

Statement of:  
**Reserve Officers Association of the United States**  
and  
**Reserve Enlisted Association**

before the

**Subcommittee on Disability Assistance and Memorial Affairs**  
**Committee on Veterans Affairs**  
**United States House**

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The Reserve Officers Association of the United States (ROA) is a professional association of commissioned and warrant officers of our nation's seven uniformed services, and their spouses. ROA was founded in 1922 during the drawdown years following the end of World War I. It was formed as a permanent institution dedicated to National Defense, with a goal to teach America about the dangers of unpreparedness. When chartered by Congress in 1950, the act established the objective of ROA to: "...support and promote the development and execution of a military policy for the United States that will provide adequate National Security."

The Association's 65,000 members include Reserve and Guard Soldiers, Sailors, Marines, Airmen, and Coast Guardsmen who frequently serve on Active Duty to meet critical needs of the uniformed services and their families. ROA's membership also includes officers from the U.S. Public Health Service and the National Oceanic and Atmospheric Administration who often are first responders during national disasters and help prepare for homeland security.

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The Reserve Enlisted Association is an advocate for the enlisted men and women of the United States Military Reserve Components in support of National Security and Homeland Defense, with emphasis on the readiness, training, and quality of life issues affecting their welfare and that of their families and survivors. REA is the only Joint Reserve association representing enlisted reservists – all ranks from all five branches of the military.

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#### DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Reserve Officers and Reserve Enlisted Associations are member-supported organizations. Neither ROA nor REA have received grants, sub-grants, contracts, or subcontracts from the federal government in the past three years. All other activities and services of the associations are accomplished free of any direct federal funding.

## **INTRODUCTION**

Mr. Chairman and distinguished members of the House Veterans Affairs Subcommittee on Disability Assistance and Memorial Affairs on behalf of 1.1 million Reserve Component members, the Reserve Officers Association (ROA) of the United States and the Reserve Enlisted Association (REA) expresses our appreciation for the opportunity to testify.

Many Guard and Reserve service members have served admirably for 20 plus years and qualify for retirement without having been called to active duty service during their careers. At age 60, they are entitled to Reserve military retired pay, government health care, and other benefits of service, including some Veterans' benefits. Yet current law denies them full standing as a Veteran of the armed forces.

## **Veteran Status**

Often times those Reserve Component members who after serving their country, particularly for 20 years or more, believe they are considered to be a veteran. Unfortunately as many of you may know by now, this is not the case. Both ROA and REA have listed in our 2010 legislative agendas that Veteran status is a top issue.

Reserve Component members, as defined in law, who have completed 20 or more years of service are military retirees and eligible once reaching 60 years of age for all of the active duty military retiree benefits. Conversely they are not considered to be "Veterans" if they have not served the required number of uninterrupted days on Federal active duty (defined as active duty other than for training).

REA's executive director, Lani Burnett, retired Chief Master Sergeant of the U.S. Air Force, wrote in *THE OFFICER*, January 2009, in regards to Veteran status, that, "It may surprise you to know that even after serving honorably in the Reserve or Guard for 20 years, you may not be considered a 'veteran' of the armed forces, under the current statutory definition, if you were not called to active duty during your career." This statement shocked many of our readers.

As she pointed out later in a May 2009 article, service members focus on numerous things such as the mission at hand, the job, training and development, the troops, going where needed, and others, but not much thought is given to making sure they had the right kind of duty to qualify to become a Veteran upon retirement.

Those Reserve Component members that have been called to serve in Operation Enduring Freedom or Operation Iraqi Freedom will undoubtedly qualify as Veterans. Though there are many others who stand in front of and behind these men and women—preparing them and supporting them—individuals that are also ready to deploy but because of their assigned duties may never serve in that capacity. Nevertheless they serve faithfully.

Twenty or more years of service in the reserve forces and eligibility for reserve retired pay should be sufficient qualifying service for full Veteran status under the law.

This issue is a matter of honor for those, who through no fault of their own were never activated, but served their nation faithfully for 20 or more years.

## **Hurdles**

Seemingly, the biggest hindrance to passing HR.3787 to grant Veterans status, is the misconception that passage would have unintended consequences, causing this group of Veterans to receive benefits that they would not otherwise qualify for. The argument is to not use Section 101 language, rather select a different section. This would be a grave error.

The pending legislation would change the legal definition of ‘Veteran’ so that proper acknowledgment and recognition that comes with the designation of ‘veteran’ would be made. BUT it would NOT change the legal qualification for access to any benefits.

Each benefit has a different set of qualifications because each was created at a different time. Every time Congress passes new legislation that is signed into law authorizing new Veteran benefits, the eligibility requirements are determined for that specific benefit. Veteran status depends on which Veteran program or benefit you are applying for.

There are innumerable programs to outline, but an example could be “Veteran’s Preference for Federal Jobs” in which preference is given to separated Veterans who received an honorable or general discharge and served on active duty (not active duty for training). Furthermore Reservists that are retired from the Reserve but not receiving retired pay (such as Gray-area retirees) are not considered “retired military” for purposes of Veterans’ preference.

Thus allowing the utilization of Section 101 language does not generate unintended consequences. Although if that were to happen, and it was placed elsewhere it would cause harm because a disparate outcome would be created causing this specific group to be classified as second-class veterans. Such a result would not only, not grant these admirable men and women the honor they deserve for their 20 years plus service, but denigrate it.

HR.3787 would amend Title 38 to include in the definition of Veteran retirees Guard and Reserve Component members who have completed 20 or more years of service, but are not considered to be Veterans under the current statutory definitions. ROA and REA have signed letters supporting the efforts of Congressman Tim Walz (D–Minn.) on this issue.

## **Cost**

Reserve Component members with 20 years or more service without qualifying consecutive active duty time, cannot have a Veterans Affairs (VA) disability rating. Though, if they are injured while on military duty, they would be eligible for a VA disability rating and VA health care. Some would have assets and incomes above the VA Priority Group 8 means test (closed to new applicants for over four years). Some in the non-disabled and non-veteran retiree group might qualify for VA health care for Priority Group 7. Only a very small amount would qualify for enrollment in Priority Group 5 as indigent veterans.

In the majority of circumstances these individuals will have other full-time employment in the private sector or as a civilian government employee. Therefore many have health care insurance through their employer. Upon reaching 60 years of age they will be eligible for TRICARE.

Lastly, the operational reserve policy requires routine activation of Reserve Component members for 12 months every fifth or sixth year. There will be as we move forward a small number of career reservists that will not qualify as active duty veterans.

<b>CONCLUSION</b>
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The Reserve Officers Association and Reserve Enlisted Association, again, would like to thank this sub-committee for the opportunity to present our testimony.

America's service men and women from the Reserve Components come from the heart of communities across this great country and its territories. They have proven themselves to be worthy and capable, and have earned the respect they so richly deserve from their fellow citizens. What they also deserve is the honor to be called Veteran.

ROA and REA appreciate efforts by this Subcommittee to address employment issues that veterans face. We are looking forward to working with you, and supporting your efforts in any way that we can.

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Upon request ROA and REA can provide copies of THE OFFICER articles referenced.