

# VETERANS' DISABILITY BENEFITS COMMISSION

## Meeting Minutes

**Date:** Wednesday, August 8, 2007 - Friday, August 10, 2007

**Location:** Hotel Washington  
15<sup>th</sup> Street & Pennsylvania Avenue, NW, Washington, DC 20004

### Attendees:

#### **Chair:**

Chairman James Terry Scott, LTG, USA (Ret)

#### **Members:**

Nick D. Bacon, 1SG, USA (Ret)  
Larry G. Brown, COL, USA (Ret)  
Jennifer Sandra Carroll, LCDR, USN (Ret)  
Donald M. Cassiday, COL, USAF (Ret)  
John Holland Grady  
Charles "Butch" Joeckel, USMC (Ret)  
Ken Jordan, COL, USMC (Ret)  
James Everett Livingston, MG, USMC (Ret)  
William M. Matz, Jr., MG, USA (Ret)  
Dennis Vincent McGinn, VADM, USN (Ret)  
Rick Surratt (former USA)  
Joe Wynn (former USAF)

#### **Staff:**

Ray Wilburn, Executive Director  
Ed Andersen  
Jacqueline Garrick  
Kathleen Greve  
John Harlepas  
Mike McGearry  
Steve Riddle  
Dietra Shepherd  
Laura Sivitz  
Kurt Von Tish  
Jim Wear  
Don Zeglin

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Topic	Key Points	Supporting Materials
<b>August 8, 2007</b>		
<b>Opening Remarks</b>  Chairman Scott	The Chairman opened the meeting at 10:03a.m. He announced that the Executive Director will attend the VBA leadership conference next week and reviewed the agenda for the Commission meeting.	
<b>July 18-20, 2007 Meeting Minutes</b>	Commissioners Cassiday moved and Brown seconded the adoption of the minutes, which were approved by unanimous vote.	<a href="#">Minutes</a>
<b>Opening Statements</b>	None	
<b>Re-Visit Concurrent Receipt (Research Question 21 – Addressing Retired Service Members)</b>  Mr. Jim Wear  Commissioner William Matz	Commissioners Matz moved and Livingston seconded to reopen the discussion on Concurrent Receipt. Motion carried by unanimous vote.  Mr. Wear facilitated the discussion by reviewing a breakout of the options that included costs and number of potential recipients.  Commissioner Matz addressed his concerns for the chapter 61 retirees and concurrent receipt and advocated for their inclusion in this provision.  After some discussion, regarding a legal review of the option, Commissioners Carroll moved and Bacon seconded to recommend that <i>Congress should eliminate the ban on concurrent receipt for all retirees and disability separations. Future priority should be given to Chapter 61 with less than 20 years service and greater than 50 percent service-connected disabled and all combat disabled Chapter 61.</i> Motion carried by a 12 to 1 (Grady) vote.	<a href="#">Slides</a>
<b>VA &amp; DoD Response to Institute of Medicine (IOM) Medical Evaluations Committee Report</b>  VBA: Mr. Brad Mayes, Director, Compensation & Pension (C&P) Service accompanied by: Mr. Tom Pamperin, Deputy Director, C&P Services  VHA: Dr. Steve Brown, C&P Examination Program (CPEP)	Mr. Mayes provided the VA's response to the IOM report on the VA's Medical Evaluation process. He focused on the current challenges with quality of life measures, VA's on-going efforts at revising the Rating Schedule, the use of electronic templates, availability of medical advice, training issues and Individual Unemployability (IU) determinations.	<a href="#">Slides</a>
<b>Public Comment:</b>  Mr. Charles Kelley  Ms. Janeen Kinney	Mr. Kelley addressed issues related to Agent Orange and Presumption.  Ms. Kinney commented on the problems associated with the Ranch Hand study.	

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<p>Ms. Sue Frasier, Veterans for Justice</p> <p>Ms. Edith Smith</p> <p>Ms. Patricia Sharp</p> <p>Mr. Fred Norphorn</p> <p>Mr. Michael Parker</p> <p>Ms. Rose Lee</p> <p>SGT Ted and Sarah Wade</p> <p>Mr. Paul Ising</p>	<p>Ms. Frasier expressed her appreciation for the vote on Concurrent Receipt and delineated gaps in the IDA study presented to the Commission at the July session.</p> <p>Ms. Smith expressed her appreciation for the Commission's Survivor Concurrent Receipt recommendation.</p> <p>Ms. Sharp asked the Commission to include in its recommendation regarding the SBP-DIC offset changes needed to titles 10 &amp; 38 to comply with PL 108-183.</p> <p>Mr. Norphorn discussed the problems he has encountered with the VA fee basis and pension programs.</p> <p>Mr. Parker provided his feedback on Concurrent Receipt</p> <p>Ms. Lee thanked the Commission for its vote to eliminate the SBP-DIC offset.</p> <p>The Wades gave their insights into the issues they have faced since his severe injury with care management and planning, the need for quality of life compensation, and specialized care.</p> <p>Mr. Ising commented on the IOM report and the Rating Schedule only being one factor that impacts the backlog. Complex claims, court decisions, and staffing has not kept pace with the rising number of claims. He also noted that OMB holds down VA budget estimates to Congress.</p>	
<p><b>Other Commission Updates</b></p> <p>Ms. Jacqueline Garrick</p>	<p>Ms. Garrick presented the six recommendations from the Dole/Shalala Commission that centered on recovery plan coordination, a single disability system, PTSD/Traumatic Brain Injury (TBI) treatment, family support, information technology (IT), and Walter Reed issues.</p> <p>Findings from the DoD Mental Health and TBI Task Forces were also highlighted.</p>	<p><a href="#">Slides</a></p> <p><a href="#">Final Report</a></p>
<p><b>VSO Comments on IOM studies</b></p> <p>Mr. Jerry Manar, Veterans of Foreign War (VFW)</p>	<p>Mr. Manar presented the views of the VFW on the IOM report. They disagreed with the IOM premise that the Rating Schedule is based on average impairment of earnings capacity and did not endorse any of the recommendations associated with it or the use of medical experts. They did agree with the recommendations regarding advisory committees, quality of life, worksheet updates, and use of templates, training, research, and Vocational</p>	<p><a href="#">VFW Testimony</a></p>

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Mr. William "Bo" Rollins, Paralyzed Veterans of America (PVA)	Rehabilitation & Employment (VR&E).  Mr. Rollins complimented the IOM report and concurred with most of the recommendations, especially regarding quality of life and functional loss to be added to loss of earnings. PVA advocates for the elimination of the 12 year limit on VR&E and arbitrary caps on independent living. PVA disagreed with the VFW and saw ICD-9 codes as an improvement to the Rating Schedule.	
<b>Closing Statements</b>	None	
<b>Chairman's Close</b>  Chairman Scott	The chairman adjourned the meeting at 5:00pm.	

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<b>August 9, 2007</b>		
<b>Opening Remarks</b>  Chairman Scott	The Chairman opened the meeting at 8:37a.m. with a summary of the day's agenda.	
<b>Opening Comments</b>	None	
<b>IOM's PTSD Options</b>  Mr. Ray Wilburn	<p>Mr. Wilburn reviewed the PTSD options presented by the IOM. He discussed their short and long term recommendations regarding the Global Assessment of Functioning (GAF) score, training standards, psychological testing, rater certification, data collection, VA Schedule for Rating Disability (VASRD) criteria updated based on Diagnostic and Statistical Manual (DSM), multidimensional framework, set a minimum level of benefit, reevaluations, and military sexual assault (MSA) data.</p> <p>The Commission discussion focused on language for the Final Report regarding re-evaluations, minimum level of benefits, and MSA.</p>	<a href="#">Slides</a>
<b>Equity in Lifetime Benefits Options</b>  Mr. Ray Wilburn	<p>Mr. Wilburn discussed the options developed by Center for Naval Analyses (CNA) for the Commission. These options primarily focused on adjusting for parity the young at entry veterans and those with mental illness. A quality of life (QOL) adjustment was also proposed. Other issues involved grandfathering, re-evaluations, IU, and data collection. Possible recommendations included; revising rating criteria for mental disorders with a Special Monthly Compensation (SMC) for those 100%, revised SMC for younger veterans or develop a payment based on age and life expectancy; revise compensation to provide for impact on functionality and QOL as a monthly payment or lump sum, and to give VA authority to analyze earnings records with Social Security Administration (SSA) and Office of Personnel Management (OPM).</p> <p>Commission discussion was to eliminate age and lump sum as issues and to focus more on QOL enhancements.</p>	<a href="#">Slides</a>
<b>Final Report Update</b>  Ms. Jacqueline Garrick	<p>Ms. Garrick reviewed the sections of the Final Report that have been transmitted to the Commissioners for their review, and the work in progress by the staff. She outlined a time frame for the remainder of August, and September.</p> <p>Commissioners provided their feedback and suggestions for the Final Report sections.</p>	<a href="#">Slides</a>
<b>Report by IOM Presumption Committee</b>	Dr. Samet presented the IOM's conclusions and recommendations on Presumption. They explored	<a href="#">Slides</a>

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<p>Dr. Jonathan Samet, Chairman</p> <p>Accompanied by Committee Members:  Mr. Guy McMichael  Dr. Allen J. Wilcox</p> <p>IOM Staff:  Dr. Rick Erdtmann  Ms. Catherine Bodurow</p>	<p>the issue of causation in relation to exposures and how to develop an evidence-based process. After describing the current process for establishing presumptions (i.e. Agent Orange, Gulf War) IOM found that the current system is based on incomplete and limited information. Therefore, IOM proposed 19 recommendations for a future framework for presumption, which included the creation of an Advisory Committee and a Scientific Review Board, a process for proposing exposures/illnesses for review, a systematic evidence based review classification scheme (Sufficient, Equipose Above &amp; Below, &amp; Against), a transparent VA decision-making process, organizational structure support, research inventory and planning, and comprehensive tracking process for classified information by DoD. IOM also outlined a way forward for Congress, VA and DoD.</p>	<p><a href="#">Executive Summary</a></p> <p><a href="#">Report</a></p>
<p><b>Closing Remarks</b></p>	<p>Commissioner Surratt addressed changing the Rating Schedule and QOL.</p> <p>Commissioner Wynn discussed fixing the gaps in the system without adding a new load.</p> <p>Commissioner Brown focused on IU.</p> <p>Commissioner Livingston suggested looking at the American Disabilities Act (ADA) issues.</p> <p>Commissioner Jordan noted that it is important in how a volunteer force is treated and money needs to be spent on younger veterans.</p> <p>Commissioner Carroll suggested that the branches need to be mandated to do testing now and it would reduce the backlog in the future.</p> <p>Commissioner Matz recommended that younger catastrophically wounded veterans and their caregivers be taken care of.</p> <p>Chairman Scott addressed PTSD and IU.</p>	
<p><b>Chairman's Close</b></p> <p>Chairman Scott</p>	<p>The chairman adjourned the meeting at 4:23pm.</p>	



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	<p><i>disabled veterans to the workforce, it has a limited capacity to manage its growing workload, and it must be redesigned for the 21<sup>st</sup> century employment environment. Motion carried by a unanimous vote</i></p> <p>Ms. Garrick reviewed the nine options outline in the Ancillary Benefits paper.</p> <p>Commissioners Joeckel moved and McGinn seconded to recommend that: <i>Congress should enact legislation that would bring the ancillary and special purpose benefits to the levels originally intended considering cost of living and then automatically adjust annually to keep pace with cost of living; Support changes that would enhance benefits to certain severely injured who are not currently included in benefits, such as the automotive allowance, aid and attendance, or the TSGLI; Congress should amend section 1922(a) of title 38, United States Code, to provide for use of current mortality tables; Support expanded benefits to include family support services and provide access to parents and grandparents who are caregivers; Extend CHAMPVA coverage to abused former spouses under a premium or co-pay basis; Relate aid and attendance and housebound allowances to cost of assistance, such as for ventilator patients, and provide partial support for certain or limited services; Allow for housing adaptive benefits to be paid for temporary and permanent residences; Create a Financial Planning Counseling Service for disabled veterans. Motion carried by a unanimous vote.</i></p>	<p><a href="#">Ancillary Benefits Slides</a></p>
<b>Closing Comments</b>	None	
<b>Closing Remarks</b> Chairman Scott	The chairman requested that thank you letters be sent to the IOM Presumption Committee and adjourned the meeting at 12:00 noon.	

The minutes of the August 8-10, 2007 meeting were unanimously approved by the Commissioners present at the August 22, 2007 meeting in Washington, DC.