

ADVANCE REPORT OF THE
NATIONAL VETERANS AFFAIRS AND REHABILITATION
COMMISSION
TO THE
NATIONAL EXECUTIVE COMMITTEE

April 14, 2015

RALPH P. BOZELLA (CO), CHAIRMAN

I. 2015 DEPARTMENT SERVICE OFFICERS SCHOOL

The first session of the 2015 Department Service Officers School was held at the Washington DC VA Medical Center from February 18 through February 20. A total of 130 Department, State, and County Veteran Service Officers from around the country and Puerto Rico were in attendance.

The curriculum broke out into two tracks depending on the level of experience of the attendee; Track 1 for beginners and Track 2 for intermediate and advanced students. National VA&R staff provided the curriculum and facilitated training for the Track 1 Service Officer session, and staff from the National Veterans Legal Services Program facilitated Track 2.

Track 1 covered basic information that targeted the development of compensation and pension claims, Department of Veterans Affairs (VA) forms, claim development, fully developed claims (FDC), medical opinion, code of procedure, using the 38 Code of Federal Regulations (C.F.R.), appeals basics, 646 preparation, Medical Evaluation Board (MEB), Physical Evaluation Board (PEB) and eBenefits. Additional briefings were provided by Lakeisha Bracey on reasonable doubt/VCAA/ and due process, by Cajun Comeau on hearing preparation and 646 preparation, and by Lannie Thomas on appeal basics.

Both breakout sessions also received the following briefings: ABBVIE provided information regarding new programs for diagnosing and treating Hepatitis, USAA provided information regarding financial assistance programs and benefits for veterans, an update regarding the VA's choice card program, an update from Davy Leghorn, Assistant Director for

economics regarding the Veterans Job Initiative and Ian DePlanque, Director for the Legislative Division from The American Legion's DC office provided service officers with legislative updates.

Training presented a unique challenge since the DSO school was held at the DC VA Medical Center due to budget constraints. Service Officers had to be transported daily from their hotel to the Medical Center. Steps will be taken in the future to ensure the next DC Department Service Officer School will be held in a location more convenient.

The next Department Service Officer School will be held in Indianapolis August 16 through August 18, 2015.

II. NATIONAL VETERANS AFFAIRS & REHABILITATION CONFERENCE

The 92nd Annual Veterans Affairs and Rehabilitation (VA&R) Conference was held at the Washington Hilton Hotel in Washington, D.C. on February 23, 2015.

Remarks

Dr. Carolyn M. Clancy, Interim Under Secretary for Health for the Veterans Health Administration (VHA) addressed the VA&R Commission on VHA's "Blueprint for Excellence," which calls for a major transformation focused on the veteran and providing consistently high-quality health care that is timely, efficient, and effective. The Blueprint for Excellence is comprised of ten strategies under four themes: improve performance, promote a positive culture of service, advance health care innovation for veterans and the country, and increase operational effectiveness and accountability.

Danny Pummill, Principal Deputy Under Secretary for Benefits for the Veterans Benefits Administration (VBA) provided the VA&R Commission with VBA's missions and service offerings in FY2014. In FY 2014, \$54.4 billion was paid to 3.9 million veterans, 1.32 million claims were completed, 2.7 million non-rating end products were completed, more than \$5 billion was paid in pension benefits to 521,000 veterans and survivors, \$6 billion was paid in dependency & indemnity compensation to 381,000 survivors, and fiduciary services were provided to 173,000 beneficiaries.

The National Cemetery Administration's Interim Under Secretary for Memorial Affairs, Ronald Walters, addressed the entire VA&R Commission about the accomplishments of NCA in FY 2014, and the goals of NCA for FY 2015. According to Interim Under Secretary Walters, NCA interred more than 125,000 veterans and family members, placed more than 365,000 headstones and markers, and issued more than 619,000 Presidential Memorial Certificates in FY 2014. Additionally, NCA has once again scored the highest on the Customer Service Index with a score of 96% in 2013. For FY 2015, NCA will continue their expansion for enhanced burial access and has five new national cemeteries planned, with the cemetery in Tallahassee, Florida set to open this year.

III. MEETING OF THE NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION

The Veterans Affairs and Rehabilitation (VA&R) Commission met on February 23, 2015, in the Lincoln, Concourse Level, Washington Hilton Hotel, Washington, DC. Previously, the Commission met in Indianapolis, IN, October 15-16, 2014. Commission Chairman Ralph P. Bozella, (CO) presided. The Commission heard reports from VA&R Committees and updates from the Washington Headquarters staff.

Reports received, together with matters considered during this meeting, are as follows:

A.) Report of the Committee on Certificates of Appreciation

Your Committee on Certificates of Appreciation met on Monday, February 23, 2015 in the Washington Hilton, Lincoln, Concourse Level, and considered no new nominations for this award.

B.) Report on National American Legion Volunteering

The American Legion Veterans Affairs Voluntary Service (VAVS) program continues to provide for our nation's veterans while they are cared for by VA health care facilities, interned in national cemeteries and file claims at VA Regional offices. In Fiscal Year 2014, The American Legion donated 802,396 hours with a value of \$18,094,029. During the first quarter of FY

2015, 6,559 TAL volunteers donated 199,084 hours at a value over \$4.4 million.

1st Quarter FY 2015

Regular Schedule Count	Regular Schedule Hours	Occasional Hours	Total Hours
6,559	184,191	14,893	199,084

National Commander Mike Helm awarded Mr. James F. Varejcka, from the Department of Nebraska, the VA Voluntary Services (VAVS) Volunteer of the year award.

Mr. Varejcka was nominated and awarded the VAVS Citation for his dedicated service to the Lincoln Community Based Outpatient Clinic. He is a 32 year continuous member of Post 105 in Hickman, Nebraska and has graciously volunteered 40+ hours per week for many years at the Lincoln CBOC.

B.) Report on Health Administration Committee

The Health Administration Committee met on February 23, 2015 in Columbia 10, Terrace Level, Concourse Level. During the morning session, there were two speakers, Dr. James Tuchs Schmidt, MD Acting Principal Deputy Under Secretary for Health (10A), Veterans Health Administration who provided an update on the Veterans Choice Card Program and Dr. David Ross, M.D., Ph.D., M.B.I. Director, HIV, HCV, and Public Health Pathogens Programs Office of Public Health/Clinical Public Health (10P3B) U.S. Department of Veterans Affairs. During the afternoon session, the committee considered eight Health Care Resolutions for possible referral to the Spring NEC for approval:

- Veterans Benefits Center
- Department of Veterans Affairs Accountability
- Department of Veterans Affairs Construction Programs
- Reinstate Enrollment of Priority Group 8g Veterans into the Department of Veterans Affairs' Patient Enrollment System
- Rescinding Resolutions from the Veterans Affairs & Rehabilitation Commission

- Department of Veterans Affairs Quadrennial Plan for Budget
- VAWS Awardees
- James H. Parke Scholarship

The committee recommended that the eight resolutions be submitted to the full VA&R Commission for approval. Chairman Bozella discussed the process that needs to take place before the resolutions can be referred to the Spring National Executive Committee meeting for approval.

Veterans Benefit Centers

In response to the systematic failures throughout the Department of Veterans Affairs (VA) healthcare system and Veterans Benefits Administration (VBA) which included: preventable deaths, delays in providing timely and quality health care and VA's failure to adjudicate claims in a timely manner, The American Legion immediately went to work to deal with the veterans crisis head-on by travelling across the country to assist veterans and their families.

The American Legion strongly believes VA is a system worth saving and is the best healthcare system that meets the unique needs of our nation's veterans. The American Legion is committed to ensuring all veterans receive the benefits they rightfully earned as a result of their military service.

The American Legion's National Headquarters Staff, National Veterans Legal Services Program (NVLSP) personnel, accredited representatives, and VA personnel, to include Vet Centers staff have been setting up Veterans Benefits Centers (VBCs) around the nation to respond to the needs of veterans and family members affected by the extensive VA wait times and the claims backlog.

Since June 2014, The American Legion's collaboration with the Department of Veterans Affairs at Veterans Crisis Command Centers (VCCCs) have assisted more than 3,300 veterans in Phoenix, AZ; Fayetteville, NC; El Paso, TX; Fort Collins, CO; St. Louis, MO; Baltimore, MD; Clarksburg, WV; Charlotte, NC; Honolulu; Harlingen, TX; Washington, DC; Los Angeles, CA; and Bay Pines, FL. Following the success of the VCCCs, The American Legion changed the name to "Veterans Benefits Center" to signify VA moving out of crisis mode. Future VBCs will be held in Philadelphia, PA;

Memphis, TN; and Northampton, MA, with approval to conduct 9 additional VBCs for a total of 12 this calendar year.

American Legion VBC services are as follows:

Veterans Town Hall meetings: Upon arrival, The American Legion conducts a veterans town hall meeting at a local American Legion post to discuss with veterans and their families their experiences and how The American Legion can assist to ensure they are receiving the needed VA services.

Veteran Services: Services offered at the VBC's included scheduling VA healthcare appointments, completion of enrollment applications, VA benefits, homelessness, and counseling services. American Legion and NVLSP accredited representatives collaborated with Veterans Benefits Administration representatives to assist veterans in filing claims for compensation. In October 2014, The American Legion published a running document entitled "From Crisis to Confidence" which outlined veterans experiences during the town halls meetings and Veteran Crisis Command Centers, now referred to as "Veterans Benefits Centers.

C.) Report on National Cemetery Committee

The National Cemetery Committee met on February 23, 2015 in Georgetown East, Concourse Level with guest speaker, Mr. Glen Powers, Deputy Under Secretary for Field Programs for the National Cemetery Administration and Mr. David R. McLenachen, Director of Pension and Fiduciary Service. Mr. Powers and Mr. McLenachen discussed the status of the committee's resolutions as well as the new monetary burial benefits that went into effect in July 2014.

Mr. Powers and Mr. McLenachen discussed the new monetary burial benefits that went into effect in July 2014. According to Mr. McLenachen, and a few members of the committee in attendance, this benefit has proved to be beneficial to veterans' families. The committee also discussed the issue of having to track down a next of kin in order to finalize the arrangements for the proper burial of veteran with unclaimed remains. According to Mr. McLenachen, if no next of kin can be located, the claim can be filed for unclaimed remains.

In regards to the new monetary burial benefits, the overall perception from the committee was that this change is for the better. The payments have decreased from an average of 270 days to 70 days and Mr. McLenachen informed the committee that if the deceased veteran was ever 100% disabled during his or her lifetime, than he or she would be presumed to have died from a service connected disability and would receive the maximum benefit. Mr. Powers informed the committee that there was no limit to the amount of Presidential Memorial Certificates that the NCA can administer to the deceased veterans' family members and a question was brought out during the meeting regarding whether or not an increase has been made for the monthly Medal of Honor (MOH) benefit and whether or not legislation has been passed that would increase the benefit.

Congress has not recently passed any legislation to increase the monthly amount payable to MOH recipients. With respect to expanding MOH benefits, Representative Walberg introduced H.R. 272 – Medal of Honor Priority Care Act, on January 12, 2015.¹

The bill's intent is to increase the priority for enrollment of Medal of Honor recipients in the VA health care system.

Prior to 2003, Congress passed specific legislation to increase the MOH benefit. After 2003, Congress authorized VA to routinely increase the MOH benefit by the same annual cost-of living adjustment (COLA) the Social Security Administration (SSA) provides to its beneficiaries.

On December 1, 2014, VA increased the MOH benefit from \$1,277.89 to \$1,299.61 per month as result of SSA's 1.7 percent COLA.

A history of MOH monthly benefit amounts from 1916 to present is displayed below:

Monthly MOH Benefit	Effective Date	Authority
\$10	04/27/1916	PL 64-56
\$100	09/16/1961	PL 87-138
\$200	01/01/1979	PL 95-479
\$400	12/01/1993	PL 103-161
\$600	12/01/1998	PL 105-368

\$1,000	09/01/2003	PL 107-330
\$1,027	12/01/2004	2.7% COLA
\$1,069	12/01/2005	4.1% COLA
\$1,104	12/01/2006	3.3% COLA
\$1,129	12/01/2007	2.3% COLA
\$1,194	12/01/2008	5.8% COLA
\$1,237	12/01/2011	3.6% COLA
\$1,259	12/01/2012	1.7% COLA
\$1,277.89	12/01/2013	1.5% COLA
\$1,299.61	12/01/ 2014	1.7% COLA

Following the discussion with Mr. Powers and Mr. McLenachen, the Cemetery Committee viewed the DVD, “A Sacred Trust: America’s National Cemeteries,” discussed the roles and responsibilities of the National Cemetery Committee, and brought up ideas for new resolutions. The American Legion’s Department of Illinois and Arizona have volunteered to work on a resolution that would formulate a policy for all posts to have a point of contact that would encourage Presidential Memorial Certificates to be presented to the deceased veteran’s family, rather than just mailed.

D.) Report on Benefits Committee

The Benefits Committee met on Febraury 23, 2015, in the Lincoln Room, Concourse Level, to discuss issues surrounding the increasing inventory of appealed claims. Beth McCoy, Deputy Under Secretary for Benefits and Laura Eskanazi, Vice-Chairman and Executive-in-Charge, Board of Veterans’ Appeals (BVA), presented on how the Department of Veterans Affairs is combating the effects of the increased inventory of claims. Additionally, Ms. McCoy discussed the impact of fully developed claims upon the increase in adjudication of original claims for benefits.

Following the presentations by VA, Travis Murphy, Counsel, Senate Veterans’ Affairs Committee and Maria Tripplaar, Staff Director and Counsel, House Committee on Veterans’ Affairs commented regarding potential legislative issues surrounding the inventory of appeals. A major point Congress is considering is to shift the Appeals Management Center from the Veterans Benefits Administration to the BVA to have ownership of remanded claims.

The committee also discussed resolutions to be considered at the Spring National Executive Committee (NEC) meeting. National headquarters staff created an updated Code of Procedures. The code is designed to be an instruction manual for the manner that accredited representatives advocate on behalf of claimants. To ensure that American Legion represented cases are being properly pursued and have the support of the members within the organization, a resolution was created to be considered at Spring NEC meetings. The clauses of the resolution were read and supported by the members.

E.) Report of The American Legion TBI/PTSD Committee

On Sunday, February 22, 2015, staff from The American Legion's Veterans Affairs and Rehabilitation (VA&R) Division along with members of the TBI and PTSD Committee held a TBI and PTSD Committee meeting during the 2015 Washington Conference. Participants included Past National Commander (PNC) Bill Detweiler (LA), PNC Bob Spanogle (IN), Veterans Affairs and Rehabilitation (VA&R) Chairman Ralph Bozella (CO), National Executive Committee (NEC) William Kile (WV), John "Sean" Powers (NY), medical consultants to the committee Colonel (ret) Dr. Ron Poropatich, (PA), and Dr. Jeanne Mager Stellman, Ph.D. (via conference call). Also in attendance were Tracy Vawter, Department Service Officer (DSO) from Missouri and Mary Erdman, Adjutant and Alternate NEC from Arkansas, Ian DePlanque, and Legislative Division Director.

Past National Commander and TBI and PTSD Committee Chairman William Detweiler opened the meeting by welcoming everyone and provided an introduction and mission of the TBI and PTSD Committee. Warren Goldstein, Assistant Director for TBI and Programs (DC Office) provided the roll call of the committee as well as provided the 2014 TBI and PTSD program accomplishments which included: Conducting an American Legion survey of patient healthcare experiences for veterans suffering with TBI and PTSD (Feb 2014); sponsoring a TBI and PTSD Veteran Health Care Symposium titled: *"Advancing the Care and Treatments for Veterans with TBI and PTSD (June 2014)*; and providing oral testimony at a House

Committee on Veterans Affairs' hearing titled “ *Service should not lead to suicide: Access to VA's Mental Health Care*” (July 2014) which highlighted the works of The American Legion Health Policy Unit and the TBI and PTSD committee.

Dr. Ron Poropatich, Col. (ret.), Executive Director of the Center for Military Medicine Research at the University of Pittsburgh and medical consultant for the TBI and PTSD Committee informed the committee that they can assist in creating awareness of treatments for TBI and PTSD that needs to be more individualized and tailored to the individual's specific symptoms. Dr. Poropatich stated that physicians need to look at the individual patient and the long-term outcomes of current treatments with other medical conditions that the veteran has in order to treat the patient completely.

The committee conducted a strategic planning session for 2015, which considered discussing several topics of interest for the upcoming year that will be analyzed and researched further by the committee and health policy staff such as: Identifying any open issues from previous committee meetings such as: are servicemembers serving in the Guard and Reserves who have TBI and PTSD receiving the care they need?; the *mCare Project* initiated by Dr. Ron Poropatich; researching how many veterans diagnosed with TBI and PTSD are experiencing issues with their relationships, reproduction and intimacy; reviewing the VA caregiver program (Note: There are 19,208 veterans that were enrolled in the VA's caregiver program in which approximately 25% have a TBI diagnosis and approximately 80% have a PTSD diagnosis) to include inviting representatives from the VA Caregiver program office to address the concerns that the committee has as they relate for the caring and well-being of severely injured veterans.

The committee stated that they were extremely interested in how the VA caregiver program is training their enrolled caregivers with the basic skills that are necessary for caring for severely injured veterans; the possibility of

expanding on the TBI and PTSD veterans health care experiences survey for the purpose of collecting further information that the initial survey did not specifically highlight such as: types of medications veterans are being prescribed for their TBI and PTSD symptoms (This will help with understanding the long-term health care effects medications have on veterans overall well being), what types of CAM treatments are being offered and if their effectiveness is based upon the number of treatment/therapy sessions, if current treatments and therapies for treating TBI and PTSD symptoms are practical and effective, and whether or not veterans are benefiting from these treatments and/or therapies.

Ian DePlanque, Director of Legislation provided the committee updates on current TBI and PTSD legislation to include:

“The Clay Hunt Suicide Prevention for American Veterans (SAV) Act”- This is a significant piece of new legislation that aims to help reduce military and veteran suicides and to improve access to quality mental health care. This legislation creates a third party evaluation of VA Mental health and suicide prevention programs, a pilot program that would repay education loans for mental health providers to make it easier for recruitment and employment within the VA, creates programs to improve servicemembers going through the transition process, creates additional peer to peer support and community outreach pilot programs, and provides transitioning servicemembers a website to access available resources.

HR 444: *“Expanding Care for Veterans Act”* This legislation is sponsored by Congresswoman Julia Brownley (D-CA). This legislation would direct the Secretary of Veterans Affairs (VA) to develop a plan to expand the scope of VA’s research and education on the delivery and integration of complementary and alternative medicine (CAM) into the current models of health care. The bill talks about how the VA needs to identify the best practices of where complementary and alternative medicine is working and

use those medical centers as best practices and to identify the gaps where it is not being fully implemented and integrated into current models of health care. This piece of legislation would also include the following: expanding a program on the integration of complementary and alternative medicine within the Department of Veterans Affairs healthcare system that includes studying the barriers that veterans are experiencing in receiving CAM treatments from the medical centers; as well as establishing a program on the use of wellness programs as CAM approaches to mental health care for veterans and their families.

“Veterans and Armed Forces Health Promotion Act of 2013” sponsored by Representative Tim Ryan (D-OH)

This legislation is meant to improve the healthcare for veterans and members of the military through complementary and alternative medicine (CAM) treatments and therapies. “*The Veterans’ and Armed Forces Protection Act of 2013*” is the house companion bill of the “*Veterans’ Health Promotion Act*” (S-852) sponsored by Senator Bernie Sanders (I-VT), Chairman Senate Veterans’ Affairs Committee.

This bill would expand the scope of research and education on the delivery of integrative care for veterans that would include complementary and alternative medicine (CAM); establish a pilot project to establish CAM centers within the Department of Veterans Affairs Medical centers (VAMCs); and transform community veteran’s service organization (VSO) facilities into Health and Wellness centers.

Speaker Presentations:

There were three presentations that were made to the committee. They were as follows:

Sharyn J. Saunders, Director, Army Resiliency Directorate, discussed the Army's Ready and Resilient campaign efforts as well as shared some

information regarding the Army Suicide Prevention Program. The Army is currently examining the amount of sexual assaults that are occurring within the Army and to see if there is a correlation between the assaults and mental health disorders and substance abuse disorders.

The Department of the Army has launched the Ready Resilient Campaign by looking at the servicemember in a holistic approach. The Ready and Resilient Campaign integrates and synchronizes multiple efforts and initiatives to improve the readiness and resilience of the Active Duty, Reserve, National Guard soldiers, Army Civilians and Families. Ready and Resilient will build upon mental, physical, emotional, behavioral and spiritual resilience in our Soldiers, Families and Civilians to enhance their ability to manage the rigors and challenges of a demanding profession.

Dr. Harold Kudler, Chief Consultant for Mental Health, Department of Veterans Affairs presented on suicide prevention programs and initiatives within the Department of Veterans Affairs. Dr. Kudler explained the demographics of the veteran today which is 21.9 million veterans (males =19.7million and women= 2.2 million). Suicides are increasing among older veterans enrolled in the VA healthcare system and are slightly higher than the general population. Dr. Kudler also presented on the Veterans Crisis Line which has been in existence for 7 years. Since, the Crisis line was established in 2007, veterans can access the crisis line through many different avenues such as; online chat, calling, texting, and through mobile applications. As of September 2014, the crisis line has rescued over 42,000 people.

Dr. Chrisanne Gordon, Chairwoman Resurrecting Lives Foundation (RLF) presented on a pilot program through a partnership with Ft. Bragg and Cardinal Health titled “*From CO to CEO-An Employment Program to BRAGG about!*” Employment Initiatives for Veterans with TBI and PTSD. The RLF partners with other 501 (c) (3) organizations to coordinate

programs and resources such as job placement, training and other career opportunities for veterans with traumatic brain injury (TBI) and post traumatic stress disorder (PTSD). RLF is currently in collaboration with Ft. Bragg to develop a pilot program for servicemembers transitioning out of the military and into the workforce. The pilot program is called the “*Adopt a Veteran Plan*”. The mission of the employment initiative “Adopt a Veteran” program is to provide returning servicemembers who are suffering from the wounds of war such as TBI and PTSD with employers who are interested in long term commitments to the nations’ heroes by matching their skill sets with their military experiences.

The American Legion will examine further if another TBI and PTSD veteran survey will be conducted. The American Legion will also research how to collaborate with the Community Health Promotions Council with the Guard and Reserves. The mission of Health Promotion Operations (HPO) is to identify redundancies and voids within programs and services by evaluating community needs, assessing existing programs and coordinating targeted interventions to enhance the quality of life for all Soldiers, Family Members, Retirees, and Civilians. The Community Health Promotion Council (CHPC), chaired by the Senior Commander, facilitates this process to ensure that resource utilization is focused on improving the health and resiliency of the community and Total Army.

The TBI and PTSD committee will research developing a Peer Support program that is independent from the DoD and VA. Committee Member, Sean Powers, will look at developing this program further and will bring his recommendations to the committee for further discussion and possible resolution development through the Department of New York.