

Ensign's widow destitute, facing immigration fight

By EARL KELLY, Staff Writer

On June 18, Ensign Scott Miller and his young bride spent the day taking in the sights around Annapolis, the final day before he was to leave for summer duty at the Bethesda Naval Hospital.

It had been one month to the day since they were married, and the Navy doctor in training was showing his wife, Sheila, the places he remembered from his years as a Naval Academy midshipman.

They decided to end the day wading on a small beach off Chesapeake Avenue in Eastport.

Minutes later, Ensign Miller, 35, was dead, drowned while trying to save his bride when she got caught in a receding tide.

Now, Sheila Miller, a native of Malaysia, finds herself destitute and unable to work in this country. She has spent the eight weeks since her husband's death fighting the Navy bureaucracy for survivor benefits, and immigration officials for the right to stay and work in the United States.

The petite 27-year-old says the dispute with the Navy is over 2 hours and 40 minutes, the amount of time left in the day when he was pronounced dead.

Had he died after midnight - on June 19 - he would have been on military travel status, and she probably would have been eligible for survivor benefits and a military burial for her husband.

Instead, she's had to rely on the charity of friends, and to endure the sight of his body in a cheap cardboard coffin.

Mrs. Miller has taken the fight for benefits all the way to the White House, writing two letters to President George W. Bush.

So far there has been no response.

"I can't get over what a mess this girl is in - and none of it is of her own doing," said retired Marine Lt. Col. Walter Collison of Annapolis, who sponsored Ensign Miller when he was a midshipman at the academy.

Actually, everything up until June 18 might have been more like a dream.

A love story

The young Malaysian woman and the promising Navy officer met on the online dating site, Kiss.com. She was attracted by his picture and the way he always signed each e-mail, "respectfully yours."

"He just gave me a reflection of a very gentle soul with morals and values - all the things I appreciate coming from an Eastern culture," Mrs. Miller said.

They communicated for two years until finally meeting under the Eiffel Tower in Paris.

She wanted to complete her training to become an accounting auditor with Arthur Andersen, so she and the Naval Academy grad courted for four years, meeting in London and the United States.

In April, she came to the United States, and on May 18, the couple were married.

"Our friends and family have come to call it the greatest love story ever," she said.

Mrs. Miller said the stress of losing her husband has been overwhelming, topped by the frustration of trying to deal with government bureaucracy.

Even though she's a certified public accountant, Mrs. Miller can't afford a lawyer, she said, because she can't work legally in the United States.

"Yes, I am angry, but I don't want to be making snide remarks at the government or the military. At the same time, I feel like Scott was put into somebody's "In" tray and forgotten," Mrs. Miller said on Friday. "Each time I call people, they will say, 'I am looking into that,' and one month later, when I call them, they are saying they are waiting for answers."

In one of her letters to Mr. Bush, Mrs. Miller, a non-swimmer, described how she panicked and was struggling, and Ensign Miller kept "hoisting me up so that I could breathe."

When she learned that her husband had drowned, Mrs. Miller said she "learnt what an act of love, an act of ultimate sacrifice" it was "that he gave up his own life to save my own."

Excellent student

Ensign Miller, academy Class of 1995, joined the Marine Corps straight out of high school in 1988 and served in Desert Storm before entering an a Naval Academy preparatory school.

When Ensign Miller died, he was a third-year medical student, pursuing a joint M.D. and Ph.D. in chemistry at Vanderbilt University. He didn't belong to a reserve unit, and was on individual reserve status.

While a midshipman, Ensign Miller made the dean's list for seven semesters, but sometimes found himself in hot water.

"He had a wry sense of humor," said Col. Collison, his sponsor and close friend. "He was very studious and (given to) deep thoughts."

But, Col. Collison said laughing, Ensign Miller sometimes found it difficult to follow rules designed to inculcate 18-year-old kids.

"We didn't see him much that plebe year," Col. Collison said of Ensign Miller's penchant for landing extra duty.

Ensign Miller graduated as the outstanding chemistry major in his class and was awarded a Health Professions Scholarship.

In many ways he represented the Naval Academy's ideal. Each year, the Navy and Marine Corps send many talented new graduates to continue their studies. Of the 976 members of the Class of 2005, for example, 193 went on to attend medical, dental or graduate school, according to an academy spokesman.

As part of Ensign Miller's graduate studies, he worked as a research assistant at the Veterans Administration, and earned an masters degree in molecular neuropharmacology in May 2004.

Bureaucracy

Mrs. Miller wonders why someone with roughly 17 years' participation in the military could not qualify for benefits.

"We have talked to anybody and everybody who would listen to us," Mrs. Miller said.

"Scott's military ID shows Scott was on active duty; he was in school as part of the Navy, and he was paid (a stipend) every two weeks by the Navy."

A Navy officer contacted Mrs. Miller immediately after her husband's death, she said, but disappeared.

When she called him three days later, the officer told her that he was having trouble finding out what benefits, if any, Mrs. Miller was entitled to, she said.

Meanwhile, Mrs. Miller didn't have the roughly \$6,000 needed to have her husband's body prepared properly.

Ensign Miller's student health insurance policy paid part of the cost, but Mrs. Miller had to choose between cremation, which was less costly than burial, and flying Ensign Miller's body back to Cheyene, Wyo.

He had always told her that when the time came, he wanted to be buried next to his adoptive father, a retired Air Force enlisted man who died of cancer about five years ago.

"I still remember the day of the cremation, the funeral home allowed me to view him for one last time and my initial reaction when I saw him was one of overwhelming sadness mingled with anger," Mrs. Miller wrote to President Bush.

"My husband was left in the state in which he had died and placed in a cardboard box! Residue from the water had crusted on his lips. . . . I did not know a broken heart could shatter even further."

"It was so difficult," she said this week from her home in Nashville.

The Navy JAG officer who is handling Mrs. Miller's case refused to accept a reporter's calls, even though Mrs. Miller has given the lawyer permission to discuss the case (and survivors' benefits, generally) with the reporter.

A call to the Navy's public information office in the Pentagon concerning survivors benefits was forwarded to the Chief of Naval Personnel's public information office and was not returned by Friday.

A civilian attorney, when told about the case, said that Mrs. Miller probably doesn't qualify for survivors' benefits because Ensign Miller wasn't on active duty while attending medical school at Vanderbilt University.

Ensign Miller was to have reported to Bethesda Naval Hospital for a training clinic on June 20.

His travel orders were for June 19, but he came to Annapolis on June 16 to purchase a uniform and show his bride the sights.

"If he was not actually under active duty orders at the time of his death, in my opinion, it is unlikely she will receive any benefits," said Annapolis attorney William Ferris, a 1970 academy graduate who specializes in military-related cases.

But, Mrs. Miller claims her husband should have been declared on travel status effective June 18, which would mean that he died while on duty.

It's more than 500 miles from Nashville to Bethesda, she said, and the Navy computes one day's travel for each 400 miles that a service member must travel.

Whether her husband was on official travel status is one of the questions Mrs. Miller hopes to have answered if anyone in authority ever gives her case attention.

Mrs. Miller's greatest hope may be that a member of Congress will champion her cause, and either push the bureaucracy into processing her case, or introduce a personal relief bill, said Severna Park attorney Ann L. Lamdin.

"If she were my client, I would tell her to immediately march herself to (a senator's or representative's) office," Ms. Lamdin said.

Some well-known examples of private relief bills include the effort by then-U.S. Sen. Jesse Helms, a Republican from North Carolina, in 1999 to introduce a private relief bill to protect Lt. Col. Oliver North's military pension after the Marine's conviction for involvement in the Iran-Contra affair was set aside by an appeals court.

The year before that, Rep. Sue Kelly, R-N.Y., introduced a bill to cure the immigration woes of Khalid Khannouchi of Morocco, the world's fastest marathon runner. He lived in New York and wanted to run for the United States in the 2000 Olympics.

More woes

Regardless of how the question of benefits gets resolved, Mrs. Miller faces a separate set of problems because she came into this country on April 21 on a visa as a fiancée of a United States citizen.

Immediately after she and Ensign Miller were married, the couple filed to adjust her status to that of a permanent resident. She also sought a temporary work authorization, so that she could contribute to the couple's finances while Ensign Miller was in school.

Following a Navy JAG officer's advice, Mrs. Miller notified immigration officials of her husband's death.

Immigration officials have since informed Mrs. Miller that the permanent resident status cannot be issued, because of Ensign Miller's death.

Anytime the marriage of an American citizen and an immigrant ends short of two years, the immigrant's visa becomes invalid, said Ms. Lamdin, who specializes in immigration law.

To make matters worse for Mrs. Miller, she is on a 24-month waiting list to have her case reviewed.

That leaves her without a livelihood while waiting for authorization to work.

"I am not allowed to work legally, so how am I to take care of myself?" she said. "I am left with nothing."

There may be hope for Mrs. Miller, Ms. Lamdin said.

"The (U.S.) attorney general has discretion to set this aside for humanitarian reasons," Ms. Lamdin said of the requirement that a marriage must last two years. "If I were her lawyer, that's how I would attempt to resolve this."

Mrs. Miller continues to hope that someone in government will listen to her plight.

On Aug. 23 she wrote a second time to Mr. Bush, asking for help.

A White House media liaison said he didn't know if the president has learned of Mrs. Miller's case, but suggested that she contact the Attorney General's Office.

"I do not know who else to turn to as it seems that every avenue I pursue leads to a dead end," Mrs. Miller wrote, "and I know if there is anyone who can help me, it has to be my husband's Commander-in-Chief for whom he had so much respect and loyalty."

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