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CONGRESS OF THE UNITED STATES

March 29, 2010

The Honorable Daryl Beall
Chairman
Senate Veterans Affairs Committee

The Honorable James Seymour
Ranking Member
Senate Veterans Affairs Committee

The Honorable Ray Zirkelbach
Chairman
House Veterans Affairs Committee

The Honorable Royd Chambers
Ranking Member
House Veterans Affairs Committee

TOM LATHAM
Congressman
4th District, Iowa

Dear Members of the Iowa General Assembly:

I am writing to you at the request of my constituents Frank Reeves of Zearing, IA, and Jerry Bohr of Decorah, IA, who are concerned with an issue with regard to compensation provided by the U.S. Department of Veterans Affairs (VA) to veterans with service-connected disabilities.

Federal law prohibits attaching, diverting or garnishing a veteran's service-connected disability payments. While the VA is generally prohibited from complying with state garnishment orders, in some cases state courts have nevertheless included disability compensation in the calculation of property disposition and support obligations under dissolution of marriage and child support determinations. Extreme hardship in complying with court-ordered payments has been reported for disabled veterans with little, if any, alternate source of income.

According to Mr. Bohr, the states of California and Indiana have passed laws prohibiting the use of VA disability compensation in such determinations by state courts, consistent with federal prohibitions on attachment. It is also my understanding that such legislation has been introduced or passed by at least one chamber in Arizona, West Virginia, Wisconsin, and perhaps other states. As you know, similar legislation has also been introduced in both the Iowa House (H.F. 2299) and Senate (S.F. 2144) and is currently under consideration by the relevant committees.

My constituents have asked me to pass along their hope that you investigate this matter to determine the appropriate response by the Iowa General Assembly. I have enclosed letters I received from Mr. Bohr and Mr. Reeves describing the difficulties they have experienced.

Sincerely,

Tom Latham
Member of Congress

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March 29, 2010

Congressman Tom Latham
2217 Rayburn HOB
Washington, DC 20515

Congressman Latham:

Our state courts have compounded the issue of divorce by calculating a disabled veteran's disability monies as his/her income. Is it not bad enough a divorce has taken place, but now...leaving one side that is already disabled unable to care for themselves or their own children? By doing this, a veteran who is paid for their injuries doesn't have the ability to take care of themselves, much less anyone else. Whatever happened to the moral obligation for a country to take care of its own who were either wounded or injured in the line of duty/combat?

The original intent of Congress has been watered down to the point where there is no protection of benefits for serving your country honorably anymore. Our leadership has confused the issue of retirement and those disabled without retirement. We have lumped these groups together when their situations are totally different when it comes to divorce. Our Values have decayed to the point where we have hundreds of thousands of veterans sleeping in the streets, cardboard boxes, forced to seek refuge with family or even sleeping in the gutters. Some veterans have given up the fight and committed suicide.

State Courts have placed the burden on the disabled, and when a veteran cannot meet excessive demands for child support, he is called or placed in the dead beat category! Veterans in the same situations are treated differently in each state contrary to our constitution. Some veterans have been protected by their legislatures and some haven't. Others have tried to make a stand but have failed due to their inability to pay for or find legal representation. Judges have jailed those that are guilty of only one thing – serving their country honorably. We now have veterans on the run, jailed and fighting for their own lives after coming back from the war zones they left. Some have been alienated from their families/children all because of a system that has failed to identify the real problems right here at home.

Veterans disability compensation is meant for the veteran and the veteran alone. He/she doesn't receive more monies due to getting married. The disability scale of rating tells the story. He or she is only paid for their family after reaching 30% or more. The ratings haven't been changed since approx 1950. By today's standards set by the United States Dept of Agriculture used to calculate child support by the states, we have forced these veterans further into poverty simply because of a divorce. By allowing special interests to use our children against the original intent of congress we have failed to reach the goal of bringing our disabled, both men and women, back into our societies after serving this great country of ours so honorably.

Let me remind you of the words of our Constitution:

Article IV - The States

Section 1 - Each State to Honor all others

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Article VI - Debts, Supremacy, Oaths

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Please do whatever you can to see that our nation's laws protecting veterans' disability compensation for injuries in the line of duty are enforced.

Respectfully sent,

Jerry G. Bohr (563)-528-4947

Congressman Latham, 3-29-2010

my name is Franklin L Reeves,
I live at 72709 130th St Zearing Ia, just 10 years.
ph. # 515-291-9228. Peace time + gulf war Veteran,
in Army 7-16-87 to 6-11-94. I'm 100%
permenate and total Survive Connected since
5-25-2000 - retro. back to 10/30/98. Diagnosed
spondylolisthesis, post anterior fusion and
persistent back pain a permenate impairment.

This is about my daughter, 15 yrs old,
Amanda Reeves, and my child support order.

I recieve a V.A. disability check for
2,787. Wife hasn't worked for 4 years, been
sick, diagnosed with lupus last year. My
Child Support Order, case # 398912, Docket # DRV04946,
was modified on 1-11-09 from 150⁻ current, 30⁻
arrears, to 450⁻ + 50⁻ arrears, causing us
great hardship, we can't afford everyday living
expences, can't save for repair or upkeep of
our home, can't do ourselves, physically unable,
can't insure due to condition of home, needs
roof, paint, has water leak between well
and house, can't live without these things but
do, I lived off my wifes 9 credit cards
but there're maximumed limited out!
+ still have taxes on my home.

I can't pay this amount. I have explained this to the Judge and even appealed the decision. The Judge doesn't even care if we become homeless over this. I've had two contempt to court for this, I don't pay I go to jail. It's not that the mother of my child needs this money. They're living very well in Fort Briggs. Her current husband in Army for at least 15 years. I have no relationship with my daughter due to the drama Amanda's mother brings into our lives, even harassment from the mother, even after 15 years.

Please help this disabled Veteran not be disabled again by the child support system + the judges who don't take into consideration the situations both families are in, not just the mothers, and children, what about us disabled 100% service connected Veterans too.

Thank you
Franklin Beeler

515-291-9228

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