobilize the entire State Headquarters, and we would do

family support. Part of the mission of the Army National Guard -- or the National Guard in New Jersey -- would be to provide family support for all services, active and reserve -- and we have talked about that today -- throughout New Jersey that do not live in the military community, or do not live within a reasonable distance to a military base of some sort.

So, the problem we are having now is, we have not mobilized the State Headquarters. We do not have all the assets that are available to us to provide this support. I would just like to mention that the support we are getting, from General Morgano and his staff, is tremendous. We are trying to do, with no additional funds, what we would normally do under a full mobilization. Granted, we don't have thousands of soldiers called up, but it doesn't take very many, believe me, to keep us very busy. If you were to visit our armory, or maybe just try to call us someday-- I can only equate what we are trying to do sometimes with running a telethon with one telephone that has call waiting. If you ever tried to hold a conversation with me -- and I do have call waiting-- I am seriously thinking of getting rid of it, because you can't hold a conversation. It's tough.

So, our assets are limited, but I feel that we have done a lot. We have done a lot, as I said, to help to fund the general staff. We kept the armory open, when we could have closed it to save money. We kept the phones; in fact, we have installed more phones, all this, of course, under the present budget crunch that we are going through.

The typical Guardsman, or the typical Reservist-- There is something we need to understand about them, and we have touched on it a little bit today. The typical Reservist is older than our active duty counterpart. He has a tendency-- Of course, his enlistment is longer. An initial enlistment is six years. So they are going to stay in the service longer. He is going to be at least 30 years old. I

say, "he," but I mean males and females. They are almost all married. They almost all have children. We have a lot of children we are dealing with. They all have mortgages. Almost all of the spouses work. They have at least two vehicles in the family. For the most part, they all have good jobs and are a viable part of the community. Many of them are veterans -- combat veterans of the Vietnam War.

So your typical Guardsman is a little different than your typical active duty soldier, and the impact on him and his family financially and emotionally is going to be greater.

I am not going to go into a lot of detail, because I have several spouses who are going to give you some straight talk about how it affects them, and it will be fairly typical.

I am going to talk briefly about our family support groups because I do have volunteer coordinators who are here to talk about that. But basically, as Colonel Yull has said, we have four family support groups established. We provide moral and emergency financial support to these families, and I emphasize again, this support is to all Reservists who live in our communities.

Our objective -- our main objective -- is to ensure that the soldier can go to war knowing that his family is going to be supported, that he is supported, so he can do his work with a free mind. This is very important. He can't be worried about what is happening back home.

Some of our main areas of concern -- and many of these we realize are on the Federal level, but we don't know where else to go-- We need your push to get some of this passed. Of course, the Soldiers and Sailors Relief Act is probably one of our biggest headaches. Really, what we need there the most is for it to be modernized. The intent of this law was to protect our soldiers' families. It seems that we don't always go by the intent of the law today, but we go by interpretation of the law. I am not a lawyer, but I think what we need to do is take a hard look at how this law is written.

The law needs to address the social and economic changes we have today. Just to give you some very short examples, we have a lot of spouses who are very independent. They have their own credit; they have their own jobs. We have had a lot of problems dealing with the Soldiers and Sailors Relief Act and the fact that the soldier is not on all the loans or the credit cards, because the spouses today are very independent and have their own credit. However, it affects the total household. These types of things have to be addressed. This was not a problem in 1940. Spouses did not have their own credit. In 1940, car insurance was not a problem; property taxes were not that much of a problem. So the law does not address the things it needs to address in our society today.

We have a lot of children out there who do not live with the soldier. We have a lot of separated families. We are having a very hard time trying to support these children of soldiers. The soldiers are very concerned about their children. The law needs to address all of the dependents and how they are going to be supported by this law.

I would like to address just a couple of the things that you talked about today; for example, fraud. We do not collect funds. I should specify that. The Army National Guard does not collect funds, and we do not distribute funds. Okay? It would be illegal for us to do that. The family support group raises funds; they ask for donations; they have fund-raisers; and they have committees and bank accounts and secretaries and treasurers. They are very well organized. They do have emergency relief funds and a committee to distribute that money. Of course, I am the liaison between this support group and the military, so we oversee this fund and make sure it is run very fairly and equitably.

There are a lot of people out there selling T-shirts and yellow ribbons, and we are getting a lot of donations from these people. However, this is a free enterprise nation, and

if somebody wants to go out and sell Desert Storm T-shirts, they are entitled to do that. In my mind, they should not say it is going to support the families, if it is not. That is where we have a lot of problems, but we are getting support from the community and we are trying to take measures to identify those people who are supporting us.

We definitely need a statewide effort. I think we need it in the human services area, especially in mental health and counseling. We do not get involved too much with social services. We are not eligible for too much in the way of social services, nor are we really seeking that out. Our families are very proud and they are determined to take care of each other. But we are going to need, obviously, legislation to support that.

That's all I have. Do you have any questions?

ASSEMBLYMAN SCERNI: Thank you, Captain. Questions, comments?

ASSEMBLYMAN SALMON: Yes, Mr. Chairman, if I may.

ASSEMBLYMAN SCERNI: Assemblyman Salmon?

ASSEMBLYMAN SALMON: First of all, representing Cape May and Cumberland Counties in the Legislature, I have worked very closely with the Captain. He has been on duty since this happened 24 hours a day really to give support to everybody. There isn't anyone more dedicated than Budd is. I remember full well when the 253rd left Cape May Court House. That day is a day that will live, I think, in all of our memories, when everyone left to go to the train and then go to the Persian Gulf. I commend Budd on his help with the church service, where the Governor came down, and General Morgano and Chairman Scerni were there to give support to the families. I thought that was a beautiful service. We need to do more of that.

I think you hit on a couple of real important points here, Budd, that most of the public does not know. I don't think the public knows the difference between the active

enlisted soldier and their characteristics, and the characteristics of the National Guardsmen and the Reservists. As you said, the National Guardsmen and the Reservists are older. They have a lot more responsibility. They have a lot more problems just in life in general, dealing with mortgage payments, car payments, and things of that nature. So it is a much greater sacrifice for those individuals to get uprooted and to leave than it is for an 18- or 19-year-old entering the service.

I think one of the things that has been concerning me is the whole thing we have been talking about -- coordination -- because I see all kinds of groups selling T-shirts, as you said. If somehow we could tie that in where they had an okay from the support groups, so that people knew it was a bona fide sale, I think that would be something very helpful. Maybe we could do that. Maybe we could also, Mr. Chairman, have a key person from every county who is a support group person, where we could put those lists around so the information is out to the public who the key person in each county is who handles support groups. I think that would be a real important thing for all of us.

I appreciate your comments. I think you really made some major points as far as the Federal legislation dealing with the Soldiers and Sailors Relief Act. This is a different world today. There are different problems we face -- economic and social problems -- and I think we need to modernize that Act. That might be a resolution you might want to call on, Mr. Chairman, for us to do with Congress, as far as the modernization of the Soldiers and Sailors Relief Act.

ASSEMBLYMAN SCERNI: Thank you, Assemblyman Salmon. Assemblywoman Cooper?

ASSEMBLYWOMAN COOPER: Yes. As I said before, my office has worked very closely with Captain Springer. But, knowing the problems we have, as you said, educating the

residents of New Jersey, I would like to make a personal recommendation, having been in public relations for three decades of my life; and that is that the National Guard meet with the New Jersey Press Association to carry a series of stories repeating what you have just told us, which we know about from the press and the television media, for education purposes. Education is very sorely needed, so I would like to make that recommendation.

We worked very closely with you, Captain, on New Jersey Cares, and I am very proud to tell you that I just received a call this weekend from the parents of some of our New Jersey military in Germany, telling me that New Jersey packages have been received and how happy they are to see New Jersey so represented in Germany, before they go on to Saudi Arabia.

So I think we should have the Press Association work with you.

ASSEMBLYMAN SCERNI: Thank you, Dolores.

CAPTAIN SPRINGER: Sir, we have had three ladies come in a little late. I am going to give them a form to fill out. I know they want to speak. They are three of my support group coordinators who came from North Jersey, as far away as Jersey City, just to address you. They have been doing a great job, so I will have them fill out one of your forms here.

ASSEMBLYMAN SCERNI: I have Dona Feldhann.

CAPTAIN SPRINGER: Okay, that's her.

ASSEMBLYMAN SCERNI: After you I will go to Dona. Then, as I said, I will alternate with some of the veterans' organizations.

CAPTAIN SPRINGER: I just want to make sure that she gets a chance, because she is doing a great job for us.

ASSEMBLYMAN SCERNI: Okay. I will go to Dona after you.

CAPTAIN SPRINGER: I would just like to close with this: This morning on my way to the Hammonton Armory, I was listening to the radio, as I always do. I listened to our local country station in Rio Grande. As I hit Mays Landing it usually fades out. It was about to do that, when the Lee Greenwood song "God Bless the U.S.A." was coming on. Something really struck me, and I have to share it with you. His first opening remark, or the first part of the song -- I am not going to sing it (laughter) -- but--

ASSEMBLYMAN SCERNI: You do everything else, Budd. You might as well sing, too.

CAPTAIN SPRINGER: No, believe me-- But his first sentence goes: "If I had to start over again with just my children and my wife," and then I believe it goes on something like this, "I would still be proud to be an American and defend her yet today." I just hope that is going to be what our soldiers come back and say.

Thank you.

ASSEMBLYMAN SCERNI: Thank you. Dona Feldhann?

D O N A J E A N F E L D H A N N: Good morning.

ASSEMBLYMAN SCERNI: Good morning.

MS. FELDHANN: My name is Dona Feldhann. I am a civilian military wife. My husband, Command Sergeant Major Robert Feldhann, is with the New Jersey Army National Guard and is a Vietnam veteran. I have participated as a volunteer family assistance coordinator in the National Guard program since its beginning five years ago. I am currently the President of the State NCO Auxiliary -- established seven years ago -- and one of its founding members. I work a full-time job, am the mother of two daughters, and am one of the volunteer coordinators, along with Linda Fasulo, working with the North Jersey Support Group.

I come here today to testify on behalf of the families of the North and Central Support Groups, as the combined

testimony of Gale Goddard, Linda Fasulo, and myself, the volunteers who work with these groups.

Please understand that the National Guard Family Assistance Program is headed by Lt. Colonel Elizabeth Yull, a full-time Guard personnel. Our program is made up of all volunteers and is one of education to the family members, as well as a networking source for problem solving and information. The family assistance groups also serve as a liaison between the family members and the military unit. This program is designed to function in a pre-mobilization environment so that conversion to a mobilized status will be as smooth as possible for the families as well as the soldiers.

We have prepared this testimony on behalf of the families we serve and it reflects the problems that have been experienced in our groups. I would like you to know that we have also limited these problems to those which we feel you might be able to address and get us assistance on, here on the State level.

The major problem is financial. In a survey of our groups, we have discovered that 95% of our families have experienced between a 48% and 52% decrease in monthly income. This deficit now starts a chain reaction of problems. Please keep in mind that the majority of the spouses left behind to care for everything on a 24-hour basis, is usually not the spouse who handled the finances of the family.

First, tightening the budget. The big question is how! One starts with the removal of luxury items, such as cable, entertainment, etc. However, this item is usually saved in an Hispanic household, as it is through cable programming that they receive the majority of their native language programs.

Then one analyzes the balance of the budget. Cars: Most families are two-car families. How can one eliminate a car? Well, in order to remove same from an insurance policy,

the plates must be turned in and the vehicle must be placed in a storage area, as one cannot have an unregistered vehicle out in the open. If this has been done, the remaining spouse has the additional mental pressure of hoping and praying that the remaining vehicle does not break down. Also, one must consider that if one of the vehicles is financed, it cannot, under any circumstances, be uninsured. Therefore, the budget might be adjusted with a lesser insurance payment. However, it adds an additional monthly payment for the storage area. Then there is the issue of eliminating the soldier from the policy. The difference, financially, is usually not worth it.

Again looking at the budget, one's eyes dwell on "life insurance," usually the soldier's. As most of us know, this could create more problems than it would help to ease up on the budget.

Before concluding on financial, we have discovered that most people are uneducated in how to set a budget. If we have made it mandatory for each high school student to pass a personal typing course, we believe it would be wise to set a mandatory course educating our children on budget setting, with dollar values, check writing, bank reconciliation, and how to understand the resources of our local and county programs to develop a more logical application of everyday living. Whether one's responsibility is financing or not, we would be giving our future generations an edge of knowledge, as well as helping our own economy. We believe that a little education in this area would go a very long way.

Secondly, we feel it is not necessary to discuss the Soldiers and Sailors Relief Act in detail, as we are sure you are familiar with its inadequacies. However, we would like to mention that, when the Act was written in 1940, only financial institutions granted mortgages. Therefore, the updating of this Act, which is currently being done, should be more specific in the honoring of this Relief Act.

It should clearly state the inability of mortgage/financial institutions to tack on to the end of the agreement that amount and/or its interest that was honored during the application of the Relief Act. There should also be addressed, in this update, a possible reduction applicable to the real estate taxes and/or local taxes now included in today's mortgage payments.

Next we would like to discuss medical coverage. The military's CHAMPUS coverage is designed as a secondary coverage. If one applies the COBRA Act to their soldier's civilian job coverage, the payments, in most cases, are so astronomical that the new budget cannot handle it. If the COBRA Act could be amended to have the payments equal that which the civilian contribution is, this option could be utilized by the families rather than cast aside, and it would maintain a "level of normalcy" in their lives.

In regard to nourishment, when a budget is cut, unfortunately and in most cases, the area of food purchase is reduced. The current regulations governing food stamps eliminates these families because the earned income qualification is calculated on a yearly basis. No matter how the orders of our soldiers read, which is usually on a 90-day basis for reserve components with an additional 90-day extension if needed, the calculations are still based on a yearly basis. If this area could be adjusted to include the affected families, it would help to maintain their "quality of life."

I would also like to mention that the food banks established by the New Jersey National Guard Family Assistance Program -- the food pantries that you have heard about -- do not charge, cannot charge, and will not charge their family members for this food. All of the food we purchase through the community banks is paid for by donations to our Assistance Fund.

Another area of problems lies with the mental and physical stress the families experience. Some of these things can be controlled by volunteer networking, as is being done in this crisis. However, today's children, whether soldiers' children or not, are still having difficulty dealing with this pressure. We are concerned for the children, their understanding, and their coping. We can get assistance for our soldiers' children, but what about the rest of them?

Last, but certainly not least, is the returning soldier. We pray that his or her return to society will be done with the utmost of respect; that they, our newest veterans, will receive additional benefits allowing them to resume their lives as quickly as possible; and that this Committee will see to it that they are honored and justly treated in a manner befitting those who have served to protect our Flag, our Country, our State, and their people.

We wish to thank you -- this Committee -- for the opportunity to address you on this matter. I speak for our civilian/military families, their coordinators, and their soldiers when I say that our prayers go with you for the success of your endeavors.

ASSEMBLYMAN SCERNI: Thank you, Dona. Let me begin with your last point first. If you go back a little over a year ago, this Committee was first formed in this new Legislature. At that point in time, every member of the Committee, as it was at that time chaired by Tom Foy, indicated that he and she were prepared to work in a nonpartisan way on military affairs and veterans' issues. Never did we imagine, at that point in time, that we would today be dealing with problems the scope of which we are dealing with. I would say to you that the unity and the support that were shown at that organizational meeting over a year ago have only grown, not only in this Committee, but throughout the entire Legislature.

So, in terms of preparing a proper stage for the return of our military personnel, I think I can tell you with great confidence that the members of this Committee, as well as the members of this Assembly, are prepared to do that.

With regard to a couple of your other points, I recognize that you are from North Jersey.

MS. FELDHANN: Correct.

ASSEMBLYMAN SCERNI: We are not going to abandon you. Within the next three weeks, I expect that this Committee will hold another meeting in North Jersey. My colleague, Assemblyman Mazur, has offered to identify a location, and I know Ben will do that. We will be coming up into your area so that other folks -- your neighbors -- who have had difficulties and want to share their thoughts with us, will receive the opportunity to do so.

MS. FELDHANN: Great. There are two things I want to also tell you, which have been addressed this morning. In verifying and seeing to it that organizations or companies are honest in coming forth to assist us, we have a certificate of appreciation which has been designed and printed. When these people call us, we physically go out and see them and make sure that this is a legitimate business. We also ask them to send their contribution, or program to us on their letterhead. After doing so and feeling satisfied that this is going to be a benefit to the family members, we then present them with this certificate, which allows them to hang it up to let everyone know that their program is a legitimate program and will assist the families.

So we do police these programs that are coming forth, because we want to protect ourselves as much as we want to protect those who are honestly helping.

ASSEMBLYMAN SCERNI: Thank you, Dona. Other members of the Committee?

ASSEMBLYMAN SALMON: Just quickly, Mr. Chairman. Dona Jean, I want to commend you on your testimony. I think it was very thorough.

MS. FELDHANN: Thank you.

ASSEMBLYMAN SALMON: I think you hit upon some major points of consideration. Some of them are Federal issues, where we can do concurrent resolutions encouraging the Congress, and some of them, as you know, are State issues.

I think this Committee would be remiss also -- because I have heard about you, and I have heard of the work you do -- if we did not say "thank you" for your dedication and your leadership. Your name and reputation have spread around this State, and we appreciate what you are doing.

MS. FELDHANN: Thank you.

ASSEMBLYMAN SCERNI: Dona, thank you. Anyone else?

ASSEMBLYWOMAN COOPER: Congratulations.

ASSEMBLYMAN SCERNI: If I may, I will go to Vincent Brinkerhoff, Legislative Chairman, Department of New Jersey VFW. V I N C E N T L. B R I N K E R H O F F: I am Vince Brinkerhoff, Legislative Chairman, Veterans of Foreign Wars. My colleague, Legislative Agent George Van Allen, is with me this morning. We thank you for allowing us to appear before such an august body.

We, the Veterans of Foreign Wars of the United States, Department of New Jersey, are of the opinion that this Committee will do whatever is within its realm to alleviate the concerns and needs of the families affected by the recent military call-up stemming from the operation in the Persian Gulf area. However, we would like to touch on a specific move that might bring some solace to the concerns of those affected.

It would be encouraging to them if there were a law on the books guaranteeing that these servicemen, at the moment of their discharge, would be eligible for State benefits that their predecessors who served Uncle Sam are entitled to,

and assuring those concerned that it would not take session after session of your body, and others in the Legislature of this State, before this law was in place.

Your legislative bodies have just the vehicle winding its way through the Legislature. We refer to Assembly Bill No. 1423. It would adjust the State's eligibility dates to conform with those of the Federal government, including Granada, Lebanon, and Panama. This has been released by your Committee, and we thank you for that.

Recently it was considered by the Appropriations Committee of the Assembly. It was released by that Committee in its entirety, plus a beautiful amendment -- the inclusion of the Desert Storm dates. Now, I make reference to the benefits that are already in place. All this would take, ladies and gentlemen -- and you are certainly more familiar with the situation than I -- would be to encourage the Speaker and whoever else has a vote on what is going to be posted. I can hear the ayes now from both sides of the aisle. I am sure it can move into the Senate committees and onto the floor, and I am sure that the bipartisan ayes will be heard loud and clear.

So we ask you, in your intelligence and your understanding and your caring, to try to do this. We can close the back door. The stuff that is there will be eligible for them the day they get out of the service.

We, of course, support all the situations that we heard developed here this morning, problems of mortgages, etc. with the people who have been called up. We feel certain that our requests this morning are pertinent to this gathering on this date.

Thank you.

ASSEMBLYMAN SCERNI: Mr. Brinkerhoff, thank you. I think you will be pleased to hear, as will other veterans who are with us, that the bill to which you refer has, in fact, been passed out of the Assembly.

MR. BRINKERHOFF: Beautiful!

ASSEMBLYMAN SCERNI: It is now over on the Senate side, so maybe we will go over there and talk to Senator Lynch and Senator Paterniti. But it is out of our House. We have moved it.

MR. BRINKERHOFF: We will give them a little call, too. Thank you very much.

ASSEMBLYMAN SCERNI: Jayne Simms?

J A Y N E M. S I M M S: I would just like to introduce myself. I am Jayne Simms with the 144th family support group. My husband is John Simms. He is a First Lieutenant. He is serving over in the Persian Gulf.

One point I would like to make about these soldiers who have been called to active duty, is that they were civilian employees prior to their activation. They were casino workers, mechanics, State employees, Federal employees, and a lot of them were self-employed. It has just been very difficult for their families because they are not military families, and now they have become military families in the matter of one day. They got the call-up and they began active duty.

There are a lot of different things that we have been affected by. A lot of them have been spoken about by General Morgano and also by Dona Jean and Captain Springer, but I just thought I would let you know a few of them that have affected me.

One of them is life insurance. The life insurance that we are being allotted now through the military is for \$50,000, which, at this time, if something -- God forbid -- did happen to one of our soldiers-- It is not sufficient to cover anything after they are gone. We also, since we were not military people-- We have our own life insurance policies through civilian -- through our employers and also policies we have on our own. They have a "war risk" clause in them. Now, if something did happen, we have been paying into these

insurance policies for a number of years, and then all of a sudden they are just dropped -- completely dropped. So we don't have any benefits in that respect.

Also spoken about was CHAMPUS. This is the health insurance for our families, our children. A lot of our doctors do not take CHAMPUS. These are the doctors -- physicians -- that we have been going to for years. Now all of a sudden, we have to uproot all of our medical records and try to find someone who does take CHAMPUS, or try to get to a military facility where we can get our children taken care of. We have to take them from the doctors we have been going to for years, and bring them somewhere new. A lot of times it is far away. I mean, it is not, like, around the corner. You have to drive a half-an-hour or 45 minutes, and when you have a sick child, you can't do that. You can't drive for that amount of time. You have to get immediate gratification. I mean, you want them to get better. You can't accomplish that if you have to drive to Fort Dix and you don't live near Fort Dix, or drive to the Philadelphia Navy Yard and you don't live near there.

You have to compromise, and you don't have the money to pay for the doctor because you don't have the insurance. So it is a catch-22. You don't know what to do.

Another thing is the loss of income. The loss of income that we have been talking about all along is the loss of income that our soldiers have been affected by because they have been taken from their civilian jobs and placed on military active duty. But something that has not been addressed is the wives, or the spouses who were working -- who were working prior to this at a night job, and then their sole caregiver was taken away. How do they have someone to take care of the children while their husband is away? Therefore, I quit. What else could I do? I don't have a job at night anymore because I don't have anyone to watch my children. That is a larger loss of income because it is a loss of income from my husband's

position, and then the loss of income from my position. So it is major, what is happening here.

The Soldiers and Sailors Relief Act: I think, as Dona Jean said, you know everything about it probably, but one thing is that as soon as these guys are off of their active duty status, we have a 30-day grace period, and that's it. Then everything goes back into effect. Thirty days is one month. That's one month's mortgage, one month's car payment, one Visa payment. We need more time than that. We need at least six months or more, I mean, to get ourselves back on our feet.

We don't know how they are going to come back. I mean, what are they going to be able to handle when they come back? If they come home and they are hit with all of these bills that haven't been paid-- A lot of companies are just giving us an extension on our loans, and then you have to pay it back when they come home. I mean, it is all up to the individual company what they are going to do, but 30 days isn't going to be enough when they come back. They are just going to be hit up with so many bills when they come home, and they won't know what to do.

The military is giving us a lot of benefits. These benefits are great if you are active duty, but we were not active duty. We are not near military facilities, so how can we take advantage of these benefits? If we are working during the day -- I mean, I'm not, but other wives are -- how can we get to the commissary? How can they get to the health facilities? If they are working during the day, they can't do it.

There are just so many problems we are having, we just thought we would let you know a lot of them. That's about it.

ASSEMBLYMAN SCERNI: Jayne, thank you. Members of the Committee? Ben?

ASSEMBLYMAN MAZUR: I would like to--

ASSEMBLYMAN SCERNI: Jayne? (as Ms. Simms walks away from the witness table)

MS. SIMMS: Yes?

ASSEMBLYMAN SCERNI: Please hang out with us for a moment. (laughter)

MS. SIMMS: I thought I was finished and I would leave.

ASSEMBLYMAN MAZUR: I would like to ask you a question. You made reference to having an insurance policy outside -- notwithstanding the national program, and that that insurance policy has a clause -- a war clause. Were you aware of it when you took out that policy? Was your husband a member of the National Guard at that time?

MS. SIMMS: He was a member of the National Guard at that time, but that wasn't something that we looked into.

ASSEMBLYMAN MAZUR: In other words, with all of the fine, you know, the tiny print -- the small print--

MS. SIMMS: We heard this when our guys were activated. On November 21 they had a meeting for all of us, and they asked us to check our policies to see if the life insurance policies had a war risk clause. That is when we checked. It was not something that I looked for prior to this.

ASSEMBLYMAN MAZUR: Did the insurance broker know that your husband was in the National Guard?

MS. SIMMS: He knows now.

ASSEMBLYMAN MAZUR: Yes. Mr. Chairman, the reason I asked this question was because when I was in the service and we had the \$10,000 insurance we could take, in the company day room one day, an insurance agent appeared and started to try to sell life insurance to the members, the soldiers, some of whom could not read. Some of them were illiterate. You know, they could sign their name and that was about it. The company commander came into the room and demanded to see one of the policies. He found that it was not effective outside the continental United States. That broker knew that. He knew what he was selling.

You know, this is something where we ought to perhaps have a piece of legislation making it a criminal offense to sell to someone in the service a policy that has such a clause in it. And if such a policy is sold to a Reservist or a National Guardsman, and the seller knows it is a serviceman, that policy, or that clause should be held to be nonvalid and not binding.

MS. SIMMS: I believe ours was purchased a number of years ago and, you know, we have just been continuing with it for at least 15 years.

ASSEMBLYMAN MAZUR: Thank you. We will see if we can do something about that.

ASSEMBLYMAN SCERNI: Thank you. Dr. Roy Soloff?

D R. R O Y S O L O F F: Thank you, Mr. Chairman. Good morning.

The American Legion is doing its best to help military families in need of assistance. I do have one of the phone numbers you asked about earlier: 1-800-786-0901. The way this works is, when people call the hot line number, information is taken and is then forwarded to a local American Legion post in the particular state. If people need assistance with things like car payments, or perhaps household repairs, or maybe short-term baby-sitting while the parent goes to the store, these will be provided. In addition, sometimes it could be a matter of a slow payroll allotment check and something to tide this person over.

I would also like to say that now and then people have to move in such circumstances; to change from a higher rent district to a lower rent district, so there are help-with-moving situations. That would be available.

I heard some talk about CHAMPUS, and this occurred to me while I was sitting here. Some professionals -- many professionals in all areas -- could help out here. I am an optometrist. The Atlantic/Cumberland Eye Associates, with

which I am associated, has optometrists and an ophthalmologist. We will be providing eye care for indigent people during this time. I am very confident that our colleagues in other areas will also do this.

I think we need to mobilize attorneys and accountants and counselors to do this. Everybody in the service is not indigent. There are people who want to pay their own way, but for the people who cannot, temporarily, I think this is something that needs to be done.

On the question of fraud, I am also involved in an organization called "Crime Stoppers," in which cash rewards are given to people who phone in tips anonymously on crime. The United States Air Force has had Crime Stoppers on their base for several years, and I understand the Coast Guard is about to do it. It would seem that anybody in the community having an idea that fraud might be committed, could call their local Crime Stoppers. We have them in six areas in New Jersey. The nice thing about this is that the caller need not leave his or her name. They are given a code number for identification and, of course, a cash reward. In many cases in this situation, such people do not want a reward, but just want to do their part.

That is all I have prepared. Thank you for your attention. If there are any questions, I will be happy to answer them.

ASSEMBLYMAN SCERNI: Questions for Dr. Soloff? (no response) All right. Thank you, Roy.

DR. SOLOFF: Thank you.

ASSEMBLYMAN SCERNI: JoAnna Hawn?

J O A N N A M. H A W N: Hi. My name is JoAnna Hawn. My husband, Sergeant Joseph Hawn, is serving in the Persian Gulf right now.

What I would like to address today is the subject of car insurance and the problems that have arisen for the

families that have loved ones serving in the Persian Gulf. Car insurance in New Jersey has been a problem for years and has become a major problem for those families that have taken a drastic cut in pay due to military active duty. These families which cannot afford to pay their insurance premiums are subject to having their insurance canceled. And if that happens, if they are driving, they can be stopped and fined and arrested on the spot and put in jail for two weeks. These families are suffering enough hardships and do not need any more added to it, especially when you consider that these are the same families that before this situation occurred were partially paying for uninsured motorists in their insurance premiums.

Something must be done to change this. The insurance companies should be made to work with these families and to extend their payment plans to a year, instead of six months, so that these families don't have to worry about having their insurance canceled.

Another problem that has developed is that most of these families are two-vehicle families, and because one member is serving in the Gulf, if you decide to take one vehicle off the insurance to help to keep the costs down-- Well, if you are financing that vehicle, you cannot drop the insurance on that vehicle. The second thing is, if you take the insurance off the vehicle, you must turn the plates in to Motor Vehicles and park that vehicle in the yard. This only makes an expense for them when their loved ones return, because you have to re-register the car and buy plates all over again.

The thing is, with car insurance in the situation that has come about with military men being called to active duty, this is a never-ending process. It has to stop somewhere. Some kind of help has to be gotten for these families.

ASSEMBLYMAN SCERNI: Thank you. Dolores?

ASSEMBLYWOMAN COOPER: JoAnna, I am very happy that you brought up that issue, because one of my lady colleagues in

the Assembly has a bill covering everything that you discussed now. It is Assemblywoman Marion Crecco's bill -- A-4068; I repeat, Assembly Bill No. 4068. This bill provides that auto insurance policies of active military personnel shall not lapse due to nonpayment of premium, and removes a \$5000 limit on protected policies. That bill is in our Committee now. It has not received any action, but I am sure that after today's hearing and your presentation, that Assemblyman Scerni, and we who are gathered here, will release that as soon as possible, and get the legislative process moving.

We are very much aware of what you are faced with. It has been in since October, but I think it will move shortly. Thank you.

MS. HAWN: Thank you.

ASSEMBLYMAN SCERNI: Anything else for Ms. Hawn? (no response) Thank you. Don Fuller?

D O N A L D F U L L E R: Mr. Chairman and members of the Assembly: I appreciate the opportunity to testify. As the Chairman said, my name is Don Fuller. I am Bergen County Vice Chairman of the Joint Legislative Committee, DAV, and also a member of the Department of New Jersey State Legislative Committee, DAV.

When I received the notice of this hearing, I spoke to numerous support groups in Bergen County. I am sure that when I go back and give them the information, they will be happy to know that you will be meeting in North Jersey. I will be glad to work with my colleague and fellow DAV member, Ben (referring to Assemblyman Mazur), on this situation, so that we can get as many people out as we possibly can.

But I just have a couple of small items. One is: If the Assembly could make sure that the veterans' organizations are more aware of the bills that are pending, we would be able to coordinate our activities and follow up with the members of the Assembly and the Senate when the bills come up for a

hearing. We could also contact them to make sure that a little pressure is put on them to pass these bills. If we are not aware of them, we can do nothing about them. That would be a help as far as the DAV is concerned I am sure, because we have not heard much about those bills.

I am sure that everybody appreciates what you are doing. That is about all I have right now. Thank you.

My colleague is also here, the First Junior Vice Commander, Al Fanslau, from the DAV Department of New Jersey, and also a member of the Legislative Committee.

ASSEMBLYMAN SCERNI: Thank you, Mr. Fuller. Any questions? Ben?

ASSEMBLYMAN MAZUR: I would just like to point out that Don Fuller has come here all the way from Bergenfield. He is a constituent of mine, and he is also a member of my chapter of the Disabled American Veterans.

ASSEMBLYMAN SCERNI: Don, we look forward to visiting with you and the other members of your chapter in the not-too-distant future. Ben will coordinate that for us.

MR. FULLER: Right. Thank you very much. Thank you, Ben.

ASSEMBLYMAN MAZUR: Thank you.

ASSEMBLYMAN SCERNI: Thank you. Frank Zimmermann?

F R A N K Z I M M E R M A N N: My name is Frank Zimmermann. I am wearing two hats as I speak to you. One as Frank Zimmermann; the other as Tom Murphy. Tom Murphy's brother asked to speak at this hearing today. He called me late last night to tell me that he had come down very, very ill and was unable to make it, so he won't be able to speak for his brother.

I'll read a citation that his brother received: "The President of the United States takes pleasure in presenting the Air Medal Bronze Star for the first award to Lance Corporal Thomas J. Murphy, United States Marine Corps, for service as set forth in the following citation: For heroic achievement in

aerial flight while serving with Marine Medium Helicopter Squadron 165, Marine Aircraft Group 36, First Marine Aircraft Wing, in connection with combat operations against the enemy in the Republic of Vietnam.

"On 11 July 1972, Lance Corporal Murphy was an aerial gunner aboard an aircraft in a flight of six CH-46 helicopters which launched from the U.S.S. Tripoli off the coast of South Vietnam on a mission to insert Vietnamese marines into a heavily defended enemy sector 3000 meters northeast of Quang Tri City. As the flight was approaching the hostile landing zone, it came under intense small arms mortar rocket and SA-7 missile fire. Although he sustained a severe head wound when an enemy round penetrated the cabin area of his aircraft, Lance Corporal Murphy persisted in remaining at his position on the port gun. Not until his aircraft had debarked its Vietnamese marine passengers and lifted out of the fire-swept zone did he succumb to the pain and profuse bleeding and accept medical aid.

"Lance Corporal Murphy's fortitude, superb professionalism, and unwaivering devotion to duty at great personal risk inspired all who observed him, in keeping with the highest traditions of the Marine Corps and of the United States Naval Service. For the President, Louis H. Wilson, Lieutenant General, U.S. Marine Corps, Commanding General."

I am emotional at this point because 20 years later this man's problem is not resolved by this government. A head wound such as he received is not treated by the Veterans' Administration. Dr. George McNeil, Chief of Staff at the Philadelphia V.A. Medical Center, refused to continue funding the TBI rehabilitation -- the initials meaning traumatic brain injury -- stating, "Any improvement as a result of ongoing therapy will be too incremental to justify the ongoing therapy."

Tom's family has continually requested TBI rehabilitation from the V.A., but was told that none was available. Tom is a vegetable. That he survived the bullet

through his temple one inch above his sideburn, which exited two inches above the sideburn on the other side-- The fact that he is alive is a miracle. Tom can't remember from minute to minute what he has done. He was classified 100% disabled, and for 15 years the Veterans' Administration, besides applying a Band-Aid, gave him drugs to solve his problems. The medical profession can treat Tom and do it successfully, but notice the words, "too incremental." In other words, it is not fast enough for Dr. McNeil of the V.A.

Yesterday when I received the call from Gary, his brother, to tell me that he couldn't attend here today, he told me that he also got a notice from the budget office in Washington, D.C. that they are taking Tom's 100% status away from him -- taking his disability away from him. The reasoning is something like this.

Would you keep quiet, please? (addressed to member or members of the audience)

It appears that Tom's mother took care of him these many years and saved his pension checks. He was fortunate to be able to accumulate something like \$25,000 in CDs and she was trying to preserve them for his old age, because when she is gone no one is going to take care of him. Apparently the Veterans' Administration construes this as him having independent means, and until he decreases that below \$10,000, they will not consider him for any further benefits or payments.

Is this what you want for Desert Storm wounded combat veterans? The problem is endemic throughout the United States. It is not only limited to New Jersey. I have a map here of the entire country by state, and it shows the number of traumatic brain injuries by state. Texas, for example, has 63; California 108. The grand total is 1030, all zombies, who could receive benefits, but who are not getting benefits. They are having their moneys taken away from them.

The comment here says (referring to material he is holding): "The Vietnam Head Injury Registry contains

information about combat veterans who suffered TBI and survived for more than one week after the injury. The registry contains data on TBI which occurred from January 1, 1967 through July 1, 1970. Therefore, it does not reflect all combat TBI survivors of the Vietnam War." So conceivably this could be doubled or tripled.

ASSEMBLYMAN SCERNI: Mr. Zimmermann, I don't mean to interrupt you, but I will because maybe you can help me out. My focus here today is what we can do for the families of those in Desert Storm. You raise an excellent point thus far. It is a point which I believe was addressed in a resolution of the Assembly in the last session and, quite frankly, maybe it should be raised in resolution this time. I will offer that resolution to our body. But I think the issue you raise goes to the practices of the Veterans' Administration and how they provide medical assistance. You raise a good point.

MR. ZIMMERMANN: This war is not over yet, and you will be having casualties coming back. This very same V.A. will be treating these people. Someone has to address the V.A. That's my point.

I will turn this over to you because I only have one copy. Mr. Brady is going to write to each one of you individually and give you a total package, so you will have a full understanding of what the package is.

ASSEMBLYMAN SCERNI: Thank you, sir. I look forward to that. From my perspective, you know, I am prepared to sponsor another resolution in our house calling upon the Federal government to review the practices -- the medical practices -- of the Veterans' Administration. That appears to be the issue you have raised with us, and it is a good point.

MR. ZIMMERMANN: Now I will speak under my own hat. I have family and friends in the service, and two sons eligible for call-up. I am a disabled combat veteran of World War II, and I am here to speak in favor of addressing the needs and

concerns of those from New Jersey serving in the Persian Gulf War; also to speak of the hidden problems, those generally not known by the bulk of the population, since 90% or more of them have no combat experience in war.

You can't see my wound, a scarred eardrum. To make a long story short, all subsequent treatment in the sick bay was never recorded in my medical records. The sick bay logbook was destroyed by the Navy after the war. I have a copy here of a letter from the National Archives to that effect. I will read it: "Unfortunately, it seems certain that the medical logs you are requesting were destroyed by the Department of the Navy some decades ago."

At great personal expense, I traveled to the National Personnel Records Center in St. Louis, Missouri. This is their handwriting. This is how they do business out there. "An entry was found for Mr. Zimmermann pertaining to an ear examination." But that was a honey of an ear examination. If you turn the page, Friday, September 11, 1942, you will see Frank Zimmermann highlighted down there. All they have is my name, my rate, the ship I was on, and the legend, "ear exam." There is no diagnosis; no prognosis; no etiology. You have a copy there to see for yourself.

Now, what has that got to do with Desert Storm? That is your question. Everything. The Veterans' Administration will not treat wounds such as mine unless the facts can be substantiated in Desert Storm's medical records. I have photocopies of my service and medical records. I intended to bring them here, but I didn't, so I scratched it out here. (referring to his written statement) But they are about that thick. (demonstrates) Although it is an inch thick, there is much missing from it.

A Desert Storm soldier isn't allowed time to audit his service record to ensure that the medical personnel have recorded all of his wounds, injuries, illnesses, and trauma therein. My point is, many are hyped about the technology

employed in the Gulf and cheer million dollar cruise missiles and smart bombs. Why not apply technology to Desert Storm's personnel records too.

On page 16 -- copy attached -- of the "DAV Magazine," January 1991, it states: "Did you realize it takes an average of 444 days for the Department of Veterans' Affairs to process and decide a claim for compensation benefits, from the beginning to a decision by the Board of Veterans' Affairs?" The 444 days mentioned is the same length of time the Ayatollah retained hostages in Iran 10 years ago.

Another quote: "When he finally does file a claim, his claim may be one of the 30% that requires more than 172 days to complete. If he believes an appeal to the Board of Veterans' Appeals is necessary, he goes back to a regional office to start the process of appeal. The regional office much research and explain the original decision, which takes an average of 61 days. Once the Board of Veterans' Appeals gets the appeal, another 148 days are used to render a decision. It can sometimes take up to two years to get a final decision on an appeal."

Is this what you want those wounded in Desert Storm to face when they come home?

Much of the delay described in the V.A.'s procedure is caused by inadequate and ancient clerical procedures such as handwriting on government forms, requesting veterans' service records from the National Personnel Records Center, St. Louis, Missouri, and paging that record to find the related data -- for some 27 million veterans on file. They call this, in their jargon, "researching the record." Are you aware that 17 million servicemen's records were destroyed a few years ago, ostensibly in a fire, to say nothing of lost or misplaced records?

This reflects the degree of care, concern, and ability of the Veterans' Administration to cope with past veterans' problems. The system is an affront to the nation's warrior

sons, especially to those wounded who bore the brunt of battle. They become doubly unfortunate winding up to confront a massive, insensitive V.A. bureaucracy. Much of this can be avoided for each son in Desert Storm if he is given an audited "smart card." A smart card is nothing new. Sixty-one million were produced in Japan -- see page 54 of "Newsweek," July 31, 1989.

What is a smart card? They are the size of conventional credit cards, and they contain tiny computer memory chips capable of storing and manipulating vast quantities of information. By inserting it into a scanner, a laser beam reads the coded information and displays it on a computer screen. Data can be added by the same scanning device. A single card can store more than 1000 pages of information, such as service history, medical history, including x-rays, and insurance history. This is the size of it. (demonstrates) This is not a smart card; this is my V.A. card. This is the size of what we are talking about. Not this much data; not data that deep.

A duplicate of Desert Storm veterans' smart cards can be carried with them when they come home. The information on them should contain all the V.A. needs to render a decision in five minutes. All information going into a Desert Storm soldier's service record should be audited by civilians, not the military, for obvious reasons. And it should be approved or disapproved by the soldier himself. The audit is an essential step. All too often, veterans are surprised when told that something is not in their personnel records, something they know happened.

The records are kept by military minions who are, in the heat of battle, not always careful, accurate, or concerned. They are running like hell to get away from the fire. They can't remember what happened. Who checks their work? If a dispute arises later, the government pits the

serviceman against the "system," in effect making him an adversary, like the United States versus Lance Corporal Jones, or Smith. There should be no adversarial relationship at all. That veterans are made adversaries-- Page 2, "DAV Magazine," October 1989: "The Court of Veterans' Appeals is a new entity that can be expected to have significant impact on how veterans' claims are adjudicated." Adjudicated is a legal term, and reflects the imposed adversarial relationship. To quote further: "For the first time in history, veterans and their families now have the right to court review of Board of Veterans' Appeals' decisions." That statement is chilling and hardly thrills me.

Canada has a national health care system whereby all citizens receive public health care, and they do not have to be veterans to get it either. All they present when they go to the doctor of their choice, is an I.D. card. Why do we have to be different and go to the extremes of litigation to force a veteran to prove his claim? What diabolical scheme is this? The facts should be evident within the smart card.

An example of the efficacy of the current Board of Veterans' Appeals is noted in the February 1991 "DAV magazine," page 12: "It is important that a claimant fully realize the importance of an appeal and the impact of a final decision. According to the Board of Veterans' Appeals' own statistics, during Fiscal Year 1990, over 46,500 claims were considered" -- this was in one year -- "by the Board" -- they must have worked awfully fast -- "and nearly 24% of those were remanded for further development, and only 13% were favorably resolved."

ASSEMBLYMAN SCERNI: Mr. Zimmermann, let me interrupt you again for a minute.

MR. ZIMMERMANN: I only have another minute or two and then I will be finished and you can have the floor.

That translates to 63% of the appealing veterans getting the purple shaft. I further quote: "It is vital that

a claim be totally developed and that every avenue be exhausted prior to the Board of Veterans' Appeals' final consideration. Appealing a claim to the BVA can be extremely complicated."

I can hardly wave a flag for that one and tie a yellow ribbon around it for a Desert Storm veteran to return to. If we are going to retain the current system, my advice to returning veterans would be, "Go back to the Persian Gulf where you will receive a more sympathetic ear." It is known that the bulk of Desert Storm's warriors are from the lowest end of the income scale and impoverished slums. It is doubtful that they can be astute, litigious savants to ensure their rights as veterans, something that should not be in question at any time.

If you do not think it takes litigation for a veteran to get his rights, just examine the Agent Orange issue, hardly resolved after more than 20 years of litigation involving 255,000 poisoned veterans. That is a quarter million of them, or better, who filed claims against many billion-dollar, multinational corporations which profited making the poison. See page 10 of the "VFW Magazine," February 1990 to verify that fact.

Much delay and confusion can be easily resolved if a veterans' ombudsman's office is established to slash through the bureaucracy utilizing smart card information to get answers in 15 minutes, instead of 15 months. All the current research, paper shuffling, docketing, hearings, testimony, and briefs would go down the tubes and justice would prevail. The ombudsman may err occasionally, but if you value his judgment as you do that of a Supreme Court judge, he will expedite decisions on a same-day basis as when the claim is filed. Most of the costs of maintaining the current rickety, ineffectual bureaucracy would be saved to pay needed veterans' benefits instead, the real purpose of the V.A.

Who, then, is the real enemy of the combat wounded veterans having to face the tremendous odds of convincing their government that they should be taken care of? Is it Desert Storm's Saddam Hussein? Is it Vietnam's Ho Chi Minh? Is it World War II's Adolf Hitler? Or, can't we have a "kinder, more gentle nation," to quote President Bush, and treat Desert Storm veterans as though they truly were, and are our own sons, instead of adversaries of the government? Let patriotism really have meaning both ways -- that's up and down.

I urge you to take legislative action to get smart cards and an office of veterans' ombudsman for all veterans. I request to be notified of your hearings in Central and North Jersey.

Thank you. Any questions?

ASSEMBLYMAN SCERNI: Thank you. We do not have any other witnesses on the witness list. Is there anyone else with us who would like to be heard with regard to the issues relating to support of the families of our service personnel? (no response)

Let me just take a minute to focus on some of the things I think we have discussed. As I indicated earlier, it is the intention of this Committee to have at least two additional hearings on these issues. There will be one that Assemblyman Mazur will work on for us in North Jersey. We will also do one in Central Jersey.

Issues have arisen with regard to the preparation of certain resolutions. I believe Assemblyman Salmon indicated that it might be a good idea to prepare a resolution urging the changing of the Soldiers and Sailors Relief Act. I have asked staff to begin working on that, and, Ed, I'm sure you would want to be the sponsor of that?

ASSEMBLYMAN SALMON: I would be happy to, Mr. Chairman.

ASSEMBLYMAN SCERNI: Okay. Additionally, there was a resolution we discussed that would-- Well, actually we did not

discuss it, I don't believe, during the course of the hearing, but I have discussed it with staff and requested that it be prepared; a resolution calling for the coordination of all support elements that are currently supporting the families of our Desert Storm soldiers. We will have that particular resolution prepared.

This Committee will next meet, in terms of its regular meeting schedule, on February 21. That is one week from Thursday. At that time I have asked staff to list certain pieces of legislation that are currently pending. Among those bills that we will consider on February 21 is the bill that deals with the automobile insurance premiums. Additionally, Senator O'Connor has a bill that has moved through the Senate, which deals with the extension of time to pay certain debts, specifically mortgages and related items. Senator O'Connor's bill, as well as the Assembly companion bill to that, will be heard on that date.

There is also a bill that deals with the collection of rents sponsored by Assemblywoman Farragher. That will also be heard on that same date. Also on February 21 we will begin dealing with other pieces of legislation. Other ideas that have been generated here today will be reduced to legislation as we move forward and will be considered at future Committee meetings.

Is there anything else before we adjourn? Ed?

ASSEMBLYMAN SALMON: Mr. Chairman, if I may-- First I would like to thank everyone who came and testified today. I think there has been some excellent input as far as direction that the Committee and the General Assembly can take to be of assistance.

And finally, Mr. Chairman, I would like to commend you for your concern and your leadership in this Committee effort. I know how you have been meeting all over the State in an effort to be able to provide assistance and help wherever

needed for our men and women and their families. As someone who is sitting on the Committee as a substitute today, I just wanted to say thank you for your leadership.

ASSEMBLYMAN SCERNI: Thank you, Ed. Jack, anything?

ASSEMBLYMAN CASEY: Mr. Chairman, yes. I want to say, being a new Assemblyperson, only being five weeks in the General Assembly, when appointed to the Veterans and Military Affairs Committee, I think I got to know Fred pretty well, because I received so many phone calls from him. But I'm telling you, it is a great access to be on this Committee, because I have learned a lot. I happen to be from a community up in Burlington County which handles Fort Dix and McGuire Air Force Base, not exactly my district. But I think my district in the State of New Jersey has probably as many veteran retirees as anywhere in the State of New Jersey.

So it has been a plus for me, Mr. Chairman. I want to commend you, and I will definitely be at the North Jersey meeting, sir. Thank you.

ASSEMBLYMAN SCERNI: Thank you, Assemblyman. Ben, anything you would like to add?

ASSEMBLYMAN MAZUR: Well, I think you have done a good job here. When you come up north you will see an awful lot more people, because we have a lot more people in the north. (laughter)

ASSEMBLYMAN SCERNI: The State sort of leans that way, I know.

ASSEMBLYMAN MAZUR: Yeah, right, it sort of tilts that way. But we are very aware that we have major problems. We have, of course, many, many low-income people who are being hit really hard by this shift and going on active duty, with the breadwinner leaving the family, in many cases, or one of the breadwinners leaving the family. We have many veterans' organizations up there and we will have good representation when we have our hearing up there.

Thank you.

ASSEMBLYMAN SCERNI: Thank you. Dolores?

ASSEMBLYWOMAN COOPER: Well, we really have been through it today, as they say. Having been in both Cape May and Hammonton, I am aware of the needs, and of the heartbreak we are experiencing.

For those who are visitors here today, I would like to compliment one resident of Atlantic County; a very popular gentleman many of you know, Joe Neidinger, who owns the Fisher Florist. He was featured briefly in the paper and on television because of his firm creating those beautiful yellow ribbons that you see throughout Atlantic County. He was just featured on TV this past week, having donated \$12,000 to the Red Cross. All business and industry responded to the need like the Nottingham family. We have a lot of our problems solved. We have a long way to go. I am very proud to be working with such dedicated people.

I want to thank all of you from the bottom of my heart for your participation, whether active or listening today, because you are the base of the home family that the Desert Shield boys and girls, men and women, look forward to for hope.

ASSEMBLYMAN SCERNI: Let me just conclude with a word of thanks also. As you know, this is a Federal facility. Harvey Safeer is the Director of this facility. They have been kind enough to permit us the utilization of this room today.

I would also thank our staff, both partisan staff and the OLS staff, for their help in setting up today.

And a special thanks to all of you. We are here to attempt to deal with the issues that you bring before us. If you didn't take the time to share your experiences with us, we would not be in a position to work and attempt to generate solutions.

For those of you who will join us in North Jersey, I look forward to that. For everyone else, you know, we are only a phone call away. Thanks for being with us.

(HEARING CONCLUDED)

APPENDIX

APPENDIX

MOBILIZED GUARD AND RESERVE UNITS

(NEW JERSEY)

NUMBER OF PEOPLE ACTIVATED

DATE OF ACTIVATION

[Total: 314]

	Page
NEW JERSEY ARMY NATIONAL GUARD.....	1
NEW JERSEY AIR NATIONAL GUARD	2
ARMY RESERVE UNITS.....	3
AIR FORCE RESERVE.....	4
US MARINE CORPS RESERVE.....	5
US NAVAL RESERVE.....	6
GRAND TOTAL (PERSONNEL).....	6

NEW JERSEY ARMY NATIONAL GUARD

328th Transportation Detachment Pemberton	4	9/24/90
253rd Transportation Company Cape May Court House	135	9/24/90
144th Supply Company Hammonton	163	11/16/90
Health Service Liaison Detachment Sea Girt	12	1/25/91

[Total: 314]

2X

NEW JERSEY AIR NATIONAL GUARD

UNITS OF THE 177th FIGHTER INTERCEPTOR GROUP
Pomona/Atlantic City

Hq 177FIG (Chaplain Assistant)	1	2/91
177th Civil Engineering Squadron	12	12/90
177th USAF Clinic	25	2/91
177th Security Police Flight	13	2/91
177th Consolidated Acft Maintenance Sq (EOD)	3	2/91

UNITS OF THE 170TH AIR REFUELING GROUP
McGuire Air Force Base

150th Air Refueling Squadron	50	12/90
170 Consolidated Acft Maint Sq	14	12/90
170 Consolidated Acft Maint Sq (in place)	12	12/90
Civil Engineering Sq/Services Flight	18	2/91
150th AREFS (Operations)	1	2/91
170th USAF Clinic	18	2/91
170th Security Police Flight	44	2/91

[TOTAL: 210]

ARMY RESERVE UNITS

920th Transportation Company

Jersey City

150

1018th Rec Battalion

Fort Dix

156

HHD, 2nd Brigade

Lodi

59

1/310/2nd Brigade

Lodi

98

3/310/2nd Brigade

Lodi

98

3/309/1st Brigade

Northfield

116

Detachment 1, 78th TSB

70

[TOTAL: 747]

AIR FORCE RESERVE

514th Military Airlift Wing
McGuire Air Force Base

US MARINE CORPS RESERVE

~~1100~~ 9/90
1600

200 13/90

30 13/90

[TOTAL: 400]

US MARINE CORPS RESERVE

Battery G 3rd Battalion 4th Marines 4th Marine Division, Mercer	150	12/90
6th Motor Transportation Battalion MAFRC 4th Marine Division, Red Bank	200	12/90
Company G 2nd Battalition 25th Marines 4th Marine Division, Picatinny Arsenal	50	12/90

[TOTAL: 400]

CASUALTY NOTIFICATION

	<u>AREA 1</u>	(work)
	(home)	
MAJ HISLOP	908-735-6353	609-530-6804
CPT FORMICA	908-689-1257	609-530-6949
CPT SCHEPENS	908-537-7370	609-530-7001
CW3 LESHER	215-252-6015	609-530-2949

	<u>AREA 2</u>	(work)
	(home)	
MAJ SKUTNIK	908-232-1054	609-530-7115
MSG DISBROW	908-241-3678	N/A (retired)
MAJ FOX	908-652-8142	609-530-7008
MAJ M. SMITH	908-721-6143	609-530-6901

50th Armored Division

Primary

CH(MAJ) SWEEZY	609-386-2986	609-633-1616
CPT SCHRECK	201-234-1625	201-366-3265
SFC BONGORINO	201-852-5929	201-859-5684

50th Armored Division

Primary

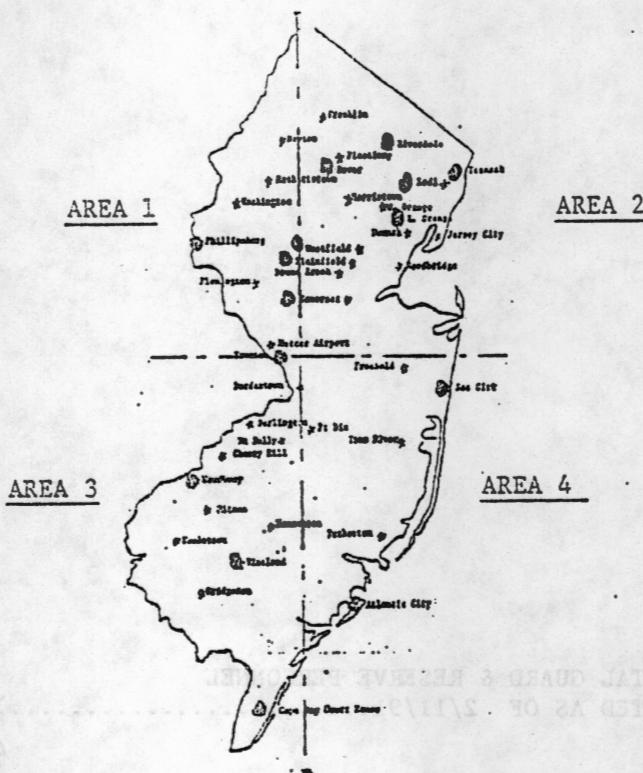
CH(MAJ) GILHAWLEY	914-634-7465	212-870-8627
CPT GUARENO	201-585-7305	201-266-2369
SGT MORALES	201-942-2725	201-266-2361

Alternate

CH(CPT) SYKES	201-408-4465	201-642-7033
1LT MAHON	201-755-6842	201-366-3265
1SG JOHNSON	908-548-3290	201-835-2929

Alternate

CH(MAJ) DUPREE	201-451-5016	212-234-6767
CPT CIAMPA	609-298-4378	201-449-9585



CASUALTY NOTIFICATION

	<u>AREA 3</u>	(work)
	(home)	
MAJ KISHPAUGH	609-455-6718	609-441-3191
CW3 CLEMENTS	609-567-1229	609-530-5725
CW3 WIMBERLY	609-769-0677	609-530-2950
MSG MCCULLOUGH	609-691-3029	609-530-5170

	<u>AREA 4</u>	(work)
	(home)	
MAJ PUCA	609-748-9125	609-441-3191
CPT LACONTORA	609-476-3408	609-441-3191
CW4 SIMMERMAN	908-458-1882	609-530-6997
CW2 NIEDT	609-723-8132	609-530-7013

50th Armored Division

Primary

CH(MAJ) WHITELOCK	609-924-2343	609-921-8300
CPT VELEZ	609-663-6257	609-486-2683
SFC SIEGFRIED	609-268-7776	609-530-4295

50th Armored Division

Primary

CH(MAJ) DAWSON	609-784-0674	609-435-0892
CPT MINCHIN	609-546-6616	609-486-2685
SSG CORMIER	609-265-2711	609-486-2685

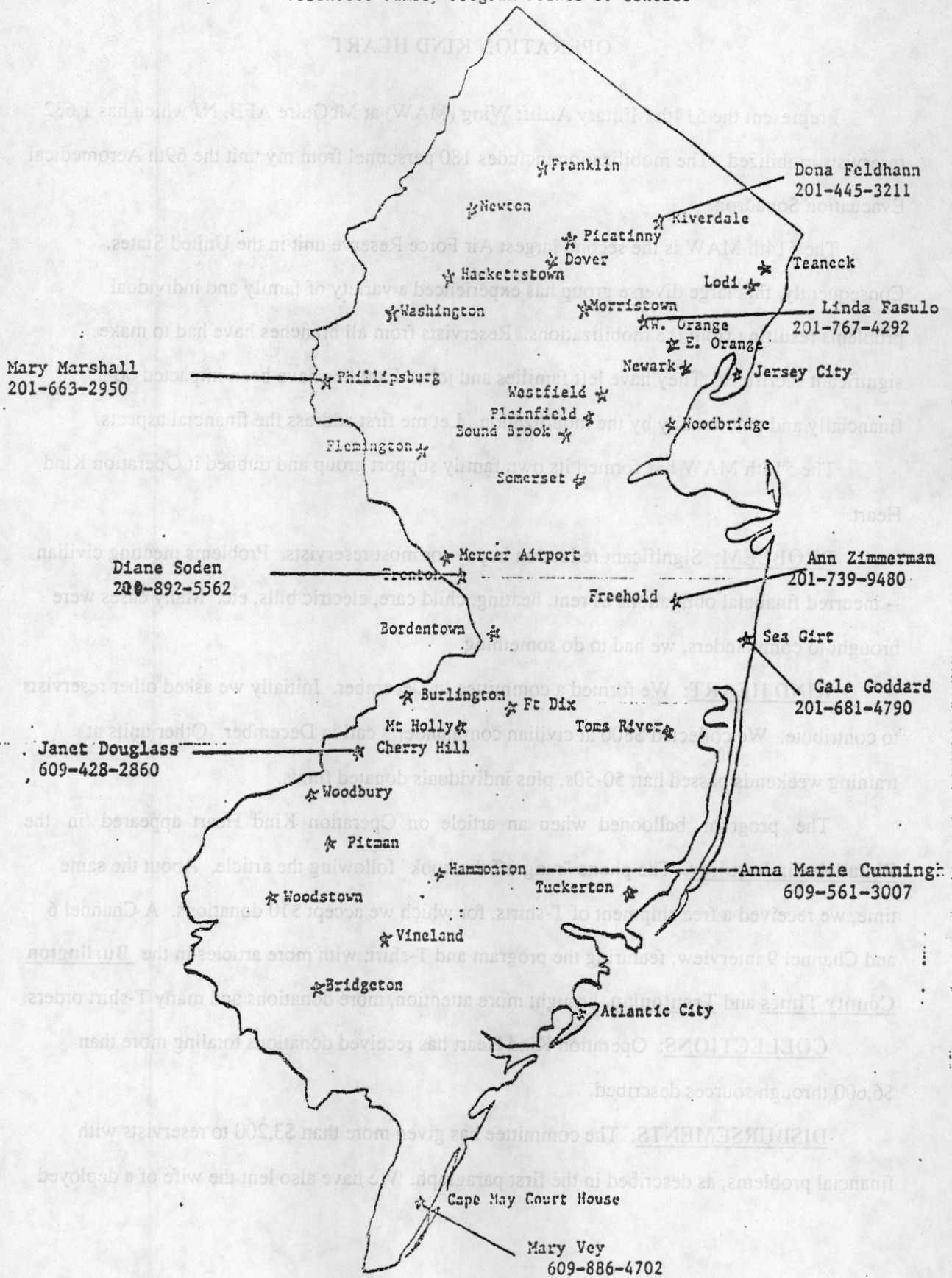
Alternate

CH(CPT) SMITH	609-423-3671	609-633-1616
MAJ RICHARDSON	609-888-2063	609-530-4270

Alternate

CH(MAJ) RAVENELL	609-833-5849	609-633-7338
CPT PETRONI	609-758-7860	609-530-4625

Volunteer Family Program Points of Contact



OPERATION KIND HEART

I represent the 514th Military Airlift Wing (MAW) at McGuire AFB, NJ which has 1,632 reservists mobilized. The mobilization includes 180 personnel from my unit the 69th Aeromedical Evacuation Squadron.

The 514th MAW is the second largest Air Force Reserve unit in the United States. Consequently, this large diverse group has experienced a variety of family and individual problems resulting from the mobilizations. Reservists from all branches have had to make significant sacrifices. They have left families and jobs. Families have been impacted both financially and emotionally by the mobilization. Let me first address the financial aspects.

The 514th MAW has formed its own family support group and dubbed it Operation Kind Heart.

PROBLEM: Significant reduction in pay for most reservists. Problems meeting civilian -- incurred financial obligations as rent, heating, child care, electric bills, etc. Many cases were brought to commanders, we had to do something.

KIND HEART: We formed a committee in December. Initially we asked other reservists to contribute. We collected \$800 at civilian commander's call in December. Other units at training weekends passed hat, 50-50s, plus individuals donated funds.

The program ballooned when an article on Operation Kind Heart appeared in the **Philadelphia Inquirer**. The phone "rang off the hook" following the article. About the same time, we received a free shipment of T-shirts, for which we accept \$10 donations. A Channel 6 and Channel 9 interview, featuring the program and T-shirt; with more articles in the **Burlington County Times** and **Trentonian**, brought more attention, more donations and many T-shirt orders.

COLLECTIONS: Operation Kind Heart has received donations totaling more than \$6,600 through sources described.

DISBURSEMENTS: The committee has given more than \$3,200 to reservists with financial problems, as described in the first paragraph. We have also lent the wife of a deployed

reservist \$500 to tide her over until her husband's civilian pay was received. She feared "bouncing" a check.

Also helped another wife with cash and canned goods. Helped another to move when her rental proved too expensive, and helped two other reservists who were students with virtually no money when they reported for active duty.

OVERALL: Though we can't pay large amounts -- average disbursement has been about \$250 -- reservists thoroughly appreciate our efforts. In their situation, every little bit helps.

SUGGESTION: Most reservists were unprepared for the recall and have had to make great financial sacrifices to "see them through" for the duration.

To alleviate the financial burden they must carry, which affects family members the most, causing stress and other problems, I would suggest the following for the future:

1. Each employer of a reservist receive a federal tax credit. This credit could be given with provision that money saved by employer, be used to make up the difference in civilian to military pay for a period of at least 90 days following recall.

2. Since recalls occur about every 25 years, the employer should have accrued plenty of equity to assist employee - reservists.

3. Also, employers should receive some incentive to have reservists in their organizations. Many do go to great extremes to make it possible for reservists to participate in training programs.

The Soldiers and Sailors Relief Act of 1941 does not adequately protect mobilized reservists; the federal government will have to wrestle with that problem. There are Bills in the assembly to help reservists. Family income has been cut in most cases, some by as much as 50%, thereby materially effecting their ability to meet mortgage, lease and other financial obligations. Reservists who reside in our local communities find that their civilian jobs pay substantially more than their military grade.

The proposed differential pay will encourage employers to provide pay and benefits to reservists and guardsmen during activation.

COBRA requires employer to maintain health insurance providing the employee pays their share. That burden can reach several hundred dollars for a family that may already financially

11X

strapped.

The military has CHAMPUS, (Civilian Health and Medical Program for Uniformed Services) and military medical facilities. However, in a time of national crisis, military medical facilities will be seriously burdened supporting casualties. Also, reimbursement for CHAMPUS health care will be slowed significantly. The co-payment requirements will again place an added financial burden on the families. Reservists need assistance in maintaining health insurance and maintaining continuing of medical care.

College students have encountered problems. Some college administrations have been less than sympathetic to reservists who have been mobilized. If a student fails to enroll for the semester they stand to lose any scholarship(s). The inflexibility and lack of accommodation by certain institutions of higher learning has caused students to withdraw from classes. We have researched several New Jersey colleges and junior colleges and have found that each institution appears to be developing their own policy/procedure to handle activated reservists.

The crisis is taking an emotional toll on our families. They rely heavily on the mail for news from a loved one. Reservists and Guardsmen are pleased with the support generated in their communities. The letters from home, school and other organizations are great for morale. At home, counseling services may be necessary in some cases to help reservists and families to deal with the stresses of the war. I have learned that the State Veteran's Service office can assist with counselors. There are a lot of services available to assist our families, but I am having difficulty finding out what they are and where to find them.

The services available to families through state and local agencies needs to be consolidated. There are a lot of outstanding programs and support groups, each wanting to help. We deeply appreciate the concern and generosity. The statewide response has been outstanding. Our families and reservists appreciate the expression of support. Thank you for your attention.

LOCAL OFFICERS

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DONALD J. BUCHANAN
Vice President
CONNIE M. VISCONTI
Treasurer
WAHEEDAH MUHAMMAD
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Local 195

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UNIT OFFICERS

DONALD ADANUNCIO
President, Maint.
JOHN STARK
President, Crafts
DENNIS KISH
President, Insp.-Invest. & Sec.

February 5, 1991

Mr. Frank J. Parisi
Aide to the Committee
New Jersey State Legislature
Assembly Veterans and Military Affairs Committee
State House Annex, CN-068
Trenton, N.J. 08625-0068

Dear Mr. Parisi:

As per the notification of public hearing to be held on February 13, 1991 regarding the concerns and needs of the dependents of Military Personnel from New Jersey serving in the Persian Gulf War, I would like the following remarks entered before the Committee.

As President of one of the unions in New Jersey who have members in active duty in Operation Desert Shield and Desert Storm, I would like to make the following presentation:

All dues paying union members remain on the roster as paid and in good standing.

State Support Groups should be in steady contact with the families to assist with their concerns, needs and communications.

Keep the Persian Gulf Forces updated with Employer-Departmental newsletters.

Increase the access and ease of communication between those serving in the Gulf and those corresponding with our troops. Their should be consideration of free franking for families and troops with no charge phone calls to and from the Gulf, with special International direct placement of calls.

13X

Frank J. Parisi
Aide to the Committee
New Jersey State Legislature
Assembly Veterans and Military Affairs Committee

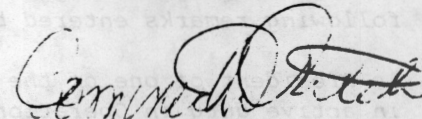
Page #2
February 5, 1991

Most important, there must be a guarantee of jobs, benefits and promotions, etc., with no penalties for those serving in the Gulf War. As I understand, Governor Florio has extended full salary and benefits to those State Employees serving in the Gulf. Every attempt should be made to keep Executive Order #15 in place until our troops return.

Make known and accessible all special programs that are available and entitled to our forces and their families, without them having to search out this information.

Most of all, we must do all that is possible to show our support and let it be known to all of our forces that they are backed by the Great Majority of Americans.

Very truly yours,



Dominick D. Critelli
President
Atlantic Area Vice-President

cc: Local 195 Officers
Chapter Presidents

MX

National Archives



Washington, DC 20408

April 13, 1989

Reply To: NNRM89-5053-RVD

Mr. Frank Zimmerman
1255 Route 166, C-12
Toms River, NJ 08753

Dear Mr. Zimmerman:

This is in response to your request of April 2, 1989 under the Freedom of Information Act, as Amended (5 U.S.C. 552), for access to the sick bay logs of USS Ellet (DD 398). Your request was received in this office on April 12, 1989.

I noted in your letter that you had previously contacted the Military Personnel Records Center in St. Louis, and the Naval Historical Center here in Washington, but they were unable to locate USS Ellet's medical logs. The only logs maintained aboard U.S. Navy ships which have been designated as permanently valuable are the deck logs. Deck logs are daily narratives of administrative events aboard ships, and they do contain medical information when a member of the ship's company is injured on board in the line of duty.

The medical logs which were maintained in the ship's sick bay were kept until it was ascertained that the information contained in the logs was transferred to the individuals' permanent medical records. At that time, the logs became superfluous, and they were subject to disposal in accordance with Department of the Navy records disposal schedules. A small number of World War II medical logs were inadvertently saved as permanent records, and these are in the custody of the Military Personnel Records Center. It is apparent that none of these are from Ellet.

Unfortunately, it seems certain that the medical logs you are requesting were destroyed by the Department of the Navy some decades ago.

We do not consider this response a denial under the Freedom of Information Act, as Amended, because the records in our custody do not include the information you requested.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. von Doenhoff".

RICHARD A. von DOENHOFF
Military Reference Branch
Textual Reference Division

National Archives and Records Administration

15X

7-6-88

RE: ZIMMERMANN FRANK W

ON THIS DATE, MR ZIMMERMANN
EXAMINED THE LOG OF THE EENT
CLINIC, USNH, PEARL HARBOR, HI
FOR THE PERIOD 4-20-42 THRU
4-24-43 WITH THE RESULT THAT
AN ENTRY WAS FOUND FOR MR ZIMMERMANN
PERTAINING TO AN EAR EXAMINATION
CONDUCTED ON FRIDAY, SEPTEMBER 11, 1942.
MR ZIMMERMANN HAS RECEIVED A COPY
OF THAT LOG ENTRY.

Carl Parker NCPMA-0

Received above information:

Frank W. Zimmermann, July 6, 1988

16X

NAME	RATE	Dec	NO	FROM	EXAM	REF	AUDIO
Roach	G.M.	Pat.	D		Noe Rt.		
Woodruff	G.M.	Y ² / _c	F		Throat exam		
Davis	F.N.	CWT	D.		Caloria		
Kemp	A.A.	HA ¹ / _c		Staff	Throat Rx		
Good	R	F ¹ / _c		Calif	P.C.		
Knap	C.W.	S ² / _c		Perkins	P.C.		
Brewster	M.D.	F ¹ / _c		Calif	P.C.		
Gately	C.C.	S ² / _c		W.Ua.		Ref.	
Harker	R.W.	Sty)		Thess	P.C.		
Johnson	M.S.	Eus			Glasses checked		
Demmons	D.L.	S ² / _c		Rec. At	P.C.		
Collins	A.T.	Pat.		amm. Defat		Ref	
John	G.	S.C.	Sm	OPD.		Ref	
Friedrich	O.G.	Public				Ref	
Vatter	W.H.	Eus.			Physical		
Friday, September, 11, 1942							
Beckman	G.T.	m.m ² / _c		Salvage Repair		Ref	
Fly	F.S.	P.C.		N.S. Dept.		Ref	
Perry	W.H.	P.C.		M.F. O.		Ref	
Brown	R.H.	ht. g.		Yard disp	P.C.		
Gossage	M.	m.m ² / _c		Virginia	Ear R.		
Pearson	G.M.	S ² / _c		Neosangua		Ref	
Lee	R.H.	O.M. ² / _c		S/m Base			
Queen	F.W.	S ² / _c			L.L. N.T.		
Teach	F.W.	Pat.			Nooc. R.		
Reamer	F.A.	wt. ¹ / _c		California	Eye exam		
Hull	F.L.	S ¹ / _c		P.D.H.	Cor. Lx.		
Hinds	J.A.	S ¹ / _c		"			Audio
Massay	C.C.	S ¹ / _c		"			Audio
Phipps	F.B.	Phm ¹ / _c		Prometheus.	Ear Exam		
Neibler	H.A.	F ¹ / _c		M.T.B.T.	Ear R.		
Nosito	P.N.	G.M. ² / _c		Axurite	Ear Cont		Audio
Jackson	G.M.	amm ¹ / _c		nas.	Ear exam		Audio
Roberts	H.	A.n ¹ / _c		N.A.S.	Eye Exam		
Zimmerman	F.W.	muscle		Ellet	Ear exam.		
Jones	N.K.	F ¹ / _c		"	Eye		
Birtley	T	Comdr	SOA	17X			

KNOW YOUR BENEFITS

From the National Service Department.

The Claims Process

Did you realize it takes an average of 444 days for the Department of Veterans Affairs (VA) to process and decide a claim for compensation benefits from the beginning to a decision by the Board of Veterans Affairs (BVA)?

According to DAV National Service Director Arthur H. Wilson, this is what disabled veterans and DAV National Service Officers are up against when battling to ensure that service-connected compensation benefits are granted.

"The reasons for these delays are not new," said Wilson. "For years there has been a tremendous backlog of cases waiting to be processed, reviewed, and resolved. In addition, personnel shortages and outdated or non-existent computer systems continue to delay the processing of the current backlog, let alone current and future claims."

Using VA data, the Fiscal Year 1991 Independent Budget revealed a deterioration in timeliness and quality claims adjudication. A backlog in compensation and pension claims skyrocketed from more than 167,000 in October 1987 to over 650,000 in August 1989. There are delays of 100 days from date of application until date of interview for those seeking vocational rehabilitation benefits. The average time spent by VA regional offices and the BVA to process appeals was 419 days in Fiscal Year 1988.

It is interesting to note that claims processing time among VA's 58 regional offices ranged from 172 to 623 days, even though the process is the same for all offices. The VA is looking into the reasons for these differences. "It's clear," said Wilson, "that major changes need to be made in the way VA tracks its claims and appeals process. Unfortunately, while the VA investigates this matter, the numbers continue to grow daily."

As for personnel problems, after years of reducing the number of full-time employees at the regional office level, the Fiscal Year 1991 Independent Budget recommended increasing full-time employees by 365. The administration responded by recommending the hiring of only seven more full-time employees.

"It all boils down to money. Congress needs to appropriate more money for employees, training and new equipment. Unfortunately, this is of little comfort to the veterans impatiently waiting for a com-

penensation check that he or she is legally entitled to," said Wilson.

Keeping the above statistics in mind, Wilson envisions a frightening dilemma if the VA is faced with disabled veterans making claims as a result of injuries if fighting breaks out in the Middle East. To illustrate, he suggests the following example which was told to the House Veterans' Affairs Committee last year:

"Corporal Jones" sustains multiple gunshot wounds necessitating an above-knee amputation. He contacts the VA to file a claim for benefits. When he calls the VA, he may be unable to get through to talk with someone in the Veterans Services Division (VSD). If he lives in one of the large metropolitan areas with no VSD counselor, he won't be able to arrange a personal visit to discuss his potential benefits. When he finally does file a claim, his claim may be one of the 30 percent that requires more than 172 days to complete due to shortages of personnel.

That's just if "Corporal Jones" files for a claim. If he believes an appeal to the BVA is necessary, he goes back to the regional office to start the process of appeal. The

regional office must research and explain the original decision, which takes an average of 61 days. Once the BVA gets the appeal, another 148 days are used to render a decision. If BVA needs more information, the claims file is sent back to the regional office and the cycle continues. It can sometimes take up to two years to get a final decision on an appeal.

There is no telling how much longer it would take to resolve "Corporal Jones's" claim if it were to go to the Court of Veterans Appeals. "That's an issue we'll take up in a future column," said Wilson.

One bright spot is that at least one Congressman saw fit to introduce a bill that would impose tough timeliness standards on the VA's claims adjudication process. Rep. Bob McEwen (R-Ohio) introduced in the 101st Congress the Veterans Claims Administrative Equity Act of 1990, which proposed some "much-needed accountability into the adjudication process by requiring prompt decisions on claims," said Wilson. Although this bill did not pass before Congress adjourned in December, Wilson is hopeful that Rep. McEwen will again pursue this in the 102nd Congress.

However, despite the delays in the claims and appeals process, veterans are not left helpless in getting through the maze of the VA. The DAV employs nearly 290 full-time, professionally trained, National Service Officers (NSOs) throughout the country to provide counseling on a wide range of VA benefits and services. The majority of their activities are dedicated to assisting and representing veterans and their families on their claims and appeals for compensation, pension and survivors' benefits at VA regional offices.

The DAV also maintains a National Appeals Office in Washington, D.C. This office is staffed by National Appeals Officers (NAOs) and a Medical Consultant. Their primary responsibilities are to ensure that appeals from each individual who has designated the DAV as their representative are clearly and accurately expressed and the issues are presented in their most favorable light.

"However frustrating and confusing the VA system is, DAV National Service Officers are there to help veterans and their families every step of the way," said Wilson. "You need only contact your nearest NSO for the help you need," he added.

"It's clear that major changes need to be made in the way VA tracks its claims and appeals process. Unfortunately, while the VA investigates this matter, the numbers continue to grow daily."

Smart Cards: Pocket Power

They'll dial the telephone, hold your X-rays, play the lottery—even remind you to buy flowers

If laptop computers still amaze you, consider this: a computer the size and thickness of an ordinary plastic credit card, complete with tiny keys and a one-line display. Put it in your back pocket: this computer is flexible. In fact, you'll want it close at hand, for this is a "supersmart card" developed in Japan for Visa International. With this credit card you can not only pay for dinner, but also perform foreign-currency conversions, dial the phone and make airline reservations.

You can't apply for a supersmart credit card yet; the technology is still costly and unproven. But its lesser cousins—the "smart cards"—are already here. Nearly 61 million were produced last year, primarily in Japan and Europe, and they are now poised to enter the American market. "By 1995," says Randy Boyett, vice president of Micro Card Technologies in Dallas, "half the people on the street may have a smart card in their pocket." They could alter everything from banking to medical care—and may make the old science-fiction notion of a cashless society real.

Smart cards are the size of conventional credit cards, but with a twist. Most versions contain tiny computer memory chips, capable of storing and manipulating information. Metal contacts on the card connect the chip to the outside world, like plugging in a cable. In France and Japan, some cards feature chips that store the electronic equivalent of "coins" to operate properly equipped telephones, parking meters and vending machines: you plug in the card rather than dropping in change. A variation called the optical card, not yet in mass production, eschews chips and instead encodes information in a rainbow-colored pattern that can be read by a laser beam. These optical cards will record the equivalent of 1,000 or more pages of double-spaced text.

To date, chip-based cards still

dominate the market. And while the United States hasn't taken a leadership role, "the momentum is starting to build," says Boyett. The U.S. Department of Agriculture will soon launch a pilot program to issue food stamps as smart cards. Each recipient would receive a card programmed with a month's worth of benefit dollars, along with a personal identification number. The shopper would plug the card into a store's computer terminal, which would verify his identity and subtract the purchase from the card's memory chip. The smart cards would stamp out black-market and counterfeit food stamps, as well as eliminate cumbersome paperwork.

Smart cards are already on duty at the Marine Corps's Parris Island training base in South Carolina. On payday, recruits receive chip-based cards rather than cash. When a Marine makes a purchase on base, he plugs the card into a small terminal and the sum is automatically deducted from his pay. The base is, in fact, a cashless economy—even the telephones take smart cards.

This month in Illinois, lotteries will take their first step into the smart-card era. Initially, 15,000 proprietors of stores that sell tickets will be issued smart cards, to ensure that only authorized individuals can unlock the terminals. Ultimately, players may buy chip-based smart cards pro-

Reaching out: Banking by phone and Visa in Japan



Cashless: Marines at Parris Island get paid—and make purchases—in plastic

grammed with, say, \$20 of lottery play. The card could also remember a player's favorite numbers and act as an electronic "receipt" if the paper one is lost or stolen.

Further out, the biggest market for smart cards will be electronic banking and credit. A smart credit card, for example, could be "self-authorizing," its memory chip telling a merchant immediately whether a customer has sufficient credit to make a purchase. Should a smart credit card be stolen, the central computer network could order the card to shut itself off the first time the thief tried to use it.

In Chicago, Andersen Consulting has created a prototype supermarket of the future that uses chip-based smart cards to personalize the store. At checkout, the smart card not only pays for the purchase but also records the customer's favorite foods, brands, even details like birthdays and anniversaries. Next visit, the customer plugs his smart card into a terminal, which immediately lists sales on favorite items—and even reminds him that it's time to buy flowers for tomorrow's anniversary.

Thus far it is virtually impossible to alter a smart card's memory illegally. They are so secure, in fact, that someday smart cards may replace conventional keys and locks. Last month IBM introduced a chip-based card to prevent unauthorized access to computer systems. Legitimate users carry smart cards containing an electronic memory of how they sign their names. Plugged into a locked computer, the card compares



M. L. MILLER—PICTURE GROUP

the motions of the user's signature and turns on only if the match is perfect.

Optical cards, with their vast storage capacity, can carry the equivalent of a filing drawer in purse or pocket. Hospitals in the United States and Japan are experimenting with the cards to carry medical records, including full X-rays, a patient photo and insurance information. Each time a patient is treated, the doctor—using a special access code—can update the card (box). The only long-term problem could be physician resistance: "Radiologists often say they were trained to look at X-rays on film, not on a computer screen," says Stephan Seidman, publisher of Smart Card Monthly.

Automobiles will soon arrive with an optical smart card in the glove compartment, recording the maintenance history for the lifetime of the vehicle. When your engine develops a mysterious knock, the mechanic can pop the car's smart card into a laser terminal and tell just which batch of parts was used five years earlier at the factory, and what typical problems have ensued.

Smart cards won't appear overnight. Chip-based cards still cost \$5 to \$7 each, compared with less than a dollar for conventional credit cards.

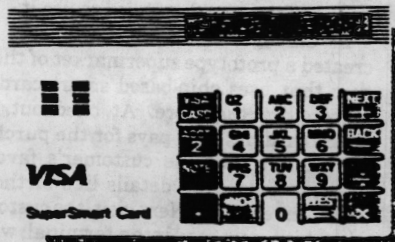
"The cards are the cheapest part of the situation," says Andersen's Henry Dreifus. "The big expense is putting in terminals and changing the way people do business." Dreifus predicts a big international boost in 1992, when the Barcelona Olympics will rely heavily on smart cards. Organizers plan to provide athletes, officials and reporters with chip-based smart cards that will facilitate financial transactions, security checks—even keep track of what perks each user is entitled to. Spectators may also be able to purchase smart cards for buying food and services in the Olympic Village.

Even without the Olympic cachet, smart cards will likely become commonplace by the middle of the next decade, as major credit-card companies begin to issue them by the millions. "Once smart cards are in everyone's pocket," says publisher Seidman, "people will start to say, 'Hey, here's something else we can do with them.'" Chances are good that the most surprising smart-card applications are yet to come. But one thing will never change: no matter how smart the credit card, you'll still have to pay the bills.

MICHAEL ROGERS

The Size of Things to Come

The Supersmart Card



How It Works

Resembling a regular credit card on one side, the supersmart card has a mini-keyboard and display screen on the back. Users can key in data ranging from phone numbers to financial transactions, which are stored and processed by tiny memory chips inside. Powered by a paper-thin lithium battery with a three-year life, the card also contains a clock, calendar and calculator.

What It Can Do

- Replace coins in vending machines, pay telephones and parking meters
- Remember the cardholder's bank balance and approve purchases on the spot
- Dial the telephone—and even make airline reservations

The Optical Card



How It Works

Using technology similar to that of musical compact discs, the optical card stores data in the form of microscopic bumps and pits. The card is inserted into a scanner, where a laser beam reads the coded information and displays it on a computer screen. Data can be added by the same scanning device. A single card can store art, photos or more than a thousand pages of information.

What It Can Do

- Carry a patient's full medical history, including X-rays and insurance information
- Preserve auto-maintenance records from assembly line to junkyard
- Contain entire books or maintenance manuals in pocket-size form

20X

The Court of Veterans Appeals

Arthur H. Wilson, National Service Director
807 Maine Avenue, S.W., Washington, D.C. 20024
Phone 202-554-3501



Over the past few months, we've examined in *DAV Magazine* various aspects of the recently created Court of Veterans Appeals (COVA).

COVA is now a reality. It's a new entity that can be expected to have a significant impact on how veterans' claims are adjudicated. For the first time in history, veterans and their families now have the right to court review of BVA decisions.

To this end, it's important that each of us have a working knowledge of what COVA is, how it will operate and what it means to disabled veterans. Keep in mind that, at this writing, COVA had not yet heard its first case. So we can offer only educated guesses as to how COVA will operate in some areas.

On November 18, 1988, President Reagan signed the Veterans' Judicial Review Act, Public Law 100-687. This act created, under Article I of the Constitution, a new court, the United States Court of Veterans Appeals. The new court will have exclusive jurisdiction to review VA Board of Veterans Appeals (BVA) decisions.

Prior to COVA, the vast majority of BVA benefit determinations were final and not subject to review by any other official or court in the United States. The exceptions were certain decisions relating to Insurance and Home Loan Programs under Chapters 19 and 37, Title 38, U.S. Code, or the denial of due process.

Although many COVA operational procedures are still unknown, the Act provides that COVA review is only available in cases where a notice of disagreement has been filed on or after Nov. 18, 1988. Further, that notice of appeal must be filed with COVA within 120 days after the date on which BVA mails a final decision, or within 30 days of the date on which the court publishes, in the *Federal Register*, notice of the

fact that it has commenced operations, whichever is the later of the two dates. Claims in which the notice of disagreement was filed before the date of the enactment cannot be appealed to the new court even if BVA renders a final decision after November 18, 1988. The only recourse for a claimant in this situation is to continue the appeal through to a final BVA decision, and then, if not successful there, to reopen the claim with new and material evidence at the VA regional office level.

Any final decision by BVA on the reopened claim would then be subject to appeal to COVA. Veterans may have to pay a fee of not more than \$50 to file a petition for appeal with COVA. However, the law authorizes COVA to waive the filing fee in cases where the claimant demonstrates that payment will impose a hardship.

The court's makeup will consist of Chief Judge Frank Q. Nebeker, who was confirmed by the Senate last May, and between two and six associate judges to be appointed by the President and confirmed by the Senate.

The opening date of the court set by the Act was September 1, 1989. However the court cannot hear cases until at least three judges have been confirmed. At press time, we expect the nomination and confirmation of at least two more judges will be a top priority on the Senate's agenda and may have occurred by the time you read this. In the meantime, the court has established offices in the District of Columbia at 1625 K Street, N.W. Suite 400, Washington DC 20006.

In reviewing appeals, COVA will have the power to reverse, affirm or modify a BVA decision or to remand the matter as appropriate. Only when a BVA decision is found to be clearly erroneous in the appli-

cation of the facts will it be reversed. COVA will conduct its review entirely upon the record developed

during VA-level adjudication procedures. COVA will function without a jury, will not receive new evidence, and will not hear witnesses. Thus, COVA will not try the case again or redetermine the facts. Rather, it will review the case on the evidence of record to decide the legal issues presented.

The record, we expect, will be composed of the BVA decision, as well as the evidence and proceedings that were before BVA, including the claimant's claim file.

Representatives of the parties, representing the veteran and VA, and *pro se* claimants, (one who represents oneself without the aid of counsel) will present legal arguments to the court in writing. The representatives of the parties or *pro se* claimants are allowed to present oral arguments in open court, if the court considers it necessary. Decisions of COVA are subject to further limited review in the United States Court of Appeals for the Federal Circuit in Washington.

One area of particular DAV interest is the expected ability of non-lawyers, such as DAV National Service Officers (NSOs) to participate fully in representing claimants before COVA, so long as they meet standards of proficiency. Meeting a standard of proficiency may mean passing a written examination or certification of extensive experience with BVA claims work.

We believe our level of expertise in claims representation is unequalled, either inside or out of the legal system. COVA's authority to admit non-lawyer advocates to its bar reveals, as we see it, Congress's acknowledgement of one paramount truth underlying the VA adjudication system: that is, the dominant role played by VA-accredited

21X

KNOW YOUR BENEFITS

From the National Service Department.

How to File an Appeal

Board of Veterans Appeals

All questions on claims concerning benefits granted by the Department of Veterans Affairs (VA) are subject to review on appeal to the Secretary. The decisions on these questions are made by the Board of Veterans Appeals (BVA).

All claimants have the right to appeal a determination made by the VA regional office originating the claim, including questions of timely filing and adequacy of the Notice of Disagreement and Substantive Appeal. But medical determinations, such as the appropriateness or need of a specific type of medical care, are beyond the BVA's jurisdiction.

The VA is responsible for notifying the claimant and the representative, if any, of the right to (1) initiate an appeal and the time limit to do so; (2) the right to a personal hearing; and (3) the right to representation. This information will be included in each notification of a determination of entitlement or non-entitlement to VA benefits. An appeal consists of a timely filed Notice of Disagreement in writing, after which a Statement of the Case will be furnished by the VA, followed by a timely Substantive Appeal filed by the claimant.

Notice of Disagreement: A written statement by a claimant or representative expressing disagreement with a factual or legal conclusion will be accepted as a Notice of Disagreement. The statement should state the belief that a claim for benefits was improperly disallowed by reason of an error of fact or law. The claimant should outline where he or she believes the decision to be in error. According to DAV National Service Director Arthur H. Wilson, it is important to note that an appeal to BVA only covers questions of legal or basic entitlement to VA benefits, or entitlement to hospitalization, domiciliary and outpatient treatment. BVA cannot make determinations as to the "need for" or "nature of" medical treatment. A Notice of Disagreement must be filed within one year from the date of mailing of notification of the initial decision being appealed, otherwise that decision will become final.

When a Notice of Disagreement is filed, the agency of original jurisdiction (usually a VA regional office) may develop and review the claim again. If no preliminary action is required, or the review is completed, the agency of original jurisdiction will prepare a Statement of the Case, unless the issues are resolved by granting the benefits sought in the appeal or the Notice of

Disagreement is withdrawn by the appellant or representative.

Statement of the Case: After a Notice of Disagreement is received, a Statement of the Case will be prepared by the VA. The purpose of the Statement of the Case is to give the claimant notice of the pertinent facts and the action taken. Information will also be provided regarding the claimant's right to file a Substantive Appeal to the BVA and the time limits to do so. The Statement of the Case will contain:

- a summary of the evidence in the case relating to the issue(s) the appellant or representative disagrees with;
- a summary of the applicable laws and regulations, with appropriate citations; and
- the decision of the agency of original jurisdiction on each issue and the reasons for such decision.

Substantive Appeal: The claimant completes the appeal at the regional office by filing a Substantive Appeal. This is normally done on VA Form 1-9. In preparing the appeal, the claimant or representative should clearly identify the benefit sought and point out the errors of fact or law believed to have been made in the determination. All statements should relate to specific items in the Statement of the Case, identifying any facts the claimant disagrees with. The BVA will make a decision on all issues stated in the Statement of the Case. If a claimant does not want a decision on an issue listed in the Statement of the Case, a statement should be made withdrawing that issue. A Substantive Appeal must be filed within 60 days from the date of mailing the Statement of the Case, or within the remainder of the one year from the date of mailing the notification of the initial decision. If there is a supplemental Statement of the Case, a period of 30 days will be allowed for reply.

Hearings: A hearing may be granted at any stage of the appeal if an appellant and/or representative expresses a desire to appear in person. The appellant, the authorized representative, any witnesses, or any members of Congress and their staffs, may appear and present arguments and testimony in support of an appeal. The purpose of a hearing is to receive argument and testimony relevant and material to the appellate issue. Hearings conducted by and for the Board are *ex parte* in nature and non-adversarial. Personnel conducting the hearing will be permitted to ask questions and follow-up questions of all witnesses, but cross-examination is not permitted.

Proceedings will not be limited by legal rules of evidence, but reasonable bounds of relevancy and materiality will be maintained.

A hearing may be held in one of the following places at the option of the appellant:

- before a section of the BVA in Washington, D.C.;
- if scheduling permits, before a traveling section of the BVA during visits to VA facilities; or
- before appropriate personnel (Hearing Officer) in the VA regional office or other office nearest the appellant's residence, acting as a hearing agency for the BVA. Such personnel will allow the appellant and/or representative to present any argument and testimony, as well as witnesses before the panel.

Decisions: At the present time, the Chairman of the BVA may authorize a case for reconsideration under his discretionary authority. The standards for review of motion of reconsideration will eventually be incorporated into new Rules of Practice of the BVA which are under consideration at this time. In the interim, the principles listed below, while not all-inclusive, reflect the present policy. The Chairman of the BVA may order reconsideration on a decision if he or she finds one or more of the following:

- the members of the Board who entered the decision may have overlooked or misinterpreted controlling statutes or regulatory provisions, or may have misconstrued the record;
- the findings of fact or conclusions of law set forth in the decision may not be supported by the evidence; or
- in the judgement of the Chairman, the decision is manifestly unjust.

It is important that a claimant fully realize the importance of an appeal and the impact of a final decision. According to BVA's own statistics during Fiscal Year 1990, over 46,500 claims were considered by the Board and nearly 24 percent of those were remanded for further development and only 13 percent were favorably resolved. It is vital that a claim be totally developed and that every avenue be exhausted prior to BVA's final consideration.

Appealing a claim to the BVA can be extremely complicated. Therefore, it is very important for claimants to work closely with their local DAV National Service Officer.