

VETERANS' DISABILITY BENEFITS COMMISSION

Meeting Minutes

Date: Thursday, June 7, 2007 - Friday, June 8, 2007

Location: Washington Plaza Hotel
10 Thomas Circle, N.W. Washington, DC 20005

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
Conrad Anderson
Jacqueline Garrick
Kathleen Greve
John Harlepas
Robert Portwood
Steve Riddle
Dietra Shepherd
Paul Stepnowsky
Kurt Von Tish
Jim Wear
Don Zeglin

Topic	Key Points	Supporting Materials
	June 7, 2007	

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Opening Remarks Chairman Scott	The Chairman opened the meeting at 8:10a.m. He noted that VA will provide a briefing on the IDA report at the next meeting, which will be held July 18-20 at the Washington Plaza Hotel. There will be two meetings each in August and September. He gave dates for the meetings to be held August 8-11 & 22-24, and September 5-7 & 19-21, 2007.	
May 10-11, 2007 Meeting Minutes	Commissioners Wynn moved and Brown seconded the adoption of the minutes, which were approved by unanimous vote.	Approved Minutes
Opening Statements	Commissioner Cassiday reported on the briefing he provided to the National Association of County Veterans Service Officers meeting in Milwaukee.	
Issue Paper Status Update Mr. Ray Wilburn	Mr. Wilburn gave an update on the status of the Commission issue paper process and an overview of where each issue stands. The last few papers will have some steps run concurrently to account for time.	Presentation
Issue Paper Update: Vocational Rehabilitation & Employment (VR&E) (Research Question 17) Ms. Jacqueline Garrick, LCSWC	Ms. Garrick gave the Commission an update on the VR&E paper, which included the legal analysis, additional information on participants, other previous evaluations and recommendations, and findings. She reviewed the Commission options and detailed next steps. After some discussion, Commissioners Cassiday moved and Carroll seconded to rewrite the 3 options, and release paper for technical and public comment simultaneously. Motion carried by a unanimous vote.	Presentation
Issue Paper Update: Ancillary & Special Purpose Benefits (Research Question 20) Ms. Jacqueline Garrick, LCSWC	Ms. Garrick reviewed the benefit information that had been updated and included a discussion on foreign government ancillary benefits and programs. She highlighted the options before the Commission and the next steps for this issue. After some discussion, it was decided that the options should be modified, approved electronically, and released for technical and public comment prior to the next meeting.	Presentation
Issue Paper Update: Transition Report (Research Questions 26-31) Ms. Jacqueline Garrick, LCSWC	Ms. Garrick highlighted the updates in the Transition Report, which included Transition Assistance Program (TAP funding), information technology, healthcare resource sharing, Military OneSource data, other commissions', task forces', and studies' report findings and recommendations, CNA's results on DoD disability ratings, and the addition of the matrix and glossary. Additionally, she separated the options by Commission Research Questions and reviewed the next steps. After some discussion, it was decided that the options should be retooled for each section,	Presentation

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	approved of electronically, and released for technical and public comment prior to the next meeting.	
<p>Institute of Medicine (IOM) Update</p> <p>Mr. Rick Erdtmann, MD</p>	<p>Dr. Erdtmann briefly gave a status update on the Presumptive Committee. The PTSD Treatment Committee will not be able to report until after the sunset of the Commission, so this will not be made available for additional Commission deliberations. He then introduced the Chair of the Medical Evaluation Committee to give their report.</p>	
<p>Report by IOM Committee on Medical Evaluation if Veterans for Disability</p> <p>Mr. Lonnie Bristow, MD, Chairman</p> <p>Mr. John Vogel, Committee Member</p> <p>Ms. N. Lynn Gerber, MD, Committee Member</p> <p>Mr. Rick Erdtmann, MD</p> <p>Mr. Mike McGeary</p>	<p>Dr. Bristow summarized the IOM Report, <i>A 21st Century System for Evaluating Veterans For Disability Benefits</i>. The report included 6 tasks and described the study process and definitions. The report recommends that VA comprehensively update the entire VASRD and reestablish an external advisory committee of medical and disability experts. The purpose of the program should also be expanded to not just compensate for loss of earning capacity, but to also include non-work disability and loss of quality of life (QOL). VA should investigate how well the rating levels do correspond with average loss of earnings, and should adjust ratings and apply measures for functional limitations in the VASRD. The report also addresses other issues, such as the use of electronic templates, better training for raters and examiners, adoption of commonly used diagnostic classifications, transition needs assessment, voc rehab assessments for Individual Unemployability (IU) claimants, continued research on rating process, certification, and analysis of compensation and ancillary benefits in meeting veterans' needs.</p> <p>Commission discussion centered on the IOM recommendations regarding QOL measures, codes, and IU criteria.</p>	
<p>Summary of Other Commissions & Task Force</p> <p>Ms. Jacqueline Garrick, LCSWC</p>	<p>Ms. Garrick presented information on the following Commissions and Task Force: Independent Review Group (IRG), Returning Global War on Terror (GWOT) Heroes Task Force, Care for America's Returning Wounded Warriors, National Guard/Reserves (NG/R), and the Future of America's Veterans. The IRG and GWOT have issued final reports and Ms. Garrick highlighted those results as they pertained to Commission issues – mostly regarding the DoD Disability Evaluation System (DES) and creating a single system with VA, case management and outreach programs, especially for employment. The NG/R has issued an interim report that does not pertain to the work of the Commission. The other Commissions have not as yet reported.</p>	<p>Presentation</p>

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	The Commission requested that staff continue to follow these initiatives. The Chairman noted that the NG/R Chairman will brief at the next meeting.	
Commission Position on IOM PTSD Report Jacqueline Garrick, LCSWC	Ms. Garrick reviewed the findings, observations, and recommendations of the IOM PTSD Compensation Committee and action options for the Commission. After some Commission discussion, Commissioners McGinn moved and Matz seconded to tentatively adopt option 2 (Accept some and reject other IOM recommendations) and option 4 (Request VA respond to the report.) Motion carried by unanimous vote.	Presentation
Final Report Update Mr. Robert Portwood	Mr. Portwood introduced himself as the editor of the Final Report and presented his re-draft of the outline. He established a schedule for report deliverables. The Commissioners were asked to provide their feedback on the outline by Friday, June 15, 2007.	Presentation
Closing Comments	None	
Chairman's Close Chairman Scott	The Chairman adjourned the meeting at 5:40p.m.	

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June 8, 2007		
Opening Remarks Chairman Scott	The Chairman opened the meeting at 8:00a.m. with welcoming remarks and a review of the agenda.	
Opening Comments	Commissioner Joeckel suggested that there be a person or a board responsible for the oversight of transition that was above VA and DoD.	
Tentative Decisions: Concurrent Receipt (Research Question 21) Mr. Jim Wear Mr. Don Zeglin, Esq. Mr. Conrad Anderson, Esq.	Mr. Wear provided the Commission with the possible costs to change Combat Related Special Compensation (CRSC) and Concurrent Receipt and Disability Pay (CRDP) rates from FY2008 – 2017 for Temporary Early Retirement Authority (TERA) and chapter 61 retirees. Then, Mr. Wear reiterated the Commission options under consideration. The Commission discussion focused on whether or not they should consider the costs in their deliberations in an effort to avoid over-reaching. They requested that cost estimates be tied to each option for CR and for Survivor CR as well, which tabled the scheduled discussion on that issue.	CR Presentation
Center for Naval Analyses (CNA) Earnings and Quality of Life (QOL) analysis Ms. Joyce McMahon, PhD Mr. Eric Christensen, PhD	Dr. McMahon provided the Commission with a status update. Dr. McMahon and Dr. Christensen reviewed the preliminary analysis of VA compensation relative to average earning losses and found that ratios vary by age and rating groups. IU and 100%ers are well below average when they enter at a younger age and above average if they enter at an older age. CNA also compared earnings by physical and mental body systems. Next, Dr. Christensen discussed the preliminary analysis of the QOL survey. Generally, those with mental disabilities have greater impact than those with primarily physical disabilities. Those with mental disabilities have impact on both physical and mental scores. CNA provided survey data on IU recipients. Results showed that their physical and mental scores are more impacted by their disability. CNA also showed health summary scores for veterans receiving Special Monthly Compensation (SMC). A preliminary analysis of survivors QOL survey found that 35% of spouses provided care for 4 or more hours/day, 5 days/week for at least 2 years and 10% provided some care. The physical impacts for spouses providing care are significantly different than population norms, but	Presentation

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	not when it comes to mental impacts.	
<p>CNA Final Veteran and Survivor Survey Results</p> <p>Ms. Joyce McMahon, PhD</p> <p>Mr. Eric Christensen, PhD</p>	<p>Dr. Christensen provided an overview of the preliminary analysis of earnings and QOL survey combined. CNA combined the physical and mental scores to get an overall health measure for service connected veterans and found that they are lower than the population norm, but relatively constant during the average working years. There are larger effects for those with mental compared to physical disabilities. Overall, VA comp payments compensate for average earnings losses but not at the 10%, and 20-40% levels. There is no implicit QOL payment for mental disorders, except for IU.</p>	
<p>Commission Priority Issues</p> <p>Mr. Ray Wilburn</p>	<p>According to Mr. Wilburn, the Commission Top 5 Priorities with 5-10 votes were: Transition, Claims Processing, CR, SCR, and the Effects of Mental/Physical Disability on Lifetime Income and QOL. Other issues that were important with 2-4 votes were: Benefits Adequacy, Ratings, Presumptions, Survivors, Treatment Incentives/Disincentives, Earnings/QOL adequacy, & PTSD. Priorities receiving only one vote were: Ancillary/Special Purpose Benefits, DoD/VA ratings + civilian life success, Treatment of Severely wounded/exposed to trauma, Principles & Objectives, Medical Care, & Voc Rehab. Mr. Wilburn then highlighted staff/contract activities regarding the Top 5 and noted other topics not submitted for vote.</p> <p>Commission discussion focused on how to use these priorities as they wind down to their final report in October. Staff will re-draft the priorities by <u>grouping similar topics</u>.</p>	<p>Priorities</p>
<p>Public Comments on Papers and General Issues:</p> <p>Ms. Sue Frasier</p> <p>Mr. Michael Parker</p>	<p>Ms. Frasier supported the notion of using Artificial Intelligence to rate claims and advocated the removal of raters and VSOs from the process to avoid the falsification of documentation.</p> <p>Mr. Parker presented recommendations to streamline the VA disability process by front loading VA decisions by coupling them with military exit physicals.</p>	
<p>Closing Comments</p>	<p>Chairman Scott noted that job descriptions are being prepared to bring on two more staff members to assist with segments of the final report. He also advised the Commissioners that they will be authorized 30 hours (instead of 25) to respond to the increased workload. He also reminded the Commission that a discussion on Guiding Principles will continue at the next meeting.</p>	

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	<p>Commissioner Wynn reported that he attended a forum on prosthetics that was of interest and a summit sponsored by the House Veterans' Affairs Committee regarding claims processing and suggested potential presenters.</p> <p>Commissioner Brown stated that the rating schedule itself was not the problem.</p> <p>Commissioner Bacon called to the attention of the Commission that they have been looking at military pay scales at E-7 over 20 while the DoD paper (handed out to the Commissioners) was using an O-9 over 20 level in its analysis of CR.</p>	
<p>Chairman's Close Chairman Scott</p>	<p>The chairman announced that the next meeting will commence on July 18 and run until July 20 at the Washington Plaza Hotel. He adjourned the meeting at 2:09pm.</p>	

The minutes of the June 7-8, 2007, meeting were unanimously approved by the Commissioners in attendance at the July 18, 2007 meeting in Washington, DC.