



President's Message

By Frank J. Sparacino
LTC U.S. Army (Retired)

I want to thank the Board members for all their hard work this past year in supporting our Chapter. Collectively members supported the VA tailgate party, JROTC/ROTC programs, the MOAA's National Scholarship Fund, the Armed Forces Committee, and most importantly MOAA's Advocacy in Action (AiA) initiatives.

I am asking each Chapter and National member to go on moaa.org, sign in and review the MOAA web site. A lot of information is there and may answer some of your questions.

Our biggest challenge this year is recruiting additional members. There are over 8,500 MOAA members in NYS but only 550 belong to a local Chapter. For our Chapter to survive, I am challenging each member to bring in one new or former member to our annual meeting on December 15th at Classics V. We all know someone who has served or is serving that would make a good prospect.

Our Chapter dues are due again this year so please make every attempt to renew your membership so we can support our initiatives such as those listed above. For those Officers that belong to the National MOAA, those dues do NOT support our local Chapter. Our local Chapter dues are very economical especially if you pay for 3 years at a time. Please support our local Chapter.

The MOAA 2024 Annual Convention at Peek-n-Peak this past September was a great success. We had representation from six of the seven NYS Chapters present for a total of 47 folks.



JoAnne Lichwala
Frank Sparacino
Rebecca Sparacino
Maj Gen April Vogel, USAF (Ret)
Vice President, Government Relations
Patrick Morrow
Stan Lichwala

I wish to congratulate our Council for all their work in putting this event together as everyone enjoyed the facilities as well as the Desi & Lucy museums. Next year: 28 Sep – 01 Oct 2025.
Kudos to the hospitality team AGAIN, outstanding job!

If you know of anyone who does not have an email, please have him or her contact us for paper copies. Please make every attempt to contact me at fjspa26@gmail.com, to update your contact information. It makes it easier for us to reach out to you on upcoming events.

Please forward this newsletter to anyone you feel would be interested in MOAA.

The Armed Forces Committee is ramping up for its 2025 May event which is hosted by the Navy this year. Anyone with interest in joining their committee contact me for further information.

Save the Date, the Annual Meeting, which is also our Christmas Social, is December 15, 2024. Please make every attempt to join us at Classics V at 2425 Niagara Falls Blvd at 1130 for lunch and a brief meeting. We have a Representative from the VA (Kelly Helper) to educate us on VA benefits such as long-term care etc. ***See attached flyer at the end of this document.***

Personal Affairs

By Richard A. Scalfani
CW4 U.S. Army (Retired)

Well wishes to all chapter members and their family members who may be experiencing health issues a speedy recovery.

Items of Interest:

Am I eligible for Veterans Pension benefits?

You may be eligible for the Veterans Pension program if you meet these requirements.

Both of these must be true:

- You didn't receive a dishonorable discharge, and
- Your yearly family income and net worth meet certain limits set by Congress. Your net worth includes all personal property you own (except your house, your car, and most home furnishings), minus any debt you owe. Your net worth includes the net worth of your spouse.

And at least one of these must be true about your service:

- You started on active duty before September 8, 1980, and you served at least 90 days on active duty with at least 1 day during wartime, or
- You started on active duty as an enlisted person after September 7, 1980, and served at least 24 months or the full period for which you were called or ordered to active duty (with some exceptions) with at least 1 day during wartime, or
- You were an officer and started on active duty after October 16, 1981, and you hadn't previously served on active duty for at least 24 months
- And at least one of these must be true:
 - You're at least 65 years old, or
 - You have a permanent and total disability, or
 - You're a patient in a nursing home for long-term care because of a disability, or
 - You're getting Social Security Disability Insurance or Supplemental Security Income

How do I know if I served under an eligible wartime period?

Under current law, we recognize the following wartime periods to decide eligibility for VA pension benefits:

- Mexican Border period (May 9, 1916, to April 5, 1917, for Veterans who served in Mexico, on its borders, or in adjacent waters)
- World War I (April 6, 1917, to November 11, 1918)
- World War II (December 7, 1941, to December 31, 1946)
- Korean conflict (June 27, 1950, to January 31, 1955)
- Vietnam War era for Veterans who served in the Republic of Vietnam (November 1, 1955, to May 7, 1975)
- Vietnam War era for Veterans who served outside the Republic of Vietnam (August 5, 1964, to May 7, 1975)
- Gulf War (August 2, 1990, through a future date to be set by law or presidential proclamation)

Eligible for the Aid & Attendance Benefit?

The Aid and Attendance benefit is a subset of the Veterans Pension benefit. "Aid and attendance" is a medical rating used by the VA. This means the VA acknowledges the veteran or surviving spouse needs the regular aid and attendance of another person.

In addition to meeting age and service requirements, in order to receive the Veteran's Pension Benefit with Aid and Attendance Allowance, a veteran must demonstrate both financial and medical need.

This is determined based on an income and asset test, as well as a medical needs test.

If a Veteran's Pension Benefit Applicant called a regional VA Benefits office to apply for benefits, the first thing the Veterans Service Representative would usually ask for is the total household income, the amount of assets the veteran owns, and his or her medical status.

Income Test

The veteran's household income cannot exceed the Maximum Allowable Pension Rate (MAPR) for that application category. There are several categories of pension incomes, so determining eligibility can be complicated.

In addition, under certain circumstances, a veteran's income can exceed the MAPR, provided there are enough non-reimbursable medical expenses or educational expenses to reduce the household income below the threshold.

Finally, on October 18, 2018, the VA changed the way they assess net worth to make the pension entitlement rules clearer. Net worth includes your and your spouse's assets and annual income. When you apply for Veterans Pension benefits, you'll need to report all of these assets and income.

For example, if you had \$121,000 in assets and \$14,000 in annual income, then your net worth would be \$135,000. This is less than the 2024 net worth limit of \$155,356. So, you would be eligible for Veterans Pension benefits.

Countable income for a veteran or surviving spouse includes:

The veteran's household income cannot exceed the Maximum Allowable Pension Rate (MAPR) for that application category. There are several categories of pension incomes, so determining eligibility can be complicated.

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Countable income for a veteran or surviving spouse includes:

- Wages
- Pension payments
- Social security
- Retirement distributions

Non-reimbursable medical expenses can include:

- Health insurance premiums
- Prescription medications
- Necessary medical equipment (wheelchairs, walkers, hearing aids, etc.)

Asset Test

As of 2024, a veteran applying for the Aid and Attendance Allowance cannot own cash assets of [more than \\$155,356](#). This limit is updated each year on December 1st with a [COLA increase matching the CPI used for Social Security](#).

Counting Assets:

In the case of this benefit, assets include:

- Checking and savings accounts
- Stocks, bonds, and mutual funds
- Vacation homes

The following are exempt from the asset test:

- Primary residence
- Automobiles for personal use
- Personal belongings

Medical Needs Test

The most important qualification to receive the Veterans Pension Benefit is demonstrating a medical need for assistance or supervision due to a disability.

Certain medical costs can qualify as deductions to reduce household income levels. The high costs that accompany long-term care such as nursing home care, assisted living, or home care are sufficient to allow medical deductions for a veteran to qualify for the Veteran's Pension Benefit.

If the veteran is under age 65, he or she must be totally disabled to receive the benefit and must provide medical documentation to support his claim. Veterans over age 65 do not have a disability requirement to receive benefits. Surviving spouses may also apply for a Death Pension benefit. In these situations, the deceased veteran did not have to meet any disability requirements, nor does the surviving spouse need to meet any disability requirements, regardless of age.

Most of the veterans and surviving spouses who qualify for the Aid and Attendance benefit qualify with low incomes and have few cash assets. They usually meet both the income and asset tests without the need for the special provision for medical expense deductions to reduce income.

Can you lose your military retirement pay?

There are several reasons you could experience a suspension of military retirement pay, which can be either temporary or indefinite.

Qualifying for a [military retirement pension](#) takes a lot of time and hard work. Servicemembers need to accrue at least 20 qualifying years of service, and members of the Reserve Component aren't eligible to start receiving benefits until age 60.

Considering those factors, military retirement pay is obviously not a benefit to take for granted. However, there are several reasons you could experience a suspension of military retirement pay, which can be either temporary or indefinite.

How can a military retiree lose their pension?

Losing your pension sounds like a punishment, but not every reason for suspending military retirement pay is a result of wrongdoing.

1. You Waive Retirement Pay

The most obvious reason you would lose your military retirement pay is if you intentionally waived it altogether. This often comes into play when you are forced to choose between a military retirement pension and a civilian pension or another retirement benefits program.

For example, you might have to waive a portion of your military retirement pay to receive VA disability compensation. You cannot receive both types of pay unless you qualify for concurrent receipt ([CRSC](#) or [CRDP](#)).

You may also waive your pension if you participate in the federal service [Military Buyback Program](#). In this program, federal employees who have served in the military can “buy back” their military service time to count towards their civilian federal retirement benefits. However, your active military time can only count toward an Active-Duty pension or a federal pension, not both. There is an exception for Reserve Component members, who can buy back their active service time and have it count toward both a military reserve retirement and federal pension.

Active-Duty retirees who join federal employment must decide whether to waive their military pension in favor of including their military service time in calculating their federal civilian retirement. This decision affects those eligible for pensions and benefits through the military and the Federal Employees Retirement System (FERS) or the Civil Service Retirement System (CSRS).

2. You Are Incarcerated

Being imprisoned for longer than 60 days will reduce or stop your military retirement pay and benefits. They will usually resume after you are released. However, the severity of the crime is taken into account. While misdemeanors are usually not a lasting cause for concern, felonies, and crimes against the US will have an extremely negative effect and could even cause a permanent cancellation of your military pension and benefits.

If your pension payments and retirement benefits were paused during your sentence, immediately inform the Defense Finance and Accounting Service (DFAS) and the VA upon your release. You may need to provide documentation such as a release order or a certificate of discharge from the correctional facility. Your military pension and benefits should be reinstated if you're still eligible.

3. You Owe Alimony Payments

The [Uniformed Services Former Spouses' Protection Act](#) (USFSPA) is a federal law that allows state courts to treat military retirement pay as divisible property in divorce proceedings. This law allows your military pension to be divided between the service member and the ex-spouse as part of the divorce settlement. Child support payments can also come into play here.

The [amount of the military pension that can be divided and used to pay alimony](#) is known as “disposable retired pay.” This is the gross retired pay minus certain deductions, like VA disability compensation. The amount owed to the ex-spouse can be up to 50% of the disposable retired pay. If a military retiree is ordered to pay alimony and fails to do so, DFAS can be directed by a court to garnish the retiree's retirement pay to satisfy alimony obligations. Garnishment is a legal process where a portion of the retiree's pay is withheld and directed to the ex-spouse to fulfill alimony obligations. To avoid losing a large portion of your military pension, comply with state and federal laws, pay any owed alimony, and seek legal counsel.

4. You Spend Time on the Temporary Disability Retired List

Spending time on the Temporary Disability Retired List (TDRL) generally does not decrease your military retirement pay. Still, there are circumstances where it can affect the amount of retirement pay you ultimately receive.

TDRL is used for servicemembers who are found unfit for duty due to a disability that is not considered stable and requires periodic reevaluation. Service members on TDRL must undergo medical reevaluations at least once every 18 months to determine if their condition has improved, worsened, or stabilized.

If found fit for duty, you may return to service. However, if your condition worsens or stabilizes, you may be transferred to the Permanent Disability Retired List (PDRL) with recalculated retirement pay based on the final [disability rating](#) or years of service.

If your disability rating decreases upon reevaluation, this could reduce the percentage used to calculate your permanent retirement pay. For instance, if your disability rating is initially 60% and drops to 40% after reevaluation, your retirement pay will be based on the lower percentage.

If you disagree with the results of your reevaluation, [you can request a reconsideration or appeal the decision](#) with the Physical Evaluation Board. This involves formally contesting the new disability rating assigned during the TDRL reevaluation process with a detailed explanation of why the new rating is contested and all supporting medical evidence.

5. You Owe Readjustment Pay or Involuntary Separation Pay

Readjustment pay and [Involuntary Separation Pay](#) (ISP) are financial benefits provided to active duty servicemembers and members of the Reserve Component (RC) who are involuntarily separated from military service under certain conditions. These programs are intended to assist eligible RC members in transitioning back to civilian life.

Readjustment Pay: Financial benefit provided to Reserve Component (RC) members who are involuntarily separated from the Selected Reserve and Ready Reserve. There is generally no requirement to agree to future service in the reserve component to receive this pay since it is for those already serving in a reserve capacity.

Involuntary Separation Pay (ISP): Financial benefit provided to both active duty servicemembers and members of the RC due to involuntary separation. While servicemembers separated from active duty who are receiving ISP typically must agree to serve three years in the RC, members of the RC usually do not have this requirement.

The rules for repayment can vary, but generally, if a servicemember who received ISP or readjustment pay re-enters military service and later earns a military pension, they may be obligated to repay the amount they received. Separation pay is given to servicemembers in lieu of retirement benefits. Once a member retires, federal law requires the money to be repaid.

If a servicemember avoids attempts from the military to recoup readjustment pay or ISP, the amount owed may be withdrawn from retirement pensions if the member later rejoins the military and earns retirement.

Legislative Liaison Report

By BG Tony Caruana, USA (Retired)

By the time you receive this issue of our newsletter, October 1 may have passed. That is significant since our federal budget must be passed by both houses of Congress and signed by the President by September 30, or several dreadful things could happen.

As of this writing, Congress in the U.S. is on the road to another fiscal year without a full federal budget, just like last year, and the year before, and every year since 1997 according to **MOAA**.

“In the absence of a signed budget at the October 1 start of the fiscal year, Congress has two options: letting the appropriations lapse, resulting in a **shutdown** of the government, **or** passing a stopgap spending measure known as a continuing **resolution (CR)**. A CR provides temporary government funding at current-year levels while lawmakers work on a budget for the new fiscal year.

Quoting MOAA National HQ, “CR’s are, to be blunt, awful. Ask any lawmaker and they will agree. Yet Congress can’t seem to find the intestinal fortitude to set patrician politics aside and keep to the schedule. Why are these resolutions so bad for our nation in general and our national defense in particular? Here are MOAA’s top five reasons.

1. **Wasted tax dollars:** Every CR costs taxpayers billions in misaligned money, stalled or delayed projects, and unnecessary planning to combat the shutdown threat and ever-changing funding availability. The top Pentagon official estimated the 2019 CR, for example, cost DoD \$19 billion.
2. **A poor example:** Services members are trained to be good stewards of taxpayer dollars and to uphold high standards of property accountability through inspections and measures enforced through the Uniform Code of Military Justice. We have all stood in formation and heard a leader state, ‘No one is going home until we find this lost piece of property.’ Maybe Congress needs to have a formation on our budget.
3. **Major disruptions:** CRs force changes to training schedules. They delay operations, construction, maintenance, and congressionally mandated modernization projects. They cause civilian hiring freeze, and they increase contracting costs. As DoD official put it: “The longer a CR lasts, the more damage it does.”
4. **Erosion of trust:** Placing the importance of good governance over political issues is warranted, especially when CRs add to national debt. We would never run our own personal finances by paying late fees over and over to avoid dealing with our bills. Congress can restore some trust in the institution by sticking to the schedule.
5. **Simple scheduling:** Speaking of the schedule, Congress never misses its summer August recess. It’s reasonable to expect them to stick to their whole schedule, which includes passing a full budget before Oct. 1.

WHAT CAN YOU DO? A CR certainly will be bad, but a full government shutdown could be disastrous. The former president has recommended doing just that with this budget. The 2018-2019 government shutdown was estimated to cost \$11 billion dollars according to the Congressional Budget Office.

As mentioned in our previous legislative newsletter reports, consider joining MOAA’s Legislative Action Center where you can find contact information for your lawmakers and send pre-written messages in support of MOAA’s advocacy priorities. Go to: www.moaa.org/takeaction.

You can also keep up with the budget process on MOAA's Advocacy News page: www.moaa.org/advocacy-news.

MOAA's three key priorities for action now as mentioned and explained in previous newsletters are **Targeted Pay Raise** for junior enlisted personnel, Basic **Allowance for Housing (BAH)** to 100%, and Concurrent Receipt and Major **Richard Act**, the fight to end an injustice facing combat-wounded retirees.

Tailgate Party at VA Hospital

By Stanley Lichwala
CDR U.S. Navy (Retired)

Once again our Chapter will partner with the Home of the Brave to sponsor our 15th Tailgate Party in Freedom Hall at the Buffalo VA Hospital for patients. This year's Party will be held on November 10 when the Bills meet the Indianapolis Colts. Our Chapter will provide pizza, wings and pop which brings cheer to the patients who appreciate this Chapter outreach.

Online Dues Payment

By Stanley Lichwala
CDR U.S. Navy (Retired)
WNY Chapter Treasurer

Again this year, you will be able to pay your chapter dues online. National MOAA (MOAA.org) is updating its website and Chapter dues payments are not currently available, but the capability is expected to be restored soon. When it is restored, you will be able to go to MOAA.org click on member benefits, click on Councils and Chapters and finally click on pay dues on line. Online Chapter dues payments are greatly appreciated. The one-year renewal fee is \$16 and your Board of Directors has provided a discount for members who want to renew for more than one year. The fee for a two-year renewal is \$30 and for a three-year renewal is \$44. Those choosing to make charitable contributions may do so online with your dues payment.

Editor's Note

By JoAnne Lichwala

OPT-OUT – To unsubscribe to receiving the newsletter by email contact Capt. Mike Concannon at mconcannon.tha@gmail.com.

The Chapter Membership Application and the Annual Meeting flyer is available on our Chapter website www.wnymoaa.org.

Wishing you a Happy Holidays and Happy New Year!

2024 FALL EVENTS CALENDAR**OCTOBER**

- 14 Columbus Day
- 31 Halloween

NOVEMBER

- 3 Daylight Savings Time Ends
- 5 Election Day
- 10 Tailgate Party at VA at the VA Hospital
- 11 Veteran's Day
- 28 Thanksgiving Day

DECEMBER

- 14 Army/ Navy Game
- 15 Annual Meeting and Holiday Party
- 25 Christmas
- 26 Hanukkah
- 31 New Year's Eve

2025**January**

- 1 New Years Day
- 20 Inauguration Day
- 20 Martin Luther King Day

February

- 14 Valentine's Day
- 17 President's Day



MOAA WNY Chapter Annual Meeting / Holiday Party
Sunday, December 15, 2024

Classics V
2425 Niagara Falls Blvd
Amherst, New York 14228

FREE Unlimited Fruit and Wine Punch /CASH Bar 11:30 a.m.-3:00 p.m.
One hour of Assorted Cheese Display

Buffet Lunch served at 12:30 pm
The buffet includes Chef Salad, Pasta Salad, Parmesan-crusted Chicken, Roast Beef served with Rolls,
Garlic Smashed Potatoes, Penne & Broccoli, and Roasted Vegetable Blend.

For dessert Ice Cream with Chocolate Topping

Lunch Donation - \$40 per person (includes gratuity) See below for reservations

Send this form and a \$40 check per attendee (made out to MOAWNY) to:
LTC Frank J. Sparacino at 3216 Celena Ct, N. Tonawanda, NY 14120
(check must be received by 3 December 2024)

Questions contact: fjspa26@gmail.com

Please provide the following information for attendee/s:

	Rank/Prefix		
First Name / Guest	/		
Last Name / Guest	/		
Branch of Service			
Street Address			
City	State	Zip	
Phone Number			
Email Address			
Amount Enclosed			