

VETERANS' DISABILITY BENEFITS COMMISSION

Meeting Minutes

Date: Wednesday, August 22, 2007 - Friday, August 24, 2007

Location: Hotel Washington
15th 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
Bob Epley (by phone)
Jacqueline Garrick
Kathleen Greve
John Harlepas
Steve Riddle
Dietra Shepherd
Laura Sivitz (Friday only)
Kurt Von Tish
Jim Wear

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Topic	Key Points	Supporting Materials
August 22, 2007		
Opening Remarks Chairman Scott	The Chairman opened the meeting at 10:07a.m. and reviewed the agenda for the Commission meeting. He called upon the Executive Director who shared an overview of his participation at the VBA leadership conference in Seattle.	
August 8-10, 2007 Meeting Minutes	Commissioners Carroll moved and Bacon seconded the adoption of the minutes, which were approved by unanimous vote.	Approved Minutes
Opening Comments	None	
Institute of Medicine (IOM) Medical Evaluation Report Recommendations Mr. Ray Wilburn	<p>Mr. Wilburn started a review of the IOM Medical Evaluation Report recommendations including the VA Schedule for Rating Disabilities (VASRD), loss of earnings, quality of life, vocational rehabilitation and other ancillary benefits, and other issues.</p> <p>There was in-depth Commission discussion on recommendations 1-16 with each voted upon and some rejected. Recommendations 17-26 were tabled for later discussion.</p>	Slides
Center for Naval Analyses (CNA): Individual Unemployability (IU), Health Care Costs and Final Report Dr. Joyce McMahon Dr. Eric Christensen	<p>Dr. Christensen reviewed the materials CNA has produced on the IU population along with their employment and average earned income for those with physical and mental disabilities. Overall, CNA found that increases in IU were demographically based and not caused by people “gaming” the system. He also recaptured the data on mortality rates and disability.</p> <p>Next, he discussed the Hay Group estimates on employer paid benefits, which include retirement and health care. Then, CNA compared those benefits to the earned and realized income of 100% disabled veterans at different age intervals.</p> <p>Finally, Dr. Christensen discussed how CNA measured healthcare benefits from employers and VA.</p> <p>This information will be included in the CNA Final Report for the Commission.</p>	Slides
Public Comment: Mr. Michael Parker Mr. Paul Ising	<p>Mr. Parker commented on service connection and genetics and the military’s use of conditions that Existed Prior to Service as a loophole.</p> <p>Mr. Ising proposed a Severely Disabled Stabilization Allowance that would be paid by VA at 50 percent of the scheduler rating for the first three years of compensation entitlement. This allowance would assist with an extended period of unemployment, additional family/caretaker expenses, travel, and other expenses while the veteran medically</p>	

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	stabilized, and adjusted to prosthesis.	
VSO Comments on IOM Studies Mr. Jerry Manar, VFW	Mr. Manar presented the views of the VFW on the IOM Presumption report. According to the VFW, IOM is setting the bar too high because some diseases present years later. Veterans should not have to wait years to get care or compensation while scientists decide causal relationship between an exposure and a disease. He cited the Agent Orange Act of 1991 as the standard for "association" and supported keeping this level of evidence instead of causation.	VFW Testimony
Equity in Lifetime Benefits Options Mr. Ray Wilburn	<p>Mr. Wilburn reiterated the options developed by CNA for the Commission. These options primarily focused on adjusting for parity for the "young at entry" veterans and those with mental illness and quality of life (QOL) issues. Other issues involved grandfathering, re-evaluations, Individual Unemployability, and data collection.</p> <p>Possible recommendations presented included; revising rating criteria for mental disorders with a Special Monthly Compensation (SMC) for those 100% disabled; a new 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 from SSA and OPM.</p> <p>The Commissioners further developed the recommendations and voted on several issues to improve equity. Further items were tabled for later discussion.</p>	Slides
Closing Statements	None	
Chairman's Close Chairman Scott	The chairman adjourned the meeting at 5:17p.m.	

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August 23, 2007		
Opening Remarks Chairman Scott	The Chairman opened the meeting at 8:32a.m. with a summary of the agenda.	
Opening Comments	None	
IOM's Presumption Report Recommendations Mr. Ray Wilburn	Mr. Wilburn presented the IOM Presumption committee recommendations. There were 19 recommendations that included the creation of oversight committees, a methodology to measure causal evidence and future initiatives to study and track exposures in troops. The Commission reviewed and accepted each recommendation.	Slides
Final Decisions on Issue Papers: Transition Ms. Jacqueline Garrick	Ms. Garrick presented a new approach to the transition issues and outlined options as they would appear in the chapter in order of topic. After some discussion, Commissioners Cassidy moved and Grady seconded to adopt the Transition options.	Slides
Continued Discussion on IOM Medical Evaluation Report Recommendation Mr. Ray Wilburn	The Commission continued its discussion on IOM recommendations 17-26 regarding the Medical Evaluation Report. The remaining recommendations were accepted.	
Continued Commission Discussion on Equity in Lifetime Benefits Options Mr. Ray Wilburn	The Commission furthered its discussion on the options described by CNA and voted on several other recommendations.	
Closing Remarks	None	
Chairman's Close Chairman Scott	The Chairman adjourned the meeting at 5:18pm	

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	August 24, 2007	
Opening Remarks Chairman Scott	The Chairman opened the meeting at 8:32a.m. and announced plans that the next meeting will be September 5-7, 2007, at the Hamilton Crowne Plaza on 14 th & K Streets, NW, Washington, DC.	
Opening Comments	<p>The following Commissioners offered comments:</p> <p>Commissioner McGinn requested that the Commission's top five issue list be revisited to prioritize the Final Report. He also suggested that there be a cut-off point for input.</p> <p>Chairman Scott requested that the Executive Director develop a list of recommendations and suggest a priority list of the top 25 recommendations for the Commission to submit to Congress.</p> <p>Commissioner Brown suggested that the Final Report focus on key issues. He also commented on an article, "Bush Backs Separate Combat-Related Disability System."</p> <p>Commissioner Cassidy requested that consideration be given for simple-to-implement recommendations and others that are more complicated and costly.</p> <p>Commissioner Matz would like to see all of the recommendations together, not just the top 25.</p> <p>Commissioner Grady voiced his concerns about the cost of living recommendation, across the board increases that don't make sense for everyone, and that increases and decreases (for the older entry) should be done at the same time. He would like the Commission to further define the role of the VSOs based on survey and study information, which shows that they are not consistently effective. He would also like to have further discussion on the Disability Evaluation System.</p> <p>Commissioner Carroll expressed that Congress should be cautious with the Dole/Shalala recommendations since this Commission's report will represent two years of more substantive study.</p> <p>Commissioner Bacon felt there was patience on the Hill for receiving the Commission's report.</p> <p>Commissioner Joeckel felt strongly about how the</p>	

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	Commission addresses the younger severely wounded and is pleased at the meeting's outcome.	
<p>Continued Commission Discussion Equity in Lifetime Benefits Options</p> <p>Mr. Ray Wilburn</p>	The Commission resumed its discussion on equity issues in VA compensation and drafted several other recommendations, which included quality of life.	Slides
<p>VA Response to IOM Presumption Committee Report</p> <p>The Honorable Patrick Dunne, Assistant Secretary, VA Office of Policy and Planning</p>	Mr. Dunne provided a brief response on behalf of VA to the IOM Presumption recommendations. In general, VA is in favor of the Scientific Review Board and the advisory council but needs more time to evaluate the report. VA is in agreement with the IOM report and will further explore implementation of the strategy for evaluating diseases on a presumptive basis.	
<p>Final Report Update: 3rd Draft</p> <p>Ms. Jacqueline Garrick</p>	<p>Ms. Garrick reviewed the sections of the Final Report that were 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 additional information on Ancillary benefits for the Final Report.</p>	Slides
<p>Closing Comments</p>	<p>The following Commissioners offered closing comments:</p> <p>Commissioner Wynn asked about the income thresholds for determining healthcare eligibility. (Mr. Wilburn explained those thresholds are for non service- connected veterans and not in the charge of the Commission.)</p> <p>Commissioner Matz discussed an article entitled, "Bush Backs Separate Combat-Related Disability System."</p> <p>Commissioner Grady would like to re-look at Guiding Principle #3 because it might not be the best principle and many votes are based on it.</p> <p>Commissioner Joeckel was not sure how the top 25 recommendation list was to be assembled.</p> <p>Chairman Scott asked each of the commissioners to list their top 25 recommendations.</p>	
<p>Closing Remarks</p> <p>Chairman Scott</p>	The chairman adjourned the meeting at 11:19a.m. The next meeting of the Commission will take place at the Hamilton Crowne Plaza Hotel located at 14 th and K Streets, NW, on September 5-7.	

The minutes of the August 22-24, 2007 (August II) meeting were unanimously approved by the Commissioners present at September 5, 2007 meeting in Washington, DC