



NCOA

Non Commissioned Officers Association of the United States of America

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STATEMENT OF

**RICHARD C. SCHNEIDER
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BEFORE THE

**COMMITTEE ON VETERANS AFFAIRS
U.S. HOUSE OF REPRESENTATIVES**

ON

**H.R. 3423
ELIGIBILITY OF CERTAIN VETERANS AND THEIR
DEPENDENTS FOR BURIAL IN ARLINGTON NATIONAL
CEMETERY**

December 13, 2001

DISCLOSURE OF FEDERAL GRANTS AND CONTRACTS

The Non Commissioned Officer Association of the USA (NCOA) does not currently receive, nor has the Association ever received, any federal money for grants or contracts. All of the Association's activities and services are accomplished completely free of any federal funding.

Mister Chairman and distinguished Members of the Committee, The Non Commissioned Officers Association of the United States of America (NCOA) is most pleased to have the opportunity to testify on H.R. 3423, a bill to change the eligibility criteria for burial at Arlington National Cemetery to include certain other veterans. In fact, NCOA would like to recognize and commend the Committee Chairman, Representative Christopher Smith (R, NJ), who introduced the proposed bill to correct, in the Association's judgment, a flawed Army rule that inappropriately establishes an age requirement for the burial of retired reservists at Arlington.

BACKGROUND

The Secretary of the Army is the Executive Agent for the management of Arlington National Cemetery and has established the existing burial criteria for the internment of casketed and cremated remains. These policies are published in Title 32, Code of Federal Regulations and in Army Regulation 290-5. The specific Army criteria currently at issue is stated as follows:

“Any veteran who is retired from the Reserves is eligible upon reaching age 60 and drawing retired pay; and who served a period of active duty (other than for training).”

Reservists are not normally entitled to military retired benefits such as pay, health care, etc.) until they attain the age of 60. Historically, the Arlington internment policy was based on this required age criteria, attainment of age 60, the point at which eligibility was established for all authorized military service retiree benefits.

The current issue on internment of retired reservists resulted the initial denial of the Army to inter the remains of Captain Charles Burlingame, USNR Retired, at Arlington National Cemetery. Captain Burlington was the pilot of Flight 77 seized by terrorists that crashed into the Pentagon on September 11th, 2001. He is nationally regarded as an American hero and was among the very first casualties of the terrorist attack on America. The denial of his burial right at Arlington became a national citizen issue.

The Army after the original denial offered to allow Captain Burlingame to be interred in the existing grave of his father a former Air Force Chief Master Sergeant. That option would have denied the Captain's wife the future right to be buried with her husband. This denial and controversial burial offer quickly became a national embarrassment. Citizens were outraged that this Officer would be denied burial in his own right at Arlington and that upon death his wife

upon would not be eligible to be buried with her husband. The controversy continued further when a living veteran eligible for burial at ANC emotionally offered to “give up his grave” for Captain Burlingame. (Note: Veterans do not “own graves” and there is no right for any veteran to make such an offer).

The Army eventually reversed its original decision and Captain Burlingame was buried at Arlington National Cemetery, yesterday, December 12th, 2001.

SUPPORT OF PROPOSED H.R. 3423 **AND EDIT RECOMMENDATION**

Strongly support the proposed H.R. 3423 to direct the inclusion of retired members of the reserve in the existing criteria for burial at ANC. The specific provisions of the Bill and editorial comment follow:

a. The remains of a member or former member of a reserve component who at the time of death was under 60 years of age and who, but for age would have been eligible at the time of death for retired pay under 1223 of Title 10 may be buried at ANC on the same basis as the remains of members of the Armed Forces entitled to retired pay under that chapter.

Edit recommendation: Line 1 above be changed to read, “The remains of a retirement eligible member of a reserve component...”. The proposed change would add clarity to the authorization.

b. The remains of the dependents of a member whose remains are permitted under paragraph “a” above to be buried in ANC on the same basis as dependents of members of the Armed Forces entitled to retired pay under such chapter 1223.

c. The remains of member of a reserve component of the Armed Forces who dies in the line of duty while on active duty for training or inactive duty training may be buried at ANC on the same basis as the remains of a member of the Armed Forces who dies while on active duty.

d. The remains of the dependents of a member whose remains are permitted under paragraph “c” above on the same basis as dependents of members of active duty.

CONCLUSION

Mr. Chairman and Distinguished Members of the Committee, NCOA strongly believes that the proposed changes to allow burial of retirement eligible reservist, without regard to an age limitation, and reservists on active or inactive duty for training, and their eligible dependents family members should be authorized for burial at ANC. It is reprehensible to bar such a burial entitlement based on an arbitrary age requirement or deny when the death results during an authorized active or inactive training period. This legislation corrects deficiencies that penalize both the reserve member and family members from consideration for burial at Arlington National Cemetery.

Mr. Chairman, it is not only right but also the national moral high ground to codify these provisions in law to ensure no other family of a retirement eligible reservist is denied internment at Arlington National Cemetery. Tragically, Captain Burlingame military career and untimely death as a casualty of the terrorist war on America has brought to light an inequity for all retired members of the reserve components. NCOA is embarrassed that the Burlingame Family had to endure the denial of an Arlington National Cemetery burial right for their retired Naval Aviator Reservist, followed by the further insult of a bureaucratic compromise that offered burial in a gravesite as a dependent of a former Air Force Chief Master Sergeant. The latter action added insult to injury as it would have also denied the right for Captain Burlingame's wife to eventually be buried with her husband.

Again, thank you for the opportunity to testify on this important subject.

BIOGRAPHY

of

Richard C. Schneider Director of State/Veterans Affairs

Mr. Schneider is the National Director of State/Veterans Affairs, Non Commissioned Officers Association of the United States of America. His responsibilities include executive management of all NCOA programs that support America's veterans. These include service transition, employment, benefit rights and adjudication processes. He directs 473 NCOA Veteran Service Officers located in the United States and overseas. Additionally, he provides legislative focus for 46 NCOA State Legislative Coordinators, which represent NCOA in State Legislative Affairs. Mr. Schneider concurrently serves as the Executive Director of the NCOA National Defense Foundation. In this capacity, he is responsible for the Association's Voter Registration Program including the operation of the National Voter Registration and Information Center in cooperation with the Department of Defense. He also manages the Foundation's Operation Appreciation program, which provides grants to benefit hospitalized veterans and other association determined humanitarian outreaches.

Mr. Schneider was born in New Jersey. He was raised in the Garden State attending elementary and secondary schools in Lyndhurst. He has a Bachelor of Science from the University of Southern Colorado (1972) and a Master of Arts from the University of Northern Colorado (1974).

He served in the United States Air Force from August 1957 to September 1990. Mr. Schneider retired in the grade of Chief Master Sergeant. He held significant assignments in management and personnel planning throughout his military career. His military decorations include the Legion of Merit, the Meritorious Service Medal with two Oak Leaf Clusters and the Air Force Commendation Medal with four Oak Leaf Clusters.

He is currently the Secretary, Board of Directors, Pentagon Federal Credit Union, Alexandria, VA. He also is currently the Chairman of the Board, Financial Technologies, Inc., Chantilly, VA.

Mr. Schneider is married to the former Anne Ferguson of Prestwick, Ayrshire, Scotland. They have four children: three daughters, Kristin, Leslie, and Fiona; and a son, Richard.