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"GREETINGS FROM THE EDITOR"

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Camp Atterbury, IN
WASHINGTON – The Department of Veterans Affairs will begin making mental health care services available to veterans with other-than-honorable discharges who urgently need it, VA Secretary David Shulkin told lawmakers Tuesday night.

“We are going to go and start providing mental health care to those with other-than-honorable discharges,” Shulkin testified to the House Committee on Veterans’ Affairs. “I don’t want to wait. We want to start doing that.”

Discharges that are other-than-honorable, including a “general” discharge, are known as “bad paper” and can prevent veterans from receiving federal benefits, such as health care, disability payments, education and housing assistance.

Shulkin’s announcement garnered applause from some congressmen and advocates present at the hearing. Lawmakers and veterans advocates have long argued servicemembers with bad paper were, in many cases, unjustly released from the military because of mental health issues. They estimate 22,000 veterans with mental illnesses have received other-than-honorable discharges since 2009.

The announcement Tuesday follows a recent push from Rep. Mike Coffman, R-Colo., to force the VA to provide emergency mental health care to veterans with other-than-honorable discharges. Coffman introduced a bill last month requiring the VA to do so.

Shulkin said he had the authority to start providing the care without the legislation and credited Coffman for “changing my whole view of this.”

The plan was announced in response to a question during the hearing about how Shulkin would attempt to prevent veteran suicides. According to the latest VA statistics, an average of 20 veterans died from suicide each day in 2014.

"Our concern is those are some of the people that right now aren't getting the services and contributing to this unbelievably unacceptable number of veterans suicides," Shulkin said.

In addition to providing care to veterans with bad paper, the VA secretary also told lawmakers that he wanted to hire approximately 1,000 more mental health care providers. Shulkin is also working with educators, researchers and other health care systems to determine other actions the VA can take. He said he will go to Congress soon with more proposals.

After the hearing, Shulkin said he's working to notify medical centers about providing mental health care services to veterans with other-than-honorable discharges, and that he'd like to implement a program sometime in the next few months.

“So many veterans we see are disconnected from our system, and that’s the frustration,” he said. “We want to do as much as we can.”

Kristofer Goldsmith, an Iraq War veteran who has advocated on behalf veterans with bad paper discharges for nearly a decade, was in the room Tuesday when the announcement was made.

“This is the most critical part of making sure that we actually address the suicide prevention issue, which is by far the most important thing,” he said. “Until now, the VA has not gotten at the root of the issue, that vets who have bad paper are more likely to die by suicide.”

This is only a part of what Goldsmith, along with Vietnam Veterans of America, have been advocating. Veterans with bad paper still can't receive other types of VA benefits, such as help with finding a job or a place to live, Goldsmith said. And the fight to attain discharge upgrades through the Defense Department is ongoing.


Panels would have to review each case presuming that post-traumatic stress disorder, traumatic brain injury, sexual assault trauma or another service-related condition led to the discharge.

It also aims to give the benefit of the doubt to veterans who seek to correct their military records.

After hearing from officials on military review boards during a congressional hearing last week, Goldsmith said the Defense Department “isn’t doing anything proactive to help.”

“We’ve seen some really positive action out of the VA secretary, and I’m hoping Secretary [of Defense James] Mattis also addresses the issue,” he said.
At the end of last year, Vietnam Veterans of America called on President Donald Trump to pardon all post-9/11 veterans who were administratively separated from the military and did not face a court-martial. Goldsmith said Wednesday that the group had not heard a response. “We’re still waiting,” he said.

Glock Protests Army’s Modular Handgun Decision

Glock Inc., filed a protest today against the Army’s selection of the Sig Sauer P320 to become the service’s new Modular Handgun System. Glock filed the protest Friday, Feb. 24 with the Government Accountability Office. The move will likely delay the Modular Handgun System Program until June 5 when the GAO is expected to rule on the protest, according to the GAO website. Army Times first reported the story.

The Army awarded Sig Sauer a contract worth up to $580 million Jan. 19. Sig Sauer beat out Glock Inc., FN America and Beretta USA, the maker of the current M9 9mm service pistol, in the competition for the Modular Handgun System, or MHS, program.

The 10-year agreement calls for Sig to supply the Army with full-size and compact versions of its 9mm pistol. The pistols can be outfitted with suppressors and accommodate standard and extended capacity magazines. The Army launched its long-awaited XM17 MHS competition in late August 2015 to replace its Cold War-era M9 9mm pistol. The decision formally ended the Beretta’s 30-year hold on the Army’s sidearm market.

The Army in December down-selected to two finalists for the competition: Sig and Glock, which had submitted its Glock 17 and Glock 19 models for consideration.

Given the size of the contract, Glock was widely expected to protest the decision.

The Army began working with the small arms industry on Modular Handgun System in early 2013, but the joint effort has been in the works for more than five years. It could result in the Defense Department buying nearly 500,000 new pistols. The Army says it is still trying to work out how many new pistols it plans to field, but Program Executive Office Soldier officials initially estimated that the service planned to purchase more than 280,000 full size handguns and approximately 7,000 sub-compact versions.

The other military services participating in the program may order an additional 212,000 systems above the Army quantity.

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VIETNAM IN FIVE WORDS

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Wars never end for veterans.

Arthur E. Mitchell

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Vet claimed to be blind for VA benefits, then drove to appointments

By: Carten Cordell, March 9, 2017

A Kansas veteran who claimed to be legally blind to receive supplemental assistance from the Department of Veteran Affairs is under indictment for fraud.

Department of Justice officials said that Billy J. Alumbaugh, 61, of Turon, Kansas, claimed to be legally blind and unable to drive, requiring assistance for “reading medication labels, grocery shopping and going to doctor appointments.”
But from 2009 to 2016, the indictment alleges that Alumbaugh drove himself regularly, maintaining a Kansas driver’s license that noted he required no corrective lenses.

Despite VA specialists not being able to identify the medical diagnosis of his blindness, Alumbaugh was witnessed leaving a VA appointment in October 2016 with his ex-wife, Debra K. Alumbaugh, driving.
A few blocks from the Wichita VA facility, witnesses saw the couple stop, swap seats and Billy Alumbaugh drive off.
The March 2 indictment said that Alumbaugh received $63,000 in supplemental pension benefits for his blindness.
The couple is charged with one count of conspiracy to defraud the government and one count of theft of government funds.

If convicted, they face five years in federal prison and a $250,000 fine for the conspiracy charge in addition to a possible 10-year sentence and a $250,000 fine on the theft charge.

Comey: 'You're stuck with me for another 6 1/2 years'

By: The Associated Press, March 8, 2017

BOSTON — FBI Director James Comey said Wednesday he plans to serve his entire 10-year term, even as controversy swirls over his attempt to rebut President Trump's claim that the Obama administration tapped his phones during the election.

"You're stuck with me for another 6½ years," Comey said during a cybersecurity conference at Boston College.
Comey was appointed 3½ years ago by then-President Barack Obama.

Controversy erupted last weekend after Trump tweeted that Obama had tapped his phones at Trump Tower during the election. Trump offered no evidence of his claim. Comey asked the Justice Department to publicly reject the allegation as false.
Comey did not reference the wiretapping controversy during his speech to law enforcement officials and private sector business leaders.

He said the FBI is renewing a focus on the challenges posed by encryption. He said there should be a balance between privacy and the FBI's ability to lawfully access information. He also said the FBI needs to recruit talented computer personnel who might otherwise go to work for Apple or Google.

"The cyberthreats we face are enormous. I don't know if we can stay ahead of them. And I think to say otherwise would be hubris," Comey said.

"We need to ensure that cybersecurity is a priority for every enterprise in the United States at all levels. We need to get better and faster at sharing information in the appropriate ways. We need to make sure we have the right people on board to help fight that threat, and we need to build trust between the government and the private sector," he said.
House panel moves new disciplinary rules for VA employees

By: Leo Shane III, March 8, 2017

WASHINGTON — The House veterans panel advanced new accountability legislation Wednesday designed to speed the firing of problem employees at the Department of Veterans Affairs and reform the bureaucracy's "broken civil service system."

The move came despite concerns from Democrats, who called the measure too aggressive and unlikely to get Senate approval, leaving the current flawed system in place for years to come.

But Republicans insisted the measure is a critical step ahead in reforming department operations and improving veterans' care, and have repeatedly cited incidents of criminal behavior by VA employees who are transferred or suspended rather than fired.

"Ninety-nine percent of VA employees are hard-working public servants," said Rep. Phil Roe, R-Tenn., chairman of the House Veterans' Affairs Committee. "Unfortunately, when the VA secretary comes across the small number of employees who don't meet VA standards ... it is nearly impossible to discipline them."

Ridding VA of bad employees was a campaign promise of President Trump, and has been a major focus of conservative advocates since the 2014 wait time scandal which uncovered numerous department administrators covering up appointment problems at VA hospitals.

But union officials have called the measures an unfair attack on workers' appeals and due process rights, and an opportunity to unfairly blame lower level employees for management mistakes.

In his confirmation hearing last month, VA Secretary David Shulkin promised "far greater accountability" at the department in months to come.

"A basic function of any chief executive is to be able to get the right people working in the organization," he told senators. "And those that do stray from the values that we hold, they have to leave the organization. We don't currently have that right on either side."

Lawmakers have made multiple attempts at approving new accountability rules for the department in recent years, and passed a measure designed to ease the firings of senior staff in 2014.

But officials with President Obama’s Department of Justice later judged that law to be unconstitutional, and VA officials stopped enforcing the measure. The move enraged congressional Republicans, who accused the administration of being too passive in rooting out failed employees and criminals from the department’s ranks.

The new bill would allow the VA secretary to fire or suspend any employee for poor performance or misconduct, regardless of their position.

Those employees would receive advance notice of discipline of not more than 10 days, and the secretary would have five days after the action to respond to any objections.

If those employees appeal the punishment, judges with the Merit Systems Protection Board would have 45 days to issue a ruling.

Those provisions go to lawmaker complaints that disciplining problem employees within current federal rules is too time consuming, sometimes taking months of hearings and reassignments.

The legislation would also allow VA officials to recoup bonuses paid to employees later disciplined for misconduct, and reduce the federal pension of employees convicted of a felony "which influenced their job performance." Those decisions can also be appealed.

Similar provisions were included in House-passed legislation last year, which failed to advance in the Senate. Senate officials have not yet weighed in on the new legislation.
House committee ranking member Rep. Tim Walz, D-Minn., unsuccessfully tried to amend the new measure with Senate-backed language containing similar disciplinary changes, but Republicans knocked down that bid.

Walz said he worries that without closer coordination with the committee’s Senate counterparts, Congress is unlikely to address the issue at all this year. The measure passed out of committee on a party-line voice vote.

The House committee on Wednesday also advanced measures to remove the August expiration date of the VA Choice Card program, update gun ownership rules for veterans’ deemed unfit to handle their own finances, and to expand hiring authorities for physicians for the VA secretary.

No timetable has been announced when any of the measures may come before the full House for a vote.

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GAO: Technology is a 'high risk' area for VA

By NIKKI WENTLING | STARS AND STRIPES

WASHINGTON – A House committee pledged Tuesday to closely oversee changes in technology at the Department of Veterans Affairs, after the agency has spent billions of dollars in recent years patching a decades-old system.

David Powner of the Government Accountability Office told the House Committee on Veterans’ Affairs on Tuesday that information technology at the VA was deemed “high risk” and in need of congressional oversight. For fiscal 2017, the VA is set to spend $4.3 billion on information technology, $2.5 billion of which will go toward maintaining systems that are “old, inefficient and difficult to maintain,” he said.

The VA ranks fourth in the federal government in information technology spending behind the Department of Defense, Health and Human Services and Department of Homeland Security.

The agency has cited old technology as a reason veterans have suffered long waits in scheduling health care appointments, as well as long waits in receiving disability and pension compensation.

In 2009, the VA terminated an update to its medical scheduling system after spending $127 million in nine years. The goal had been to eliminate errors in scheduling and long waits for veterans seeking treatment. Powner said the project could “best be characterized as a failure.”

“Veterans are getting to the point where they’re frustrated, and -- whether it’s scheduling, whether it's electronic medical records, whether it's benefits payments or smoothing out how we do the GI Bill -- all of those things fall under the umbrella of [information technology],” said Rep. Tim Walz, D-Minn., the top Democrat on the committee. “It’s the fundamental piece that ties all of the aspects of the VA together.” Walz and committee chairman Rep. Phil Roe, R-Tenn., said they were committed to making certain new technology was in place at the VA this year.

Lawmakers, Powner and some veterans organizations advocated Tuesday that the VA switch to a commercial provider, rather than spending more money to update Vista, its current health information system.

Rob Thomas, acting assistant secretary for information technology at the VA, said the agency was waiting for a new VA secretary to be confirmed before making a decision.

Later on Tuesday, the Senate Veterans’ Affairs Committee unanimously approved the nomination of David Shulkin to be VA secretary. He’s expected to be confirmed by the full Senate, though it remains uncertain when a vote will be scheduled.

During his confirmation hearing Feb. 1, Shulkin said the VA needed a new scheduling system. “We still haven’t given our employees the tools to do their jobs well,” Shulkin said.
VA finalizes disability benefits plans for contaminated water exposure at Camp Lejeune

By: Leo Shane III, March 14, 2017

WASHINGTON — Former service members exposed to contaminated water at Marine Corps Base Camp Lejeune over a 35-year period can now apply for veterans disability benefits, under a new federal rule finalized Tuesday. The move, which comes after a two-month review of the department’s plans, is expected to affect as many as 900,000 veterans and cost more than $2 billion over the next five years.

In a statement, Veterans Affairs Secretary David Shulkin called the move “a demonstration of our commitment to care for those who have served our nation and have been exposed to harm as a result of that service.”

It comes after years of lawsuits and lobbying by veterans groups who said tens of thousands of troops and their families were exposed to unhealthy levels of contaminants from leaky fuel tanks and other chemical sources while serving at the North Carolina base from the early 1950s to the late 1980s.

In 2012, Congress passed a law providing free medical care for troops and family members who lived at the base and later developed one of 15 illnesses. But that measure did not include the authority to extend VA disability benefits to those veterans.

The new rule will allow that, for veterans who suffer from one of eight diseases that VA officials have said are definitely connected to adult exposure to the water contamination. Those issues are leukemia, aplastic anemia (and other myelodysplastic syndromes), bladder cancer, kidney cancer, liver cancer, multiple myeloma, non-Hodgkin’s lymphoma, and Parkinson’s disease.

Labeling the illnesses as presumptive conditions allows veterans to provide only proof of their medical status, and not evidence the conditions are linked to a specific event or exposure.

VA officials will accept applications from any service member who spent at least 30 cumulative days at the base, whether that service was on active-duty, reserve or National Guard status. Veterans have a year to file the benefits claims, and and if approved will receive payouts from their date of filing.

Affected veterans who were stationed at Camp Lejeune may now submit applications for benefits. Roughly 1,400 disability claims related to Lejeune are already pending, and will be reviewed immediately, according to the VA.

Documents uncovered by veterans groups over the years suggest Marine leaders were slow to respond when tests first found evidence of contaminated ground water at Camp Lejeune in the early 1980s. Some drinking water wells were closed in 1984 and 1985, after further testing confirmed contamination from leaking fuel tanks and an off-base dry cleaner. The Marine Corps has said the contamination was unintentional, occurring when federal law didn't limit toxins in drinking water.

The 246-square-mile military training complex was established in 1941. The new federal rule covers Camp Lejeune and Marine Corps Air Station New River, including satellite camps and housing areas.

Spurred by Ensminger's case, Congress in 2012 passed a bill signed into law by President Barack Obama extending free VA medical care to affected veterans and their families. But veterans were not automatically provided disability aid or survivor benefits. The issue has prompted lawsuits by veterans organizations, which note that military personnel in Camp Lejeune housing "drank, cooked and bathed" in contaminated water for years.

"Expanded coverage is making progress, but we also need to know whether the government may be" purposely leaving people out, said Rick Weidman, executive director of Vietnam Veterans of America.
VA would see 6 percent boost under Trump's FY18 budget.
By: Leo Shane III, March 16, 2017

WASHINGTON s— The Department of Veterans Affairs would see a 6 percent boost in programming funds under the fiscal 2018 budget outlined by President Trump, one of only a few federal agencies given a plus-up in his funding plan.

Discretionary spending would reach $78.9 billion “so that VA can continue to meet the ever-growing demand for health care services while building an integrated system of care that strengthens services within VA and makes effective use of community services,” according to Trump’s budget plan released Thursday. The VA saw hefty increases in its budget annually under former President Barack Obama, but Trump came into office promising more fiscal discipline and a strong focus on eliminating federal waste and redundancy.

But he has also repeatedly promised to “fully fund” the Department of Veterans Affairs, saying he wants to reverse years of what he sees as bad treatment of veterans.

The proposed budget for next fiscal year — which faces numerous legislative hurdles before it can become law — includes $3.5 billion in mandatory budget authority to continue the controversial Veterans Choice Program, which allows veterans to receive private medical care if they face lengthy wait times for VA care or significant travel obstacles to visit VA facilities.

VA Secretary David Shulkin in recent weeks has called an extension of the program critical to veterans health, but has also promised to outline plans in the coming months to reform the Choice program and simplify its operations.

Trump’s budget plan also provides $4.6 billion in new funding “for VA health care to improve patient access and timeliness of medical care services for over nine million enrolled veterans,” but offered few specifics on what that will entail.

White House officials also said the budget supports VA programs to end homelessness among veterans, but offered no further budgetary breakdowns. Trump’s larger plan includes ending all funding to the U.S. Interagency Council on Homelessness, a move which could have an adverse impact on the homeless veterans goals.

And the plan “invests in information technology to improve the efficiency and efficacy of VA services,” a promise that department officials have been repeating for years, but with mixed results.

The initial budget release includes only top-line numbers for federal spending, with implementation details left to department officials. It also contains none of the policy changes that will likely accompany later drafts, including new accountability and firing rules for the VA.

Only the VA, Department of Defense and Department of Homeland Security would see significant increases under Trump’s proposed budget. Combined, the three would see almost $60 billion in new spending over fiscal 2017 levels (defense spending is $52 billion of that).

To make up for those boosts, other agencies would see dramatic cuts. State Department funding would drop almost $11 billion from fiscal 2017 levels (29 percent), and the Department of Health and Human Services funding would drop more than $15 billion (18 percent).

Several agencies would be completely cut off from government funds, including the U.S. Institute of Peace, the Corporation for Public Broadcasting and the National Endowment for the Arts.

Before Congress can weigh in on the fiscal 2018 budget, they have to finish the fiscal 2017 one. While VA programs were fully funded by lawmakers last fall for the current fiscal year, most departments have been operating on a continuing budget resolution set to expire at the end of April.

If lawmakers can’t reach a deal by then, it will trigger a partial government shutdown. But since VA funding has already been approved, most veterans services should continue unaffected.
Once a fixed issue, the VA disability claims backlog is on the rise again

By: Leo Shane III, March 24, 2017 Military Times.

WASHINGTON — The number of backlogged veterans benefits claims is rising again.

Veterans Affairs officials insist it’s only a temporary problem, due to an unexpected rise in the number of new cases that flooded into the system over the last few months. They’re confident the 30,000-case increase in the backlog since last fall will be brought back down again in coming weeks.

But to do that, they’re also instituting mandatory overtime for claims processors for the fourth year in a row, a practice that in the past has raised questions about whether VA officials have enough capacity to handle the ever-increasing number of benefits cases.

“It’s a tough decision, and it is just a stopgap measure,” said Willie Clark, deputy under secretary for the Veterans Benefits Administration. “We’ve tried for a more balanced approach in processing all claims, and that lead to an increase in the backlog.”

VA leaders have also asked for (and received) an exemption to the federal hiring freeze for disability claims examiners and other staff to address the issue.

The veterans claims backlog was a major focus of lawmakers and VA critics in the years before the 2014 wait times scandal, but has largely gone unnoticed in recent years as congressional focus shifted to the department’s accountability and health care challenges.

At the peak in early 2013, the number of backlogged claims — first-time benefits cases that took more than four months to process — topped 610,000 cases.

By October 2015, the backlog was down to around 70,000 cases, thanks to a combination of new hires, mandatory overtime and new digital processing of claims. At the time, VA officials said the 70,000-case plateau was likely the lowest they’d ever push the backlog without unnecessarily rushing some claims.

After a year of stability around that mark, the backlog number has steadily grown since last November. At the start of March, it jumped above 100,000 cases, prompting concerns from outside advocates.

Clark said that has nothing to do with the change in presidential administrations but instead with VA decisions to shift benefits processors to handle more appeals cases.

The total number of unfinished benefits appeals peaked above 300,000 cases last year, but has dropped about 16,000 cases since November. Clark said VA officials made the decision to shift resources and personnel to handle the appeals caseload because of public concerns about its growth.

But a dramatic rise in new claims in early winter has forced VBA officials to rebalance those efforts yet again.

“We’re providing more work than ever before,” he said. “But the number of cases coming in keeps going up too.”

In fiscal 2001, claims officials processed roughly 675,000 cases. For the last seven years, that caseload has topped 1 million, with a record 1.3 million claims processed in fiscal 2016.

Clark said VA officials are expecting another record processing year in fiscal 2017. But he is also promising that planners will find a way to balance claims workflow to bring both the first-time cases backlog and the pending appeals caseload down in months to come.

Department officials have acknowledged the appeals process for claims — which can take five years or more to complete — needs a major overhaul, but also insist that legislation is needed to clean up and speed up the process. Lawmakers have been receptive to the idea in recent years but have failed to pass any fixes to the issue.

This week, a new study from the Government Accountability Office said the appeals backlog is likely to get worse in coming years without an influx of new staff.
VA urges “hiring surge” to reduce veterans' appeals backlog

WASHINGTON — The Department of Veterans Affairs is warning of a rapidly growing backlog for veterans who seek to appeal decisions involving disability benefits, saying it will need much more staff even as money remains in question due to a tightening Trump administration budget.

The red flag is included in a Government Accountability Office report released Thursday. The VA says the wait time of as much as five years for veterans seeking resolution of their claims would continue to grow without a "hiring surge" in the next budget year beginning in October.

Without the staff, the VA said, the backlog could exceed 1 million within a decade, and "veterans may have to wait an average of 8.5 years" to have their appeals resolved.

The department provides $63.7 billion in disability compensation payments each year to about 4.1 million veterans with disabling conditions incurred during their military service.

Setting a goal to decide most appeals within one year by 2021, the VA set aside additional money in 2017 to boost full-time staff by 36 percent, or 242. It also estimated that a hiring surge of up to 1,458 more staff would be necessary in 2018.

But in comments to GAO, the VA acknowledged Thursday that its workforce plan was "highly dependent on VA's annual budget appropriation," and that it could not necessarily commit fully to the hiring.

Trump's budget blueprint calls for a 6 percent increase in VA funding, mostly to pay for rising health costs to treat veterans. The VA is one of three agencies slated for more money amid big-time cuts to other domestic programs. But the White House plan has yet to spell out specific funding for hiring of more VA staff to handle both disability claims and appeals, only saying it planned to continue "critical investments" to transform VA claims processing. In testimony to Congress this week, VA inspector general Michael Missal said the Trump administration was proposing to carry over 2017 funding levels to 2018 for most VA discretionary programs.

Asked for additional detail, a spokesman for the White House Office of Management and Budget said, "stay tuned." VA Secretary David Shulkin has pointed to reform of the VA's disability appeals process as one of his top 10 priorities, calling the current system "broken." He has backed legislation introduced last year aimed at streamlining the appeals process, but has been less clear about available money for hiring. Last week, after being prodded by members of Congress, Shulkin released a memorandum detailing a few hundred more exemptions to the federal hiring freeze, in part to allow for the hiring of claims processors authorized in 2017.

"These workforce shortages are deeply troubling," said Sen. Jon Tester, the top Democrat on the Senate Veterans Affairs Committee. "It's time we get these folks hired."

He was among a group of senators, including Democrat Richard Blumenthal of Connecticut, on Thursday who reintroduced legislation to overhaul the disability appeals system.

In a phone interview, VA officials said they had been devoting additional staff in recent years to address the appeals backlog but that broader reform from Congress, including added staffing, was urgently needed.

"We plan to continue to hire to the extent we can," said Dave McLenachen, director of the Veterans Benefits Administration's appeals management office.

In the GAO report, auditors as a whole found the VA's staffing estimates sound but cautioned the government's second largest agency needed a better plan to make sure additional staff are properly trained and have adequate office space.