

ATTENTION TO ROLLCALL

Association of Retired Police Officers of D.C. Inc.

14035 Canal Rd. SE
Cumberland, MD 21502
Toll Free 877-283-1065

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September 2016

TREASURY RELENTS!

As we were preparing this issue of the AORP Newsletter, Gary Hankins received a letter for which we have been working and waiting for over two years. It was written by Nancy A. Ostrowski, Director of the Office of D.C. Pensions, U.S. Department of the Treasury (ODCP).

The letter announces the adoption of a new standard for the consideration in the collection of past overpayments to members of the D.C. Police Department, Fire Department and the School System whose pensions are paid in full, or in part, by the federal government. The ODCP began an audit of the pension records for those it paid more than two years ago.

Their audit identified more than 500 pensioners whom the ODCP determined had been overpaid due to miscalculations by the responsible D.C. employees who determined the pensions for the targeted retirees. The letters that went out in 2015, notifying the affected brothers and sisters, advised the recipients of the amount of the overpayments they had received. Further, they were notified that the ODCP would reduce their pensions to the properly calculated amount, AND that the ODCP would collect all of the overpayments made to each pensioner.

The past overpayments varied according to the number

of years each person had been retired; the amount of the original miscalculations and the salary he or she was earning at the time they retired. In some cases, the past overpayments exceeded \$100,000. The results would be ruinous for many of those who received the letters.

The AORP has been working since it originally became aware to the ODCP program to convince Treasury to abandon all efforts to collect these past overpayments. We contacted members of the U.S. Congress, the District government and lawyers to pursue every path open to us.

The result we now celebrate is the result of the contributions and efforts of our members who contacted their congressmen and senators, donated money to help with legal expenses and stood up along side our affected brothers and sisters, and their survivors. We should also appreciate the efforts of Senator Barbara Mikulski, Congress Jasson Chaffitz, Congressman Steny Hoyer and Congressman Mark Meadows. Republican and Democrat alike stepped in to use their influence to convince Treasury to stop its efforts to collect the past overpayments. We hope you will contact them again to say thanks.

A summary of the history leading up to it can be found beginning on page 3.

INAUGURAL BADGE SETS BUCKLES ON SALE

The 2017 Inaugural Badge Sets are now available for purchase. They include the badge, a lapel pin and a challenge coin. Each member is allowed to purchase up to 5 sets. The cost will be \$75 per set which includes shipping by priority mail. As always, you will not receive them until after Inauguration Day, January 20th.

Additionally, a new belt buckle is available

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CITY COUNCIL TO HIRE RETIRED MPD ON A FULL OR PART-TIME BASIS

The Mayor of the District of Columbia has drafted an Emergency Bill, . . . *“to authorize the Chief of the Metropolitan Police Department to rehire retired Metropolitan Police Department police officers as senior law enforcement officers, at any rank, without liability for annuity offset.”*

The bill has been introduced in the City Council on an Emergency basis. It provides; **“Except for a disability annuitant, a police officer retired from the Metropolitan Police Department shall be eligible for rehire at the discretion of the Chief of the Metropolitan Police**

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AORP BOARD OF DIRECTORS

PRESIDENT – Gary Hankins

1ST VICE PRESIDENT – Bob Arscott

2ND VICE PRESIDENT – Ed Reddick

SECRETARY/TREASURER – Janet Hankins

TRUSTEES

Paul Angel (2018)

Al Kelly (2017)

Dave Shannon (2018)

TYPES OF MEMBERSHIP

REGULAR MEMBER – retired police officer

LIFE MEMBER – NO LONGER AVAIL-
ABLE AFTER 2012.

ASSOCIATE – Widow or widower of a Regu-
lar or LIFE member – not required to pay dues.

IMPORTANT NUMBERS

AORP OFFICE
(877)283-1065

AORP OPTICAL/DENTAL PROGRAM
410-337-7577

DC RETIREMENT BOARD
(202)343-3272 (866)456-3272

POLICE & FF RELIEF BOARD
(202)442-9608

FOP LODGE (202)408-7767
FOP STORE (202)589-1637

METROPOLITAN POLICE RELIEF ASSOCIATION
Al Kelly (301)758-9553

POLICE FEDERAL CREDIT UNION
Headquarters Branch
(202)383-1757
Main Branch
(301)817-1200 (877)278-7328

MPD RETIREMENT I.D.
HQ Room 4144
Derek (202)727-4183

COPS ARE TOPS LUNCHEON

Thursday, October 20th
Social Hour/Bar Open - 11 A.M.
Lunch Served - 12 Noon

Knights of Columbus Hall
9707 Rosensteel Avenue
Silver Spring, MD
(301) 588-3303

Make \$12 Check Payable To:
“COPS ARE TOPS”*

Send to:
Bob Drescher
102 Overture Way
Centreville, MD 21617
(410)758-6708

Please note that checks should not be payable to Bob

OPEN SEASON

During November and December, you can join or change your existing coverage with the AORP Group Optical/Dental Plans. Just call our Broker, S.F. & C. Insurance Associates, on 410-337-7577.

Any changes or additions will go into effect on January 1st. There will be no increase in premium for 2017.

**YOUR AORP MEMBERSHIP DUES MUST BE
CURRENT TO PARTICIPATE IN THE GROUPS.**

EARLY REMINDER

Membership dues are always due in January of each year unless you have paid ahead. Dues remain at \$35 and can be paid online or by check payable to AORP and mailed to 14035 Canal Road, SE, Cumberland, MD 21502.

We do not send individual requests to pay your dues in order to keep our operating costs down. We do remind you in our newsletter and by blast email. Additionally, a reminder is made in the Minutes of our General Membership Meetings.

HEALTH PREMIUM TAX BREAK

As retired law enforcement, we are eligible under the 2006 Pension Protection Act, to exclude up to \$3,000 from our gross taxable federal income for the portion we pay for our Federal health insurance through our retirement annuity. Surviving spouses, who are not retired law enforcement, are not ineligible for this tax break.

Questions should be referred to a tax specialist.

HAPPY BIRTHDAY HAROLD!

Congratulations to Harold Gipe who has the distinction of being the oldest member of the AORP. Harold turned a young 101 on September 21st.

MPD FULL OR PART TIME

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Department as a fully sworn temporary full-time or temporary part-time police officer without jeopardy to the retirement benefits of the police officer.”

There are a number of questions which the AORP believes must be answered in order for our members to be adequately informed about the details of this new program. For instance:

*We want to be sure that men and women who participate in this program are entitled to all of the legal protections that regular active sworn members of the MPD enjoy.

*For those who are in the ranks of sergeant and below, we want to determine if they are eligible to join the FOP Labor Committee which represents rank and file members. The FOP provides legal representation to its members who find themselves in need of those services as a result of the performance of their duties.

*What happens if a retiree becomes injured and disabled in the performance of duty while participating in this temporary program? Does the language, without liability for annuity offset, mean they would not be entitled to a disability retirement?

Gary Hankins will be following this legislation and will raise these and other questions which arise regarding the rights and treatment of retirees who participate in this new, temporary program.

INAUGURAL BADGES & BUCKLE AVAILABLE

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for \$35 which includes shipping. There is no limit on the number you may buy.

You can place your order on line by going to our website at www.aorp.org. If you do not recall your username or password, please send an email to jhankins@laborcops.com and let me know what you would like your username and password to be. The only restriction is the password must be at least 6 characters long.

You may, also, order by check; and if you like, you can include the amount in the same check you send for you dues. Just be sure to indicate what the check covers.

SUMMARY OF AORP EFFORTS TO STOP COLLECTION OF PAST OVERPAYMENTS FROM OUR MEMBERS

It has been two years since we learned that the U.S. Treasury's Office of D.C. Pensions (ODCP) was auditing the records of police officers, fire fighters and teachers to look for any errors contained in the calculations which set the amount of their pensions. The AORP immediately began a long effort to reverse or reduce the impact these audits may have on our members. The potential for serious changes in some retirees' and survivors' income was great because the ODCP waited seventeen years after they took over the pension system, to begin the audit. Further, many of the brothers and sisters had been retired for more than thirty years. The audits would correct errors all the way back to the first day the affected officer retired. This meant even modest errors would be multiplied and compounded by each year since his or her retirement. Some had bills for past over payments that exceeded one hundred thousand dollars.

Our effort to convince the ODCP that it was not fair or reasonable to make reductions in the pensions of our affected members continued for months. It became clear that they did not feel that fairness or reasonableness should be considered. They said they had no authority to forgive past over payments or to ignore errors they discovered in their audits.

In 2014, we decided to approach congressmen and senators to seek help. An important part of that effort was our appeal to AORP members to contact their representatives in the House of Representatives and the Senate to ask for their support in dealing with the ODCP. Many of our members wrote letters, made telephone calls and some even visited their congressmen and senators. This support was very important to the AORP's efforts on Capitol Hill. As our members notified us of their contacts with the Congress, we followed up with requests to meet with the congressman or senator who had been identified by our members. Dozens of elected representatives from both parties were contacted and agreed to help us.

At first, the ODCP continued to maintain their position that they would not forgive past over payments or ignore errors they discovered during their audit. After months of work, the ODCP eventually agreed to forgive any over payments that resulted from the District's failure to apply a 1978 amendment to the law on how to

calculate the pensions of anyone who served 30 or more years (Max 30). ODCP also agreed not to pursue over payments related to the "Double COLA". This issued affected more of our members than the "Max 30" error.

The ODCP told the Congress that they could not ignore any errors they uncover, as far as adjusting future pension payments were concerned, because a collection of federal laws relating to reducing the deficit and ensuring proper calculation of federal payments forbade it. They said that only by repealing or amending these laws would they be empowered to ignore the errors they discover.

Unfortunately, in 2015 some of our members notified us that they had received notices from ODCP that they still owed Treasury for over payments that were the result of "other errors" discovered in their pension calculations that were not the result of the Double COLA or Max 30 issues. However, as a result of the ODCP's agreement not to collect past over payments on the COLA and Max 30 errors, they could no longer claim they had no authority to forgive past over payments. Research done by our attorney supported our drive on Capitol Hill and created the record which showed that ODCP could indeed forgive past over payments.

Every member who had been notified that ODCP would be reducing their pensions was also advised that they could appeal both the re-calculation of their pensions and the decision by ODCP to collect all over payments made to them. While the first victory on Capitol Hill greatly reduced the number of affected AORP brothers and sisters, it still left many facing this latest program by ODCP.

The AORP began assisting those members in this second wave, who contacted us, with responding to the ODCP. We developed templates and instructions on how to appeal the collection of past over payments based on financial hardship. Dozens of members used our templates and consulted with us as they went through their appeals. Many saw their past over payments forgiven. We can only report on those who contacted us and advised us of their results. Many downloaded the templates, but never contacted us. We have been advised by others that after the Max30 and Double COLA issues were fixed, the remaining reductions were not big enough to be concerned with and simply

decided to pay.

The legal research on Capitol Hill, and by those attorneys we have consulted, has determined that Treasury has the authority to collect past debts; to audit records; to identify errors; and to reduce pensions to conform to what they believe to be the correct amount.

Further, we spent months arguing that they couldn't change the way the COLA reach back eligibility is determined. A search of the legislative history on the 1997 legislation which transferred the responsibility to pay our pensions to the federal government revealed that since the District paid the Congress 2.4 billion dollars to assume the liability for our under-funded pension system, Treasury has the right to make adjustments to the pension system. They changed the effective date of our retirements to conform to the federal civil service policy, which makes the effective dates of all federal pensions to be the first day the annuitant misses a day of work, not the date which appears on our paperwork. It was this adjustment that changed the eligibility for so many police officers and firefighters. Treasury agreed not to collect any past over payments on this issue or the Max 30 issue.

Meanwhile, many of those members who have been granted relief from over payments due to their appeals, have been issued "1099-C's". This declares that the forgiveness of the overpayments is taxable income which ODCP is reporting to the IRS.

While common sense tells us that our brothers and sisters paid taxes on that income as they received their pensions each month, the ODCP does not agree. Some members were advised by their tax preparers that they did not believe the over payments were taxable. Others were advised to pay the taxes on the forgiven over payments. None of the tax preparers the AORP contacted would offer a formal opinion that the money reported to the IRS by the ODCP was not taxable income.

We were able to contact a law firm that specializes in tax issues. After consulting with their senior partner on this, we retained his firm, Frost & Associates of Annapolis, MD. Mr. Frost recommended that we pursue a Private Opinion Letter from the IRS on this matter.

This approach will produce a result much faster than litigation with the U.S. Treasury's ODCP in tax court. Given the average age of our affected members, the years it would take to fight this out in court would mean that many of them would have died before the court issued a decision. That decision could be appealed by the

ODCP, further delaying a final result. The cost would of course be many tens of thousands of dollars over the course of the litigation.

Mr. Frost's experience is that the IRS will most likely issue an official opinion in six months to a year. The Opinion Letter would be issued in an example case, but it would be available to all our other affected members as well. Other affected members who have already paid taxes on the over payments could file amended returns to reclaim the taxes they paid, citing the Opinion Letter. The Opinion Letter would be persuasive when cited in their cases since it is an official opinion of the IRS.

Mr. Frost interviewed affected members and reviewed their documentation and the circumstances of their particular cases before he recommended one to the AORP. He has prepared a brief which has been submitted to the IRS in order to secure an Opinion Letter.

While there is no guarantee that the IRS will agree with us on this, we believe we have done everything we can to secure the best example case and to retain a highly experienced and professional attorney. We hope this will provide the defense we need for our members in the quickest manner available to us.

This has been a long and difficult journey for the men and women who have been the target of the ODCP. The AORP has been able to commit significant financial resources to defend our brothers, sisters and their survivors thanks to the contributions made by many of our members. Every contribution regardless of size is greatly appreciated and has been applied directly to the cause. Thank you. Thank you also to everyone who wrote, called and visited their elected representatives. We cannot begin to calculate the number of man hours volunteered in this effort. This has been a magnificent example of the family of brother and sisterhood behind the badge which relieved much of the financial burden placed on those affected. I believe it has also provided much needed emotional support as well.

It is estimated that Treasury's agreement not to pursue the collection of past overpayments for the "Max 30" and "Double COLA" errors; coupled with the reductions in pursuit of past overpayments in all of the "other administrative errors" saved our affected members more than 3 million dollars.

Thanks to you, our fellow officers, their widows and widowers know they are never alone. And, thanks be to God for the blessings he continues to give each of us every day.

An Open Letter to Colin Kaepernick

(NFL Quarterback who refused to stand for National Anthem)

By Chris Amos, Retired Norfolk Police Officer

Dear Colin,

Guess you have been pretty busy these last few days. For the record I don't think any more or less of you for not standing for the National Anthem. Honestly, I never thought that much about you, or any professional athlete for that matter, to begin with. I've read your statement a few times and want you to know I am one of the reasons you are protesting. You see I am a retired police officer that had the misfortune of having to shoot and kill a 19-year-old African American male. And just like you said, I was the recipient of about \$3,000 a month while on leave which was a good thing because I had to support a wife and three children under 7-years-old for about 2 months with that money. Things were pretty tight because I couldn't work part time. Every police officer I've ever known has worked part-time to help make ends meet.

You know Colin the more I think about it the more we seem to have in common. I really pushed myself in rehab to get back on the street, kind of like you do to get back on the field. You probably have had a broken bone or two and some muscle strains and deep bruising that needed a lot of work. I just had to bounce back from a gunshot wound to the chest and thigh. Good thing we both get paid when we are too banged up to "play", huh?

We both also know what it's like to get blindsided. You by a 280 pound defensive end, ouch! Me, by a couple of rounds fired from a gun about 2 feet away, into my chest and thigh. We also both make our living wearing uniforms, right? You have probably ruined a jersey or two on the field of play. I still have my blood stained shirt that my partner and paramedics literally ripped off my back that cold night in January. Fortunately, like you I was given a new one.

Speaking of paramedics aren't you glad the second we get hurt trainers and doctors are standing by waiting to rush onto the field to scoop us up? I'm thankful they get to you in seconds. It only took them about 10 minutes to get to me. By the grace of God, the artery in my thigh didn't rupture or else 10 minutes would have been about 9 minutes too late.

We, also, have both experienced the hate and disgust others have just because of those uniforms we wear. I sure am glad for your sake that the folks who wear my uniform are on hand to escort you and those folks that wear your uniform into stadiums in places like Seattle!

I guess that's where the similarities end Colin. You entertain for a living, I and almost 800,000 others across this country serve and protect. Are there some bad apples within my profession? Absolutely and they need to be identified and fired or arrested! But you know what? The vast majority do the right thing, the right way, for the right reason.

Did I mention that seconds before I was shot, an elderly African American gentleman walking down the sidewalk, turned to my partner and I as we rode past and said, "Get them." Get who, you ask? The thugs terrorizing an otherwise good and decent neighborhood; home to dozens of good, decent African American families trying to raise those families in communities not protected by gates and security guards. No these folks and families depend on America's Law Enforcement Officers.

Colin I have buried 7 friends, killed in the line of duty and three others who have committed suicide. I have attended more funerals than I care to remember of neighboring departments who have lost officers in the line of duty, during my career. Law Enforcement Officers with different backgrounds, upbringings, and experiences united by their willingness to answer the call to protect and serve their fellow citizens.

Colin I am sorry for the endorsement deals you may lose and the dip in jersey sales, but please know you will NEVER lose what these men and women and their families have lost. And, so whether you stand or sit during the National Anthem or not means very little to me. As for me and the men and women on whose team I was privileged to serve, we will put on our ballistic vests, badge, and gun, kiss our loved one's goodbye, for some tragically for the last time, and out into a shift of uncertainty we will go. We will continue to protect and continue to serve and we will be standing at attention Colin, not just for the playing of our National Anthem, but far more importantly, for the playing of Taps.

IN MEMORIAM

Since the last quarterly newsletter, the following members, or their spouses, have been added to the list of those who have answered their last Roll Call and have gone on before us. Our deepest sympathy is extended to their family and friends.

NAME	RETIRED	DEPT	RANK	ASSIGN	DOD
Irene Cornelius	09/18/14	MPD	OFF	SOD	06/02/16
Louis Blancato, Jr	02/01/79	MPD	LT	4D	06/06/16
Charles A Porter	08/18/07	MPD	D1	CID	06/08/16
Billy G. Thomas	05/01/76	MPD	SGT	5D	06/11/16
Benjamin F. Foster	05/01/71	MPD	OFF	6D	06/12/16
William R. Chandler	03/29/91	MPD	OFF	SOD	06/13/16
Paul W. Chesser	08/16/80	MPD	DET/SGT	INTL	06/17/16
Norman F. Lenge	02/25/90	MPD	DSK/SGT	2D	07/07/16
Virgil A. Clark	08/12/89	MPD	OFF	2D	07/10/16
Christopher W. Dinisio	10/31/92	MPD	LT	4D	07/23/16
Kenneth W. Mack Jr	09/30/94	MPD	D1	CID	07/27/16
Kenneth E. Todd	09/01/78	MPD	D2	2D	08/11/16
Charles T. Howey	10/01/80	UDSS	LT	K9	08/16/16
Andrew J. Lee	01/01/79	MPD	OFF	TD	09/05/16
Andre L. Lewis	09/30/94	MPD	MPO	4D	09/08/16
William C. Stein	07/01/66	MPD	SGT	8PCT	09/16/16
Vaughn P. Hunter	09/30/94	MPD	DET	NSID	09/22/16
Charles W. Chaillet	02/01/72	MPD	SGT	9PCT	09/22/16

NAME	SPOUSE	DOD
Eugene Dewalt	Patricia A. Dewalt	07/06/13
Helen R. Lee	Andrew J. Lee	05/25/16
Kathryn A. Chick	Theodore O. Chick	06/25/16
Jean C. O'Connor	John J. O'Connor	07/06/16

NAME	WIDOW OF	DOD
Lillian W. Taylor	Creed J. Taylor	07/06/16
Lucille G. Geary	Mortimore J. Geary	07/25/16
Emily L. Nolan	William E. Nolan	08/21/16
Helen C. Kubis	John R. Kubis	09/05/16

CORRECTION: RICHARD SALINSKI'S NAME WAS MISSPELLED IN THE JUNE IN MEMORIAM

NOTIFICATION OF DEATHS

No matter what your type of membership, please request your loved ones to notify the AORP upon your passing. Ask them to contact Janet Hankins on (202) 438-1494. I can assist them with the notifications that will need to be made; and, make sure that any money due your estate is located.

AORP MEETINGS ARE HELD THE FRIST WEDNESDAY OF EACH MONTH AT 7:00 P.M. WITH THE EXCEPTION OF JUNE, JULY & AUGUST. A MEAL IS PROVIDED PRIOR TO THE MAY AND OCTOBER MEETING FOR \$10 BEGINNING AT 6:00 P.M.

MEETINGS ARE HELD UPSTAIRS AT THE BRANCVILLE VOLUNTEER FIRE DEPARTMENT, 4905 BRANCHVILLE ROAD, COLLEGE PARK, MD. UPCOMING MEETINGS ARE:

NOVEMBER 2ND DECEMBER 7TH JANUARY 4TH

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