

# VETERANS' DISABILITY BENEFITS COMMISSION

## Meeting Minutes

**Date:** Thursday, October 19 – Friday, October 20, 2006

**Location:** Beacon Hotel Ballroom  
1615 Rhode Island Ave  
Washington, DC

### Attendees

#### **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)  
Dennis Vincent McGinn, VADM, USN (Ret)  
Rick Surratt (former USA)  
Joe Wynn (former USAF)

#### **Absent:**

William M. Matz, Jr., MG, USA (Ret)

#### **Staff:**

Ray Wilburn, Executive Director  
Ed Andersen  
Conrad Anderson  
Ron Bartram  
Jacqueline Garrick  
Kathleen Greve  
Steve Riddle  
Dietra Shepherd  
Paul Stepnowsky  
Kurt Von Tish  
Jim Wear  
Don Zeglin



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Topic	Key Points	Supporting Materials
<p>Sue Frasier</p> <p>Michael Parker</p>	<p>lump sum would be inadvisable because of disabilities worsening, multiple ratings, recoupment issues, difficulty in setting lump sum rates, eligibility issues, optional/mandatory, access to other benefits, inadvisable spending, (by the veteran) recall of National Guard &amp; Reserve (NG/R), and the lack of savings for the Administration.</p> <p>Ms. Frasier suggested that CNA should focus on fixing the existing system first before adding lump sum, which has not been thought through completely.</p> <p>Mr. Parker expressed concern over the disparity in time of service and age for lump sums.</p>	
<p><b>Commission Discussion on Lump Sum</b></p>	<p>The Commissioners discussed the CNA and veterans service organizations' lump sum presentations and the complexities and complications to such a proposed benefit.</p> <p>Commissioners Carroll moved and Cassidy seconded that staff draft a paper with one option that lump sum is unsupportable. Motion carried by unanimous vote.</p>	
<p><b>Line of Duty (LOD) (continued discussion from September meeting)</b></p> <p>Mr. Jim Wear</p>	<p>Mr. Wear summarized revisions to the Line of Duty draft issue paper for the Commission.</p> <p>Commissioners Surratt moved and Carroll seconded to accept the revised draft issue paper with instructions for further revisions. Motion passed by unanimous vote.</p>	<p><a href="#">Revised Issue Slides</a></p>
<p><b>Concurrent Receipt (continued discussion from September meeting)</b></p> <p>Mr. Jim Wear</p>	<p>Mr. Wear began by giving a more detailed definition of Seriously Disabled Benefit (SDB), Combat-Related Special Compensation (CRSC) &amp; Concurrent Disability Pay (CDP). He then presented 3 options for the Commission's consideration.</p> <p>Commissioners Surratt moved and Livingston seconded to endorse the inclusion of veterans rated 10-40% service connected disabled into the CRPD phase in and to grandfather recipients of the CRSC program with the ability to annually elect CRDP or CDP. Motion carried by unanimous vote.</p> <p>Commissioner Surratt introduced, but withdrew a motion.</p>	<p><a href="#">Revised Issue Slides</a></p>

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	<p>Commissioner Cassidy requested that quality of life be added to the Narrative and Finding section of the issue paper.</p> <p>Commissioners Jordan moved and McGinn seconded to accept the draft paper by changing the word “adequate” to “appropriate” in the final paragraph. Motion carried by unanimous vote.</p> <p>Commissioners Brown moved and Wynn seconded to leave the text as it is written [except for the previous motion] and make changes as needed in the future. The vote is 11:1, motion carries.</p> <p>Chairman Scott asked staff for a redraft with the changes and then to post it for review to receive feedback.</p>	
<p><b>Character of Discharge (Initial Discussion)</b></p> <p>Mr. Steve Riddle</p>	<p>Mr. Riddle described the history and standards for Character of Discharge from military service. He provided a definition of a veteran and the types of discharges: honorable, under honorable, dishonorable, other than honorable (formerly undesirable), bad conduct, and other uncharacterized discharges. He discussed the Economy Act of 1933, Serviceman’s Readjustment Act of 1944, Bradley Commission in 1956, &amp; PL 95-126. He explained statutory and other bars to VA benefits. DoD has not yet been able to provide the Commission with discharge information, but VA was able to report its determinations. Findings were discussed &amp; 2 options were presented to the Commission.</p> <p>Commissioners Cassidy moved and Surratt seconded to accept the draft as written. Motion carried by unanimous vote.</p>	<p><a href="#">Issue Slides</a></p>
<p><b>Public Comments</b></p> <p>Ms. Sue Frasier</p> <p>Mr. Michael Parker</p>	<p>Ms. Frasier commented on the falsification of documents and there should be an imposition of time limits on VA to adjudicate claims and that veterans should be able to file claims against raters who do not comply with timeliness. She also advocated for an amnesty program whereby outstanding claims could be adjudicated electronically on the spot.</p> <p>Mr. Parker highlighted the issues of the Disability Evaluation System (DES) that are affected by the National Defense Authorization Act for 2007. He</p>	

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Mr. Mike Hayden, MOAA	<p>reiterated his past concerns over DoD's misapplication of the VA Rating Schedule.</p> <p>Mr. Hayden voiced the concerns of his organization with the inequities in Concurrent Receipt for medical retirees with less than 20 years of service.</p>	
<b>Commission Discussion</b>	<p>Chairman Scott reviewed the agenda for the following day.</p> <p>Commissioner Surratt congratulated the Commission on its agreement over lump sum.</p> <p>Commissioner Wynn requested that future panels include VA claims processors and disabled veterans. He also requested that Commission honorarium reimbursement limitation be extended to allow additional time for reviewing materials.</p>	
<b>Chairman's Close</b>	The Chairman adjourned the meeting at 3:40 p.m.	

<b>October 20, 2006</b>		
<p><b>Opening Remarks</b></p> <p>Chairman Scott</p>	<p>The Chairman opened the meeting at 8:36am with welcoming remarks and commented on two other Commissions: The National Guard/Reserve (NG/R) and the Veterans' Coalition. He cautioned that work should not be at cross-purposes, but rather cooperative where there are cross-over issues. He advised that if need be he would ask for additional dollars or time for this Commission to produce a quality project. He also discussed the writing of the final report may entail asking a few Commissioners to assist with certain sections. At the November meeting, the budget will be discussed during a closed session. The second day will involve a trip to the Tricare Management Activity for a demonstration of the military's electronic health record system, AHLTA.</p>	
<b>Opening Statements</b>	<p>Commissioner Joeckel observed that there is no prosthetic device for the mind. There is no compensation that can make up for a broken heart.</p> <p>Commissioner Bacon cautioned against the overuse of quality of life to measure a standard of living.</p> <p>Commissioner Jordan is interested in the AHLTA and VA interface to replace carts of paper medical records.</p> <p>Commissioner Carroll would like to see additional</p>	

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	discussion on real seamless transition.	
<p><b>Site Visit Report</b></p> <p>Commissioner Livingston</p>	<p>Commissioner Livingston reported on his and Commissioners Cassidy &amp; Grady's visit to Atlanta &amp; Augusta, GA from September 5-7, 2006. They began at the Atlanta VA Medical Center (VAMC) where they met with network and hospital leadership, C&amp;P examiners, mental health providers, and toured the Rehabilitation Research &amp; Development Center of Excellence and the Prosthetics Lab. They also met with the Georgia Veterans Service Commissioner, Pete Wheeler, and the VSOs. In the evening, the town hall meeting was attended by 65 people with 17 presenters who were mostly complimentary towards VA, but saw that updates were needed to Title 38. The next day, they visited the VA Regional Office and discussed claims, appeals, notifications, BDD, D/TAP, VR&amp;E, and OIF/OEF coordination. They also met with the Georgia Dept of Defense – a new seamless transition program that brings together the State services in partnership with VA/DoD/DoL and community organizations for the National Guard/Reserves. Finally, they visited Eisenhower Army Medical Center at Ft. Gordon and the VAMC in Augusta. They toured the DoD/VA Rehabilitation Center for active duty soldiers and the Blind Rehab unit.</p> <p>Commissioners Grady &amp; Cassidy added comments on the frustration among raters with too many claims without merit, the need for VR&amp;E to have more resources to do more, and effective PTSD treatment at Ft. Gordon.</p>	<p><a href="#">Site Visit Slides</a></p>
<p><b>IOM Update</b></p> <p>Rick Erdtmann, MD</p> <p>With Study Directors:</p> <p>Catherine Bodurow, MSPH - Presumptions</p> <p>David Butler, PhD – PTSD Compensation</p>	<p>Dr. Erdtmann began with an update of the Medical Evaluation Committee, which held its 3<sup>rd</sup> meeting from September 21-22 where they discussed the next editions of the DSM and the AMA guides, the complexities of aggravation and secondary conditions, and voc rehab. Staff has completed background papers on Individual Unemployability (IU) and contracted C&amp;P exams. The 4<sup>th</sup> meeting will be closed from Nov 8-9 in Washington, DC. Additional information is being researched on impairment severity, functionality, employability and quality of life.</p> <p>The Presumptive Committee met in San Antonio, TX, October 4-5 where VA, DoD, VSOs and former Congressional staffers presented. Chairman Scott presented at this meeting as well. Closed sessions are anticipated and will allow for a synthesis of information and to build consensus. A 4<sup>th</sup> closed meeting will be held in Irvine, CA in December.</p>	<p><a href="#">IOM Update</a></p>

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	<p>The PTSD compensation Committee is engaged in drafting its report. It will hold a closed meeting Oct 30-31 in Washington, DC.</p> <p>The PTSD Treatment study will take place under a new contract that still needs to be signed by VA. A new committee is being formed. There are no meeting dates set yet.</p> <p>Commissioner Surratt reported on his observations of the Medical Evaluation Committee that he attended. He highlighted the issues of defining stressors and the need for increased staffing if VR&amp;E were to do IU assessments.</p> <p>Commissioner Grady participated by phone for the Presumption Committee meeting in San Antonio. He found the former legislative staffers discussion of interest and noted the attribution of risk among a population and the need for more evidence in the legislative process.</p> <p>Chairman Scott commented on his attendance of the San Antonio meeting and the political spectrum of presumption.</p>	
<p><b>National Guard/Reserve Commission</b></p> <p>Ms. Karen Heath,          Staff, Commission on National Guard/Reserve, Personnel &amp; Compensation</p>	<p>Ms. Heath gave an overview of the mission and scope of the NG/R Commission. There are 13 commissioners charged by Congress to recommend changes in law and policy that best support the needs of the NG/R. The nation's need for the NG/R has changed greatly since WWII, especially since Gulf War I and now post 9/11. Their Commission has several key issues that cross the full spectrum of NG/R operations to include roles and mission, structure, training, readiness, compensation and benefits, and equipment and personnel. They had to provide an initial 90-day report, which had 7 findings, and are due to present an interim report on the NG Empowerment Act. They welcome suggestions and input from this Commission to theirs.</p>	<p><a href="#">Presentation</a></p>
<p><b>Commission Discussion</b></p>	<p>None</p>	
<p><b>Chairman's Close</b></p>	<p>The Chairman adjourned the meeting at 11:34am.</p>	

The minutes of the October 19-20, 2006, meeting were unanimously approved by the Commission members in attendance at the November 16, 2006, meeting in Washington, DC.