



The ALLIANCE



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TRICARE Reform on Congress' Planner in 2016



By the end of 2016, the military health system may look completely different than it does now. Or it may resemble the current structure with tweaks hardly noticeable to military patients.

What is certain is that change is coming to military medicine and Tricare: Congress has promised a complete review of the \$48 billion system and reform in the coming year, aiming to improve patient care and streamline the bureaucratic structure.

In 2015, lawmakers overhauled the military retirement system and have been promising the same for military health in 2016.

“There is a lot of appetite on the part of the big four Sen.

John McCain, R-Ariz.; Sen. Jack Reed, D-R.I.; Rep. Mac Thornberry, R-Texas; and Rep. Adam Smith, D-Wash., as well as a lot of other members of the House Armed Services Committee and Senate Armed Services Committee, to take a systemic look at the health system,” SASC Staff Director Chris Brose said in November.

Last January, the Military Compensation and Retirement Modernization Commission recommended major changes to the military health system, to include moving non-active-duty TRICARE beneficiaries to civilian health insurance plans and making military hospitals and clinics competitive with civilian facilities.

The commission also argued in favor of creating a four-

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REPORT from the HILL

Congress finally finished in December what they should have finished before last October 1. It took the specter of another government shutdown to get them to agree on a spending bill to fund the Department of Defense and the rest of the government that will go through September 30 of this year, which is the end of the fiscal year.

They had previously passed the National Defense Authorization Act in early October, but the President vetoed it a couple of weeks later because of the way Congress had come up with part of the money they wanted to spend. Congress then managed to agree on a new NDAA in early November, which turned out to be the same as the old one,

except for where they found money to spend on Defense. The President signed the bill in late November.

The NDAA contained the biggest change in the military retirement system in decades, but it won't go into effect for the most part until 2018. For those who will fall under the new system, it cuts future retired pay by 20 percent and requires them to help fund their own retirement via Thrift Savings Plan accounts.

AFTEA has great concerns about the plan and how it may affect the all volunteer force.

Other important changes were also made and they are highlighted here for you. On the positive side Congress:

- Repealed the COLA minus-one-percent penalty for military retirees;
- Grandfathered currently serving active duty and retirees in the old retirement system;
- Extended government Thrift Savings

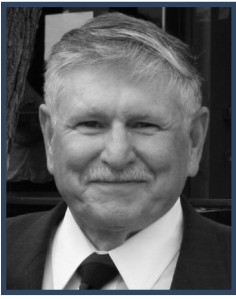
Plan matching to 26 years' service as part of the new military retirement program;

- Retained dual housing allowance for military couples;
- Supported commissary funding;
- Authorized Survivor Benefit Plan coverage for a spouse in the event a former spouse predeceases the military member; and
- Preserved no-fee prescriptions at military treatment facilities.

On the negative side Congress:

- Passed a 1.3-percent pay raise instead of a 2.3 percent raise that would have kept active duty personnel at the same pay level as the civilian sector;
- Passed a lump-sum payment option at retirement -- reminiscent of the 1986 retirement change that had to be repealed a decade later because it hurt retention and readiness;

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PRESIDENT'S COLUMN

Bernd Dela Cruz

With the Congress resuming this week, the beginning of the second session of the 114th Congress has been fairly quiet thus far.

Indications are that 2016 will be an interesting year with Congress and DoD moving toward further whittling away at military personnel spending. Of course AFTEA will be there every step of the way to represent your interests.

Based on indications from last year, Congress plans to closely examine military healthcare. Defense leaders have complained for years about "spiraling military health costs" . . . but their main proposals for action have centered on shifting more costs onto military retirees and survivors. The pertinent committees claim their effort in this regard will not be toward cutting costs, but toward creating a better, more efficient, more beneficial system for all beneficiaries.

The same claims were made concerning retirement "reform" last year. The result of this retirement work were historic changes, the biggest changes to the military retirement system in a generation, that will save DoD about \$13 billion in retirement spending over the first ten years of the new retirement program that is intended to affect only new recruits in 2018 and later years. But it cuts future retired pay by 20 percent and requires career servicemembers to help fund their own retirement via Thrift Savings Plan accounts.

Also, for the past few years, the Administration has sought to end the \$1.3 billion annual commissary subsidy, an effort that everyone pretty much agrees would eliminate or greatly diminish the commissary and probably the exchange benefits.

So far Congress has blocked these requests, but in the 2016 National Defense Authorization Act Congress gave

DoD a challenge: to study the commissary and exchange systems and come up with a plan to make the military stores self-sufficient-without degrading the benefit. DoD is scheduled to provide that plan in about two months.

As a general election year, our citizens will elect a President, vote for all seats in the House of Representatives, and will vote for one-third of the U.S. Senate seats. Of course local and state elections will also come into play. For that reason, we can expect much of the attention this year will be on those elections, and the legislative process will get less attention.

* * *

Last year, I wrote in my column that beginning January 1, 2016, the paper copy of the *Alliance* newsletter would not be produced -- that it would be replaced with the *Alliance Weekly* -- a digital newsletter emailed directly to your inbox every week.

After listening to the membership and further consideration by the AFTEA Board of Directors, we will continue to publish the paper copy of the *Alliance* newsletter -- in addition to the *Alliance Weekly*.

So get on board and make sure we have your email address. To begin your free subscription now, email AllianceWeekly@aol.com, or call (800) 808-4517, ext. 1010.

Finally, thank you for your continued membership in AFTEA. You are why we exist and we need your continued support in this critical year.

TRICARE Reform on Congress' Planner in 2016

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star Joint Readiness Command that would lead the personnel responsible for readiness, including a subordinate joint medical command.

Commission members said their changes would improve access to health care and solve problems in providing care to reserve and National Guard members who transition between military and private health care.

But the Defense Department has offered its own reform plan and wants Congress to approve its proposals,

which included consolidating TRICARE Standard, Prime and Extra into a single program, raising enrollment fees and co-payments for some beneficiaries and implementing fees for TRICARE For Life, the program for senior retirees.

House Armed Services Committee spokesman, Claude Chafin, said "the goal of military health care reform would not be to save money but to create a better system to serve military personnel and military families."

The House Armed Services Committee already has held meetings and oversight hearings on military health, with promises to hold more in the first several months of 2016.

The Senate Armed Services Committee is promising the same. McCain has called growing military personnel costs "one of our greatest challenges." "We're going to have to make some tough decisions," he said. ❁

Report from the Hill

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- Passed a one percent housing allowance cut in FY 2016 and five percent cut in 2019, and thereafter;
- Denied honorary recognition as “veteran” of certain Reserve retirees.
- Hiked retail TRICARE prescription fees from \$8 to \$10 for generics and \$20 to \$24 for a 30 day formulary supply.

They also included these provisions in the law:

- **Allow personal firearms on stateside bases.** Lawmakers are requiring Defense Secretary Ash Carter to develop a plan by the end of this year that would allow stateside base commanders to decide whether to allow their servicemembers to carry personal firearms on duty, or in areas where it is currently restricted by the military. Any such plan would not supercede local laws.
- **A pay freeze for general and flag officers.** Although troops will see a 1.3 percent pay increase in January, general and flag officer pay will stay at fiscal 2015 levels.
- **Another ban on a new BRAC round.** As in past years, the measure includes a prohibition on defense officials starting another round of base closing. But lawmakers did include language allowing military officials to conduct studies on how much excess capacity exists in their stateside footprint, which could ease the path to such a move in the future.
- **A ban on “paid patriotism” with sports leagues.** The bill includes language that would prohibit the Defense Department from entering into contracts or making payments for honoring members of the Armed Forces at sporting events, in response to congressional reports that several professional sports teams were given tens of thousands of dollars to conduct on-field military appreciation events.
- **Easier rules for military animal adoption.** The measure changes

the rules on adopting military dogs and other animals to make it easier for former handlers and families of injured handlers to adopt them following their military service.

- **Development of “gender-neutral” standards for military jobs.** In response to a push to open more military specialties to female troops, lawmakers want Pentagon leaders to craft “gender-neutral occupational standards” that would allow decisions on assignments to be based on objective analysis.”

However, one of the most alarming things included as part of the NDAA was this statement: *“In order to modernize and improve the military healthcare system, the Senate and House conferees agree that **all elements** of the current system must be re-evaluated, and **that increases to fees and co-pays will be a necessary part** of such a comprehensive reform effort”* (emphasis added).

That means everything is on the table this year and we face the biggest threat to our healthcare benefits that we have ever faced.

Proposals from last year and other years have recommended scrapping TRICARE altogether, forcing beneficiaries into plans similar to those of federal civilians, imposing significantly higher fees, and means-testing TRICARE and TRICARE For Life (TFL) benefits so beneficiaries with higher incomes would pay even more. All of those and others could be on the table again in 2016.

As we have written about before, DoD and Congress are targeting personnel benefits because DoD continues to violate the law by not being able to have its books audited so it knows where all of its money is being spent. Instead, every few months we hear horror stories about hundreds of millions of dollars that have been wasted and DoD cannot tell where the money went.

But because the defense industry has

built-in lobbyists with deep pockets, and because legislators with plants and jobs in their districts have vested interests in keeping even wasteful contracts alive, the target gets shifted to people programs. There aren’t any big campaign contributions supporting people programs, so they’re easy to attack. And DoD leaders have shown little hesitation in using numbers selectively to make it look like people are the problem.

AFTEA is urging Congress to keep as a priority the needs of military families, retirees, Guard and Reserve members, as well as the sacrifices made daily by active duty forces, and we will do all we can to convince Congress it must do that.

Finally, we reported several times last year that your commissary benefit was in serious jeopardy and we asked you to contact your members of Congress and urge them to protect the commissaries. We are pleased to report that all of our, and your, efforts appear to have paid off. Late last year the Department of Defense admitted that past proposals in the fiscal 2015 and 2016 defense budgets to slash taxpayer support of the Defense Commissary Agency (DeCA) by as much as \$1 billion a year, within two or three years, not only put commissaries at risk but all discount shopping on base, including exchange operations.

In both of those years, DoD had urged lawmakers to make deep cuts to DeCA’s annual appropriation, arguing stores still would survive, in some fashion, if forced to operate more efficiently, that is, more like commercial grocers.

Now, a new Defense leadership team now appears to agree with the criticisms that were made and promises a course change. The DoD has two new reports and sets of recommendations to consider in shaping new commissary reforms and it finds merit in many of the changes proposed to make

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Carter: Lasting Defeat of ISIL Depends on Coalition Strength

“Delivering a lasting defeat to the Islamic State in Iraq and the Levant must be a global effort, and coalition partners and others must step up their contributions to the escalating fight,” Defense Secretary Ash Carter said Jan. 13 at Fort Campbell, Kentucky.

“Such a lasting defeat also must be achieved and sustained by motivated and capable local forces,” the secretary said, “and reach beyond the military campaign to enable political stability in the region.”

Carter’s stop at Fort Campbell to address soldiers assigned to the 101st Airborne Division’s headquarters and 2nd Brigade Combat Team who will deploy to Iraq later this year was part of a two-day trip to three military bases.

Global Undertaking

During his speech, the defense secretary said “. . . the lasting defeat of ISIL must be a global undertaking because the terror group is a global threat. Any nation that cares about the safety of its people or the future of its civilization must know this: America will continue to lead the fight, but there can be no free riders,” Carter added.

“As the United States invests in accelerating the campaign,” he said, “so must every coalition partner and every nation in a position to help. That means greater military contributions but it also means greater diplomatic, political and economic engagement. It means development and reconstruction and . . . actions at home and abroad to disrupt, dismantle and degrade ISIL’s capabilities. It means stepping up,” the secretary said.

Carter said he has personally reached out to defense ministers in more than 40 countries seeking more special operations forces, strike and reconnaissance aircraft, weapons and munitions, training assistance and combat and combat service support. “Many nations are already contributing greatly,” he said. “Many can do more.”

Coalition Contributions

“Such contributions could include accelerating their own efforts to disrupt networks that enable the flow of foreign fighters and materials through their lands,” Carter said, “and taking advantage of the opportunity to fight ISIL in Syria and Iraq before it becomes a more serious threat.”

“For Muslim-majority nations in particular,” the secretary added, “that means stepping forward and debunking ISIL’s false claims to religious or ideological excuses for brutality.”

He added, “I have seen the strength of our coalition, and our success depends on building on that strength.”

Carter said that next week he will meet with defense ministers from six nations that play a large role in the ground and air components of the counter-ISIL campaign -- France, Australia, Germany, Italy, the Netherlands and the United Kingdom.

“Each of these nations has a significant stake in completing the destruction of this evil organization and we must include

all of the capabilities they can bring to the field,” he said.

Everyone in the Game

The secretary said that “the effort to defeat ISIL includes coalition forces enabling local, motivated forces with a clear campaign plan, American leadership of the global coalition, and capabilities ranging from airstrikes, special-forces raids, cyber tools and intelligence to equipment, mobility and logistics, and training, advice and assistance from those on the ground.”

“Beyond the military campaign in Iraq and Syria, others must step up and meet critical challenges such as setting conditions for sustainable political stability in the region,” Carter said. “That means everybody has to be in the game,” he added, noting that those who are needed include diplomats and development experts to help the Iraqi government rebuild, and restore opportunity to Sunni regions so local people have a future worth fighting for.

“Also needed,” he said, “are Treasury Department financial experts to cut off the flow of money to ISIL; intelligence agencies to help map ISIL’s networks, leadership and infrastructure; and experts from law enforcement and homeland security.”

Fighting ISIL

“In Iraq and Syria,” Carter said, “the coalition is taking ground back from the enemy and gaining openings to take more, and denying ISIL the ability to move fighters and materiel by cutting off key transit routes to Raqqa and Mosul.”

“Coalition members also are dismantling ISIL’s war-sustaining finances, targeting its oil production and industrial base and using new methods to hit ISIL in its wallet,” Carter said.

“Throughout Iraq and Syria we are significantly constraining its ability either to defend or to attack, and we are working with our partners to take advantage of every opportunity this presents,” he added.

“A specialized expeditionary targeting force announced in December is in place, preparing to work with the Iraqis to begin going after ISIL fighters and commanders,” the secretary said. “And we have ordered the most elite U.S. special operations forces to Syria to support the ISIL fight.”

Evolving Threat

“The threat posed by ISIL and others continually evolves, changes focus and shifts location, most recently into areas like North Africa, Afghanistan and Yemen,” Carter said.

“That’s why the Defense Department is organizing a new way to leverage security infrastructure we’ve already established in Afghanistan, the Middle East, East Africa and southern Europe into a network to counter transnational and transregional threats like ISIL,” he explained.

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Carter: Lasting Defeat of ISIL Depends on Coalition Strength

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“From the troops Carter visited in Morón, Spain, in October, to those he visited last month in Jalalabad, Afghanistan, the regional nodes offer a forward presence for responding to a range of crises,” the secretary said.

“This counterterrorism network is already giving us the opportunity and capability to react swiftly to incidents and threats wherever they occur,” Carter added, “and it maximizes our opportunities to eliminate targets and leadership.”

Lasting Security

“The campaign to defeat ISIL is far from over,” he said, “and extraordinary challenges are ahead.”

“The campaign will continue to adapt as, with each success, ISIL’s territory decreases, its resources dwindle, and local, capable forces gain the capacity to win the field of battle and lay the foundation for lasting security in the region and a more secure future for the world,” Carter said. ❁

Report from the Hill

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commissaries operate more like businesses. And it rejects their calls to merge or consolidate commissaries with the three exchange services.

A DoD official has said a new Defense Retail Business Optimization Board (DRBOB) would be established to “drive efficiencies systematically,” overseeing common business practices across all stores and common systems for purchasing, payroll, personnel management and warehousing.

He said the plan likely would include authority to adopt “private label” or commissary brand products to be sold along side national brands, as commercial grocers do to increase profits while offering more customer savings. DoD also will study ways to expand the commissary customer base.

AFTEA will continue to monitor any new proposals that are put forward regarding commissaries but, at least for now, we are pleased with the new direction DoD appears to be taking. We will keep you informed as things develop, both with the overhaul of the healthcare system and with the new plans for commissaries. ❁

Hill Watchdogs Warn on Shortcomings in VA’s Claims System

The Department of Veterans Affairs is scaling up an IT system to help benefits administrators reduce a backlog of veteran claims. But the VA’s top watchdog in the House of Representatives is worried that the system is over budget, behind schedule and not working as advertised.

The Veterans Benefits Management System (VBMS) was developed to overcome the massive backlog of disability claims by digitizing claims forms and expediting claims decisions. According to Rep. Jeff Miller (R-Fla.), chairman of the House Veterans Affairs Committee, VBMS is making a dent in the claims backlog, but could be doing a lot better. The agency’s own internal watchdog thinks that VA could be manipulating data to make their performance seem better on paper than it is in fact.

By the VA’s accounting, VBMS has greatly reduced the backlog, although the agency did not meet its self-imposed goal of eliminating backlogged claims completely by the end of 2015.

According to Beth McCoy, the VA’s deputy undersecretary for field operations, who testified at a Jan. 12 hearing of the House panel, backlogged claims (defined as claims older than 125 days) have dropped from a peak of over 611,000 in March 2013 to about 80,000 today. McCoy credited the reduction of nearly 90 percent in part to the department’s work on the electronic system.

However, Brent Arronte, the VA’s Deputy Assistant Inspector General for audits and investigations, questioned the integrity of the VA’s numbers, saying the data had been “manipulated. We don’t believe all the backlog numbers are reliable,” Arronte said. “We want to see how they count their

numbers.” He added, “There may be a systemic issue across the nation, so we’re going to test their data reliability.”

The exact impact of the VBMS has also attracted the attention of the Government Accountability Office. In a Sept. 2015 report, the GAO expressed concern that the system wasn’t completed, and that the agency hadn’t put in place a way to collect user feedback to generate improvements.

Rep. Miller recognized the department’s progress, but made clear that he felt not enough has been done. “As of Jan. 1, 2016, there were over 360,000 disability claims pending -- over 75,000 of which were backlogged,” he said. “This is despite Congress devoting substantial taxpayer resources -- including significantly increasing VBA’s workforce by approximately 7,300 full-time employees between 2007 and 2014.” Miller said that “the projected cost of the program has jumped to \$1.3 billion, and there is no guarantee that VA will not need more money for VBMS in the future.”

Legislators were visibly displeased by those vagaries. But the moment that most frustrated committee members was when they were presented a picture from a January GAO report of a VA storage facility with boxes containing about 41,000 un-scanned claims; all claims are supposed to be scanned and uploaded to the VBMS within five days of receipt.

“If veterans saw that picture, they would be livid,” said Rep. Phil Roe (R-Tenn.). “That looks worse than my garage.”

McCoy told lawmakers that she believed the claims backlog could be eliminated in fiscal year 2018. ❁

Veterans Fight for Power to Bring Class-Action Lawsuits Over Benefits

A group of veterans who have each waited more than a year to have disability claims reviewed say they are being denied a right granted to most Americans -- the ability to team up and bring class-action lawsuits to fight grievances.

The group filed a lawsuit last year in the U.S. Court of Appeals for Veterans Claims seeking prompt decisions by the Department of Veterans Affairs for thousands of veterans waiting for benefits, saying the delays are causing financial and medical hardship.

But the veterans' appeals court, created by Congress in 1988 to hear challenges to initial government decisions on benefit claims, says it isn't allowed to hear cases that aggregate complaints of many veterans.

The stance is counter to remedies available in most state and federal courts, which allow groups of similarly situated people, such as company employees or consumers of a product, to file a single suit aimed at resolving an alleged injustice. Veterans fighting disability decisions must wait for their cases to be taken up one by one.

Now, the U.S. Court of Appeals for the Federal Circuit is considering whether that should change to allow class actions in the veterans' court.

The Justice Department, which represents Veterans Affairs, is expected to file its position on the issue with the court in January. A VA spokeswoman declined to comment.

The VA has previously said it backs the decision to block class actions. At 2009 and 2011 legislative hearings, agency representatives said such cases would divert the court's scarce resources and are unnecessary since the court already looks to precedent to rule the same way in cases with similar facts.

Underlying the current fight is what critics call an over-congested disability claims system. While the VA has cut its

backlog of disability claims to 74,955, an 88% drop from its peak in 2013, the number of veterans appealing initial disability decisions has risen in the past two years. In the 12 months ending in September, veterans initiated 169,068 appeals -- an appeal rate of 14.6%, up from 11% the prior year.

Going through an appeal takes nearly four years on average. The process can involve several rounds of appeals and allows new evidence at any time, the department says.

"Veterans are demoralized while waiting," said Kimberly Bonner, 42, an Army veteran who began receiving disability benefits last year, 14 years after she began the process. She said it took several rounds of appeals and the help of a corporate law firm to convince the VA she had post-traumatic stress disorder.

In a May ruling, one of the veterans' court's eight active judges said the court has a "long-standing declaration that it does not have the authority to entertain class actions." In an often cited 1991 decision, it found aggregating claims was "highly unmanageable" and "unnecessary."

Veterans groups say decisions reached on behalf of more than one veteran could set precedent that would streamline the claims process.

"It is pure fantasy to pretend that these disabled, indigent veterans" have the ability to take their cases to court individually, according to a filing by Yale Law School's veterans clinic, which is representing the veterans in the appeal. The clinic also backed the underlying April lawsuit seeking class status.

Two of the VA's former top lawyers are also pushing for the court to hear class actions. "The pool of applicants for benefits is getting bigger and sicker than ever," the attorneys, Will Gunn and Mary Lou Keener, said in a brief filed in the Federal Circuit appeal. ❁

Food Stamp Formula Shouldn't Factor in Housing Allowances



Many struggling military families can't access federal food assistance due to the way their income is calculated on the assistance application, anti-hunger

advocates testified recently at a hearing on Capitol Hill.

Military families who qualify for assistance through the Women and Infant Children (WIC) program apply using the income on which they are taxed. But users of the food stamp program, known as the Supplemental Nutrition Assistance Program (SNAP), must apply using their total income regardless of taxes.

For military families, that means basic allowance for housing is considered part of the SNAP application but not part of WIC -- and can mean families who qualify for one do not

qualify for the other.

That discrepancy, along with a lack of awareness on military bases of available programs and help, contributes to "food insecurity" among active duty military families, anti-hunger advocates told lawmakers during the hearing before the House Agriculture subcommittee on nutrition.

"On paper it appears these families are economically stable when, in reality, they may not earn enough to support their children," said Erika Tebbens, a former Navy spouse whose family struggled to buy food while on

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Food Stamp Formula Shouldn't Factor in Housing Allowances

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active duty.

When her family relocated to a base in Washington State, she was unable to find a job that provided enough income to cover her student loans and cover the cost of childcare. She tried to register the family for food stamps, but the BAH they received for their home near high cost of living Seattle disqualified them from the program.

"There can be no denying that food insecurity among military families is a real and a painful reality," said Abby Leibman, President and Chief Executive Officer of the nonprofit Mazon: A Jewish Response to Hunger. "Federal policies are actually denying struggling military families the resources they need to avoid food insecurity."

Commissary shoppers, including active duty, guard and reserve families, retirees and gold star families, spent about \$85 million in SNAP money at the commissary in 2014, the last year for which data is available from the U.S. Department of Agriculture, which manages the program.

That figure is down from \$103 million in 2013, though the drop could be the result of a late 2013 food stamp benefit reduction.

A U.S. Census survey shows that over 19,400 active-duty service members were estimated to receive SNAP in 2014, Mazon officials said.

Leibman said that removing BAH from the SNAP calculation would go a long way in ensuring that military families who are struggling to pay their bills are able to receive federal food assistance when needed and are not left to instead rely on local food pantries. "It means making SNAP not only available but making individuals on the base aware that SNAP is available is much more imperative," she said.

Committee members said they need to work on a way to help active duty military families as well as veterans, who often struggle financially while moving through the sluggish Veterans Affairs benefit process.

"I have to say that your testimony is sad," Rep. Jim McGovern, a Democrat from Massachusetts and the committee's ranking democrat, told the panelists. "We live in the richest country in the world and we have a big chunk of our population that doesn't know if they can put food on the table. And I think we should be ashamed of that." ❄️

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