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ARMY NURSE CADETS - A FIGHT FOR JUSTICE

Karen B. McIntyre, R.N., VA Accredited Agent, Guest Contributor

WWII brought many changes and sacrifices to our American way of life. Amongst these was the loss of over 250,000 nurses nationwide to military duty, leaving a huge medical void within this country. The solution to this massive problem was the creation of the Victory Nurse Corps, which later became the Nurse Cadet Corps.

The Nurse Cadet Corps was created in 1943, in response to the Nurse Training Act, signed by President Roosevelt on June 15, 1943, which became Public Law 74 on July 1, 1943. It remained operational until 1948, providing 80% of all stateside nursing care by 1945. It offered promises of college nursing degrees while providing much needed medical care to our stateside soldiers and their families. Recruited from college nursing programs throughout the United States, these special nurses wore uniforms and the insignia of the Commission Corps of the Public Health Service, which President Truman declared to be a branch of the military in June, 1945. Residencies were completed at various hospitals during the War, including federal and military. With rank of Lieutenant or higher, these nurses fulfilled the requirements for active duty status and yet, Congress has repeatedly denied them Veterans benefits.

In 1997, the first bill to grant active duty status to these deserving nurses was introduced to Congress, but never made it out of committee. It was reintroduced in 1999, but again died in committee. By 2002, the bill was getting attention, but never made it to the House of Representatives; however, in January of 2003, the U.S. Cadet Corps Equity Act of 2003 (HR 476) was finally introduced to the House, but again to no avail.

H.R. 1718: the United States Cadet Nurse Corps Equity Act was introduced to the 112th Congress, 2011-2012, requesting that these Cadet Nurses be afforded the same privileges given to other active duty military personnel with regard to Veterans benefits. This latest bill has also been tied up in committee with no resulting votes related to it. To read more about this bill, go to <https://www.govtrack.us/congress/bills/112/hr1718>.

As the daughter of one of these Nurse Cadets, I find it absolutely appalling that our government continues to deny benefits to these deserving nurses. My mother wore the uniform of the Commission Corps of Public Health (declared a branch of the military by President Truman) and held the rank of Lieutenant. She was one of many nurses who worked day and night to save the lives of our stateside soldiers, my father being one of them. And yet, she was able to receive only reduced surviving spouse's Veterans benefits prior to her death in 2010, being denied full Veteran status on behalf of her own service.

My mother was only one of thousands of these nurses who have served this country with honor and selflessness. Unfortunately, they are a vanishing part of our history. Unless Congress acts soon, there will be none of these heroic "Veterans" left to collect their well-deserved benefits.

THE VETERANS ADMINISTRATION PROPOSES 3 YEAR LOOK BACK ON GIFTS

Victoria L. Collier, CELA, Co-Founder, Lawyers with Purpose, LLC & Lawyers for Wartime Veterans, LLC

On Friday, January 23, 2015, the VA issued proposed new Veterans Administration regulations that would penalize wartime veterans up to ten years for making gifts of assets for less than fair market value. The VA is trying to stop what they perceive as lawyers and financial advisors “taking advantage of veterans” when helping them strategically plan to preserve assets and qualify for the Improved Pension benefit.

The proposed changes in regulations would:

- Establish a 3 year look back for gifts
- Impose penalties for up to 10 years
- Create a bright-line net worth standard of \$119,220, which includes annual income
- Deny any expenses related to independent living facilities as care costs
- Require Veterans to sell their home place property if the lot coverage exceeds 2 acres.

How will this work? When a veteran or widow of a veteran applies for the Improved Pension with Aid and Attendance, the VA will ask if any transfers of assets for less than fair market value have been made in the three years prior to the application. If so, the VA will presume it was for the purpose of meeting the VA eligibility standards.

Penalized gifts include gifts of money or assets to children or others, establishing estate plans with the use of trusts, and establishing retirement plans through the use of annuities which can provide a life time income stream.

When a gift has been determined to have happened during the look back period, the VA will calculate the penalty by dividing the value of the gift by the claimant's pension rate with aid and attendance. Each classification of claimant varies, thus, the penalty periods will be different depending on who makes the claim. The pension rates with aid and attendance are as follows:

- (1) Married veteran = \$2,120
- (2) Single veteran = \$1,788
- (3) Widow = \$1,149

Also, because the “net worth” standard will include income, high income earners will be allowed to have low to no savings for emergency items; whereas, very low income earners will be permitted to keep much more in savings. Because of the strict ruling on how the VA plans to define “medical care,” veterans who have dementia, Alzheimer's Disease or other degenerative diseases and live in independent living facilities because they no longer drive and need a safe environment in which to live, will not be eligible for the benefits because they may not yet the hands on care for bathing, dressing, eating, toileting or transferring (ADLs). Although they are unsafe to live at home due to their health care condition of cognitive decline, the VA refuses to consider any expenses of care for a facility as deductible from the claimant's income unless the claimant needs assistance with no less than 2 ADLs.

Between 2012 and 2014, Congress introduced two different bills, each imposing a three year look back penalty. Both bills were died. Nevertheless, the VA is moving forward on their own to create the look back and penalties. These changes will not only hurt wartime veterans, specifically WWII and Korean war vets, but it will further exacerbate the enormous claims back logs that already exist.

THANK YOU!

We would like to thank all of our sponsors for supporting our Tri Annual Practice Enhancement Retreat in Charlotte. We look forward to seeing you in June in St. Louis!

- Cheryl Fletcher of Asset Preservation Strategies: <http://www.medicaidannuityplanning.com/>
- Michael Wall of DocuBank: <http://www.docubank.com/>
- Aaron P. Kempen of Krause Financial Services: <https://www.medicaidannuity.com/>
- Victoria L. Collier of Olive Grove Press: <http://www.olivegrovepress.com/default.html>
- David A. Weintraub of Stockbroker Litigation: <http://www.stockbrokerlitigation.com/>



MEMBER OF THE MONTH

Frank McClure

What is the greatest success you've had since joining LWP?

The greatest success we have had is implementing the entire LWP system. We all know what has happened in the past, we go to a program or seminar and come back to the office on Monday morning and dump the binders on the desk where they sit. With LWP the key is follow through and accountability which our Team is now able to provide to each other through our coaching calls and implementation calls. Are we 100% where we want/need to be? No, but we also realize that it is progress and not perfection. We finished 2014 with consistently hitting our monthly goals and we look forward to 2015!

What is your favorite LWP tool?

All of the tools together is what makes LWP so beneficial to our practice. The system and processes guide our team in the day to day operations of our law firm. If we have a question or if there is something that just doesn't seem to be running smoothly there is a system or process within the process that can provide the answer.

How has being part of LWP impacted your team and your practice?

The Tn-Annual Retreats, Implementation Calls and Coaching Calls have impacted our team on a level that we never thought possible. Through LWP all team members are on the same page and speak the same LWP language. We can truly say that our law firm is a TEAM and all members of our team are needed for the firm to run smoothly and for us to reach our goals. LWP provides the systems and processes to make this happen.

NOTABLE EVENTS

Weekly

Live ListServ
Every Monday-4:00 PM EDT

Bi-Weekly

Marketing Roundtable
2nd and 4th Fridays
12:00 Noon EDT

Monthly

Veterans VA Tech Training
3rd Thursday-3:00 PM EDT
Veterans Roll Call
3rd Thursday-4:00 PM EDT
Veterans Marketing Moments
3rd Friday-3:00 PM EDT

Live Programs

Practice With Purpose
June 1-3 St. Louis MO
Tri-Annual Retreat
June 3-5 St. Louis MO

To register for an event, visit our events page
LawyersWithPurpose.com/Events-for-Lawyers.php





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