

VETERANS' DISABILITY BENEFITS COMMISSION

Meeting Minutes

Date: Thursday, April 19, 2007 - Friday, April 20, 2007

Location: Almas Temple
1315 K Street NW
Washington, DC

Attendees:

Chair:

Chairman James Terry Scott, LTG, USA (Ret)

Members:

Nick D. Bacon, 1SG, USA (Ret)
Larry G. Brown, COL, USA (Ret)
Donald M. Cassiday, COL, USAF (Ret)
John Holland Grady
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)

Participated via telecommunication lines:

Charles "Butch" Joeckel, USMC (Ret) – on the phone Thursday, April 19, 2007 only
Jennifer Sandra Carroll, LCDR, USN (Ret) – on the phone

Absent:

William M. Matz, Jr., MG, USA (Ret) – Friday, April 20, 2007 only
Charles "Butch" Joeckel, USMC (Ret) – Friday, April 20, 2007 only

Staff:

Ray Wilburn, Executive Director
Ed Andersen
Conrad Anderson
Jacqueline Garrick
Kathleen Greve
John Harlepas
Steve Riddle
Dietra Shepherd
Paul Stepnowsky – Friday only
Kurt Von Tish – Friday only
Jim Wear

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Don Zeglin

Topic	Key Points	Supporting Materials
April 19, 2007		
<p>Opening Remarks Chairman Scott</p>	<p>The Chairman opened the meeting at 8:03a.m. He reported on his testimony before a joint hearing of the Senate Armed Services and Veterans Affairs Committees that was well-received. It generated a request from Chairman Levin to DoD that they respond to Chairman Scott's recommendations. He also reported on a GAO conference attended by Ray Wilburn and the Dole/Shalala forum attended by Commissioner Wynn and Jackie Garrick. He noted that the Severely Injured Marines & Sailors (SIMS) and the West/Marsh Independent Review Group (IRG) final reports are completed and have been transmitted electronically to the Commissioners. The Chairman also noted that he taped an interview with National Public Radio (NPR) "All Things Considered" to air 4/20. He has directed CNA to close out the survey process and has requested the Institute for Defense Analysis (IDA) report from VA, which they are refusing to provide. Finally, he reviewed this meeting's agenda.</p>	<p>SASC-SVAC Hearing: Chairman Scott's Testimony</p>
<p>March 22-23, 2007 Meeting Minutes</p>	<p>Commissioners Cassidy moved and Bacon seconded the adoption of the minutes, which were approved by unanimous vote.</p>	<p>Approved Minutes</p>
<p>Opening Statements</p>	<p>Commissioners Grady, Matz, Cassidy, Livingston, McGinn, Surratt, Wynn, & Bacon provided comments in support of the Chairman's April 12th testimony. Commissioner Wynn also provided comments on the Dole/Shalala meeting he attended on April 14, 2007.</p>	
<p>Issue Paper Status Update Mr. Ray Wilburn</p>	<p>Mr. Wilburn gave an update on the status of the Commission issue paper process and an overview of where each issue stands.</p>	<p>Presentation</p>
<p>Time Limit to File (RQ 18) Mr. Steve Riddle</p>	<p>Mr. Riddle reviewed the vote from the March meeting to endorse option 1 with some rewording and re-presented two options to the Commission.</p> <p>Commissioners Cassidy moved and Surratt seconded to tentatively approve option 1. Motion carried by unanimous vote</p>	<p>Presentation</p>
<p>Character of Discharge (RQ 23) Mr. Steve Riddle Mr. Don Zeglin, esq.</p>	<p>Mr. Riddle reviewed the Commission activities regarding Character of Discharge at the February and March meetings when the Commission voted to add a third option. He highlighted the three options.</p> <p>After discussion on option 3, Commissioners McGinn moved and Cassidy seconded to adopt option 1. Motion carried by a 7 to 3 vote. (Commissioners Livingston, Jordan, and Bacon,</p>	<p>Presentation</p>

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	opposed, Scott abstained.)	
<p>CNA Briefing Update: Ms. Joyce McMahon, PhD Mr. Eric Christensen, PhD</p> <p>Disability Evaluation Comparison of VA & DoD</p> <p>Earned Income, Employment, & Compensation Analysis</p>	<p>Dr. McMahon gave an overview of CNA's activities in support of the Commission. Veteran and Survivor surveys have been fielded for 5 months and they have reached 102% of their target. 53 of the 57 cells are at or above target. For survivors, they have reached 108% of their target and cells including the younger spouses are completed. Next steps include presenting preliminary results today and final results in June and to begin comparing survey results to earnings analysis. They will also develop an outline for their final report.</p> <p>Next, Dr. Christensen provided an update on the DoD/VA disability ratings comparisons. Originally, Army and Navy had excluded temporary disability retirements, which had later been assigned permanent ratings by DoD, but that has now been provided. The impact of the additional data is that more individuals are shown with 30-100% disability ratings. There is also more similarity among the services. However, overall findings remain unchanged. There are 77% of veterans who are rated by both systems within 2 years. The average combined rating & individual diagnosis codes are higher from VA. Combined rating differences are higher for those with retirement compared to those with severance pay. He showed comparisons for arthritis, sleep apnea, & PTSD. 59% of those with a 0-20% DoD rating receive a 30-100% VA rating while only 7% of 30-100% DoD ratings receive a 0-20% VA rating.</p> <p>Dr. Christensen continued with an earnings analysis that included employment, earnings, and VA compensation by marital status, differences for survivors by years since veteran's death & SBP status. The analysis also included the present value (PV) of earned income losses for veterans and survivors and the equivalent annuity. Analysis showed that losses of earned income are greater later in life and for higher levels of disability. The PV decreased with age, increased as ratings increased, & varied by body system. He also discussed differences by ages; benchmarking ages 24, 41, & 58, and by selected body systems. Survivors earned income was about the same with/without SBP.</p>	<p>CNA Update</p> <p>CNA Ratings Update</p> <p>CNA Earnings Update</p>
<p>Response to CNA data on DoD Disability Ratings Mr. Paul Williamson, Navy, Physical Evaluation Board, President</p>	<p>The Chairman impromptu called upon Mr. Williamson to provide comments on CNA's DoD disability data. Mr. Williamson confirmed that some of the initial data sets provided by the services were incorrect, but were later corrected. He hopes the media will report this as well. Navy and Marines</p>	

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	<p>are going through the same board process with the same members and appeal rights. However, there are still differences. The Navy permanently retires 36% and the Marines 18% of those who go through the DES process. He attributed these variances to the differences in service cultures. Navy has better tracking system than does Army or Air Force. From March 2003 to April 2007, 994 received injuries as a direct result of armed conflict with the enemy in OIF/OEF; 105 Navy & 889 Marines. Of those, the Navy retired 78% of the injured at 30% or higher while the Marines retired 74% at 30% or higher.</p>	
<p>Preliminary Veteran and Survivor Survey Results</p> <p>Ms. Joyce McMahon, PhD</p> <p>Mr. Eric Christensen, PhD</p>	<p>Dr. McMahon and Dr. Christensen alternately summarized the survey process and preliminary results reflecting completion of 85% of the veteran's survey in 57 cells, and nearly all of the survivors in 5 cells. When finalized the surveys will provide information on quality of life. For veterans, CNA will compare ratings and body systems. For survivors, they will compare years since the veteran's death and SBP status.</p> <p>Preliminary results on veterans showed that 52% generally rated their health as poor, and 71% reported satisfaction with life as a lot or fair. They had mid-level financial satisfaction and were split on how they viewed their VA compensation for their loss of earnings. 62% are retired and not working; 88% of those were over the age of 65. For veterans not retired, 86% currently had a job, while 75% of those <65 years said that they were not working due to a health problem. 23% of younger veterans <65 years and not working said they would be working if they were not getting VA disability. Disability impacted those who would want to work full or part time.</p> <p>Preliminary results on the survivors indicated that 88% were satisfied with their DIC benefit. Younger survivors and those with SBP were less satisfied. Health status was related to age and 46% rated their health as fair or poor. On average, satisfaction with life did not seem to be related to age, SBP status, or time since the veteran's death. Financial satisfaction was lower among younger survivors. 57% of the survivors were married to disabled veterans who needed care-giving prior to their death, and 77% provided that care themselves. Overall, 90% of the caregivers' education was effected with that being 100% of the younger survivors (smaller sample), and 91% reported that it also effected their employment.</p>	<p>CNA Preliminary Report on Surveys</p>
<p>Concurrent Receipt (CR) Options & Guiding Principles</p>	<p>Commissioner Grady presented his views on CR and the need for Guiding Principles. He encouraged the Commission to not take a position on CR until CNA</p>	<p>Guiding Principles</p>

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<p>Commissioner John Grady</p> <p>Concurrent Receipt (CR) (RQ21) Issue Paper Update</p> <p>Mr. Jim Wear</p> <p>Mr. Don Zeglin, Esq.</p> <p>Mr. Mike Hayden, Military Officers Association of America (MOAA)</p>	<p>has issued its final analysis. He then outlined principles for standard of living, quality of life, and fiscal responsibility. He expanded on his standard of living principle by demonstrating how disabled service members are economically impacted and devised a formula to set a standard of living goal since the current programs do not achieve one. Finally, he offered a new option for CR that disability compensation and military retirement combined maintain a standard of living and compensate for impaired quality of life.</p> <p>After a discussion on adding a 5th option, Commissioners Grady moved and McGinn seconded to add a 5th option. Motion failed by a 2:9 vote.</p> <p>Mr. Wear introduced Mr. Hayden who reviewed 7 tables that demonstrated a cost analysis by rank and level of disability. He explained the formula for longevity retired pay and medical retirement. VA compensation wipes out DoD disability at approximately the 10 year point.</p> <p>Mr. Wear presented the options as rewritten per instructions from the last meeting.</p> <p>The Commission discussion focused on the offset fairness and Congressional activity already taking place. The Chairman suggested, and the Commission agreed (without vote) to table this issue until the final CNA analysis on earnings is completed.</p>	<p>Presentation</p>
<p>Survivor Concurrent Receipt (SCR) (RQ21)</p> <p>Mr. Jim Wear</p> <p>Mr. Conrad Anderson, Esq.</p>	<p>Mr. Wear reported that the number of surviving spouses receiving DIC is 304,128 and those with an SBP offset is 55,776. Just over 22,000 have a full offset while 33,748 have a partial. He also provided an estimated cost analysis of SCR for full & partials and an overall annual cost of \$500 million (using 2006 dollars). He also compared the benefits under the current law and the proposed difference the offset elimination would make. He reiterated the proposed Commission options.</p> <p>After some discussion, Commissioner Cassidy suggested and the Commission agreed to drop option 2 (without vote) and to defer decision until the CNA analysis is completed.</p>	<p>Presentation</p>
<p>Closing Comments</p>	<p>Commissioner Cassidy asked for a presentation on the Bradley Guiding Principles; Commissioner Wynn requested the IRG report be posted: this report is on the Commission's Intranet and was shared electronically. An IRG analysis will be reflected in the Transition Report. Commissioner Grady acknowledged that the VCAC report is on the</p>	

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	Intranet. Commissioner Jordan wants a plan for the final report and a time line.	
Chairman's Close	The Chairman adjourned the meeting at 5:02p.m.	

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<p>Ms. Kathleen Moakler, National Military Family Association (NMFA)</p>	<p>The Legion did not offer a position on apportionment/garnishment.</p> <p>Ms. Moakler provided background information on the apportionment/garnishment issue only. The NMFA has not taken an official position. However, Ms. Moakler outlined the difficulties military spouses have in establishing their own careers and retirement benefits due to the nature of military service that require frequent moves to various locations and job markets. These moves may also preclude the building of real estate equity for a military couple. NMFA believes that veterans have a financial responsibility for their children and must be required to support them with at least their VA disability dependents' pay.</p>	<p>NMFA Testimony</p>
<p>Public Comments on Papers and General Issues:</p> <p>Ms. Sue Frasier</p> <p>Mr. Chris Slawinski, Fleet Reserve Association (FRA)</p> <p>Ms. Faye Pinkney</p> <p>Mr. Michael Parker</p> <p>Ms. Fatima Miller</p> <p>Mr. Phillip Sanders</p>	<p>Ms. Frasier voiced her opposition to the way duty to assist is implemented. She advocated for free lawyers for veterans and to remove VSOs from the process. She distributed documentation to the Commission that she believes demonstrates how VA has falsified her case for over 30 years.</p> <p>Mr. Slawinski provided the Commission with a written statement regarding the FRA's position on the Uniformed Services Former Spouses Protection Act (USFSPA), which they believe to be one-sided. FRA has offered Congress 13 recommendations to improve USFSPA.</p> <p>Ms. Pinkney spoke on behalf of homeless female veterans whose claims are denied or backlogged in the VA system while Iraq vets get preference. There are limited resources for female veterans, especially those with children.</p> <p>Mr. Parker provided his views on the April 12th Senate hearing and areas where the CNA data needs to look further into the disparities between VA and DoD disability ratings.</p> <p>Ms. Miller provided a written statement to the Commission documenting the plight of homeless female veterans and the lack of VA resources to help them.</p> <p>Mr. Sanders described his struggles with trying to obtain VA benefits for 14 years and becoming homeless in the process.</p>	<p>FRA Testimony</p>
<p>Transition Report Matrix (RQ 26-31)</p>	<p>Ms. Garrick reviewed the Transition Matrix provided to the Commission based on their request to see a simplification of the issues outlined in the</p>	<p>Report Matrix</p>

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Ms. Jacqueline Garrick	<p>Transition Report at the February meeting.</p> <p>The Matrix will be added to the updated version of the Transition Report.</p>	
<p>Institute of Medicine (IOM) Update</p> <p>Ms. Lois Joellenbeck, Dr.PH. With Study Directors:</p> <p>Mr. Mike McGeary, Medical Evaluation</p> <p>Catherine Bodurow, MSPH - Presumptions</p> <p>David Butler, PhD – PTSD Compensation</p> <p>Ms. Alina Baciu, MPH – PTSD Treatment</p>	<p>Dr. Joellenbeck sent regards from Dr. Erdtmann and updated the Commission on the IOM activities beginning with the Medical Evaluation study, which was sent to reviewers April 9.</p> <p>The Presumptive Committee has signed-off and a draft report was sent to reviewers March 28.</p> <p>The PTSD Compensation Committee is responding to comments from reviewers. Release to the sponsor is scheduled for April 27, and publication for the public should be in May.</p> <p>The PTSD Treatment Committee held its second meeting February 26-27 and finalized its structure. Its third meeting was April 16-17. Its literature review is almost complete and it will begin organizing available evidence on effectiveness of various treatments. IOM also distributed to the Commission a Statement of Task for the PTSD Treatment Committee.</p>	<p>IOM Update</p>
<p>Vocational Rehabilitation & Employment (VR&E) (RQ 17, Steps 1 & 2)</p> <p>Ms. Jacqueline Garrick</p>	<p>Ms. Garrick gave an initial presentation of the VR&E Report. The largest group (46%) of recipients is between the ages of 36-50. Only 2% are 65 or older. She also reviewed the criteria for eligibility and entitlement. The VR&E mission is based on five-tracks to employment/independent living. Ms. Garrick also reviewed evaluations done on VR&E by the VA Task Force, an independent consultant outcome-based assessment, the Commission site visits, and GAO (in regard to Individual Unemployability). She also included the employer perspective. She highlighted five options for the Commission to consider.</p> <p>After some discussion and suggested changes, the Commissioners requested that additional information be provided on the VR&E Task Force and GAO report on IU.</p>	<p>Presentation</p>
<p>Final Report Outline Suggestions</p> <p>Ms. Jacqueline Garrick</p>	<p>Ms. Garrick followed up her March presentation to the Commission on the final report. There had been a change suggested by Commissioner Livingston to separate out the veterans' information from the Introduction, so a new section was created that will include an historical overview of veterans benefits, a profile of the current veteran population and projections on future veterans. Additionally, a new section on Guiding Principles was added. She also noted that</p>	<p>Presentation</p>

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	<p>clarification was added to include VA and DoD's VASRD application. Transition was added to the section on Program Operations.</p> <p>The Commissioners made further recommendation regarding the nature of the executive summary and that the recommendation matrix includes timelines and priorities for identified agencies.</p> <p>Commissioner Jordan requested that a timeline for delivery be created for staff to show what needs to be done in order to prioritize deliberations. He also requested to see a communications plan for Congress, the general public, and the federal agencies.</p> <p>The Section that summarized veterans past, present, and future will be presented at the May Commission meeting.</p>	
Commission Discussion	<p>Commissioners made the following remarks or requests: Commissioner Carroll wanted to know when they would have the opportunity to delve into further deliberations. Commissioner Grady requested that all commissioners' options be included in the discussion. Commissioner McGinn wants to ensure that IOM is aware of the Commission's concerns. Commissioner Wynn requested: a panel of disabled service members who have gone through the DES process; wanted to know more about what veterans are specifically receiving from VR&E; and an assessment of the level of compensation to determine if it is enough. Commissioner Bacon suggested that there be a time limit on commissioners' opportunities to speak so that each gets an equal opportunity.</p>	
Chairman's Close Chairman Scott	<p>The chairman announced that the next meeting will commence on May 9 and run until May 11 at the Doubletree Hotel Washington. He adjourned the meeting at 2:21pm.</p>	

The minutes of the April 19-20, 2007, meeting were unanimously approved, as amended by Commissioner Carroll with the concurrence of the Commission members in attendance at the May 9, 2007, meeting in Washington, DC.