

**Testimony to the United States Senate  
Special Committee on Aging  
by Kris Schaffer of Billings, Montana**  
June 6, 2012; 2:00 pm

Senators, of the Special Committee on Aging: I thank you very much for the opportunity to be addressing you today.

My name is Kris Schaffer. I am the owner of a small print shop, Accent Print Shop, in Billings, Montana. I am a wife and a mother. I have been asked to come here today to provide testimony as to my experience with the VA Aid and Attendance Pension Program.

During the Spring of 2011, only one short year ago, I was growing increasingly concerned about my mother's health. Both of my parents were still living, but her health seemed to be deteriorating rapidly; and providing her care was more than my father could manage, and more than I could, too.

My father served in the Navy in World War II in the South Pacific. I heard about the VA Aid and Attendance Pension Program, and it seemed that it might be the answer to our prayers. But I am always a person who wants to get the particulars. This tendency of mine serves me well in my business as well as my personal life; I am not a person who tends to be duped by a fast talker. I attended a seminar on the VA Aid and Attendance Pension Program, along with my father, put on by an independent living facility, which I had understood was well thought of in our community: Aspen View. My understanding was that it was a separate facility from the nearby nursing home facilities, but that nursing home services could be provided, when and if they were needed. Providing information on the VA Aid and Attendance Pension Program was

the sole purpose of the seminar my father and I attended.

The speaker was an attorney, Douglas F. Ocker, who said he was "an Attorney and Counselor at Law" in "An Elder Caring Law Firm" in Corpus Christi, Texas; he had been brought in by the independent living facility. The speaker represented himself as being "accredited by the Department of Veterans Affairs;" his website was even:

[www.SeniorVeteranUSA.com](http://www.SeniorVeteranUSA.com). Each attendee was given a very official-looking presentation folder with information and requirements on the VA Aid & Attendance Pension Program.

The first question the attorney put forth as something he wanted to clarify was "Why should I use a VA accredited attorney when some people will fill out my application for free?" We then received eleven reasons why, such as: Insurance agents disguise themselves as Veteran's Officers; Attorneys are licensed to draft legal documents for asset and income restructuring; Medicaid is a "timebomb;" the attorney is licensed to represent clients in VA court, and so forth.

We were told that, if we decided to use the the VA Aid and Attendance Pension Program, we needed to use an attorney to fill out this complicated paperwork. We were also advised not to use the local VA department because they were not familiar with this particular program. I feel very stupid now for believing him, but I did. It all seemed so very much on the up-and-up: a program of our government showing its appreciation, at the end of their lives, for the dedication of our veterans in preserving our freedoms.

At the end of the seminar, all attendees were invited to visit with the attorney to see if they would qualify for this VA Aid & Attendance Pension Program. My father and I set an appointment and visited with Mr. Ocker himself. When we came, we had all my father's papers and necessary information. As the attorney reviewed the paperwork, he "guaranteed" us that my father "would qualify." Then, he told us he "needed to have \$4000.00 to fill out the

paperwork." That was the first we had heard of that requirement, and my father informed him that he did not have \$4000.00 to pay for this service and that we did not realize that there was a charge for filling out VA paperwork. The attorney told us he would "do us a favor" by calling in the manager of the independent living facility and explaining our situation. The manager came into the meeting, and the attorney told him that my father did not have the funds to pay him to fill out the VA paperwork. The manager asked the attorney if my father would qualify for the VA Aid and Attendance Pension Program; the attorney responded "most certainly." With that being said, the manager of the facility told my father that he and my mother could move into Aspen View in Billings. They told me that I should fill out the paperwork since we already knew, from the attorney, that they qualified and would not be turned down. We were told the amount of their monthly rent. We were told that the VA Aid and Attendance Pension Program would pay \$1949.00 (the amount for a married couple) and that my parents would pay the remaining balance of the monthly rent, which was \$1638.00; a very large financial commitment for my parents.

In order for my parents to afford even their portion of the independent living facility rent, they needed to sell their home, which was their primary asset. They made that big and difficult decision, sold their beloved home in order to make the whole thing possible-- the provision of care for their remaining years-- and my parents moved into the facility on July 7, 2011.

I filled out the paperwork required by the VA for my parents. I did not find the paperwork terribly complicated. I went through all of the written requirements, and my father appeared to me to meet them all. I have provided copies of the presentation documents that were given to me for the use of the Committee. One of the requirements was that I needed to send a letter to the VA from the independent living facility. I remember picking up this letter from the facility. I

read it prior to sending it in with the rest of the paperwork. I did see, for the first time, when I read the letter, "Our staff is available 24 hours a day to assist Henry with any emergency that may arise, in addition to providing meal preparation, transportation, weekly housekeeping, and any other medical needs that are prescribed. Numerous health care providers work with our residents in providing medication monitoring, assistance with bathing, dressing, and feeding etc." It had certainly been my understanding that those services would be provided when they were needed.

I discovered, later, as my mother grew more ill, that this independent living facility actually does not supply any medically necessary help for its residents. If the residents need help, they are required to search out outside companies as sources for a supply of such services.

In the end, I had very little time to cope with these issues because my dear mother only lived for five days, once she left her home and moved into the facility that we thought would be providing her necessary care, before passing away. At that time, I forwarded all documents to the VA so that they knew that, from that time forward, only my father would be needing the benefits of continuing to live in the institutional independent living facility. Shortly after I sent those documents, my father received a letter of denial.

Only after my father received that letter of denial were we told that, in order to qualify for the VA Aid and Attendance Pension Program, a person needs to require daily assistance in dressing, feeding himself, and bathroom chores. This was never addressed, or set forth as a requirement in the seminar that we attended, in the written paperwork, or in any of the forms I filled out for my parents. My father's relatively healthy condition was clear when we met with the attorney and when the independent living facility staff person was called in to discuss the \$4000 fee. It was clear to both the attorney and the staff person that my father would be selling

my parents' house in order to be able to pay their portion of the "monthly rent."

As I speak before you today my father, heartbroken at the loss of his life's partner, to whom he was married for 57 years, is also in limbo, or worse; not knowing how to proceed. My father has worked hard his whole life. He has never asked for a hand out from anybody. He thought he was doing right by his beloved wife as well as making certain that he would not become a burden on his children with his eventual health decline, by selling his home and moving into this facility as a part of the VA Aid and Attendance Pension Program. He made this decision based on the advice of someone who held himself out as an attorney "certified" by the VA Aid and Attendance Pension Program and was providing independent and reliable advice.

When I received the information of the denial, I was horrified. I informed AspenView that I would be appealing. Then I went directly to Senator Tester's office in Billings for assistance. It was he, together with Senator Kohl, Senator Corker and Senator Wyden, who asked me to appear today to tell my story and that of my family.

The staff of AspenView has not yet approached my father and demanded the balance of the difference of what the VA was understood, by them and by me, to be paying. But I know that they will. In fact, some friends of my parents, in their 90s, in this very same situation with the VA Aid and Attendance Pension Program, have been ousted from what they thought was their final residence for their declining years.

It appears to me that AspenView does not actually comply with the requirements of the VA Aid and Attendance Pension Program. It also appears to me that senior citizen veterans are being lured into disposing of their limited assets to pay an exorbitant amount for services and then, only after it is too late, being denied any benefits whatsoever by the VA and are being left with no place to live. I do not know, fully, who is at fault. I only know that, for my father, this

is a terrible miscarriage of justice. I have come all the way from Montana to Washington, DC, to the most powerful institution in the world, to ask for help for my father and others in his situation. I ask that you get to the bottom of what happened, discover who is at fault, and set things right for the remaining years of the veterans whose stability has been so threatened.

I thank you so very sincerely for allowing me to appear today on behalf of those, who tend to be so much older than am I and so much less able to travel to meet with you and speak for themselves. I would be honored to answer any questions you may have.