

National Association of Retired & Veteran Railway Employees, Inc.

— SINCE 1937 —

NARVRE National Office
102 S Williams, Suite B
Moberly, MO 65270-3430
Phone: 660/269-8895 • Fax: 660/269-8896
Toll Free: 1-800-551-2588
Email: NARVRE@gmail.com
WEBSITE: www.narvre.org



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NARVRE NEWSLETTER

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FROM THE NATIONAL PRESIDENT —

I am not aware of how many railroad retirees have been following the events taking place in Wisconsin, Ohio, Indiana and New Jersey in regards to governors and state legislatures attempting to remove collective bargaining rights from their state workers. Polls are now indicating that these moves by conservative lawmakers has backfired and it may cost them at the polls in 2012. Reasoning for this is that once you obtain something that benefits working people and than refuse to negotiate such as the case in Wisconsin which the governor's proposal there is attempting to use budget process to strip the employees of their collective bargaining rights. What has

happened here is that the governor has woke up a "sleeping giant" in the American labor movement.

Now let's say this scenario would happen to railroad employees. A great many of us in NARVRE were members of rail labor unions while working on the railroad. Think about the many benefits that our forefathers have gained over the years to the standard of living that rail employees have today. How did we get there--by collective bargaining! The many benefits such as the 40 hour work week, paid vacations, sick leave and railroad retirement were not just given to us--they were negotiated by labor and management. What would happen today if the Congress wanted us to be dovetailed into social security or some other plan? We would fight like hell for

those rights! If rail labor was not there in Washington, D.C. on a daily basis and to collectively bargain with the carriers where do you think we would be?

We know that unions have members of both parties in their memberships. In the Wisconsin scene members of the public employee unions both Democrat and Republicans have come together to save their collective bargaining rights. Public employees pay taxes, send their children to public schools, are involved in community affairs, attend their local churches and yes, even run for political office. They are living the American dream as we all aspire too. They deserve our support!

— Tom Dwyer, National
President

From the National Legislative Director —

Congress has agreed to extend the continuing resolution (CR) for another two weeks in order to keep the government funded and to avoid any type of government shut down. This extension will keep the government working through March 18 (less than 2 weeks away). We have been busy over the last month calling our members in Congress on proposals from the Republican Study Committee to cut funding and destroy Amtrak. We fought back and defeated amendments put forth by Pete Sessions, R-TX & Connie Mack, R-Fl, which were by design meant to cripple and eventually shut down the Amtrak passenger train system, and eliminate over 19,000 Amtrak employees. These anti-Amtrak amendments are common place every year, and we must answer them each and every time they are brought up, whether it be in committee or on the floor of the Congress. Every member that takes

the time to contact their representatives in Congress should be proud of their work as retirees and members of NARVRE. I would remind everyone that we take these fights on together with numerous retiree and senior organizations, and in the case of Amtrak, with all of rail labor and other rail passenger advocacy groups. Collectively, and beyond this work protecting Amtrak and their employees, our efforts further help to protect our railroad retirement system, which is primary to the mission and intent of NARVRE. The fight goes on. Legislation (H.R.1) passed in the House contains devastating cuts that will slash Amtrak funding \$151 million below 2010 levels and \$202 million below the President's budget request. These cuts, if agreed to in the Senate, will end the overhaul of Amtrak cars and locomotives, furlough 1500 employees, and severely weaken an expanding national rail passenger network. This is an insult to the traveling public, as Amtrak ridership has increased by 37% since 2000. Over the

last 40 years, Amtrak has received \$36 billion in federal funding, compared to \$421 billion on aviation, and more than \$1 trillion on highway funds.

Social Security is also threatened by drastic measures in the same underlying bill that the House passed last month. Under the CR (H.R.1), \$1.7 billion would be cut from the Social Security Administration (SSA) budget for 2011. Cuts affecting this huge agency could result in workers being furloughed causing undue havoc in processing and other administrative services. It's possible that offices could be closed, cases will be backed up, and benefits could be delayed. The Railroad Retirement Board and its offices are tied to the SSA by agreement and law, and NARVRE therefore has urged the Senate to reject these draconian and unnecessary cuts to the SSA. Every cent of the money that the GOP House proposes to cut is money that came out of employee

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From the National Secretary-Treasurer —

Wrapping Up The Membership Billing Cycle

As we move into the second quarter of 2011 the National office is wrapping up the membership billing cycle. If you are talking to other NARVRE members and they mention that they have not received the monthly newsletter ask them if they have remembered to pay the membership dues. If a member

is late in paying, their membership will be reinstated as soon as their dues are received at the National Office. Local unit Secretary/Treasurers please try to complete your filing of the 990N e-card with the IRS. Let the National Office know when you have completed this filing. If you are having a problem with this, call the office for assistance.

We are developing a "HOW TO GUIDE" for new local unit Secretary/Treasurers with the hopes of eliminating some of the stress of taking on the job of local unit offices.

Some of our local office positions are open now so let your President know you would be interested in serving in a local office. Elections will be held this fall so now is a good time to help out.

The retention of current members and the hope of getting other railroaders and their families to join NARVRE is something we work on daily. In this trying time in which some people are trying to take away pensions and health coverage of our members your NARVRE organization is the WORK HORSE in stopping this. Please talk to your friends and invite them to join NARVRE.

— **Richard L. Duley**

Guest Editorial

A Small Amount Of History About NARVRE

In 1987 the state of Minnesota tried to tax railroad retirement benefits for Minnesota income tax purposes. On May 9, 1989 the state Supreme Court of Minnesota ruled that state income tax on pensions and retirement benefits conflicted with federal law and then the tax decision was withdrawn. Subsequently the states of Ohio, Virginia, Tennessee, Arkansas, and Kansas attempted to tax the railroad retirement pensions. NARVRE alone stepped in advised these states that taxing railroad retirement benefits was a violation of federal law and unconstitutional.

NARVRE was established in Louisville, Kentucky on Labor Day September 6, 1937, with 41 members in nine states and now there are over 20,000 members.

NARVRE had an old saying its hand upon the throttle and the eye upon the rail. Now it

should be NARVRE has it hand upon membership and its eye upon Washington.

NARVRE continues to works toward the future and the future is now.

Membership is an important part of NARVRE and current members will have to work harder and get some new blood. In order for NARVRE to continue to help retired railroad employees and their spouses more people need to step up and help. In the past year two units closed in Area 3 because no one wanted to step up and help by taking a position in the unit. Members want a local unit but had to let their membership be transferred to somewhere else. Almost all members transferred but as a result cannot attend meetings and see their old friends.

One unit had 225 members but had to take a vote to transfer to a unit miles away from their homes.

I would like to thank the officers in other units for taking those memberships in. This makes sure each member receives the newsletter and any other important information.

Thanks to Secretary/Treasurer of INDEPENDENCE/PHILADELPHIA UNIT 088 for taking in members from other units. If you nearby, get in touch with Eugene Cratin and ask what you can do to help.

Membership is very important to NARVRE. As members you know the value of this group so share that by contacting others and giving them an application. Tell them about the monthly breakfast meeting and how you get the opportunity to be with old friends.

If you need anything don't hesitate to contact Area 3 Director Harry Foreback who can be contacted either at 301-777-0472 or foreback@Atlanticbb.net

— AREA 3 Director, Harry Foreback

Depuy Hip Implant Recall Claims

By: Willard J. Moody, jr.

On August 26, 2010, DePuy Orthopedics announced the recall of its hip implants known as the ASR XL Acetabular and ASR Hip Resurfacing systems due to a defect in the design. The DePuy ASR hip was implanted in 93,000 patients worldwide. The DePuy hip recall follows years of complaints that the DePuy ASR hip was failing in patients, requiring costly and painful revision operations. Recent studies show that up to **49 percent of patients may be forced to undergo revision surgery** due to a high early failure rate with the DePuy ASR artificial hip. The DePuy ASR is a

metal-on-metal hip replacement system put on the US market in 2003. Health care professionals have increasingly been warning about problems with metal-on-metal hip implants, which can shed metal particles into the body. DePuy ASR hip implants are metal-on-metal in design containing Cobalt and Chromium.

You must first determine if you have a recalled DePuy ASR hip implant. Many people have already received a letter from their surgeon advising them that they have one of the recalled hip implants. If you do not know which implant you have, please contact us and we can obtain your records

from your physician to confirm whether you have the recalled hip implant and may have a potential claim.

If you do have a recalled hip implant you should consult your surgeon regarding what course of treatment he recommends. Even if you are not having serious symptoms you should consult with an attorney to determine your rights. If you are having symptoms from your hip implant you should schedule a comprehensive diagnostic exam to find the cause of the symptoms and plan an appropriate course of treatment. Due to the fact that the implant causes potential metal poisoning from wear you should have your blood checked for levels of Chromium and Cobalt that maybe coming from the

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payroll checks. Social Security does not contribute to the deficit and it should not be used in this political front to reduce the deficit. There is the possibility that the Senate could pass another extension to the CR, but short of that, we might be calling our Senators again when this comes down to the wire. As information, the continuing resolution (H.R.1) would continue to fund the RRB at the 2010 level (at this point), and the RRB further projects that the agency can maintain service levels at the Presidents proposed FY 2012 funding level of \$112,239,000. The RRB supports

that funding level.

The two major political parties did work together on one major issue in early March. Both the House and Senate passed H.R. 662, the Surface Transportation Extension Act of 2011, which will freeze funding at FY 2010 levels for highway, rail transit, and related safety programs. This legislation provides enough stability for state transportation departments in every state, allowing the summer construction season to move ahead as planned. It ensures that existing transportation projects (to include rail), are not shut down and that infrastructure works are not threatened. The bigger and more difficult debate will be on the

overall bill and FY2012 budget.

Every state is facing huge deficits and the battles on where and how to cut spending are making headlines across the country. One such national publication/blog caught the eye of an astute NARVRE member when it mentioned Railroad Retirement as a means to raise revenue. The author of this article inferred that money could be saved by repealing state tax exemptions for "Social Security and Railroad Retirement". This office contacted the editor and I had a worthwhile discussion with him, advising that we were both surprised and insulted by the suggestion that our retirees in that state should bear the brunt by increasing our taxes. He and the author have apologized, and offered that the article was poorly done, and they agreed they should not have included rail retirees in with their menu of different ideas on taxation. I won't belabor the subject, except to say that the editor and author were both ignorant to the fact that federal law exempts our annuities from any taxation in any state. I asked that they contact this office in the future if they ever have any need for information, or if they needed a copy of the specific U.S. Code of Law. The point remains that we all need to be alert for any mention of possibly taxing our benefits at the state level (thanks to "golfing gail" for the heads up in this example).

— **Gary M. Faley**
National Legislative Director

(Hip Implant from page 2)

defective hip implant. This is a simple test your family doctor or your surgeon can order. Request the blood test results and send them to us for review so we may advise you if they are excessive and cause for concern.

The Moody Law Firm is currently representing people nationwide who are victims of the DePuy hip implant recall. If you or a loved one is a victim of DePuy's hip implant recall, you may be entitled to recover compensation. **Please contact us.**

For additional questions or a free case evaluation please contact us toll free at **1-800-793-4816**. We do not represent patients in suits against orthopedic surgeons. We limit our representation strictly to claims against the manufacturers, sellers and distributors of defective joint replacement devices.

From the National Vice President —

Now that the weather is improving and we will be outdoors more, what are some of our units doing? Some are sending Unit Newsletters to members, sending out reminders of dues due, and sending follow ups as necessary. All are good activities.

Area 1: Director Harold Turner attended the FL State meeting in January and has been busy contacting units in Area 1. He is working on attendance at two retiree groups in TN & MS.

Area 2: Director Rich Renz has nominated Roberta Boyer, President of Unit 130 in Roanoke, VA, for Assistant Area 2 Director. She has been very active recently in assisting Clifton Forge, VA, Unit 182 members. Unit 130 sends a newsletter to members each month, as does Cleveland, OH, Unit 019.

Area 3: Director H. Foreback has accomplished a lot of work contacting Units that could not obtain officers and were closing. He contacted all and asked if they wanted to go with another Unit or with Unit 801. They made the decision. Harry has contacted all Units asking them to contact the members who have not renewed for 2011. Some just forget and need the reminder. Please, every Unit, check over your list and contact delinquent members.

Area 4: Director Roy Palmer went to the St Louis Unit 56 meeting on March 1, along with Vice President Wisdom, National Secretary / Treasurer Richard Duley, and W. L. Foster, retired UTU MO State legislative Director.

In Area 5, Director Roy Stanley, Ronald Russell, Unit 138 from Albuquerque, NM, sends out monthly email information, as well as reminders. El Reno, OK, Unit 145 President Bill Webb sends an activity report.

Area 6: Director Roger Barr has invited Richard Duley, National Secretary/Treasurer and Vice President Wisdom to attend the Wichita, KS, Unit 115 meeting in April. We plan to stop over in Topeka for a meeting with Membership Chairman James Brewer. Kansas State Legislative Committee will meet in Topeka, KS April 2, 2011

Area 7: Director Marguerite Haverfield and Assistant Director Donald Cain are planning a trip to Seattle to visit Unit 35 and Auburn Unit 74 this spring. Unit 81, Spokane, is doing well and has signed up several new members recently. Nancy Hand, retired RRB manager, will be guest speaker in March.

Area 8 Director Bob Bloomer Reports the following activities: Feb 1, organizational meeting in Stockton, CA; Feb. 15, first meeting in Richmond, CA; Feb. 23, informational meeting in the old Santa Fe Train Depot, an organizational meeting in the museum, and an election of temporary officers. Special guest speaker Laura-Cutler Rogers from the Railroad Retirement Board and Larry Philippi from the Santa Fe Hospital Association gave very informative presentations. April 16th and 17th, 2011, are San Bernardino Railroad Days. Organizational meetings scheduled in March are: Winslow, AZ, Needles, CA, and a regular meeting in Barstow. CA

You are important to N.A.R.V.R.E. make N.A.R.V.R.E. important to you.

— **George Wisdom**

From Palmetto, GBA

Fraud: What Is It - And What You Can Do About It

Many aspects of the new Patient Protection and Affordable Care Act (PPACA) are changing the way Medicare operates. One of the many benefits of this Act is Medicare's promotion and support of preventative health care, with many preventative services offered at no or very little cost to you. Another portion of the PPACA offers incentives to health providers to report quality data to Medicare and to bill accurately. At the same time, the PPACA is calling for providers/physicians and suppliers to be held accountable when they intentionally bill Medicare inaccurately.

While most providers supply proper care and bill Medicare appropriately and correctly, there are others that do not. Fraud can milk the system of as much as 10 percent of every dollar paid out for health care expenditures. You can do your part by reporting suspected fraud and abuse - which will help keep money in the Medicare Trust Fund and eliminate money spent on fraudulent claims.

Here are some examples of Medicare Fraud:

- A company offers a "Medicare" drug plan that was not approved by Medicare
 - A company uses false information to persuade you to join a Medicare plan
 - A clinical psychologist bills Medicare for treatment he or she never gave their patient
 - A hospital patient who is not eligible for Medicare coverage uses another person's Medicare card to get medical care, supplies and equipment
 - A doctor alters a medical claim form of his patient so that he can receive a larger Medicare payment for his services than he is entitled to by law
- Fraud costs all of us, and the U.S. Department of Health and Human Services Office of Inspector General (OIG), is asking you to be on the look-out for health care providers engaging in fraud. You can see this for yourself when you visit the OIG's Top 10 "Most Wanted Fugitives" Web page at <http://oig.hhs.gov/fugitives>. This Web page features photos and descriptions of real people who allegedly submitted claims to Medicare and Medicaid for services that were never provided, were not medically necessary, or were over-priced.

What you can do to help stop fraud:

- Don't let anyone borrow or pay you to use your Railroad Medicare number or identification
- Report a lost Railroad Medicare card immediately and order a replacement by calling Railroad Medicare's Customer Service Center
- Be wary of any equipment or service offered for free - but you're still asked to provide your Railroad Medicare information
- Report providers who are advertising "free" consultations for Medicare beneficiaries
- Be on the lookout for providers or suppliers that instruct you on how to get Medicare to pay for an item or service - and say that all they need is your Railroad Medicare ID number

If you need help reading your Medicare Summary Notice or you find something on it that appears to be wrong, call our Customer Service Center. If you request it, your name will be kept confidential. You may also call the Department of Health and Human Services Medicare Fraud Hotline to report suspected fraud and abuse at (800) 447-8477 or for TTY, call (800) 377-4950.

— Jennifer Johnson

NARVARE NEWSLETTER
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 National President
 Thomas Dwyer
 11304 Norway St. NW
 Coon Rapids MN 55448-3269
 763-757-1501 FAX 763-767-5794
 tdwyertcu@aol.com

National Vice President
 George Wisdom
 729 McKinsey Pl.
 Moberly, MO 65270
 660-263-1056
 gmwisdom@sbcglobal.net

National Secretary-Treasurer
 Richard L. Duley
 102 S Williams, Suite B
 Moberly, MO 65270-3430
 660-269-8895
 narvare@gmail.com

National Legislative Director
 Gary M Faley
 6324 Calkins Road
 Flint, MI 48532-3207
 810-733-7256
 faleyg@comcast.net

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 AND VETERAN RAILWAY EMPLOYEES, INC.
 102 S Williams, Suite B
 Moberly, MO 65270-3430
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