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JUL 25 2017

From: Robert L. Woods, Acting Assistant Secretary of the Navy (Manpower and Reserve Affairs)  
To: Co-Chairs, Secretary of the Navy's Retiree Council  
Subj: SECRETARIAT RESPONSE TO THE 2016 SECRETARY OF THE NAVY'S RETIREE COUNCIL REPORT  
Ref: (a) SECNAVINST 5420.169J

1. The Secretary of the Navy's Retiree Council (hereafter referred to as "the Council") met at the Washington Navy Yard 15-19 August 2016 pursuant to reference (a). I have reviewed the Council's 2016 report and am pleased to provide the following responses and actions regarding each issue:

**2. Issue 2016-01: Dependency and Indemnity Compensation (DIC) / Survivor Benefit Plan (SBP) Offset.**

a. Council's Issue Description: "If a service member purchased an SBP annuity, the law requires deduction of the DIC, the Veterans Affairs (VA) annuity, from the SBP. Over 63,000 military widows' SBP are reduced by over \$15,000 annually because their service member's death was military service-related."

b. Council's Proposed Solution/Recommendation:

- "Department of the Navy (DON) propose amendments to the applicable statutes to remove DIC offsets to SBP annuities separately purchased by the member.
- "In the interim, DON continues to strongly support the Military Surviving Spouse Equity Act (H.R. 1594) to repeal the offset and 5 – Year extension to the SSIA (H.R. 4519) as a means of phasing out the offset."

c. Navy Response: "Non-Concur. H.R. 1594 died in Armed Forces Committee and never made it to vote. Special Survivor Indemnity Allowance (SSIA) is effective until May 2018. In the 2015 Secretariat's Response Report to the Council, the Secretariat states that eliminating the DIC/SBP offset is in opposition to DoD's long-standing position of opposing the elimination and would create inequity compared to beneficiaries who are not eligible for both by creating a group of survivors receiving two government-subsidized survivor annuities."

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d. Marine Corps Response: "DoD has consistently opposed proposals to eliminate the Offset between SBP annuities and DIC at government expense primarily because both programs have the same goal - to provide a continuing annuity to the survivors of military members or former members - and both benefits are subsidized by the federal government. DoD also notes that allowing concurrent receipt of SBP and DIC would create a group of survivors receiving two government-subsidized survivor annuities, whereas survivors of most military retirees and survivors of veterans who did not serve to retirement would receive only one. Finally, eliminating the SBP offset for all survivors entitled to DIC would cost the Military Retirement Fund more than \$7 billion over 10 years. The Marine Corps defers to DON and DoD on any change in position on this issue."

e. Secretariat Response: No Action. This recommendation is in opposition to the Department's long-standing formal position opposing elimination of the SBP-DIC offset. Eliminating this statutory offset would cause inequity by creating a group of survivors receiving two government-subsidized survivor annuities. The vast majority of survivors are only eligible under a single program. Survivors of most military retirees would receive only SBP while survivors of veterans who did not serve to retirement would receive only DIC if the veteran died of a service-connected disability. There are over 350,000 DIC recipients and over 280,000 SBP recipients across DoD, with an overlap between the programs of only about 70,000. DIC payments from VA are tax-free while SBP payments are taxable, meaning survivors eligible for both almost always elect to waive SBP to receive DIC.

Elimination of the offset would provide an enhanced lifetime annuity for the 70,000 individuals eligible under both programs. This entitlement would be inequitable to that received by survivors entitled to only DIC or SBP, but not both. Additionally, there is a high cost of eliminating the SBP offset for all survivors entitled to DIC. In Fiscal Year (FY) 2016, DIC offsets were \$700 million and SBP premium refunds were \$40 million, so the net cost to DoD for FY 2016 was \$660M. Accounting for cost-of-living adjustments and further growth of this pool of survivors, the DoD Office of the Actuary estimates the 10 year average would be \$800 million per year in mandatory spending. This amounts to more than \$8 billion in mandatory spending over 10 years that can only be appropriated with equivalent reductions in other mandatory spending programs.

It should be noted that when a survivor is subject to the SBP-DIC offset, applicable SBP premiums are refunded to that individual. Additionally, most of the approximately 70,000 beneficiaries who are subject to the offset of SBP annuities because of receipt of DIC are eligible for SSIA. SSIA provides a \$310 monthly allowance (or less if the amount of SBP offset is less than \$310) to such beneficiaries. This is an increased benefit to survivors who are eligible for both SBP and DIC in comparison to survivors

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entitled to just one or the other program. Originally authorized in the National Defense Authorization Act for FY 2008 (NDAA for FY08), authority to pay SSIA was extended by the NDAA for FY17 through May 31, 2018.

**3. Issue 2016-02: Common Access Card Like Features for Retired Military Next Generation Uniformed Services Identification (NGUSID) Card.**

a. Council's Issue Description: "The vast majority of retired military service members do not have Common Access Cards (CAC). This limits access to information sources such as Navy Knowledge Online and other online resources. Lack of CAC-like data protection also exposes the individual and the military to Cyber-attack and loss of control of Personally Identifiable Information (PII)."

b. Council's Proposed Solution/Recommendation: "Incorporate IT requirements for CAC-like access for military retirees. Ensure that future versions of the NGUSID include such provisions."

c. Navy Response: "Non-Concur. According to OSD, the NGUSID Card Working Group, which included representatives from all Uniformed Services, recommended proceeding with a chip-less plastic card due to cost concerns for all populations. The transition from Teslin to chip-less plastic will provide a very significant improvement in security features at a cost of \$2.95 (now \$3.29) per card. The Uniformed Services were not prepared to support transition to a chipped card at approximately \$7.39 per card. The chip-less plastic card topology includes space reserved for a chip should the Department elect in the future to support the NGUSID populations with a chipped card. The transition from Teslin to plastic will leverage the current printing capabilities used to produce the CAC."

d. Marine Corps Response: "It has been determined by OSD Personnel and Readiness (P&R) and the Services that the NGUSID will not be a smartcard with associated PKI certificates. This decision was based upon many factors, the main being the OSD P&R Defense Human Resources Activity's (DHRA) Uniformed Services Identification Card (USID) Business Case Analysis. This analysis determined that:

- "The smartcard solution was determined to be cost prohibitive, with increased costs associated with a shortened lifecycle of the USID for issuance and maintenance.
- "There are increased support and management costs to the services (manning, helpdesk, etc.) to support the issuance of a smartcard.

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- “The solution set disenfranchises the indefinite (INDEF) population of the USID cardholders. The USID, in whatever form, must cover the entire population (IRR, Retirees, Medal of Honor, dependents, etc.). DoD Self-Service Log-on (DS Logon) already provides the capability to authenticate retirees who need access to restricted websites. This is a DoD-approved authentication credential that is already used to access systems, including DFAS, TRICARE, and the VA’s website. DS Logon meets the standards required to protect PII and other information.
- “...it is DoD policy that DS logon will provide the secure means of authentication for all beneficiaries and other individuals with a continuing affiliation with DoD. That population includes veterans who are not USID card eligible, thus expanding the capability to the required population needing access to logical access. The VA and other organizations already accept this token for authentication. Internal systems and applications to the Marine Corps are authorized to accept the DS Logon as populations required. The Marine Corps defers to DON and DoD on any change in position on this issue.”

e. Secretariat Response: No Action. A solution for access to restricted websites exists in the form of the DS Logon (<https://www.dmdc.osd.mil/identitymanagement/>). DS Logon allows a retiree the secure means of accessing DoD websites that require PKI authentication without requiring a CAC or chip in the ID card. Additionally, DoD is already in the process of transitioning to an upgraded ID card for retirees beginning in FY18. In July 2015, the Acting Under Secretary of Defense for Personnel and Readiness briefed the Army, Navy, and Air Force M&RAs on the NGUSID Card, receiving concurrence from all services including the Navy Secretariat. Director, DHRA signed a memorandum on September 18, 2015, establishing plans for DoD’s transition to the NGUSID card beginning in FY18. The NGUSID will transition from the traditional DD Form 2 card to a plastic cardstock. The retiree version will not include a security chip; other measures are being taken to address security concerns. Additional concerns regarding CAC issuance to retirees include:

- Chipped cards are finite; there is an associated recurring replacement cost;
- Military retirees would be required to buy CAC readers for home computers use;
- Lack of pin-resetting capabilities and facilities to assist retirees in rural areas;
- Defense Manpower Data Center/Service Help Desk capabilities are not staffed to support these additional populations.

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**4. Issue 2016-03: World-Wide Toll-Free Service for Overseas Clients of the Department of VA.**

a. Council's Issue Description: "Unlike their U.S. counterparts, military Retirees and dependents living or travelling overseas cannot make toll-free calls to the VA. This can result in significant telephone bills, especially when the call involves a complex issue."

b. Council's Proposed Solution/Recommendation: "International toll-free telephone service to the VA from Veterans living or travelling overseas."

c. Navy Response: "Concur. Defer to VA."

d. Marine Corps Response: "Concur."

e. Secretariat Response: Monitoring. To adequately respond to this issue, the Director, Office of DoD-VA Collaboration and the Office of the Secretary of Veterans Affairs (VA) were consulted. This issue had previously been investigated by those offices with the following results:

(1) it was found that global toll free numbers are limited in their geographic applicability (i.e. not all countries have access to 1-800 numbers) and access is not always toll-free for the caller. In most cases, such numbers allow telephone users to call within a particular country toll-free, just like 1-800 numbers work in North America. Further, the Executive Director, Benefits Assistance Service, Veterans Benefits Administration reported that Retirees/Veterans and other eligible beneficiaries residing OCONUS are able to dial USA toll free numbers from certain areas including Canada, Mexico, some Caribbean Countries, US territories of Guam, and Common Northern Mariana Islands.

(2) another alternative investigated was the Universal International Freephone Numbers (UIFN) which are analogous to North American 1-800 numbers. UIFN allows calls originating from multiple countries to other countries, however, the call recipient pays the toll in these cases, and the number of participating countries and carriers is limited. Further, many carriers block cell phones from using UIFN numbers and/or charge additional fees beyond the actual toll. Therefore, it was determined this alternative fell short of meeting the requirements desired.

(3) additionally, it was noted, commercial Voice Over the Internet Protocols (VOIP) services (e.g. Vonage, Skype, or Google Voice) offer cost effective alternatives for reaching US based 1-800 numbers and are more advanced, user friendly, and free of restrictions than the other alternatives explored.

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Other alternatives for receiving assistance regarding veteran services and benefits include:

(4) direct dial numbers which can be called using international dialing. For all VA business lines, the foreign number is 412-395-6272 and for Education Service, the foreign number is 918-781-5678.

(5) Overseas Military Service Coordinators (OMSC) who are available to assist retirees, Veterans and other beneficiaries via Family Readiness Centers located aboard military bases and installations overseas. OMSCs can schedule individual telephone or in person appointments.

(6) Finally, the VA maintains a webpage for Veterans residing abroad: <http://www.benefits.va.gov/PERSONA/veteran-abroad-contact.asp> which provides contact information including e-mail addresses, web-forms, and phone numbers as well as links to information which may directly answer questions and alleviate the need for phone conversations altogether.

**5. Issue 2016-04: Correspondence to/from Government Agencies.**

a. Council's Issue Description: "Military Retirees and dependents outside CONUS may send and receive letters and small parcels through the Military Postal System (MPS)/U.S. Postal Service (USPS). However, in accordance with DoD Directive 4525.6-M, the weight of a parcel sent to or from a retired military member is limited to 16 ounces. This limitation may impose hardships on retirees attempting to interact with the military services or with government agencies such as the VA, IRS, DFAS, TRICARE, and other similar U.S. government entities."

b. Council's Proposed Solution/Recommendation: "SECNAV staff request an exemption from the Military Postal Service Agency (MPSA) to raise the weight limit on certain parcels being sent to/from a retiree overseas. This exemption would allow up to five pounds for official document shipments sent by a U.S. government entity to R-Box addresses at APO/FPO facilities overseas, and the same five-pound limit on parcels sent by a retired service member."

c. Navy Response: "Concur. Defer to the USPS/MPS."

d. Marine Corps Response: "Concur."

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e. Secretariat Response: Refer back to the Council. The Secretariat contacted the Office of the Deputy Assistant Secretary of Defense (DASD) for Transportation Policy (TP), which oversees DoDI 4525.07 "Military Postal Service and Related Services" and DoD 4525.6-M "DoD Postal Manual," to discuss the Council's recommendation. The ODASD (TP) indicated DoDI 4525.07 is currently in revision, giving DON the opportunity to submit formal feedback requesting reconsideration of the existing policy regarding weight limits for retirees utilizing MPS facilities overseas. Staffing will occur in the next several months with consideration of this recommendation.

While the Council's recommendation is limited to official mail, this distinction may be precluded under existing host nation agreements. Host nations may not be inclined to see the distinction of official vs. non-official mailings as relevant in granting an exception to the weight limit.

As the Council previously noted, retirees living or traveling to Japan have no access to MPS facilities including the mailing of items weighing less than 16 ounces. Retiree and civilian use of MPS facilities is specifically precluded under Article VI of the "Treaty of Mutual Cooperation and Security between the United States of America and Japan," otherwise known as the Status of Forces Agreement (SOFA). ODASD (TP) acknowledges that DoD 4250-6M is misleading where it states, "The host government shall not preclude such use and the inclusion of this category will not overburden the MPO facility or its manpower capability." Host nation agreements takes precedence to DoD policy. ODASD (TP) intends to revise this statement to clarify that the policy does not grant privileges that are specifically precluded by the host nation, such as the case in Japan.

**6. Issue 2016-05: Space Available (Space A) Transportation to/from the U.S. for Widowed Retiree Spouses Residing Overseas.**

a. Council's Issue Description: "Military retirees and their accompanied dependents are able to use government-operated aircraft on a Space-Available (Space-A) basis. When the retiree dies, surviving family members no longer have that privilege."

b. Council's Proposed Solution/Recommendation: "Change Category Six Space Available criteria to include widows/widowers of retired service members residing overseas."

c. Navy Response: "Concur. Defer to HQ, AMC/A4TP."

d. Marine Corps Response: "Concur."

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e. Secretariat Response: In Progress. Section 352 of the NDAA for FY17, "Study on Space-Available Travel System of the Department of Defense," directed the DoD to contract with a Federally-funded Research and Development Corporation (FRRDC) to conduct a study, and report back to Congress, on the Space-A travel program. ODASD (TP) is the lead for this engagement in cooperation with a FFRDC. Because this report is ongoing, the Secretariat will await the results of the study. Included in this study is the requirement for:

*"(7) An evaluation of the feasibility of expanding the categories of passengers eligible for space-available travel to include—*

*"(A) in the case of overseas travel, retired members of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of title 10, United States Code, would be eligible for retired pay under chapter 1223 of such title;*

*"(B) unremarried widows and widowers of active or reserve component members of the Armed Forces; and*

*"(C) members or former members of the Armed Forces who have a disability rated as total, if space-available travel is provided to such members on the same basis as such travel is provided to members of the Armed Forces entitled to retired or retainer pay."*

7. **Additional Issues:** The Council's report additionally listed several issues that are currently in progress, but for which no formal recommendation has been presented. The Council's report asked for assistance tracking, advancing, and monitoring those issues. I am pleased to provide the following updates, where I can:

## 8. Pending Legislation.

### a. Possible Privatization of Commissaries.

(1) Council's Issue Description: "Defense Commissary Agency (DeCA) commissary operations are again being examined and changes being considered, including tests under civilian management, transfer of operations to Army and Air Force Exchange Services (AAFES), or reductions of DoD subsidies. Privatization of commissaries would significantly impact retirees."

(2) Secretariat Update: The NDAA for FY16 and NDAA for FY17 both mandated that DeCA operate commissaries more like commercial grocers to reduce operating costs without negatively impacting service levels and patrons' savings. DeCA does not have plans to privatize commissaries, but is working with manufacturers to lower the prices

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that the commissary pays manufacturers for products. Beginning on March 1, 2017, DeCA implemented variable pricing to ensure popular items are priced lower than the same items at commercial grocers and super centers located near commissaries. This is the standard pricing method used by virtually all commercial grocers. DeCA is conducting a proof of concept to test this pricing approach on approximately 1,100 items in a select number of stores. Although some prices will increase while others will go down, the market basket savings levels remain the same.

Additionally, beginning in May 2017, commissaries will introduce private label products (i.e., "generic label") to provide high quality products at significant savings for military members and their families while generating revenue to offset operating costs. The commissary's brands will be "Freedom's Choice" and "HomeBase." The plan is for commissaries to have about 4,000 private label items as the program matures.

**b. Concurrent Receipt.**

(1) Council's Issue Description: "The Council is aware of pending legislation to abolish the 50% disability rating threshold to receive both VA disability compensation and military retirement. Abolishing the offset is a critically important military retiree issue and one we will pursue in 2017."

(2) Secretariat Update: No action. Several bills have been introduced in the 115<sup>th</sup> Congress related to this topic. In the House, H.R. 333, the "Disabled Veterans Tax Termination Act," and H.R. 303, the "Retired Pay Restoration Act" both seek to eliminate concurrent receipt restrictions allowing retirees with disability ratings less than 50 percent to receive full concurrent receipt. In the Senate, S. 66, The "Retired Pay Restoration Act" mirrors H.R. 303. All bills have been referred to committee. It remains to be seen whether any provisions will be included in the NDAA for FY18. The Secretariat makes no comment on pending legislation.

**9. Issues in Progress.**

**a. Marine Corps Retirement Calculator.**

(1) Council's Issue Description: "USMC retirees have no access to a Marine-specific pre-retirement calculator. This discrepancy hinders Marines from making informed decisions on benefits before and during retirement."

(2) Secretariat Update: There are several efforts underway to improve retirement planning tools for all current Service members. The implementation of the Blended Retirement System (BRS) has brought the lack of a comprehensive retirement calculator

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to the forefront. DoD has deployed a calculator that enables current active and reserve members to compare their retirement benefits under the legacy retirement system and the BRS. The calculator is located at <http://militarypay.defense.gov/calculators/brs>. Future ongoing upgrades to this calculator will provide enhanced financial planning and retirement tools for all Marines and sailors.

**b. Retiree Access to Commissary/Navy Exchange in Spain.**

(1) Council's Issue Description: "U.S. military retirees and family members are prohibited from using Commissary and Navy Exchange stores in Spain."

(2) Secretariat Update: DASN (RA/TFI) has personally discussed this issue with the Director, DeCA, and with the USD (Policy) Europe desk. The Agreement on Defense Cooperation Between the Kingdom of Spain and the United States (ADC) of 1988 states:

*"Military service exchanges, commissaries...established in Spain by the United States forces [are] for the exclusive use of the members of the force, the civilian component, and dependents shall be exempt from any Spanish taxes or charges."*

Military retirees are not considered members of the force per the ADC so are not allowed use of exchanges or commissaries in Spain. Even an agreement to pay taxes on goods purchased through the commissaries or exchanges would not overcome the ADC's restriction regarding on "use of." Accordingly, the only opportunity to remedy this situation will be a revised bilateral ADC negotiated between the governments of Spain and the U.S. The Chief of the Office of Defense Cooperation, Madrid, is aware of the Council's concern. Should the ADC be renegotiated, retiree access to commissaries and exchanges could be considered. There is no timetable for these negotiations. The Secretariat will continue to monitor.

**c. Blended Retirement System – Training and Education.**

(1) Council's Issue Description: "[The Council recommends] that, if DoD contracts training out to civilian financial enterprises, specific restrictions be adopted to prohibit self-promoting/conflicts of interest by the training entities."

(2) Secretariat Update: DoD is not contracting training to civilian financial enterprises. All BRS training is being developed under the auspices of the Assistant Secretary of Defense for Readiness and is overseen by Service Chiefs through the military Learning Management Systems. DASD (Force Education and Training) continuously monitors civilian financial institutions, banks, and credit unions to ensure they are

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operating within the guidance prescribed by DoD Instruction 1000.11, "Financial Institutions on DoD Installations" when working on our installations with military Service members.

**d. TRICARE Enrollment Fees/Premiums Taxation.**

(1) Council's Issue Description: "Generally, in the public sector, health care enrollment fees/premiums are a pre-tax deduction. For military retirees, TRICARE enrollment fees/premiums are not pre-tax payments. The Council has been recommending that legislation be proposed to qualify TRICARE fees as a pre-tax benefit since 2013. In 2016, this issue was submitted as a Unified Legislation and Budgeting (ULB) Proposal."

(2) Secretariat Update: A proposal to make TRICARE fees pre-tax was not included in the Department's FY18 ULB package. The TRICARE representative who will speak at the FY17 Council meeting is aware of this concern and will be prepared to discuss.

**10. Further Research.**

**a. Temporary Disability Retired List (TDRL).**

(1) Council's Issue Description: "[The Council] believe[s] further research is needed to understand previous TDRL-related legislation, the TDRL process, and program outcomes."

(2) Secretariat Update: No action. It is important to note that Section 525 of the NDAA for FY17 reduced the maximum length of time members can spend on the TDRL from 5 years to 3 years. This change was not retroactive. It applies to any member newly placed on the TDRL on or after January 1, 2017.

**a. MPS Service to Retired Personnel in Japan.**

(1) Council's Issue Description: "Some military retirees and dependents are not allowed to use MPS facilities at U.S. bases in Japan. Military Post Office (MPO) boxes are often not assigned to retired personnel, and counter service is often not allowed to buy stamps or even to mail a letter. DoD Directive 4525.6-M (DoD Postal Manual) states clearly that Retired Personnel, surviving family members and their dependents are authorized use of the MPS, and that: 'The host government shall not preclude such use . . .' The reason for the localized prohibition in Japan is unclear, but it may be a Status of Forces Agreement (SOFA) issue."

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(2) Secretariat Update: Retiree and civilian use of MPS facilities in Japan is specifically precluded under Article VI of the "Treaty of Mutual Cooperation and Security between the United States of America and Japan," otherwise known as the SOFA. ODASD (TP) acknowledges that DoD 4250-6M is misleading where it states, "The host government shall not preclude such use and the inclusion of this category will not overburden the MPO facility or its manpower capability." Any host nation agreement takes clear precedence over DoD policy. ODASD (TP) intends to revise this statement to clarify that the policy does not grant privileges that are specifically precluded by the host nation, such as is the case in Japan.

**b. Medical Practitioner – Retiree Patient Advocacy Program.**

(1) Council's Issue Description: "Many patients are not able to contribute effectively to their care for a variety of reasons, including but not limited to lack of medical knowledge, communication skills, and secondary questions or issues that arise after a visit. These issues often lead to poor patient compliance, issues of informed consent, and poorer than expected outcomes. A Medical Practitioner - Retiree Patient Advocacy Program, implemented at one VA hospital facility and currently being considered at one military treatment facility, involves retired medical practitioners and reservists working with military retirees in a patient advocacy program to enhance care and improve medical outcomes. The Council will monitor both programs to understand operations and outcomes."

(2) Secretariat Update: No action.

**11. Ongoing Monitoring.**

**a. TRICARE Provider Network.**

(1) Council's Issue Description: "In 2015, the Council raised the issue of insufficient providers to serve the general medical needs of OCONUS retirees. According to the 2015 Secretariat's response, 14,022 behavioral health providers were added to the network, including six overseas. An additional 189 non-network providers were added overseas, while the number of network providers decreased by five. The Council will continue to monitor that the model TRICARE contractors use for predicting provider need and consumer demand includes retirees and family members."

(2) Secretariat Update: No action. Council continues to monitor.

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**b. Retiree Indebtedness – Navy Personnel Command's "Midshipman Project".**

(1) Council's Issue Description: "Some NROTC-sourced officers commissioned after 13 October 1964 were determined retrospectively to have erroneously received retired pay for summer cruises credited for active service during those cruises. When advised of this error, Defense Finance and Accounting Service (DFAS) instituted recoupment proceedings against these (now) retired officers, many incurring obligations in excess of \$10,000 per DFAS, and unable to repay. DFAS has been notified by ASN (M&RA) that the error was not the result of any member's erroneous actions, but solely of the Navy. Efforts are underway to correct the discrepancy and to suspend the recoupment efforts. Although Congress appears to have passed legislation addressing recoupments from midshipmen for summer cruise pay, until DFAS issues a blanket waiver and responds to ASN (M&RA), the Council will carry this issue into 2017."

(2) Secretariat Update: The Secretariat requests more information from the Council on this topic. All retirees impacted by this issue were notified by letter. DFAS Office of the General Counsel verified that a blanket waiver was submitted for all retired members with debts less than \$10,000; no further action is required for these members. Members with debts greater than \$10,000 were individually notified that they must submit a personal request for waiver to the Defense Office of Hearings and Appeals (DOHA) as Military Department Secretaries do not have the power to waive debts of that amount. All waiver requests submitted to DOHA, to date, have been approved. More information can be found regarding the Navy's actions on this issue here:

<http://www.public.navy.mil/bupers-npc/career/retirement/OfficerRetirements/Pages/Mid-Shipman-FAQ's.aspx>

**a. Extension of Presumption of Agent Orange to the Blue Water Navy.**

(1) Council's Issue Description: "There is a pending extension of veteran benefit eligibility for sailors who may have been exposed to Agent Orange while serving offshore in Viet-Nam conflict areas."

(2) Secretariat Update: The Secretariat is not aware of a change to Department of VA's "Blue Water Veterans and Agent Orange Exposure" eligibility criteria. Several resolutions have been introduced in the Veterans Affairs Committees of the 115<sup>th</sup> Congress. House Concurrent Resolution 45 (H. Res. 45) and Senate Concurrent Resolution 12 (S. Res. 12), both express the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have

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served in the Republic of Vietnam for all purposes under the Agent Orange Act of 1991.  
Secretariat will continue to monitor.

12. I would like to thank the Council for the thorough report following the 15-19 August  
2016 meeting and trust that this response adequately addresses each issue forwarded to  
the Secretariat for action. For those issues in progress, I welcome further discussion and  
look forward to continuing to work with the Council in 2017.



Robert L. Woods  
Acting

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