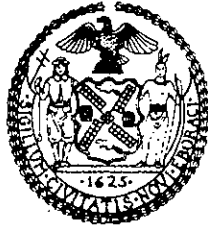


# PUBLIC ADMINISTRATOR



## BRONX COUNTY

**JOHN RANIOLO**  
PUBLIC ADMINISTRATOR

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ESTATE OF:

**STEVEN L. ALFASI**  
DEPUTY PUBLIC ADMINISTRATOR

FILE NO:

City Council Meeting 4/28/08

Re: Veterans Burials

Steven L. Alfasi, Esq.,  
Deputy Public Administrator, Bronx County

The problem of burying indigent Veterans at Calverton National Cemetery has been ongoing for years. When a Veteran is indigent, there are no available assets for the transportation costs associated with interring said Veteran's remains at Calverton National Cemetery. This is also true of a Veteran's immediate indigent family members who may be eligible for burial at Calverton.

For years, the Public Administrators Offices throughout the City of New York, have been begging various undertakers, we do business with, to absorb the costs associated with interring indigent Veterans and their eligible family members in Calverton National Cemetery. This process, is no process at all, and should be abolished. The undertakers we work with are economically unable to continue to sustain this practice. Due to this financial hardship, Veterans, who are eligible to be buried at Calverton National Cemetery, are being interred in City burial; more commonly known as Potters Field.

These same eligible Veterans, who are buried in Potters Field, can be buried in an individual plot, with an individual monument, with all the military honors they deserve, at Calverton National Cemetery. Their loved ones and friends can pay their respects to that Veteran any time they wish. Potters Field is not open to the public, no head stone is erected, and the remains are buried in plots with the remains of other indigent persons.



**DEPARTMENT OF HEALTH & MENTAL HYGIENE  
OFFICE OF CHIEF MEDICAL EXAMINER**  
520 FIRST AVENUE, NEW YORK, N.Y. 10016-6402  
**CHARLES S. HIRSCH, M.D., Chief Medical Examiner**  

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**New York City Council  
Committee on Veterans  
Statement of Charles Hirsch, MD  
Chief Medical Examiner  
April 28, 2008  
Burial Benefits for Veterans**

The Office of Chief Medical Examiner joins the Mayor's Office of Veteran Affairs and the Human Resources Administration in expressing our firm commitment to insuring appropriate burial in a national cemetery for veterans who do not have a family member to make funeral arrangements.

The Office of Chief Medical Examiner role in this process begins with our awareness that the decedent is a veteran, usually the result of information provided by family, friends or social workers. We attempt to verify the veteran status of the person from local sources and from the St. Louis Department of Veteran Affairs Regional Office. We promptly notify the Mayor's Office of Veteran Affairs, and they initiate a parallel inquiry.

When MOVA notifies us that they have confirmed the honorable discharge status of the decedent, we ensure that the personal identification is verified and that the body is retained at one of our borough offices awaiting transport to Calverton Cemetery by the funeral director designated by MOVA to transport the body. Approximately 50 - 70 such burials are arranged annually.

**Testimony of Roger Newman,  
Commissioner of the Mayor's Office of Veterans' Affairs,  
concerning Military Burial of Deceased Indigent Veterans,  
Before the  
New York City Council Committee on Veterans Affairs**

**April 28, 2008**

Good afternoon Chair Monserrate and members of the Committee, my name is Roger Newman and I am the Commissioner of the Mayor's Office of Veterans' Affairs (MOVA). I am here today to testify regarding the City's procedures regarding the burial of indigent veterans who die without the means to pay for their own burial or a family member or friend willing to cover the expense. Before I address that issue, please allow me to update the Committee on the progress my office has made over the past six months

Since I last testified, MOVA has continued to make great strides to serve New York City's veterans, military personnel, and their families. As you know, the scope of services being provided by our office is growing and the new staff we have attracted has extensive knowledge of the veterans and military community, as well as social services delivery.

Of significant note, MOVA has strengthened its partnership with the Department of Homeless Services leading to a historic grant of \$9.4 million dollars from the federal government, announced two weeks ago, to permanently house homeless veterans. This money will not only guarantee housing, but also create a link between the City's housing agencies and VA Medical Centers to ensure that veterans receive the necessary social

services to end the cycle of homelessness. In addition, we've fostered an innovative and much needed program with the City Bar Association in which veterans can now receive free legal advice in resolving complicated issues concerning their federal veterans' benefits. Finally, it should be noted that our Office has returned to Veterans Memorial Hall at 346 Broadway; and I am happy to report renovations of the Hall are in progress

### **Burial of Indigent Veterans**

As you know, the federal government provides that honorably discharged veterans are entitled to a burial in a military cemetery. Although the federal government pays for the cost of the interment, it does not pay for the body of the deceased to be transported to the military cemetery for burial. Typically, as a practical matter, that cost either is borne by the decedent's estate or their next-of-kin.

At the time of my appointment, the City was faced with the challenge of how to properly bury the bodies of honorably discharged veterans, who were indigent and without an estate or any identifiable or responsible next-of-kin, in Calverton National Cemetery. Calverton is the closest military cemetery to New York City that is currently interring New York City veterans, is located approximately seventy miles away in Suffolk County, Long Island.

In New York City, when a person dies and their body is not identified, or if they are identified and there is no next-of kin or other resources to provide for burial in a

private cemetery, the Medical Examiner makes arrangements to bury the deceased's body on Hart Island. In cases where the Medical Examiner ascertains that the body of the deceased is that of an honorably discharged veteran, and thus entitled to a military burial, the Medical Examiner retains jurisdiction of the body and endeavors to make arrangements for a military burial. Under the State Public Health Law, the Medical Examiner's Office cannot, itself, lawfully transport the body of such a veteran outside of the City limits to Calverton. Instead, the Medical Examiner typically held the bodies until arrangements could be made for a private funeral director to provide transportation for the body, free of charge, to Calverton. Because of the time and cost considerations involved for private funeral directors, it was difficult for the City to secure commitments from them to continually perform this function without compensation.

Indeed, the City's Human Resources Administration has an emergency system in place to reimburse New Yorkers for the burial expenses of indigent family members or friends who died without any resources, and to work with "organizational friends" when there is no one to take responsibility for the deceased. Unfortunately, there was no organizational friend in place specifically for veterans, especially those with no family or friends willing to apply for the benefit. Upon learning of the difficulty in burying indigent veterans without next of kin, my office worked quickly with HRA to promulgate a new rule authorizing the use of City funds for this purpose..

The new rule, which took effect March 1, 2008, authorizes HRA to pay certain burial expenses for honorably discharged indigent veterans without next-of-kin, where

funeral arrangements for such veterans are made by a veterans' organization that qualifies as an organizational friend. The rule sets forth the qualifications needed to be an organizational friend and provides for payment of a sum up to \$900 toward burial costs, including the cost of transporting remains to Calverton.

With the new rule in effect, the present day process is as follows: MOVA is notified that a decedent is believed to be an indigent veteran without next-of-kin either by the Medical Examiner's Office or a medical institution other than a VA Medical Center. If the Medical Examiner is the notifying agency, MOVA obtains the available identifying information and proceeds to obtain confirmation of veteran status and eligibility for National Cemetery burial through the VA. If the information provided is inconclusive, information is then sought from the Public Administrator, the Social Security Administration, the Bureau of Vital Statistics, the City Clerk [e.g., Marriage License], LexisNexis and other similar online search engines, etc..

Upon obtaining an eligibility clearance, MOVA notifies an organizational friend, and Funeral Director for processing, which includes filing documents required to effect the release of the decedent's body. The organizational friend and the Public Administrator work closely to confirm that the decedent has no funds to cover the burial expenses, and no next-of-kin willing to take responsibility. To do so, the Public Administrator researches the Unclaimed Funds Database, and other address search management systems, and visits the decedent's address of record, if available, to obtain information. The funeral director contacts MOVA when all required Public

Administrator clearances and documentation have been obtained and schedules the pick-up of the remains. Lastly, the funeral director informs MOVA of scheduled burial date.

Burial services include the Honor Guard; the playing of Taps, and presentation of a flag and gravesite information.

Let me be clear, to the extent that any burials were delayed while the rule change was effectuated; all those veterans have since received a proper burial. MOVA and HRA have met, and will continue to meet, with the veterans' community to help with the creation and certification of as many organizational friends as possible.

Thank you again for the opportunity to testify before you. I am happy to take any questions.

**STATEMENT OF JOSEPH COLLORAFI**  
**Chief, Veterans Benefits and Services Division**  
**New York Regional Office**  
**245 W. Houston Street**  
**New York, New York**  
**VETERANS BENEFITS ADMINISTRATION**

**BEFORE THE**  
**THE COUNCIL OF THE CITY OF NEW YORK**  
**COMMITTEE ON VETERANS**

**VETERAN BURIAL BENEFITS**

**APRIL 28, 2008**

Mr. Chairman and members of the committee.

Thank you for providing me the opportunity to appear before you today to discuss Veteran Burial and Memorial benefits administered by the Veterans Benefits Administration of the Department of Veterans Affairs for eligible veterans and qualified survivors of those veterans.

**General Eligibility**

Veterans discharged from active duty under conditions other than dishonorable and service members who die while on active duty are generally eligible for burial benefits. Spouses and dependent children of eligible veterans and those service members who died on active duty may also be eligible for VA burial and memorial benefits. These benefits include:

### **Burial in a VA National Cemetery**

Burial in a VA national cemetery. One of our largest is Calverton National Cemetery nearby on Long Island. Burial services in a National Cemetery is at no cost to the family and includes the gravesite, grave-liner, opening and closing of the grave, a headstone or marker, and perpetual care as our National Cemeteries are national shrines.

### **Headstones and Markers**

Eligible veterans, service members who die on active duty, retired Reservists and National Guard service members are eligible for an inscribed headstone or marker for their grave at any cemetery -- national, state veterans, or private. VA will deliver a headstone or marker at no cost, anywhere in the world.

### **Presidential Memorial Certificates**

These certificates are issued upon request, to recognize the military service of deceased veterans who were discharged honorably from service. Next of kin, relatives and friends may apply for a certificate.

### **Burial Flags**

VA will furnish a U.S. burial flag to memorialize:

1. Veterans who served during wartime or after Jan. 31, 1955.
2. Veterans who were entitled to retired pay for service in the Reserve or National Guard, or would have been entitled to retired pay at age 60.
3. Members or former members of the Selected Reserve who served their initial obligation or were discharged for a disability incurred or aggravated in line of duty, or died while a member of the Selected Reserve.

## **Reimbursement of Burial Expenses**

Generally, VA can pay a burial allowance of up to \$2,000 for veterans who die of service-related causes. This is considered a service connected death. Veterans who die of non-service connected causes, may be eligible for a reimbursement of up to \$300 for burial and funeral expenses and up to \$300 for a burial plot, if not buried in a National Cemetery, under the following conditions:

1. The veteran is in receipt of or entitled to compensation or pension at the time of death.
2. The veteran dies in a VA facility or while under VA care at a non-VA facility.
3. Died after October 9, 1996 at an approved State nursing home.
4. Indigent veterans who meet certain criteria.

Additionally, VA may authorize the cost of transporting the veteran's body to the place of burial if the veteran's death occurred while in a VA facility or a non-VA facility under VA contract. VA may also authorize the cost of transporting the veteran's body to a *national cemetery* if the veteran was entitled to disability compensation at the time of death.

## **Military Funeral Honors**

Upon request, DOD will provide military funeral honors consisting of folding and presentation of the United States flag and the playing of "Taps." A funeral honors detail consists of two or more uniformed members of the armed forces, with at least one member from the deceased's branch of service. Military installations, the National Guard and some Service Organizations have the capability to provide an honors detail.

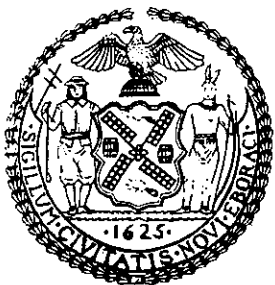
### **Burial Reimbursement Statistics**

The New York VA Regional Office located at 245 West Houston Street in Manhattan administers these benefits to veterans in the eastern half of New York State including the boroughs of New York City. During the last 12 months we received more than 3,700 claims for burial reimbursement. We currently have 1,200 pending burial claims with an average age of 128 days. After a long hiring freeze from 2001 to 2006, we again have been able to hire new employees. As a result, our pending workload in burial and memorial benefits has declined by 37% and our average days pending by 16% over the past two months. We expect to be able to process burial claims in no more than 100 days when-the new employees gain experience. Claimants may assist in reducing our processing time by providing all the necessary paperwork with their application to include a copy of the bill marked paid in full and a copy of the death certificate.

### **Conclusion**

The loss of a loved one is a very difficult time for families of our veterans. The employees at the New York Regional Office are dedicated to providing the quality, customer focused service to the families during a very stressful time in their lives. Although we will continue to face challenges, the New York VA Regional Office has improved claims processing and reduced the time families and loved ones must wait for a decision. We are confident that we will continue to strive to improve as our new employees gain further experience and that we will respond in a timely and compassionate manner.

Mr. Chairman, this concludes my testimony. I will be happy to respond to any questions that you or other members of the Committee may have.



# Queens County Office of the Public Administrator

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**Lois M. Rosenblatt, Esq.**  
Public Administrator

**Susan B. Brown**  
Deputy Public Administrator

**Gerard J. Sweeney, Esq.**  
Counsel

Good Afternoon Chairperson Monserrate and Committee Members Tony Avella, Lewis Fidler, Letitia James and Michael Nelson; my name is Lois Rosenblatt and I am the Public Administrator of Queens County. I would like to thank the committee for inviting me to this hearing regarding burial benefits for Veterans. I am here with my counsel, Gerard J. Sweeney.

The Public Administrators of the City of New York administer all estates in their respective counties where there are no relatives closer than cousins, or where there is no one eligible to administer the estate in accordance with Article 11 of the Surrogate's Court Procedure Act.

The Office of the Public Administrator is notified of a death by receiving a report from various places including the medical examiner, hospitals, nursing homes, funeral homes, neighbors, friends, relatives and the missing person's bureau of the New York City Police Department. Based upon this report we will send our investigators to the residence of the decedent in an attempt to locate burial and financial information. If the person died with funds we will arrange for their funeral. Based on the information that we find we will attempt to make the arrangements in a manner that is consistent with their family history or their religion. If we learn that the person is a Veteran and funds are available, we arrange for a proper military burial. If we cannot find any information we will bury the person in a non sectarian grave with dignity

and respect. However, when a person dies without funds the burial arrangements are more difficult.

Hebrew Free Burial will arrange the funeral and burial of any proven Jewish person. They will receive payment from either the Human Resources Administration if the person was on Medicaid, or through their charitable organization. The Society of St. Vincent de Paul will arrange the funeral and burial of any proven Catholic person. They seek payment from either the Human Resources Administration or through their charitable organization. However, if the decedent was of any other religious denomination, there is no organization that will step up and assist with the funeral arrangements. Those persons inevitably end up in a pauper's grave. If the deceased Veteran has funds and we are able to determine his status as a Veteran, the Public Administrator arranges a proper military funeral.

When it comes to the burial of a Veteran, the Veteran's Administration does NOT provide for any payment towards or for a funeral service. The VA does provide:

1. A burial plot in a National Cemetery to any deceased veteran of wartime or peacetime service who was discharged under any condition other than DISHONORABLE. A plot is also available for the spouse and minor children of the veteran.
2. A headstone or marker, for the veteran and his spouse, and the placement thereof, in a national cemetery, and a Government headstone without the cost of placing the marker in a private cemetery.
3. A flag to drape the casket.

The VA does provide monetary benefits only in the following circumstances.

1. \$300 for an honorably discharged veteran, IF they were receiving a pension or disability benefit from the VA at the time of death, or the death occurred in a VA hospital or a VA health care facility.

2. Transportation allowance for the expenses from the place of death to the funeral home and to the cemetery for a veteran who died in a VA hospital or VA contracted health care facility
3. a \$300.00 burial plot allowance towards the cost of a burial in a private cemetery, IF the veteran was receiving a pension or disability benefit from the VA at the time of death, or the death occurred in a VA hospital or a VA health care facility.
4. \$2,000.00 if the veteran died during active duty or an honorably discharged veteran died of a service connected injury.

Most veterans who come under the jurisdiction of the Office of the Public Administrator did not die in a Veteran's Hospital, or a VA contracted health care facility. The Veterans that we are talking about here are poor, have no known family, and do not have the funds to enable our office to retain a funeral home to have the Veteran's body transported from the place of death, or the morgue, to Calverton Cemetery. So even though the government provides the plot, it does not help in getting that Veteran from his place of death to his final resting place.

Considering that we deal with funeral homes on a daily basis, we are able, sometimes, to beg, plead or cajole a funeral home into handling the arrangements of a deceased Veteran for free, or for a minimum sum of money. There are certain funeral homes in Queens, owned, or run by veterans, who will not let a poor veteran in their community go unburied. However, it is not fair to expect these few establishments to handle the arrangements for all the poor deceased veteran's of our county. At the present time it is only through the generosity of these few homes that we are able to bury our nation's poor war heroes.

The NYC Department of Veteran Affairs will allow the Human Resources Administration allowance to a funeral service company if the decedent was receiving Medicaid benefits. If the decedent was not receiving Medicaid benefits then there would be no benefit unless there was a qualified person to personally go to HRA to advocate for the benefit. If there

is no family or close friend to advocate on the behalf of the veteran there is no benefit. Without an advocate these veteran's will continue to end up in unmarked graves at Hart Island which is commonly known as Potter's Field. Hospitals, nursing homes and the Public Administrators are not qualified persons who can advocate and sign the necessary documents for HRA burial benefits.

St. Vincent de Paul, Hebrew Free Burial and the Veteran's Administration all act as advocates, or what HRA terms "organizational friends". The Public Administrator was once classified as such, until the late 70's, early 80's, when HRA removed the Public Administrator from such status.

One resolution is to grant the Public Administrators authority to execute the HRA Application for Veteran's benefits as an "organizational friend". This would allow the Public Administrator to retain a funeral service company who would be authorized to apply for the standard burial benefit in the absence of a family member or concerned interested third party.

Someone besides a family member or a friend must be authorized to order the funeral and initiate the application for benefits for deceased veterans. Without this change those who have given so much for our country will not be laid to rest with the dignity and respect that they deserve.

In the 6 years that I have been Public Administrator there was no Veteran who was reported to my office that we were not able to ascertain some way to arrange a proper funeral. There may have been countless Veterans that were not reported to my office. If we are not properly notified we are not able to act.