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## LEGISLATIVE DIVISION UPDATE

The House suspended legislative activities for the week, after the nation's Capital was hit by the Blizzard of 2016; the chamber will return to work on February 1. By contrast, the Senate held a number of sessions to address a number of legislative subjects. Among them was a measure (**S. 2012**, the *Energy Policy Modernization Act of 2015*) to provide a wide-reaching energy policy overhaul. In the Senate Judiciary Committee, top members of the panel signaled interest in advancing a bipartisan bill – **S. 524**, the *Comprehensive Addiction and Recovery Act of 2015* – to address heroin and prescription drug abuse, but they remain concerned about the lack of efforts to address overprescribing and the way pain management is handled in the medical community.

### OTHER ACTIONS

#### **National Guard and Reserve Equipment Update**

The recently enacted Fiscal Year 2016 budget (**Public Law 114-113**) provided \$1 billion for National Guard and Reserve Equipment. The funding break down:

<b>Reserve Component</b>	<b>Funding</b>
Army National Guard	\$330 million
Air National Guard	\$330 million
Army Reserve	\$140 million
Air Force Reserve	\$140 million
Navy Reserve	\$ 50 million
Marine Corps Reserve	\$ 10 million

**The Department of Defense said priority consideration is expected to be given to the following items:**

- Acoustic Hailing Devices,
- Large Aircraft Infrared Countermeasures,
- Advanced Targeting Pods,
- Security and Support Mission Equipment,
- Communications Packages for UH-60 Civil Support Communications,
- Electromagnetic In-flight Propeller Balance System,
- Joint Threat Emitter Systems,
- Data Links in Ground Vehicles,
- Upgrades for First Responder Tactical Radios,
- Training Systems and Simulators,
- Multi-Mission Wide Area Sensors,
- Wireless Mobile Mesh Network Technologies,
- Personal protection radiation dosimeters,
- Integrated Facial Protection components for standard issue helmets,

- Laser Protective Eyewear,
- HMMWV Ambulances,
- Small Arms Simulation Training Systems,
- Crashworthy Auxiliary Fuel Systems,
- Reactive Skin Decontamination Lotion,
- Semi-Permanent Humidity Controlled Shelters,
- Counter Mortar Radar Systems,
- Active Electronically Scanned Array Radars for F-16,
- Digital Radar Warning Receivers for F-16 and C-130, and
- Engine Upgrades for C-130 including Modular Blade Technology.

## LEGISLATIVE DIVISION UPDATES

On January 27, Legislative Assistant Directors Warren Goldstein and Jeff Steele participated in a Virtual VSO conference call with the VA's Care in the Community (CoC) initiative team. Discussion included:

- VA's Care in the Community Consolidation legislative proposals for 2016 congressional action were discussed. We need Congress to act this year to help overhaul their Care in the Community programs, specifically, to consolidate the seven existing programs, each with its own rules and requirements. VA staff and subject matter experts have communicated regularly with congressional staff to discuss concepts and concerns as VA shaped the required plan and recommendations. VA believes that together we can accomplish legislative changes to streamline Care in the Community programs before the end of this session of Congress.
- Support for the *Purchased Health Care Streamlining and Modernization Act* was requested: This legislation would allow VA to contract with providers on an individual basis in the community outside of Federal Acquisition Regulations, without forcing providers to meet excessive compliance burdens and while maintaining essential worker protections. Already, VA has seen certain nursing homes not renew their agreements with them because of these burdens, requiring veterans to find new facilities for residence. VA further requests support for efforts to recruit and retain the very best clinical professionals. These include, for example, flexibility for the federal work period requirement, which is not consistent with private sector medicine, and special pay authority to help VA recruit and retain the best talent possible to lead our hospitals and health care networks.
- The Office of Information Technology (OIT) is embedded in each of VA's Tiger Teams (portfolios). Community Care and OIT have been working together since the early days of the consolidation plan effort. The organization is creating a joint VHA/OIT Project Management function and we are working together to ensure that our plans are complimentary and align with those projects which are ongoing or new.
- The Communications team is working on a variety of methods and approaches to working with both internal and external stakeholders.

- The Veteran Engineering Resource Center (VERC – Systems Engineers) is mapping the current and future state processes. VERC is using veteran and Community Provider feedback to inform the future state
- Care Coordination – Near term focus is “what information do we need to send out to community providers” and “what information do we need back”. Long term focus is improving, leaning, and automating processes for care coordination.

On January 27, Legislative Assistant Director Matthew Shuman and Employment & Education Assistant Director Dan Smith held a meeting with the Legislative Assistant for Sen. Mazie Hirono (HI). The meeting served as a general meet-and-greet along with the American Legion sharing our opinion on a few of the senator’s proposed amendments to **S. 2012**, the *Energy Policy Modernization Act of 2015*.

#### Update on Flag Amendment Bill

On January 7, 2015, **House Joint Resolution (H.J. Res.) 9** was introduced by Rep. Steve Womack (AR). This legislation is a proposed constitutional amendment to protect the American flag from physical desecration. Its text states simply: “*The Congress shall have power to prohibit the physical desecration of the flag of the United States.*” In addition to Rep. Womack and the five original co-sponsors of the House joint resolution there are now a total of **37** cosponsors.

Staff from the Legislative Division met with staff of Sen. Orrin Hatch (UT) to discuss the re-introduction of the flag protection amendment in the 114<sup>th</sup> Congress. Sen. Hatch has long been a champion of the amendment. Our efforts finally came to fruition on July 30, 2015, when Sen. David Vitter (LA) introduced **Senate Joint Resolution (S.J. Res.) 21**, prior to the August district work period. The Senate measure now has **7** cosponsors.

Additional cosponsors continue to be sought for both measures. [A listing of all cosponsors for both flag amendment bills is attached to the end of this report.]

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**For Week Ending 01-29-2016**

**HOUSE JOINT RESOLUTION 9**

Rep. Steve Womack (R-AR-3) [Sponsor]  
Rep. Jeff Fortenberry (R-NE-1)  
Rep. Kevin Cramer (R-ND-At Large)  
Rep. Bill Johnson (R-OH-6)  
Rep. David Roe (R-TN-1)  
Rep. Marsha Blackburn (R-TN-7)  
Rep. Walter Jones (R-NC-3)  
Rep. Steve Palazzo (R-MS-4)  
Rep. Scot DesJarlais (R-TN-4)  
Rep. Bob Latta (R-OH-5)  
Rep. Rob Bishop (R-UT-1)  
Rep. Jeff Miller (R-FL-1)  
Rep. Michael Simpson (R-ID-2)  
Rep. Patrick Tiberi (R-OH-12)  
Rep. Ralph Abraham (R-LA-5)  
Rep. Tim Huelskamp (R-KS-1)  
Rep. Frank LoBiondo (R-NJ-2)  
Rep. Daniel Lipinski (D-IL-3)  
Rep. Brad Ashford (D-NE-2)  
Rep. Mark Amodei (R-NV-2)  
Rep. John Kline (R-MN-2)  
Rep. Jason Smith (R-MO-8)  
Rep. David Young (R-IA-3)  
Rep. Adrian Smith (R-NE-3)  
Rep. Joe Wilson (R-SC-2)  
Rep. Steve King (R-IA-4)  
Rep. Charles Boustany (R-LA-3)  
Rep. Brian Babin (R-TX-36)  
Rep. Pete Olson (R-TX-22)  
Rep. John Duncan (R-TN-2)  
Rep. Rodney Frelinghuysen (R-NJ-11)  
Rep. John Fleming (R-LA-4)  
Rep. David Rouzer (R-NC-7)  
Rep. Tom Cole (R-OK-4)  
Rep. Vicky Hartzler (R-MO-4)  
Rep. Bill Flores (R-TX-17)  
Rep. Greg Walden (R-OR-2)  
Rep. Pete Sessions (R-TX-32)

**SENATE JOINT RESOLUTION 21**

Sen. David Vitter (R-LA) [Sponsor]  
Sen. Orrin Hatch (R-UT)  
Sen. Lindsey Graham (R-SC)  
Sen. Jeff Sessions (R-AL)  
Sen. Chuck Grassley (R-IA)  
Sen. John Cornyn (R-TX)  
Sen. Dean Heller (R-NV)  
Sen. Deb Fischer (R-NE)

**Week ending 1/29/2016**  
**NATIONAL SECURITY**

**1. National Commission on the Future of the Army**

The American people expect their Army to be properly trained and ready at a moment's notice. However, the fiscal resources necessary to meet this demand have declined and created tension within the U.S. Army. Specifically, there has been unhealthy tension among the Army's components, the Regular Army and National Guard. In addition to this tension, the Army's proposal to consolidate all Apache aircraft in the Regular Army has prompted Congress to establish the National Commission on the Future of the Army (NCFA).

The Commission was established within the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (NDAA). The Commission's report identified issues within the Army's force structure, readiness, and modernization; Apache transfers; Army National Guard Allocation; and the need to develop one Army. The complete report can be viewed at [http://www.ncfa.ncr.gov/sites/default/files/NCFA\\_Full%20Final%20Report\\_1.pdf](http://www.ncfa.ncr.gov/sites/default/files/NCFA_Full%20Final%20Report_1.pdf).

**2. Hearings and Meetings**

On Thursday, Deputy Director Freddy Gessner participated in a conference call with Department of Defense senior leaders to discuss announced changes to quality of life for military members. Secretary Carter announced a tranche of reforms focused on improving the quality of life of military parents so they may better balance commitments they make to serve in uniform and start and support a family. The stresses of military service on our families are heavy and well known and it is one of the top reasons people transition out of the military. Secretary Carter believes this comprehensive package of family benefits will enable the Department to attract, incentivize, and retain the best talent today and in the future while improving overall mission effectiveness and the strength and health of service members.

These improvements include:

**Establish a DoD-wide standard for Paid Maternity Leave of 12 Weeks**

Across the Department, women service members will receive 12 continuous weeks of fully paid maternity leave as the standard across the Joint Force – doubling the maternity leave offered to all service members from when Secretary Carter took office. This immediately puts DoD in the top tier of institutions nationally and will have significant influence on decision making for our military families.

This benefit will be offered to the over 200,000 women in uniform today who comprise 14.8 percent of enlisted personnel and 17.4 percent of the officer corps. The percentage of women in the military has increased significantly over the last few decades and this benefit will be even more critical for the future.

As a point of comparison, a 2015 Survey by "Working Mother" found the 100 Best Companies offered on average eight weeks of paid maternity leave; only the top quartile of these highly rated companies offer twelve weeks. The extension of this benefit to our entire force is unprecedented for an organization of DoD's size as well as diversity of job functions.

This decision applies to all service members in the active duty component, and those Reserve component service members serving in a full time status or on definite active duty recall or

mobilization orders in excess of twelve months. Sailors and Marines who are currently pregnant or become pregnant within 30

days of the enactment of this policy will still be eligible to take the full 18 weeks of paid maternity leave, consistent with the Department of the Navy's 2015 announcement.

### **Expanding Paternity Leave to 14 Days**

The Department will seek legislation to expand the current ten day paternity leave benefit offered to service members to a 14 day (two week) non-continuous leave. Secretary Carter is also encouraging men to take the leave that is currently available to support their new families.

### **Expanding Adoption Leave**

Currently, the Department provides three weeks of adoptive leave to one parent. In the case of dual military couples, the Department will seek authority from Congress to provide two weeks of leave for the second parent as well. There are 84,000 military to military marriages that may take advantage of this new benefit.

### **Extend Childcare Development Center Hours To A 14 Hour Minimum**

Today, nearly half of all military families have to rely on an additional provider to meet their childcare needs outside the hours provided by DoD subsidized Child Development Centers. The Department will extend hours of CDCs to overlap the normal working shifts of service members by at least two hours to ensure hours of operation consistent with the work patterns of the majority of service members at each specific installation. For example, for a normal workday of 0700 to 1700, CDCs would remain continuously open from 0500 to 1900, providing a minimum of 14 hours of continuous coverage. Each child will receive up to 12 hours of subsidized care per day.

### **Modify Or Install Mothers' Rooms At Each Military Installation**

To further help transition from maternity leave, DoD will set a single Department-wide standard requiring installation or modification of Mothers' Rooms throughout all facilities when there are more than fifty women regularly assigned. That will result in the improvement or establishment of 3,600 rooms across DoD installations. These rooms must be a designated, clean, and private space that is not a restroom. The room must also be equipped with electrical outlets, as well as table and chair access for each person using the room. Finally, the room must be as close as possible to a water source for washing hands and rinsing equipment, and there must be assured access to dedicated refrigeration or other cooling devices for breast milk.

### **Examine Additional Options For Childcare Services**

The Secretaries of the Military Departments will conduct long-range strategic planning and assessments for childcare options to improve access and usability. Planning will require the services to a) develop a strategic plan to expand capacity in critical areas where wait times for Childcare Development Center (CDC) enrollment exceed 90 days; b) ensure all service members can go on CDC waiting lists upon receipt of orders, rather than requiring them to wait until they have arrived at the next duty station; c) create a universal CDC application for major military concentration areas which will enable service members to apply only once for multiple CDC waiting lists; d) develop training for CDC directors on how to connect parents to other regional care resources; e) direct CDCs to sponsor

new parent mentor networks, local forums for home-based child care, and to establish parent advisory boards. The Services should complete their reports and submit their findings no later than June 1, 2016.

### **Allow Service Members to Remain at a Station of Choice For Family Reasons**

The Department will seek an amendment to existing Title 10 authorities to permit Service members to postpone a Permanent Change of Station and remain at their duty station in certain instances where it is in the best interests of the family. For example, if a daughter is in her senior year of high school, or a spouse is getting a graduate degree at a local university, or a service member needs to care for a nearby ailing parent, the service member would be able to stay at their current station to address those needs. In exchange, the service member would agree to an additional commensurate active duty service obligation.

### **Provide egg and sperm cryopreservation**

Through the TRICARE purchased care network, the Department covers the cost for active duty service members to freeze their sperm or eggs. This benefit will apply only to active duty service members through a pilot mechanism within the current governing rules of TRICARE. One purpose of the pilot is to understand the costs and potential recruiting and retention benefits for providing this medical service. After two years, the pilot may be renewed or service members can pay for additional storage out of pocket. The Department is also committed to continuing to look at how we can broaden reduced cost Advanced Reproductive Technologies to the active force beyond current care at some Military Treatment Facilities.

## **3. POW/MIA Update**

Marine Cpl. James D. Otto, 20, of Los Angeles, was buried Dec. 8, in Arlington National Cemetery, near Washington D.C. In November 1943, Otto was assigned to Company L, 3rd Battalion, 8th Marines Regiment, 2nd Marine Division, which landed against stiff Japanese resistance on the small island of Betio in the Tarawa Atoll, in an attempt to secure the island. Over several days of intense fighting, approximately 1,000 Marines were killed and more than 2,000 were wounded. Otto was reported killed in action on the first day of the battle, Nov. 20, 1943.

In the immediate aftermath of the fighting on Tarawa, U.S. service members who died in the battle were buried in a number of battlefield cemeteries on the island. In 1946 and 1947, the 604th Quartermaster Graves Registration Company conducted remains recovery operations on Betio Island, but Otto's remains were not recovered. On Feb. 10, 1949, a military review board declared Otto non-recoverable.

In June 2015, a nongovernmental organization, History Flight, Inc., notified DPAA that they discovered a burial site on Betio Island and recovered the remains of what they believed were U.S. Marines who fought during the battle in November 1943. The remains were turned over to DPAA in July 2015.

To identify Otto's remains, scientists from DPAA used laboratory analysis, to include dental comparisons, which Matched Otto's records, as well as circumstantial and material evidence.

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# VETERANS AFFAIRS AND REHABILITATION COMMISSION

## Health Policy Unit

For the week of January 25, 2016:

- Ed Lilley called (12) veterans, emailed (10) veterans, and responded to (2) letters from veterans.
- LaRanda Holt, called and spoke with (4) veterans and (1) letter of a veteran. On January 28, 2015, LaRanda Holt completed final draft of the Woman Veterans Brochure.
- April Commander responded to 4 calls; 2 emails; 1 meeting (CoC with Jeff Steele); assigned as TAL rep to CoC; inquired on status of remaining 2015 VBC reports (pending).
- Rebecca Davila emailed three formal invitation letters to potential guest speakers to provide a presentation to the TBI/PTSD Committee Meeting at the 2016 Washington Conference.

On Wednesday, January 27, 2016 Edward Lilley, Team Leader for Health Policy and the National VAVS Deputy Representative, served as a panel judge for the Annual Spirit Awards, which will be awarded at the 70<sup>th</sup> National Advisory Committee. The purpose of the Awards program is to identify and recognize successful volunteer recruitment initiatives within VAVS. The other judges were Colonel Chuck Gallina, National VAVS Representative for the Knights of Columbus, and Leila Jackson from the Veterans Health Administration. The judges considered candidates for the Student Recruitment and Corporate Recruitment awards.

On January 27, 2016, Roscoe Butler, Deputy Director for Health Care attended a VHA/VSO Bi-Monthly Meeting at VA Central office. The meeting was convened by VSO Liaison Kevin Stanford who introduced the VA presenters. Presenters at the VSO briefing included:

- Todd Livick, Director of Media Relations briefed VSOs on VA's concerns about recent media attack on the VA,
- Cain Davis, EEO Program Manager briefed VSOs on the Health Eligibility Center (HEC) efforts to address the OIG Audit and recommendations
- Mitchell T. Fetterman, Shayne Sewell, and Kathy Root briefed VSOs on VA's proposed rule to amend VA's Medication Copayments, and
- Dr. Joel Scholten, VHA National Director, Physical and Rehabilitation briefed VSOs on VA's Polytrauma/System of Care

Mr. Livick spoke briefly about all of the negative media publicity about the VA and called for VSO assistance to help share VHA's story about the positive things happening in VA.

Mr. Davis outlined steps the HEC is taking to address system improvements at the HEC. In 2015, the OIG reported that the Health Eligibility Center failed to process 889,000 veterans health care applications of which 40,000 were combat veterans. Mr. Davis discussed a number of barriers at the HEC that prevent the HEC from processing veterans enrollment application properly to include the HEC does not have access to VISTA and CPRS, Multiple Databases for Validation, Duplicate Records, No Standardized Process, No Tracking or Timelines, No Compliance Processes, Outdated Enrollment System, No Metrics Available to name a few. The HEC will be rolling out a “LEAN SIX SIGMA PILOT” at the Ashville, NC; Dallas, TX; and San Antonio, TX VA Medical Centers around March 2016. VA is requesting that the national office of each VSO’s notify their local VSO’s about the pilot, so that they can:

- Get the word out to veterans about pilot,
- Assist brining veterans to the pilot facilities for front line observation,
- Encourage veterans enrollment during the pilot period, and
- Provide feedback to the project managers at the pilot sites.

Mr. Davis also explained that the HEC will be updating VHA’s Forms 10-10EZ and 10-10EZR, Application for Health Care to eliminate any unnecessary information. Once the forms have been updated, they plan on sending the forms to each VSO for their input.

Ms. Root and her staff discussed VA’s proposed rule that was published in the Federal Register on January 15, 2016, to amend VA’s regulations concerning copayments charged to certain veterans for medication required on an outpatient basis to treat non-service connected conditions. VA currently charges non-exempt veterans either \$8 or \$9 for each 30-day or less supply of medication, and under current regulations, a calculation based on the prescription drug component of the Medical Consumer Price Index would be used to determine the copayment amount in future years. This rulemaking would eliminate the formula used to calculate future rate increases and establish three classes of medications, identified as Tier 1, Tier 2, and Tier 3. These tiers would be defined further in the rulemaking and would be distinguished in part based on whether the medications are available from multiple sources or a single source, with some exceptions. Copayment amounts would be fixed and would vary depending upon the class of medication. The following copayment amounts would be effective January 1, 2017: \$5 for a 30-day or less supply of a Tier 1 medication, \$8 for a 30-day or less supply of a Tier 2 medication, and \$11 for a 30-day or less supply of a Tier 3 medication. VA believes for most veterans these copayment amounts would result in lower out-of-pocket costs, thereby encouraging greater adherence to prescribed medications and reducing the risk of fragmented care that results when veterans use multiple pharmacies to fill their prescriptions. The public has until March 7, 2016 to respond with comments to the prosed rulemaking.

Dr. Scholten informed the VSO’s that VA’s Polytrauma/System of Care will be celebrating its 10th Anniversary. He informed VSOs that VHA has screened over 1 million veterans for possible mild TBI of which 20 percent of veterans screen positive and were referred for a comprehensive evaluation. From April 2007 to September 2015, VHA completed 137,810 comprehensive evaluations, 82,468 veterans were diagnosed with having mild TBI and 8.4 percent of the total veteran population screened received a TBI diagnosis.

On Thursday , January 29, 2016, Rebecca Davila, Assistant Director for TBI & PTSD Programs, along with Roscoe Butler, Deputy Director for Health Care and Edward Lilley, Team Leader for Health Policy, conducted a preliminary phone conference with two Drug Enforcement Administration (DEA) Congressional Affairs office representatives, Juan Arrivillaga and Section Chief Matt Strait. Mr.

Arrivillaga contacted Rebecca Davila based on the initial email inquiry that was forwarded to the DEA Congressional Office. The DEA representatives inquired about the position that The American Legion has concerning medicinal marijuana and the prospective plans to address Congress on the issue. Rebecca Davila also explained the request to have an opposing viewpoint from Dr. Suzanne Sisley who will present on the barriers to researching medicinal marijuana at the American Legion TBI/PTSD committee meeting at the Washington Conference. The DEA representatives provided a new contact for the National Institute on Drug Abuse (NIDA) that may be willing to speak at the meeting. The phone conference concluded with the DEA representatives stating they will forward The American Legion presentation request to the DEA Office of Diversion Control.

On Friday, January 29, 2016, VA&R Health Policy Staff met with former members of the Research Advisory Committee on Gulf War Illnesses, Anthony Hardie and Jim Binns to discuss Gulf War Illness topics. One is the research program from the Congressionally Directed Medical Research Programs. The other is the current Institute Of Medicine (IOM) study on Gulf War Illness. The next IOM report will either confirm the critical need for VA to acknowledge and face the truth about Gulf War Illness or revive the 1990's belief that nothing significant happened to 250,000 Gulf War veterans' health. That meeting will take place on February 11, 2016.

On Saturday, January 30, 2016, Gerardo Avila, Deputy Director for MEB/PEB/DoD, and Edward Lilley, Team Leader for Health Policy, will be participating in the DC VA Medical Center's Winterhaven Homeless Stand Down. Winterhaven is an entry point for services that lead veterans to independence and improved health. It is an integral part of the VA Medical Center's comprehensive effort to end veteran homelessness. The full day of services; such as health screenings, housing and employment counseling, substance abuse, psychosocial services, dental exams, HIV testing, free warm clothing, boots and shoes, will be offered to eligible homeless and at-risk veterans. Winterhaven attendees will also be able to access resources to assist in foreclosure avoidance, managing finances, education, employment and housing. Veterans will also be treated to a hot lunch and a free haircut.

## **Claims Unit**

### **Department Service Officer School:**

Matt Labozzetta has been finalizing details associated with Department Service Officer (DSO) School. DSO School will be held February 17-19, 2016. Over 125 DSOs and accredited representatives are scheduled to attend the event, to include the Office of Veterans' Affairs from Washington, D.C. In late 2015, American Legion personnel met with the office as they were attempting to gain accreditation; through this process, they were invited to attend the February 2016 DSO school to receive the necessary training.

### **Veterans Benefits Administration Senior Executive Demotions:**

The recent demotion of Kimberly A. Graves, Director, St. Paul VA Regional Office, was overturned on January 28, 2016. Ms. Graves was demoted following a recent VA Office of Inspector General (VAOIG) report indicated that she and former Deputy Under Secretary for Office of Field Operations Diana Rubens coerced VA senior leaders to accept other positions within the organization in order for Ms. Graves and Ms. Rubens to accept the vacated positions. Though the positions were lower in scope than the previous

positions they held, they retained the same salary and charged the federal government significant relocation costs. A decision pertaining to Ms. Rubens is expected by February 1, 2016.

### **Military Evaluation Board/Physical Evaluation Board (MEB/PEB)**

Despite a shortened work week due to the blizzard that hit the Eastern United States, the DOD Review Board Section had a busy week. 26 phone calls came into the office inquiring about discharge upgrades. 22 emails were received regarding discharge upgrades while 35 emails were sent out. Also eight applications were mailed to Veterans seeking discharge upgrades. The American Legion is currently preparing for two upcoming hearings, in February and March, for the Army Discharge Review Board with more cases likely to come in. Section also assisted the son of a recently deceased Veteran with an emergency DD 214 request due to his father's soon to be held funeral.

### **Board of Veterans Appeals Unit (BVA)**

During the week ending January 22, 2016 the Board of Veterans' Appeals reached dispositions on **136** American Legion represented appeals. Of those dispositions **73.8%** of the denials were overturned with outcomes favorable to the veteran. In **34** cases, the Board granted benefits outright after considering The American Legion's arguments. In **59** cases, The American Legion was able to point out errors in the development of the veteran's claims which mandated corrective action under the law. Of the total number of dispositions, **29 (23.0%)** were outright denials.

Also during this period, the American Legion Appeals Unit reviewed, prepared written Informal Hearing Presentations (IHP), and/or orally argued **136** veteran's appeals. These claims included originals, remands, as well as specialty cases (Advance on Docket, Independent Medical Opinions, Court Remands, etc.). The unit handled telephone inquiries and provided consultations with veterans, VSO's, and Congressional Offices. The administrative team fielded 163 phone inquiries during this period. The appeals representatives conducted no Central Office Hearing during this Holiday week.

### **Insurance, Pension and Debt Management**

The VA&R VA Insurance unit began review and processing of 76 applications for new insurance coverage for veterans in the Service-Disabled insurance program, along with 53 disability and settlement claims on other veteran's VA policies. Further case development included 22 phone calls with veterans, family members and VSOs, 43 further insurance inquiries or transactions, and 48 veteran insureds were contacted by mail on their policies, insurance options and action deadlines. There were also 37 direct contacts with VA personnel in regards to correcting or having additional actions taken on veteran's accounts.

The Philadelphia VA&R Pension unit processed 18 new claims for Veterans or Death pensions, along with reviewing and preparing 328 case actions for support of on-going pension benefits. Casework included processing 134 additional transactions and case inquiries to VA, and 25 phone contacts with claimants and VSOs, along with 5 personal contacts and 1 waiver claim.

The VA&R Pension office in St. Paul processed 170 new claims for Veteran's pensions and Death pensions, and presented supporting casework material on 127 claims already in progress, while also

processing 169 inquiries and pension transactions, and 182 rating review audits. Contacts with claimants and VSOs amounted to 159 calls and e-mail contacts, and 2 Appeals were handled for the week ending January 27, 2016.

**Benefits Delivered at Discharge (BDD)**

The Western BDD Office reviewed 16 claims with 181 issues. Each claim required reviewing the rating, C&P examination, and Service Treatment Records. Additional research was required on some cases. The BDD office also received 14 phone calls from Veterans and Department Service Officers throughout the country requesting the status of claims or had questions concerning a rating. The office provided an update to the status of the claim or provided options concerning the rating. One Veteran visited the office. The office received and reviewed 26 pieces of VA correspondence.

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**Week Ending 1/29/2016**

## NATIONAL VETERANS EMPLOYMENT & EDUCATION COMMISSION

### TOPIC 1: ECONOMY

The Federal Reserve on Wednesday, January 27, acknowledged that the U.S. economy has slowed down but provided little guidance about when it would raise interest rates again. The central bank began pulling back its support for the recovery in December and signaled it anticipated increasing its benchmark rate four times this year. But weeks of turmoil on Wall Street have spurred doubts about whether the Fed will forge ahead.

For now, the central bank is standing pat. In a unanimous vote Wednesday, the Fed left the range for its benchmark interest rate unchanged between 0.25 and 0.5 percent. Its official statement emphasized the resilience of the job market despite the weakened recovery and pointed out strength in consumer spending and the housing sector. Yet broader economic growth has disappointed once more. The Fed's statement cited weak exports and inventory investment among the culprits. Low oil and commodity prices have pushed down inflation. And the central bank alluded to the volatility in financial markets but carefully avoided making any judgment calls.

The Fed is "closely monitoring global economic and financial developments and is assessing their implications for the labor market and inflation, and for the balance of risks to the outlook," its statement read. U.S. stock markets dropped after the announcement, with the blue-chip Dow Jones industrial average giving up 223 points to close down 1.4 percent at 15,944.46. The Dow and the broader Standard & Poor's 500-stock index see-sawed earlier in the day, opening in negative territory but briefly turning positive before closing in the red.

The Fed has emphasized that it expects future rate increases to be "gradual," and central bank forecasts released last year suggested that meant moving once a quarter. But investor expectations for a second Fed rate hike in March are dropping. Futures markets indicate a one-in-four chance that the central bank will make a move, down from roughly even odds last year. Some analysts question whether the Fed will raise rates at all -- and even whether they might be forced to reverse course.

As things currently stand, it seems somewhat doubtful that they will be able to squeeze in four rate hikes this year, as they had previously predicted. At issue is whether Fed officials believe turbulence in the markets reflects underlying weakness in the U.S. economy. On Friday, the government is slated to release its estimate of growth for the final months of 2015. Private forecasts indicate the recovery likely slowed to an annualized growth rate of less than 2 percent, though some show it may not crack 1 percent.

Meanwhile, the global recovery appears to be stumbling. China is struggling to transition to a consumer-led economy and away from export-driven growth, upending the fortunes of countries from Australia to Zambia that had supplied its manufacturing boom. The International Monetary Fund earlier this month reduced its prediction for the pace of the world's expansion this year to 3.4 percent, down 0.2 percentage points. It is perceived that the Fed is on hold right now and hasn't made up its mind yet if the global market volatility and economic developments in China will herald a dramatic shift in the U.S. economic or inflation outlook.

The Fed must also confront a stubborn shortfall in one of its central objectives: maintaining inflation of about 2 percent. In November, the latest month for which data is available, prices rose just 0.4 percent from a year earlier. On Wednesday, the Fed said it anticipates that inflation will remain low in the short term, weighed down by falling oil and commodity prices. But it reiterated

that those factors appear to be "transitory" and that it expects inflation will eventually reach its goal.

Still, the Fed said it will assess both "actual and expected progress" of inflation in setting policy -- cautionary language that suggests that the longer inflation remains below target, the more likely the Fed will have to adjust its expectations for raising rates. The Fed also updated its broader policy strategy to indicate that it would be concerned about inflation running both above and below its 2 percent goal.

Senior economists' state that the Fed is watching and waiting, due to the fact they didn't hit the panic button with the recent financial market turmoil, and there is no sign they will deviate from a gradual pace. Fed officials have emphasized that their policy decisions will depend on the health of the recovery. If it proves stronger than expected, the central bank may raise rates more quickly than forecast. But if the economy stumbles, the Fed could draw out the process even longer.

<b>HOUSEHOLD</b>		<b>DATA</b>					
<b>Table A-5. Employment status of the civilian population 18 years and over by veteran status, period of service, and sex, not seasonally adjusted</b>							
[Numbers in thousands]							
Employment status, veteran status, and period of service	Total		Men		Women		
	DEC 2014	DEC 2015	DEC 2014	DEC 2015	DEC 2014	DEC 2015	
<b>Gulf War-era II veterans</b>							
<b>Unemployed</b>	162	131	124	93	38	38	
<b>Unemployment rate</b>	6.9	5.7	7.0	5.9	6.6	4.6	

*National unemployment rate is 5.0 percent (December 2015). Gulf War II veterans unemployment rate is 5.7 percent.<sup>1</sup> Currently, the unemployment rate for Gulf War II women veterans is 4.6 percent (down from 7.2 percent in November).*

## TOPIC 2: MEETINGS

*On Monday, January 25*, the National Veterans Employment & Education Division had a conference call with John Boerstler, Executive Director for NextOP, to discuss credentialing issues and the possibility of a roundtable event in March. NextOp is a nonprofit organization that serves America's veterans by providing job placement assistance, mentorship and support. They connect skilled mid-level service members with Gulf Coast employers in the Energy, Construction and Healthcare sectors.

*On Tuesday, January 26*, the National Veterans Employment & Education Division participated on the conference call for the U.S. Chamber of Commerce's (USCC) Hiring Our Heroes (HOH) Career Fair in Detroit.

<sup>1</sup> U.S. Department of Labor. *Economic News Release: Employment Situation Summary, November 2015.*

***On Wednesday, January 27,*** the National Veterans Employment & Education Division met with the Veterans Transition Forum (VTF) regarding the programs they administer on active-duty posts. VTF is a nonprofit with the goal of assisting veterans and transitioning service members find their career or vocational option. They provide free assistance to all veterans. Their core program lies in providing mentoring services in all phases of small business and franchise ownership.

***On Thursday, January 28,*** the National Veterans Employment & Education Division attended Women As Veteran Entrepreneurs' (WAVE) 2016 annual small business policy update. At this event, various speakers from federal agencies recounted the changes to policies passed within the last year that affect small business owners. They also discussed new federal programs and initiatives.

***On Thursday, January 28,*** the National Veterans Employment & Education Division participated on the conference call for the USCC HOH Career Fairs in Denver, San Antonio, and St. Paul (MN).

***On Friday, January 29,*** the National Veterans Employment & Education Division participated on a conference call concerning the USCC's Hiring Our Heroes (HOH) Career Fairs that will be held in connection with the Houston Rockets (NBA) and the Phoenix Coyotes (NHL).

***On Friday, January 29,*** the National Veterans Employment & Education Division met with the Chief of Staff for the Department of Labor's Veterans' Employment and Training Service (DOL-VETS) to discuss how states can establish and operate their own Jobs for Veterans State Grants (JVSG) programs.

***On Friday, January 29,*** the National Veterans Employment & Education Division met with Michael Michaud, Assistant Secretary for DOL-VETS, to discuss issues related to employment of homeless veterans. The Homeless Veterans Reintegration Program (HVRP) is within DOL-VETS. HVRP is the only nationwide program focused on assisting homeless veterans to reintegrate into the workforce. This program is a highly successful grant program that needs to be fully funded at \$50 million. Currently, HVRP is funded at \$38.26 million.

***On Saturday, January 30,*** the National Veterans Employment & Education Division will participate in the annual Winterhaven (Stand Down) at the DC VAMC. Winterhaven is an entry point for services that lead veterans to independence and improved health. It is an integral part of the VA Medical Center's comprehensive effort to end veteran homelessness. The full day of services; such as health screenings, housing and employment counseling, substance abuse, psychosocial services, dental exams, HIV testing, free warm clothing, boots and shoes, will be offered to eligible homeless and at-risk veterans. Winterhaven attendees will also be able to access resources to assist in foreclosure avoidance, managing finances, education, employment and housing. Veterans will also be treated to a hot lunch and a free haircut. The Legion has been on the planning committee for this event for more than a decade.

### **TOPIC 3: SMALL BUSINESS UPDATE**

The American Legion will be hosting a Small Business Roadmap to Success Workshop for veteran small business owners on February 23 and 24, from 8:30am to 3:00pm, at the Washington Hilton Hotel, located on 1919 Connecticut Ave., NW DC, 20009. The workshop consists of two-days of 'best practices' seminars and multiple Business Networking Sessions during breakfast and lunch receptions. Attendees will not only have

the chance to listen to successful small business owners discuss their secrets to success, but also meet various government agencies and large contractors who are looking for veteran small businesses to work with and purchase from. This event is free for veterans, service members, spouses, National Guard and Reservists.

*To register, go the link below:*

<http://www.eventbrite.com/e/small-business-roadmap-to-success-tickets-20743439185>

#### **TOPIC 4: VETERAN HOMELESSNESS**

On Tuesday, January 26, some 7,000 volunteers embarked upon a three-night effort to count the number of homeless people who live on streets, in tents and vehicles, or bed down in temporary shelters in Los Angeles County. The counters, under the supervision of officials from the Los Angeles Homeless Services Authority, plan to fan out across more than 95 percent of the census tracts of the county -- the most territory the L.A. count has ever covered. For more than a decade, this has been a biennial ritual. But this time, spurred by extra funding from the Department of Veterans Affairs and a sense that two years is too long to see if programs to house and help homeless people are actually working, the county only waited one year.

Of course, it's essential to have up-to-date information on how many people are living on the streets. The 2015 count revealed that homelessness was up 12 percent from 2013. Of the 44,000 people found to be homeless, the majority were found to be "unsheltered." The number of people living in tents and makeshift shelters increased a staggering 85 percent from 5,335 in 2013 to 9,535 in 2015. Seeing the new 2016 numbers and looking at the number of homeless people successfully housed last year provides the agency an idea of how effective policies have been and how many new people are falling into homelessness.

But such broad numbers are not enough. What's also crucial is to understand who is living on the streets and how they got there. To this end, the homeless services agency conducts a separate demographic survey administered by trained outreach workers who are sent across the county over a six-week period to find and interview homeless people, asking them a barrage of questions about their backgrounds, how they lost their housing, how long they have been homeless, whether they have spent time in jail, whether they are military veterans, whether they have drug or mental health issues (and what kind), what their interactions with law enforcement have been. This year, surveyors aim to interview 4,500 people.

There's an unusually acute sense of urgency surrounding homelessness right now. The increase in the 2015 figures and the highly visible presence of homeless people in every neighborhood have pushed city, county and state officials to scramble for more money, more plans, more promises. It's not that they haven't vowed to tackle this issue before in the past decade. They have, but they have not come near solving it. The information from this year's count will offer them another tool to do so.

#### **TOPIC 5: EMPLOYMENT**

The Department of Veterans Affairs (VA) is currently advertising for 3,000 positions, some seeking multiple people each. Only about 50 job ads, seeking an estimated few hundred workers, are accepting applications exclusively from veterans. And of those, all but a handful would have a returning hero trade a rifle for a mop and \$13 an hour. At the same time, more than a thousand vacancies, many with no highly specialized skills required, were being advertised as open only to current civil servants.

Housekeeper is also the most frequent job being advertised for, so it goes a long way to helping the department pump up its numbers with vets. Meanwhile, job postings that are often better paid and less dirty but have similarly low educational requirements, like “motor vehicle operator,” \$67,000 secretary, and \$40,000 supply clerk, are reserved for current union members. But what job-seeking veterans don’t know is that a clause in VA’s collective bargaining agreement with the American Federation of Government Employees requires the agency to give “first and full consideration” to current federal employees before hiring veterans.

58 percent of VA’s blue collar workers are veterans, indicating that the percentage of white-collar workers is significantly lower than one-third. Only 13 percent of top hospital administrator jobs are filled by vets. 58 percent of job ads accepted applications from the general public and only two percent were restricted to veterans only. The ‘housekeeping aide’ jobs, make up the vast majority of these two percent.

The limiting of so many jobs to current federal civil servants shows that the VA has become a self-perpetuating, union-backed jobs program for career bureaucrats. They contend managers support the status quo because they fear employees who are veterans are less likely to quietly go along with sloppy practices and more likely to turn whistleblower when they witness conduct detrimental to their brothers-in-arms.

#### **TOPIC 6: CAREER FAIR**

This week, work continued on The American Legion’s upcoming hiring events to be staged in Denver, Glendale (AZ), Houston, New York, Omaha (NE), San Antonio, St. Paul (MN), and Tampa. The mission of The American Legion's National Employment & Education Commission is to take actions that affect the economic well-being of veterans, including issues relating to veterans' education, employment, home loans, vocational rehabilitation, homelessness and small business.

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**Week Ending: 1/29/16**