

**A REVIEW OF VA'S VOCATIONAL REHABILITATION  
AND EMPLOYMENT PROGRAM**

---

---

**HEARING**

BEFORE THE

**SUBCOMMITTEE ON ECONOMIC  
OPPORTUNITY**

OF THE

**COMMITTEE ON VETERANS' AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

THURSDAY, MAY 17, 2018

**Serial No. 115-61**

Printed for the use of the Committee on Veterans' Affairs



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2019

## COMMITTEE ON VETERANS' AFFAIRS

DAVID P. ROE, Tennessee, *Chairman*

GUS M. BILIRAKIS, Florida, <i>Vice-Chairman</i>	TIM WALZ, Minnesota, <i>Ranking Member</i>
MIKE COFFMAN, Colorado	MARK TAKANO, California
BRAD R. WENSTRUP, Ohio	JULIA BROWNLEY, California
AMATA COLEMAN RADEWAGEN, American Samoa	ANN M. KUSTER, New Hampshire
MIKE BOST, Illinois	BETO O'ROURKE, Texas
BRUCE POLIQUIN, Maine	KATHLEEN RICE, New York
NEAL DUNN, Florida	J. LUIS CORREA, California
JODEY ARRINGTON, Texas	CONOR LAMB, Pennsylvania
JOHN RUTHERFORD, Florida	ELIZABETH ESTY, Connecticut
CLAY HIGGINS, Louisiana	SCOTT PETERS, California
JACK BERGMAN, Michigan	
JIM BANKS, Indiana	
JENNIFFER GONZALEZ-COLON, Puerto Rico	

JON TOWERS, *Staff Director*

RAY KELLEY, *Democratic Staff Director*

## SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

JODEY ARRINGTON, Texas, *Chairman*

GUS BILIRAKIS, Florida	BETO O'ROURKE, Texas, <i>Ranking Member</i>
BRAD WENSTRUP, Ohio	MARK TAKANO, California
JOHN RUTHERFORD, Florida	LUIS CORREA, California
JIM BANKS, Indiana	KATHLEEN RICE, New York

Pursuant to clause 2(e)(4) of rule XI of the Rules of the House, public hearing records of the Committee on Veterans' Affairs are also published in electronic form. **The printed hearing record remains the official version.** Because electronic submissions are used to prepare both printed and electronic versions of the hearing record, the process of converting between various electronic formats may introduce unintentional errors or omissions. Such occurrences are inherent in the current publication process and should diminish as the process is further refined.

# CONTENTS

Thursday, May 17, 2018

	Page
A Review Of VA's Vocational Rehabilitation And Employment Program .....	1
OPENING STATEMENTS	
Honorable Jodey Arrington, Chairman .....	1
Honorable Beto O'Rourke, Ranking Member .....	3
WITNESSES	
Mr. Jack Kammerer, Director, Vocational Rehabilitation and Employment Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs .....	4
Prepared Statement .....	33
Accompanied by:	
Mr. Lloyd Thrower, Deputy Chief Information Officer, Account Manager for Benefits, Office of Information and Technology, U.S. Department of Veterans Affairs	
Ms. Heather Ansley, Esq., MSW, Acting Associate Executive Director of Government Relations, Paralyzed Veterans of America .....	6
Prepared Statement .....	36
Ms. Cassandra Vangellow, Esq., Legal and Policy Fellow, Student Veterans of America .....	8
Prepared Statement .....	40
Mr. Shane L. Liermann, Assistant National Legislative Director, Disabled American Veterans .....	10
Prepared Statement .....	60
STATEMENTS FOR THE RECORD	
Veterans Of Foreign Wars Of The United States, Patrick Murray, Associate Director National Legislative Service .....	64
The American Legion .....	65



## **A REVIEW OF VA'S VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM**

**Thursday, May 17, 2018**

COMMITTEE ON VETERANS' AFFAIRS,  
U. S. HOUSE OF REPRESENTATIVES,  
*Washington, D.C.*

The Subcommittee met, pursuant to notice, at 2:28 p.m., in Room 334, Cannon House Office Building, Hon. Jodey Arrington, [Chairman of the Subcommittee] presiding.

Present: Representatives Arrington, Bilirakis, Banks, O'Rourke, Takano, and Correa.

### **OPENING STATEMENT OF JODEY ARRINGTON, CHAIRMAN**

Mr. ARRINGTON. Good morning, or afternoon, whatever time—someone wrote that on my paper, you know, I might want to check that. But here it is, right here.

[Laughter.]

Mr. ARRINGTON. All right, in case C-SPAN—regardless, I am glad you are here. I want to welcome you to the Economic Opportunity Subcommittee hearing today entitled, “A Review of VA’s Vocational Rehabilitation and Employment Program.”

Today, the Subcommittee will conduct an oversight hearing of the Vocational Rehabilitation and Employment Program at the Department of Veterans Affairs, a program designed to help our severely wounded and disabled veterans by helping them find meaningful employment and to maximize their independent living. Every day, VR&E master’s level counselors work diligently with veterans in the program to help them create a rehabilitation plan and execute that plan, while also being a constant resource and source of support for the participant as they go through their individualized rehab program.

I agree with those who have said that the VR&E should be the crown jewel of benefits provided to veterans through the Veterans Benefits Administration. This program is more than just a benefits program, it is also a vital first step for disabled veterans to become more financially independent, which is a win-win for the veteran and the taxpayer alike.

For several years now, we have seen the participation in VR&E increase and the President’s latest budget submission anticipated a 12-percent increase of veterans participating in the program in fiscal year 2019 compared to fiscal year 2017. And as VBA continues to move through the current disability claims backlog, it would seem logical that these participation numbers are actually low, the 12 percent, that is, we think it will rise even more. How-

ever, despite the increase in the caseload numbers, it is concerning that once again the budget has flat-lined counselors. This Subcommittee has continued to sound the alarm on this issue and I am worried that our concerns seem to have fallen or are falling on deaf ears.

Another topic that seems to be falling on deaf ears is oversight of the new case management system for tracking VR&E participants. This is the IT system for managing caseload. This system was supposed to finally bring VR&E into the 21st century and eliminate participants' paper-based files, believe it or not, that can be lost, damaged, or hamper counselor efficiency. After years of waiting, in 2015 VR&E was given the green light to begin working with VA IT staff on a replacement for the current case management program that has been in place since 1997. Lots of change since 1997.

After almost 3 years of work and hundreds of man hours, \$6.5 million paid to a contractor and another five and a half million lost in VA staff time and resources, the case management tool is not complete and it appears that the VA is now considering scrapping the system all together. Twelve million dollars of taxpayer money.

This Subcommittee was first alerted to this problem not in December when the system was first flagged as challenged by senior leaders, but only last week in anticipation of the hearing. While we certainly appreciate being briefed on this problem, we have since learned that the project has gone through four project managers and it is still unclear if VA plans to start over and use a commercial, off-the-shelf program that is used by state Voc-Rehab offices in over 40 states or try to salvage the existing program.

It is clear this project has gone off the rails due to a number of issues, not the least of which is the breakdown in communication between VR&E and their policy staff and the IT team. It appears that the IT staff did not appropriately explain, and we will certainly dig into this to verify, but did not appropriately explain to VR&E staff the type of business requirements they needed from them to appropriately build the system, and VR&E staff didn't know when to raise their hand and ask how and when the system should be built. So the IT development continued to plug along, wasting millions of dollars with little to no oversight by senior IT and VA leaders, at least that is what it looks like from this vantage point.

This lack of prioritization, making VR&E important and demonstrating the importance by the senior leaders at the VA seems to be on full display in this particular glitch, but there are plenty of other areas I think that beg the question, is VR&E a priority or not.

To the best of my knowledge, no one associated with these IT failures has been held accountable. So that is another line of questions I hope we get into today: what has been done, \$12 million wasted, who is accountable? If too many people are accountable, probably nobody is accountable, that is generally what I hear when I ask that question. So be prepared for that.

Only in government do we continue to allow these types of failures to occur without accountability. It seems like the only disciplinary action I see is people being moved from one office to the next,

although we have empowered the VA with this accountability tool and I think some of that is being used, but I think we need to use it all the more. I can only think of all the veterans that could have been helped if this money wasn't wasted, where we could invest \$12 million and how we could better serve our heroes.

I look forward to hearing from Mr. Kramer and, more importantly, Mr. Thrower, for an accounting of these failures and the way forward on this system, and what concrete steps can be taken to ensure these failures never happen again.

Mr. ARRINGTON. With that, I recognize Ranking Member Mr. O'Rourke, my friend from Texas, for his opening remarks.

**OPENING STATEMENT OF BETO O'ROURKE, RANKING  
MEMBER**

Mr. O'ROURKE. Thank you, Mr. Chairman. I want to thank you and your staff, and the minority staff, for preparing us for this hearing, the witnesses who are about to testify today. I am very much looking forward to hearing from the VA and better understanding this program and its performance. And what we can look forward to in the months and years to come and how we together are going to ensure that there is proper oversight and, to use the Chairman's word, accountability for the performance of the VA, and our ability to deliver value for the veterans who put their lives on the line for this country.

I am very much looking forward to hearing from the Veterans Service Organizations, their feedback, perhaps your guidance and direction on how we can meet the task before us. But I think, and I don't know if Mr. Takano and Mr. Bilirakis feel the same, but I have been on this Committee now for five and a half years and some of what I have learned that we are going to hear in greater detail is very dispiriting and disappointing.

I think as we try to foster a culture of accountability and excellence for the delivery of care and earned benefits to veterans, to see this kind of money wasted, this lack of performance, it just undermines veterans and their family members' faith in the VA.

Mr. Chairman, I would remiss if I didn't point out that we are without a VA Secretary, and this is a bipartisan problem that we have seen in successive administrations, the VA not being enough of a priority. I think this is the sixth successive VA Secretary with whom I have worked, the interim Secretary, in the 6 years that I have been here, from Shinseki through Sloan Gibson, through Robert McDonald, through David Shulkin to the interim Secretary, and we still await leadership for the second-largest department in the Federal bureaucracy, the one that has the most sacred and solemn mission that I can think of.

If any of us, Republican, Democrat, President, or Member of Congress, really care about our veterans, we are going to make this a priority, because I don't think that—well, we will find out, I don't know that we are going to get true accountability in leadership and direction just from those who are testifying today, it has got to come from the top and from all of us.

So, anyhow, I am committed, as I know you are and the other Members of the Committee to working on this, but I have got to say, some of this is on me, I have been here five and a half years

and that we still have these kind of failings. It is very, very disappointing, but I want to make sure that we are working constructively towards getting better. I am looking forward to hearing ideas on how we can do that, but, yeah, we have got to do better than what we are doing now.

Thanks.

Mr. ARRINGTON. Well, I associate myself with your comments and I am not going to—you know, we have got to let you guys talk and we will question, have our colleagues, give them time to ask questions, but you are right, without the continuity of leadership at the top, it is hard to present the full story of accountability and it is hard to expect that we are driving that through the organization. We have governance responsibility and oversight, but the first line of defense is having the leadership, having those positions filled, having the quarterback in place, our VA Secretary. And so I share your concerns on that and I hope we can quickly fill them, so we can provide not only the support that they need and the partnership that we need, but the accountability that I think is just devoid in too many places at the VA.

So with that rosy picture, I would like to thank the panelists again for being here today. Joining us is Mr. Jack Kammerer, not Kramer, as I had misstated earlier, the Director of the Vocational Rehabilitation and Employment Service at the VA, who is accompanied by Lloyd Thrower, the Deputy Chief Information Officer and the Benefits Account Manager of the Office of Information and Technology.

We also have Ms. Heather Ansley, Acting Associate Executive Director of Government Relations for Paralyzed Veterans of America; Ms. Cassandra Vangellow, Legal and Policy Fellow for Student Veterans of America; and Mr. Shane Liermann, Assistant National Legislative Director for the Disabled American Veterans.

All of your complete written statements will be made part of the hearing record and each of you will be recognized for 5 minutes for your oral statement.

Let's begin with you, Mr. Kammerer, you are now recognized for 5 minutes.

#### **STATEMENT OF JACK KAMMERER**

Mr. KAMMERER. Thank you, Chairman Arrington, Ranking Member O'Rourke, and Members of the Subcommittee. It is an honor to appear again to discuss VA's Vocational Rehabilitation and Employment Program. I am accompanied by Mr. Lloyd Thrower from OI&T, as you stated.

We have continued our deliberate efforts to achieve our strategic goal of transforming VR&E. VR&E assists servicemembers and veterans with service-connected disabilities and barriers to employment to prepare for, find, and maintain suitable employment. For veterans with service-connected disabilities so severe they cannot immediately consider employment, independent living services are offered to improve their ability to live independently.

We employ nearly 1,000 vocational rehabilitation counselors and deliver services in the network of nearly 350 locations. Our service delivery model supports veterans where they are located and currently includes operations of 56 regional offices, 142 VR&E out-

based offices, 71 military installations, and 95 VetSuccess on-campus sites.

Our team is committed to and engaged in multiple transformational initiatives. We remain focused on assisting veterans with service-connected disabilities in achieving employment and living independently, with over 132,000 veterans participating in 2017. We have seen an overall increase in applications, as you stated, as more adjudicate compensation claims result in more eligible VR&E clients with service-connected disabilities.

VR&E Chapter 31 applicants grew 33 percent from 2013 to 2017, with a corresponding increase of 17 percent in participants. Most veterans in the program are on average in the program for five or more years.

While our workload has grown, the counselor caseload has slowly declined as we achieve more positive outcomes, resolve older cases, and strive for active veteran participants. Currently, VR&E has a rolling average of 133 veterans per counselor, down from 140 veterans per counselor at the end of 2016. I would highlight that there are other VR&E staff members who work directly with the counselors assisting veterans in their goals.

VBA just executed an organizational review focused on VR&E staffing in order to help standardize operations across all ROs. We are actively looking at multiple methods, including technology to enhance the time counselors are able to engage with our veterans. We are also conducting an ongoing time study with the ultimate goal of improving counselor processes.

At 2017, VR&E counselors achieved 15,528 positive outcomes, up 8 percent from 2016. These included successfully rehabilitating 12,128 veterans, with 10,461 of those veterans achieving rehabilitation into employment, and 889 veterans with disabilities so severe they could not pursue employment, but achieved rehabilitation through the delivery of independent living.

With our team of VSOC counselors, we continued to leverage our partnership with schools across the country. In 2017, our counselors assisted over 43,000 veteran students. VR&E has nine newly signed VSOC Memorandums of Understanding and we are working to expand these new sites.

VR&E also closely collaborates with DoD to provide VR&E services to active duty, reserve and National Guard servicemembers through the IDES system, with nearly 145 counselors now at 71 installations.

We appreciate the Committee's long-term support to our wounded, ill, and injured servicemembers. We continue to work on leveraging technology to increase efficiencies and service delivery. In collaboration with the Veterans Health Administration, we use technology to enhance services through online medical referrals and tele-counseling.

In 2015, we began VHA tele-counseling technology with the Pexip application, which we will begin piloting in June 2018. Pexip is secure and mobile-friendly, and eliminates the need for veterans to install specialized software. This updated technology will improve VR&E's responsiveness to veterans' needs, reduce travel costs and time for veterans and employees.

VBA continues to work with our partners in OI&T and other partners to find a viable solution to transfer VR&E to an electronic case management system, as you stated. VBA, OI&T and our partners are conducting a needs assessment and exploring alternatives to determine the most cost-effective and efficient way to deliver a modern case management system. The goals of the case management system remain to deliver a digital, paperless service delivery, better support veterans on their own terms, ensure better service delivery, and improve the counselor experience. Methods to develop and implement this effort will be evaluated once options are complete.

VR&E will continue to improve the delivery of vocational and rehabilitation services to a most deserving population that is our veterans with service-connected disabilities. Through the development of this new case management system, program performance measures that focus on veteran outcomes, clear accounting of both veteran progress and employment outcomes, and technologies as I spoke about such as tele-counseling, we will continue to strive towards substantially improving and materially enhancing the VR&E program.

Mr. Chairman, this concludes my statement and I would be pleased to answer your questions, sir.

[THE PREPARED STATEMENT OF JACK KAMMERER APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Mr. Kammerer.

Ms. Ansley, you are now recognized for 5 minutes—is it Ms. Ansley?

Ms. ANSLEY. Yes, that is correct, sir.

Mr. ARRINGTON. Okay.

#### STATEMENT OF HEATHER ANSLEY

Ms. ANSLEY. Chairman Arrington, Ranking Member O'Rourke, and Members of the Subcommittee, Paralyzed Veterans of America would like to thank you for the opportunity to testify today regarding the Department of Veterans Affairs Vocational Rehabilitation and Employment Program, or VR&E.

Until the passage of the Americans with Disabilities Act, or ADA, in 1990, there were no widespread protections in Federal law prohibiting disability-based discrimination in employment. PVA was a leader in advocating for the passage of the ADA because of the need to ensure equality of opportunity and access for all people with disabilities.

Despite the ADA and other civil rights laws, too many people with disabilities, including disabled veterans, still encounter barriers to entering in or remaining in the workforce. The most recent Bureau of Labor Statistics survey found that approximately 42 percent of Gulf War-era veterans with service-connected disability ratings of 60 percent or higher are not in the workforce.

VA's VR&E Program is critical to helping veterans with disabilities to benefit from the opportunities fostered by the ADA. Veterans who have acquired disabilities due to their military service that then create barriers to employment have earned every opportunity available to allow them to find success in employment. A

strong VR&E Program is critical to the long-term success of our Nation's efforts to help veterans with service-connected disabilities transition into employment following their service.

Ensuring a proper counselor-to-veteran ratio in VR&E's Program has been a perennial issue because of the impact staffing deficiencies have on the successful administration of the program and ultimately how successfully the program serves veterans. Even experienced counselors need sufficient time to properly evaluate veterans who have significant, yet manageable physical and mental health disabilities for services, collect needed information, and ultimately guide their veteran clients.

While managing a caseload, the vocational counselor also needs to remain up-to-date on training programs and what is happening in today's workforce. All these tasks are important functions of the job.

In light of all these duties, it is important that a counselor maintains a balanced caseload. Veterans come into the vocational rehabilitation system with some or more barriers to employment due to their one or many disabilities. If the proportion of veteran clients who have significant barriers to employment is too great, then it may be tough for one counselor to properly manage the standard of 125 cases at a time.

In January of 2014, the Government Accountability Office issued a report calling on VA's VR&E Program to implement performance and workload management improvements. At that time, caseloads for VR&E case managers ranged up to 1-to-139. According to VA, the average counselor-to-veteran caseload ratio was approximately now 1-to-133.

The independent budget, or IB, that was coauthored by the Disabled American Veterans, PVA, and the Veterans of Foreign Wars has continually highlighted the need for additional VR&E personnel to improve the program's effectiveness. Our most recent budget recommendation recommended an \$18 million increase for VR&E over the estimated then fiscal year 2018 appropriations. This funding would allow VA to hire an additional 143 full-time employees, and we believe the vast majority of these new employees should be VR&E counselors.

Increased VR&E staffing is needed due to the imbalance between the increasing number of veterans participating in the program and the number of employees available to serve them. In the last 4 years, participation in the program has increased approximately 16.8 percent; personnel, however, have not seen anywhere near that same increase. With program participation estimated to increase once again in the next fiscal year, personnel will continue to feel constrained to provide the services that veterans, particularly those with significant barriers to employment, need to be successful.

Providing VR&E with additional resources to decrease the counselor-to-veteran ratio is an important step toward ensuring the program is meeting veterans' needs. VR&E must also reduce bureaucratic hurdles that delay veterans in moving through their vocational rehabilitation process. In addition, VR&E must continue to deploy technology where appropriate to facilitate interaction with

veteran clients and reduce the administrative burden on counselors.

VR&E's piloted effort to use technology to facilitate the entitlement process by using tele-counseling was a step in the right direction. Further implementation of electronic processes to facilitate participation by veterans, particularly those with catastrophic disabilities, and reduce administrative burdens on VR&E personnel has the potential to boost the program's success while allowing VA to more efficiently use the resources it has available.

The services available to veterans with service-connected disabilities through VA's VR&E Program are vital to their ability to successfully return to work after acquiring what is in some cases a catastrophic disability. Additional investment in this program, along with a reduction of administrative delays and increased use of technology, is key to ensuring that counselors are able to use the tools needed to help these veterans obtain and retain competitive employment in their communities.

PVA thanks you for the opportunity to express our views and we would be happy to answer any questions you may have.

[THE PREPARED STATEMENT OF HEATHER ANSLEY APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Ms. Ansley.  
Now we yield 5 minutes to Ms. Vangellow.

#### **STATEMENT OF CASSANDRA VANGELLOW**

Ms. VANGELLOW. Chairman Arrington, Ranking Member O'Rourke, and Members of the Committee, thank you for inviting Student Veterans of America to submit our testimony on the important economic opportunity program, Vocational Rehabilitation and Employment, or VR&E.

With more than 1500 chapters, representing the more than 1.1 million students in schools across the country, we are pleased to share the perspective of those directly impacted by this Committee's work.

In recent years, we have collected stakeholder feedback on VR&E. Specifically, we performed a deep-dive analysis during the past 5 months. Such analysis included obtaining feedback from our constituents.

I want to begin by emphasizing the importance of VR&E. We acknowledge many successful rehabilitations and the growth of the VetSuccess on Campus Program. As you can see from our written testimony, we want to spend our time highlighting program issues, as well as supplying solutions both short-term and strategic.

Three problem areas including counselor quality and number, program training, and VR&E's organizational control structure.

First, counselor quality is a predominant issue our students cite. Quality is suffering as counselors strain under ever-increasing workloads. Public Law 114-223 requires a ratio of one counselor for every 125 veterans in the program. The average counselor ratio was 136.4 in 2017, yet VA consistently does not request additional full-time employees to address this ratio problem. Service is suffering and our veterans are paying the price.

Robert A. asserts, "Fewer veterans need to be assigned to a specific counselor so it does not take an act of Congress to get them to at least email you back."

Second, program training raises many red flags. While we acknowledge the requirements for a master's level education and other required course work, a diploma does not equate to VR&E-track knowledge. Counselors would benefit from track-specific training. Receiving training about entrepreneurship and changing academic requirements and demands-demand would contribute to positive outcomes, both in terms of program satisfaction and successful rehabilitation.

As Logan B. says, "It feels like I'm fighting tooth and nail to take the self-employment route. I wish they would be more open to me making my own choices instead of trying to put me on whatever track is easiest."

Third, VR&E control and ownership impedes its success. While VR&E is responsible for policy and procedure implementation, the Office of Field Operations maintains oversight responsibility and management. This division of responsibility and authority is ineffective. All of the policy guidance in the world does not address the root issue: VR&E does not have control over individual counselors.

Katherine S. highlights, "If a veteran does not follow through with his or her responsibility, the veteran is removed from the program. If the counselor does not follow through, there is no action taken."

After identifying barriers to success, I want to shift the conversation to solutions. In the short term, two immediate recommendations relate to expectation management and subsistence allowances. Many VR&E challenges arise based on unclear expectations about what the program does and does not do. Revamping how VR&E is publicized through consistent and coherent messaging would be a major step forward. Subsistence allowance cause stress for many program participants. Dean Z., a VR&E participant here in D.C., illustrates the point when he says, "I have had to take out loans to pay for housing, because I could not afford to live in the local area."

Program participants should not have to choose between pursuing education and training and putting food on the table. Providing parity with the post-9/11 GI Bill rates would be a good start.

With regard to our strategic recommendations, I want to focus on the VA Economic Opportunity Administration and authority restructuring. This fourth administration at VA will provide EO programs like VR&E with the champion these programs need and deserve.

We are proud to support the Vet Opp Act of 2018 introduced by Subcommittee Members Brad Wenstrup and Mark Takano. While Director of Policy Lauren Augustine will testify on this legislation next week, I want to emphasize how this change provides for greater accountability without expanding the government footprint. The VR&E office must be given responsibility and authority over counselors and personnel administering the program. Redistribution of this authority will enable effective personnel allocation to each regional office.

Thank you, Mr. Chairman, Ranking Member, and Members of the Subcommittee for making the success of transitioning servicemembers, veterans, and their families a top priority in this Congress. I look forward to your questions about this critical transition and empowerment program.

[THE PREPARED STATEMENT OF CASSANDRA VANGELLOW APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Ms. Vangellow.  
Mr. Liermann, you are now recognized for 5 minutes.

#### STATEMENT OF SHANE L. LIERMANN

Mr. LIERMANN. Chairman Arrington, Ranking Member O'Rourke, and Members of the Subcommittee, on behalf of DAV, we thank you for the opportunity to present our recommendations on VA's Vocational Rehabilitation and Employment Program.

We represent over one million veterans and survivors, making DAV the largest Veterans Service Organization providing claims assistance. Our mission includes the principle that this Nation's first duty to veterans is the rehabilitation and welfare of its wartime disabled. To fulfill our mission, DAV directly employs a nationwide corps of more than 260 national service officers.

Like all DAV national service officers, I myself received services through Voc-Rehab when I started my career with DAV. So not only am I a successful outcome of Voc-Rehab, but as a DAV MSO and a supervisor, I have personally assisted over 15 DAV apprentices and hundreds of veterans with Voc-Rehab, to include applications, meeting with their counselors, and representation in their appeals at VA regional offices and the Board of Veterans Appeals.

Voc-Rehab is a unique employment program that combines training, education services, and specialty needs, to include equipment and services, all customized to each veteran to overcome their own disabilities.

The Voc-Rehab Longitudinal Study Annual Report for fiscal year 2016 notes, "On average, participants have a higher service-connected disability rating than the overall veteran population, thus indicating the program is benefitting those with serious employment handicaps."

The most significant finding of the study to date is veterans who have achieved rehabilitation have substantially better employment and standard-of-living outcomes than those who discontinued services in the program. Those who achieved rehabilitation had a median annual income that is \$15,000 a year higher than those who discontinued services, dramatically demonstrating its successful outcomes for the veteran population Voc-Rehab serves.

The study also reveals that roughly 90 percent of veterans have a moderately to highly satisfying experience with Voc-Rehab.

Mr. Chairman, notwithstanding the successes of veterans participating in Voc-Rehab, in our written testimony we provided several recommendations and now I will just highlight a few.

First, for the past 3 years, VA has not requested new personnel for Voc-Rehab. Based on the Administration's proposed budget for fiscal year 2019, they indicate the current rolling average ratio of counselor-to-client is 1 to 136. In order to achieve the 1-to-125

counselor-to-client ratio established by Public Law, we estimate that they will need another 143 full-time employees for fiscal year 2019 for a total direct workforce of 1,585.

Second, we believe that leveraging technology can improve efficiency of counselors. For example, Voc-Rehab requires regular face-to-face interactions with veterans to deliver benefits and services and, unfortunately, half do not show for these appointments.

Two pieces of technology can improve the appearance rate: one, the use of electronic or text appointment reminder system, and the other is a tele-counseling network. Both would allow veterans to receive reminders of their appointments and receive their counseling from their own homes or schools, while the time improving the efficiency of each Voc-Rehab counselors.

In order to realize the advantage of technology, Voc-Rehab needs an increase in their IT resources.

Third, we are encouraged by Voc-Rehab's new competency-based training system that provides all newly employed counselors 80 hours of training. We suggest this training system can be used to provide uniformity and some standardization, since inconsistency between VA regional offices and counselors is common within Voc-Rehab. At the same time, we urge them to use this training to ensure each counselor understands the flexibility they have to address the individualized needs of their veterans while remaining consistent within the overall Voc-Rehab program.

Finally, in recent years there have been some suggestions that Voc-Rehab should be scaled back by limiting the number of veterans who are eligible, and we note that restricting eligibility to Voc-Rehab could potentially decrease the counselor-to-client ratio. However, DAV will adamantly oppose any legislation or policies that would restrict existing eligibility criteria. As Voc-Rehab is an employment program, any changes to eligibility will negatively impact disability veterans' ability to obtain and maintain substantial gainful employment.

Mr. Chairman, we thank you for the opportunity this afternoon, and this concludes my testimony. I am pleased to answer any questions you or Members of the Subcommittee may have.

[THE PREPARED STATEMENT OF SHANE L. LIERMANN APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Mr. Liermann. I again appreciate the panelists coming. I am going to yield 5 minutes to myself for questions and then we will move over to the Ranking Member.

So, Mr. Kammerer, tell me, there could be debate about what the ratio is, I understand in some Appropriations bill it is the ratio, the appropriate maximum ratio is 1-to-125, I think somebody mentioned, but I don't know when that was set, I don't know science was behind that. I am already suspect, because it was set by Congress. So the proof should be in the outcome, the proof should be in your achievement.

Tell me about the success rate and give me a trend of your success rate over the last 3 years on employment rate, success rate, and independent living success rate. I would like for you to be a little clearer with me on how you define success with respect to the independent living component of your mission.

Mr. KAMMERER. Thank you for the question, Mr. Chairman. I would say I agree with you on the caseload, the number 125-to-1 would be in Appropriations language from several years ago, but I believe 125-to-1, to my knowledge when I took over the program in 2013–2014, came from a study or review 10 years ago informally of state vocational rehab programs.

Mr. ARRINGTON. A lot of changes in technology, a lot of new tools since then.

Mr. KAMMERER. Absolutely. So—

Mr. ARRINGTON. My point is, it may not be arbitrary, but forget the ratio—

Mr. KAMMERER. Moving forward, yes, sir.

Mr. ARRINGTON [continued]. —just tell me what your outcomes have been—

Mr. KAMMERER. Right.

Mr. ARRINGTON [continued]. —your success rate on employment and on the sort of independent living side of your mission. Over the last 3 years, are we going up in terms of improvement on employment rate and independent living or are we going down?

Mr. KAMMERER. So I will give you the overall trend. We started new performance measures in 2015 where we went to positive outcomes. In 2016, for the first time, we reported to Congress a national success rate, Mr. Chairman, that was the number of veterans that achieved a positive outcome at their sixth year in the program since GAO found that we were a 5 to 6 years organization. So, in 2016, we had 48 percent of the 6-year group that were successful; at the sixth year, 48 percent of them were—correction, 47 percent of them were successful outcomes, and then 72 percent of them, including those successful outcomes, were still in the program.

So we—

Mr. ARRINGTON. Successful outcomes to move to independent living or employment—

Mr. KAMMERER. Those included the—

Mr. ARRINGTON [continued]. —or both?

Mr. KAMMERER [continued]. —employment rehabilitations, the independent living rehabilitations.

Mr. ARRINGTON. So can you bifurcate the two? Can you just tell me what the outcomes were for employment first and then independent living second?

Mr. KAMMERER. Yes, I can.

Mr. ARRINGTON. What you said right now is less than half after 6 years were successful, is that—

Mr. KAMMERER. That is correct. And then last year, Mr. Chairman, we went to 48 percent were positive outcomes and then—

Mr. ARRINGTON. What was that percentage again?

Mr. KAMMERER. Forty-eight percent. So the first year we measured it, 47 percent who were in the program successfully completed at their sixth year, and then 72 percent were persisting or had been a positive outcome.

The following year, last year, the second year we reported that overall number, it was 48 percent achieved a positive outcome and then 68 percent, including those positive outcomes, were still persisting.

So I read the numbers to you in my statement on positive outcomes. Last year, they went up eight percent from the previous year. Every year, I think for the—and I will get you the detailed numbers for the record—every year for the last 3 years, sir, of the individual employment, independent living, and maximum rehab gains.

But our program has performed, in my view as the director, very well. Our performance continues to increase every year in terms of the positive outcomes. So last year, as I said in my statement, we were up eight percent.

So I believe, it would be my assessment as the director, that we are performing at a level based on the success after that sixth year, which again, on average, are veterans 5 to 6 years, if nearly half of them, sir, are positive outcomes at the sixth year and nearly 70 percent are still persisting, I feel as the director that those are positive measures, sir.

Mr. ARRINGTON. And why do you feel that way? Do you have something to compare it to or—

Mr. KAMMERER. I think that we have the right performance measures—

Mr. ARRINGTON. If I got my votes right half the time, I would be fired. I mean, my district would fire me.

Mr. KAMMERER. I understand your concern. Maybe I could explain it in a different way.

Mr. ARRINGTON. I am out of time.

Mr. KAMMERER. Yes.

Mr. ARRINGTON. I really wanted to start with just getting some idea of what success looks like and whether you're moving in the right direction or not in spite of the caseload increase.

We are probably going to have multiple rounds. As long as my colleagues want to stay, I am going to stay and ask more questions, but right now I am going to defer and yield 5 minutes to my Ranking Member.

Mr. O'ROURKE. Thank you, Mr. Chairman.

And, you know, I realize that the comments I made at the opening of this hearing might have been out of context. I was referring to something that I'd just learned today, which is that the case management system for this program is managed on paper right now and that there was an effort undertaken to move that into a digital system, I guess developing our own software, we have spent \$12 million and I think it has been a failure by all accounts.

And I was hoping that in your opening remarks you were going to at least account for that or tell us where you are or why that happened, because I think it touches on some of the points that some of the Veterans Service Organizations have brought up. If we have challenges with ratios, with training, with outcomes, and we want to be able to shift resources where they are most effective, I would think moving off of a, you know, 19th century system to make sure that we are leveraging technology to its fullest capacity to help us to do that is essential.

So tell me, if you could just take a minute, because I only have 5 minutes total, could you just tell me what happened and what you are going to do going forward.

Mr. KAMMERER. I understand your concern about the case management system, I will pass to my colleague.

We started this journey in 2014 with the business requirements, we evolved the system for 2 years, extended it for a third year after the requirements were accepted. The software that we showed to our leadership team in the field in St. Paul last year, Ranking Member O'Rourke, looked good. And we identified in January when the application was fielded there are challenges with that, that we perhaps were not on course, and I worked with my IT partner. I will let my IT partner finish this.

Mr. O'ROURKE. And, Mr. Thrower, before you begin, I just want to make sure that I am not misleading anyone who is watching this or my colleagues on the outcome, is it true that this began in 2015, that to date we spent \$12 million and we still don't have an operable system?

Mr. THROWER. Yes, sir, that is true.

Mr. O'ROURKE. Okay. Money down the toilet, something we can salvage from that? What's next? Please don't take more than a minute to answer that.

Mr. THROWER. Okay. I will say that, you know, as we have looked at this, I think we had some failures on a couple points in terms of use of our development methodology, we did not appropriately use agile development methodology. We also didn't communicate sort of the downsides of not doing that appropriately to our customers.

We are at a point now where we have an incomplete system. We made a lot of progress, we had six successful bill cycles up until we discovered there was problems at the beginning of this year. We are now looking at a series of options, one of them is to finish the complete—we took the pause because we felt it was prudent at that point to really understand where we were and where we were going to be able to complete this. We are now looking at—

Mr. O'ROURKE. Last question, when will this be complete and what will the total cost be to the taxpayer?

Mr. THROWER. That we do not know.

Mr. O'ROURKE. Okay. Get back to us, please, when you do know. I would argue that maybe we should stop digging until we have an answer on this and a budget set forward or we are just going to—yeah, you are not inspiring confidence; not you personally, just this process so far and the explanation for it.

To the Chairman's question, I show that, and you reiterated this, Mr. Kammerer, that fiscal year 2016 VA reported a class success rate of 47 percent and a class persistence rate of 72 percent. I want to follow up on the Chairman's question, what was the goal?

Mr. KAMMERER. Originally, when we baselined it, I believe it was 60 percent and 70 as the goals, then we re-baselined—that was the first year that you spoke of, Mr. O'Rourke, we re-baselined a 55 percent and 70 percent success and persistence.

Mr. O'ROURKE. So you were trying to get to 60 percent, you hit 47 percent.

Mr. KAMMERER. The first year.

Mr. O'ROURKE. Then you dropped the goal down—

Mr. KAMMERER. We dropped it to—

Mr. O'ROURKE [continued]. —and it only moved up a point?

Mr. KAMMERER [continued]. —55 percent. We didn't achieve that again the second time.

Mr. O'ROURKE. Okay. And so to the very good recommendations made by members of this Veterans Service Organization, is that attributable to counselor training and efficacy, is it attributable to ratio? Why aren't you hitting your goal?

Mr. KAMMERER. I think I perhaps didn't explain my answer right to Chairman Arrington and I will try to give a better explanation. One of the challenges we have in the VR&E Program is veterans generally, and that is why I went to the cohort measure, sir, spend 5 to 6 years in our program, but some veterans spend longer in the program based on the extent of their disabilities.

Mr. O'ROURKE. That is the persistence rate?

Mr. KAMMERER. Yes, sir. So if you stay in the program, it is a positive thing. But as Chairman Arrington said, I am driven to get the program outcomes, we need to get the veterans re-employed. So the challenge we have is our education is slightly different, it is up to 48 months, it can be extended beyond that if you have a serious employment handicap, and then generally 18 months, Mr. O'Rourke, for job services.

Many veterans in stay in longer, so we want to get them a successful outcome, but we need to take care of their disabilities.

Mr. O'ROURKE. Okay. And for the record, because I am going to turn it back over to the Chairman, I would like to know what the goal is for both of these measures for the next fiscal year, and I would like to know what the budget is for transitioning from a paper-based system to a digital system for the case management system, because I don't know what to measure 12 million against. Was it a \$12 million budget and we spent it all, is it a \$24 million budget? How much are we on the line for?

Don't answer now, get us in writing, and that way we can hold each other accountable.

And I yield back.

Mr. ARRINGTON. I thank the Ranking Member. And we will get that information for him and for the rest of the Committee, and I appreciate his line of questions.

I will now yield Mr. Banks 5 minutes.

Mr. BANKS. Thank you, Mr. Chairman.

Mr. Thrower, one of the options that I understand that is now being explored by VR&E and the IT staff is to purchase a commercial, off-the-shelf system. You have mentioned to this Committee staff that this system was not available though when the project was first scoped in 2015. Do you still stand by that today?

Mr. THROWER. I would say that I actually do not know whether or not the solution was available at that time. I suspect there was early versions that were, I do not know whether or not it was a maturity level that was to serve the mission.

What I do know is that, from what I can understand, I do not believe that the team at the time who was doing the evaluation looked at a COTS product.

Mr. BANKS. So you don't know?

Mr. THROWER. I don't know.

Mr. BANKS. Yet you led the Committee staff to believe that there was not a commercial option available?

Mr. THROWER. I don't think I—

Mr. BANKS. You dispute that?

Mr. THROWER [continued]. —led them to believe that in that way, but that could have been interpreted.

Mr. BANKS. So if that is the case, if you didn't know if there was a commercial option available, then clearly you and your staff didn't do your due diligence in 2015, or now, as the Committee's research indicates that the first version of this system was created approximately 20 years and was being used in dozens of states in 2015. So how do you explain that?

Mr. THROWER. I would agree with you that the team that did the initial analysis did not look appropriately at COTS products. I think that was a failing at the very beginning of the program.

Mr. BANKS. Okay. You have summed up quite well your inability to find out whether or not there was a commercial option that was available, and I surely hope that you wouldn't either be misleading to us now or incapable of doing your job well by figuring out the answer to that question as it stands today.

So can you explain to me, since you didn't know then and you don't know now, could you further explain about the steps that you and your staff are taking to correct this colossal mistake?

Mr. THROWER. So we discovered this problem—well, the first inkling that we had a problem was in December when there was a user acceptance test that did not pass all standards. That looked to the team at the time as a glitch. We did not really, actually realize that it was potentially a real problem until mid-January when we were looking at the fact that there was considerably more requirements than we expected at that point, which should have been a further, a farther down path—we should have been very close to completion. We caused a pause—or we asked for an assessment at that point and in mid-February we caused a pause.

Now we are looking at options of what is the best way to go forward both from a financial perspective and from a timing perspective to deliver the best solution for our veterans. We are looking at a couple, several options. One is to see what it would cost to understand how to blow out what we were—to finish what we have started. Another option is to look in the commercial COTS environment to see if that is a more expeditious and cost-effective solution. The third is sort of a hybrid on that and really kind of see if there is a managed service solution that could be dealt with.

So we are in the midst of doing an analysis of those options. We committed to—I think we, being the collective VBA and OI&T team committed to bringing a recommendation to the leadership of VBA at the beginning of June, so that VBA leadership can make a decision during the month of June, as the best way forward.

Mr. BANKS. Well, thank you for those answers.

Mr. Chairman, I find this situation be thoroughly disappointing and confusing nonetheless, but with that I yield back.

Mr. ARRINGTON. Thank you, Mr. Banks.

I now yield 5 minutes to Mr. Correa.

Mr. CORREA. Thank you, Mr. Chairman. I just wanted to follow up on some of the comments from Mr. Banks, Mr. Thrower, and it sounds like you are going to have some options for us or the department in the next couple of weeks, 2 or 3 weeks. Any thoughts

where we would be going, any thoughts on some commercial applications?

Or let me restate that question, do you think there is any way to implement a system in a timely basis that has a long-term horizon as opposed to, these are my words, putting a Band-Aid on what is going on right now and moving forward?

Mr. THROWER. Our goal is to come up with the best solution and it is not looking at—we are not look at—

Mr. CORREA. And, you know, I am just trying to figure out what is going on. Coming up with the best solution to do what?

Mr. THROWER. We are looking for the best solution to meet the business requirement that has been defined by our customer, by Mr. Kammerer, and by the VBA and the Vocational Rehabilitation team. So whether or not at this point—I look at it, as Mr. O'Rourke said earlier, as we have a certain amount of costs in here, that happened, okay? I am now looking at can I leverage that—or the team who is evaluating this is saying, can we leverage this, does it make sense to finish this? Will this best meet the need of our veterans or are we better served—

Mr. CORREA. At this point, are there—

Mr. THROWER [continued]. —looking at another option.

Mr. CORREA [continued]. —at this point, sir, are there any commercial vendors out there that with possibly off-the-shelf programs that would meet the needs or is it so specific that unlikely?

Mr. THROWER. There is a commercial vendor that we know about, that is a potential that we are looking at as an option.

Mr. CORREA. Thank you. Let me shift very quickly gears here.

The Vocational Rehab and Employment Program, it is supposed to our veterans up and running, integrate into our society. I have got a constituent, Aaron Edwards, who goes to my alma mater, Cal State, Fullerton. Single father, two kids, trying to get himself up, but he has got to take care of his kids as well.

A question to the group. I have introduced legislation too called the Veteran Employment Child Care Access Act, that essentially would cover childcare assistance to veterans who are participating in the workforce. Any thoughts?

Mr. KAMMERER. Jack Kammerer, representing VR&E. I would say on a case-by-case basis we do have a limited ability to provide some degree of childcare support—

Mr. CORREA. At this point?

Mr. KAMMERER. In our program, but it's case-by-case and it is not, I wouldn't describe it as robust and we have some ability.

Mr. CORREA. Very quickly, I am running out of time, is it not robust because that is providing childcare something you don't consider important or it is just something that you don't see as a need out there?

Mr. KAMMERER. I will take it for the record, but my short answer is I believe it is based on statutory authority we are able to provide some limited childcare.

Mr. CORREA. So you comply with statutory authority then?

Mr. KAMMERER. I will take it for the record, sir, but I believe that that would be my answer.

Mr. CORREA. My third question, very quickly. On the ratio of counselors-to-veterans, the Los Angeles regional office, that covers

my area, Orange County, the ratio right now is I believe 225-to-1. And I guess I am going to come back and ask the question different than our Chairman, but related. You have got a ratio, you have got personnel, you have got folks who have to wait, I guess my question is, what is an appropriate ratio of counselors to veterans?

Mr. KAMMERER. As I was stating to Mr. Arrington, I am trying to move beyond the ratios as they have evolved over many years to a more time-driven model to determine can we measure the number of minutes that a counselor spends, is able to counsel a veteran a week. So in rough order of magnitude now, my math tells me it is about 12 minutes or so that a counselor is able to spend on average with a veteran per week, we would like to give more time back to the counselors.

Mr. CORREA. So we are probably going to need to hire more counselors to do the job?

Mr. KAMMERER. There are a number of ways we can do that. We have a time study going on right now. Some of the technology ways that we are looking at, including tele-counseling, the Dragon software we are getting ready to give to the counselors to dictate their case notes. There is a range of things we can do to give time back to the counselors. We have an Admin Hub study going on in San Diego to see if we can get school payments done for the counselors.

So there is a range of things, sir, that we can do.

Mr. CORREA. And you are doing them right now?

Mr. KAMMERER. Yes, we are. And I would highlight also, our caseload in Los Angeles is one of our highest.

Mr. CORREA. Yes, it is.

Mr. KAMMERER. I have actually sent some of my team members out to LA to help in the past year with applications. They have had a turnover, they have had a number of things there. That has been on my radar, sir.

Mr. CORREA. Very quickly, are you implementing tele-counseling in LA?

Mr. KAMMERER. We are getting ready to, this year we will do a national rollout of the new system.

Mr. CORREA. When—

Mr. KAMMERER. They can only have the old system, but we will help Los Angeles with the new tele-counseling.

Mr. CORREA. When do you think you will have that?

Mr. KAMMERER. We are rolling out the initial capability in the next 30 days, I will get it to Los Angeles by the end of the year, sir.

Mr. CORREA. Mr. Chair, I yield.

I would like to continue to talk to you on this issue. Thank you.

Mr. KAMMERER. Yes, sir.

Mr. ARRINGTON. If you stick around, we will have another round of questions. If you have to leave, we understand, and whatever information you need from the panelist, I will make sure you get it. Thank you, Mr. Correa.

Now we yield 5 minutes to Mr. Takano.

Mr. TAKANO. Thank you, Mr. Chairman.

I want to know if Mr. Kammerer would agree with this statement: the most efficient action that VR&E can take to bring about better outcomes is to have the flexibility to shift cases from coun-

selors who are overburdened to counselors who are under-worked in more remote areas of the country, of the things we can do right now, it is the most efficient thing we can do. Would you agree or disagree with that?

Mr. KAMMERER. I agree in principle, I am challenged in practice with that. And to answer your question quickly, Mr. Takano, as you know, in compensation claims we are able to broker cases through the national work queue across the country and work. Three reasons, we still have paper in VR&E in some cases—

Mr. TAKANO. If I might cut in, but you basically agree that that is the most efficient thing we can do and the barrier is that the paper system, the breakdown with the electronic system you are trying to build, is that right? I just want to put the—I just want to put—

Mr. KAMMERER. It is a very—I don't want to spend too much time on this, but it is a very complex issue, but the short answer is I agree with you in principle. Other than the technology and the paper challenges, sir, employment is a lot of times locally derived, so there are employment challenges when you move cases around, and veterans are very adamant about wanting to retain their counselors. So when we talk about moving workload around the country, it is a very complicated process.

Mr. TAKANO. No, I understand that there is a need continuity. If I were a disabled veteran, I would want to make sure that the counselor who knew me was the one that stayed with me and I would prefer the face-to-face interaction with a local counselor, but as a matter of trying to untangle what we have now, I mean, an optimal situation would be that we have a local counselor working face-to-face with our disabled veterans. But as for managing the caseload now and getting to stability, it seems to me that we have to allocate the workload remotely and what is in the way of that is this electronic, the breakdowns with the electronic system. And I think we need to make that clear for the folks who are watching this hearing to understand why we are bearing down on and why there are so many questions from my colleagues about the electronic system, is that it is part of the solution to getting to a better work allocation.

Mr. KAMMERER. Absolutely, sir. And I will say as clearly as I can state it, our counselors deserve and need a new case management system, it is unacceptable that we don't have it, and that technology will help us do what you are talking about.

Mr. TAKANO. And I believe my Ranking Member especially has some background on IT and that the Chairman is familiar with some of the business systems, and that we are going to get to the bottom and get to the accountability necessary for that, but I want to get to some of the other things that we can do to improve the VR&E going forward.

I understand it is hard for VR&E to increase the overall number of counselors because counselors all must have master's degree and be highly qualified, is that correct?

Mr. KAMMERER. A hundred percent of our assigned counselors have master's degrees, that is correct.

Mr. TAKANO. Yeah, and I can imagine it is a complex job to be a counselor and to make those judgments and to work with this

population group, with our disabled veterans. So do we have incentive programs, do we have loan repayment? Are there programs to be able to help us build that pipeline of people to do these jobs? Do we have adequate—is there a need to do that?

Mr. KAMMERER. As you know, Mr. Takano, I am not a counselor myself, but I am responsible for the professionals that are. Generally, in my experience in four and a half years, we attract and retain counselors because counselors want to come to the VA to serve veterans. There are things we can do to make sure, like right now we are short at least 30 counselors.

Mr. TAKANO. Yes.

Mr. KAMMERER. So we need to hire up to ceiling, and then we need to look at opportunities. I told you earlier we did a staffing review, we are looking at more standardization across the regional offices, which the Committee and others have brought to my attention in terms of service delivery, we might be able to generate some more counselors as part of that effort as well.

Mr. TAKANO. And I understand that you are conducting a time study to see how much time counselors spend on individual tasks, so you can figure out ways to make the process more efficient. You have a goal to contract out the evaluation of the administration duties of your counselors, so that they can spend more time actually counseling veterans. So you are increasing your telecommunication, your tele-counseling functions, so you can minimize missed appointments and that sort of thing, but it seems to me that, you know, the immediate thing before us is to get the IT thing straightened out, so we can at least reallocate the caseloads, but we need to hire more counselors and we need to find ways to get them trained.

Mr. KAMMERER. And I will make my response on this real short, but as the Committee knows, we also have contract augmentation to our counselors for assessments and other tasks, my leadership has clearly communicated to me that we need to use that to the best advantage. We used 78 percent of about \$4 million last year to support our counselors in our national service contracts and I will get the Committee more information on that utilization.

Mr. TAKANO. All right. Well, you know, I too wish to echo the sentiments of my Ranking Member that I hope you get this right and this is a very, very important group of veterans that we need to make sure we serve to the utmost. And I know that you are aligned behind that purpose and I hope we can get to the bottom of all this IT mess.

Mr. KAMMERER. Yes, sir.

Mr. TAKANO. All right, thank you.

Mr. ARRINGTON. Thank you, Mr. Takano. I yield 5 minutes to myself.

Let me follow along the line of questioning of Mr. Takano. What are the comps in terms of what a voc-rehab counselor is paid in the private sector versus the salary, the average salary you pay voc-rehab counselors at the VA?

Mr. KAMMERER. That is an excellent question, Mr. Chairman, I will have to take that for the record, I understand it. I don't have those numbers, but I will get those numbers for you.

Mr. ARRINGTON. There are voc-rehab counselors and this type of service you provide does exist in the private sector or outside the VA?

Mr. KAMMERER. The service contracts I told you about, there are contract—we don't have one for contract counselors, but we are augmented by vocational rehab counselors. Every state and I work with my partners, Mr. Arrington, at the Department of Education Rehab Service Administration, they manage the state workload through the state rehabilitation counselors. So all the states have counselors and there are non-profit counselors as well, and I work with the VSOs' partners as well.

Mr. ARRINGTON. Do these counselors have a disabled population as clients? I assume there—I am trying to get an apples-to-apples—

Mr. KAMMERER. Yes.

Mr. ARRINGTON [continued]. —comparison, so we can get at the question of the Ranking Member, which is what is a good goal? I mean, I am not saying 100 percent is feasible, realistic, or even 80 percent, but we have got to have something to compare it to other than ourselves or your operation over the last 2, 3 years, which seems like that is the only data we have to work with.

So do you think that that exists in the marketplace where we could ascertain that data, so we could have some comps to know how far off the mark we are?

Mr. KAMMERER. We have tried with limited success to get state information in terms of how the states do it. I will try again, because I believe that is an excellent measure to try to gauge how the states do their business. One of the challenges, sir, as you pointed out, is they are not all veteran clients. So we are rather unique in terms of the fact that we serve veterans. I do have a counterpart in VHA, the compensated work there of people, that is a clinical program.

So we will work with you, sir, to get you more information on that.

Mr. ARRINGTON. Thank you. I took notes and took note of one of the criticisms by the panelists that VR&E does not have control over their counselors and that there is a sense of not having accountability in terms of meeting with the clients, following up with the clients, being timely, quality of services. Do you get that impression? Do you have quality controls in place? Are you managing that where you can identify those counselors and the places where there are problems, and then addressing them, do you have systems in place for that?

Mr. KAMMERER. That is an excellent question, sir. I have direct responsibility for quality assurance at the national level. I have a staff of essentially ten, one leader and nine folks in Nashville, Tennessee that do that for me, they do the national. The local quality is done, as you stated, by the local leaders, those are the VR&E leaders. The chain of command goes through the Office of Field Operations, so the counselors do not directly report to me. I manage the quality, I do some of the internal controls, but I work very closely with the Office of Field Operations. I spent many hours last week with the district directors talking about VR&E-type issues.

So your point is well taken. It is a partnership right now between me and the Office of Field Operations and the chain of command in terms of the chain of command for the counselors.

Mr. ARRINGTON. Who do you report to in the central office at the VA?

Mr. KAMMERER. Mr. Rob Reynolds, the Deputy Undersecretary for Disability Compensation, is acting as the Deputy Undersecretary for the Office of Economic Opportunity, he is my direct report.

Mr. ARRINGTON. How long has he been in that role?

Mr. KAMMERER. I think he has been in that role at least over, I would say at least a year.

Mr. ARRINGTON. So he has been an acting?

Mr. KAMMERER. He has been the acting since Deputy Undersecretary Coy departed in December.

Mr. ARRINGTON. I have got too many questions and I really want to get to the systems breakdown and the \$12 million we have already established. And I appreciate your honesty, it was a big waste of time and money, taxpayer money. And I don't know how many counselors \$12 million would add to the roster, but I am certain it would be significant at getting after the increase in caseload.

But let me ask you, Mr. Thrower, what disciplinary action has ensued since your leadership has been made aware that we have effectively wasted \$12 million on this project.

Mr. THROWER. I cannot say that there has been any specific disciplinary action. We are actually still trying to—we are still diving in to understand exactly what the true situation is of the history.

The key decisions that were made that I believe that took this program off track happened from the very inception, just the fact that we did not follow our normal process and then various communications issues that happened as a result of that.

Mr. ARRINGTON. Who is responsible for that?

Mr. THROWER. Overall, the IT system development team is responsible for all delivery of—

Mr. ARRINGTON. Should we fire the whole team? I mean, should the VA fire the whole team? I know I am not supposed to ask that question, but I am going to go ahead and ask it. I mean, is the team responsible, are you responsible? Is there a CIO at the VA that is responsible?

I have gone over my time, Mr. Ranking Member, I'm sorry. I am just—nobody is ever responsible at the VA, nobody. It is everybody is and then nobody is, and we can't ever track it down. And then I ask if there have been any disciplinary actions, usually I ask who has been fired and they told me not to ask that, but then I never get—we don't get the information. If we do, nobody has been fired.

I don't know any place in the world, any market, any sector of our economy, any industry, any private or public enterprise where \$12 million is wasted, somebody's job wasn't on the line. I don't imagine anybody is going to get fired and that just frustrates the dog out of me. I just don't know what to do except to keep grilling you. I may stay here all day, I may stay up here all day. I will let the Ranking Member go, but I may just stay up here. We may do an all-nighter, so we can call attention, so the taxpayers know how they are getting rooked and how the veterans are being poorly

served by the bureaucracy at the VA. I think there is a tremendous breakdown on the IT system side.

I am sorry I have gone over my time, Mr. Ranking Member. I am going to yield to you and then I am going to keep going.

Mr. O'ROURKE. Okay. Yeah, I think there does have to be some accountability. And I think you can spend unlimited amounts of money and unlimited amounts of time developing the software if there isn't a defined budget and if there isn't a defined deadline. I think that you can have the same people committing the same mistakes if there isn't accountability.

You said that the typical or normal procedures were not followed, somebody chose not to follow them or made a mistake in not following them. I don't know if you know who that is or if there is a lesson learned, or if there has been a message sent throughout the organization that, you know, spending \$12 million and not having a result at the end of the day is not acceptable. We are not hearing it up here and I don't think anyone watching it. And I think given the accountability issues in the VA, that would just be something I would expect you to be super sensitive to and you are not, for whatever reason.

I have a question for the VSOs, maybe if you could each take a minute in answering this. First of all, your testimony has been very helpful, from Ms. Ansley talking about, you know, let's add more full-time employees, so that we get better ratios. Ms. Vangellow, you were able to recount some anecdotes about not getting an email returned or not having the freedom to pursue, you know, a direction that was going to be most beneficial to that veteran.

I really like, Mr. Liermann, the study you cited showing \$15,000 on average in higher income for those veterans who completed the VR&E program. That is something measurable, I mean, that is real value for the veteran, real value for the taxpayer. It is allowing somebody to contribute at a higher potential.

So I just thought I would ask each of you to take just one minute, if you might, because I don't know when we are going to meet again on this issue and I would love to have some guidance at the highest level for you described the means to get better outcomes, what should the Chairman and I and our colleagues be measuring? Is it persistence, do we care how long somebody stays in the program? Is it the success rate for these five different tracks that people are on?

What do you at the level that we are at, voting on 1200 different bills in a year, only getting to have a VR&E hearing once a year, what do you want us at the highest level to be focusing on? Ms. Ansley, could you take a minute to just share your guidance with me?

Ms. ANSLEY. Overall, I think it is important for the Committee to be focused on accountability to ensure that we are seeing a difference. I testified three years ago at the last VR&E hearing and, unfortunately, we are still talking about a lot of the same things, and that is disappointing.

So I feel like we need to really look at what changes are we making within the program, whether it is bureaucratic hurdles such as, you know, how people get into the program, how they measure.

PVA has a vocational rehabilitation program called PAVE. I spoke with some of our counselors about these very issues, because they are serving PVA members who have catastrophic disabilities, and they talked about how they can quickly get into a medical center and start talking to somebody as soon as they acquire a disability, they can start talking to them about, yes, it is possible to return to work, they can quickly get the processes rolling. And how all of that is ultimately helpful to make sure that particularly people with catastrophic disabilities they are not self-selecting themselves out of the workforce thinking that they can't work and that they are not even pursuing opportunities like VR&E.

So we want to make sure that the message is given that work is an opportunity for you and that Congress is going to invest in this program to make the changes needed, so that we are seeing not only higher success rates, but more veterans going into the program.

Mr. O'ROURKE. I like that and one of the things I take from that is higher expectations that the veterans are meeting because of a very successful VR&E Program, higher expectations for the VA, higher expectations for the Committee of Oversight, and we all got to perform to them. And I think it is just, you know, success, will we get more success in that, but we have got to take these steps. Thank you.

Ms. VANGELLOW, would you like to add a minute's worth to the conversation?

Ms. VANGELLOW. Sure. Thank you for that question. And you hit the nail on the head in terms of the outcomes, something that we go into in more depth in our written testimony, how positive outcome is defined currently is very, very broad. And we think that, you know, "pursued academic outcome," what does that actually mean? It needs to be strictly defined. So, in terms of going forward we can measure that and find out how veterans are doing in this program in order to get them employed.

And I think in order to make that successful, we really do have to focus on accountability and making sure that VR&E does have control over individual counselors. So, if someone is not meeting the expectations to serve our veterans, they are no longer in that role. And I think that does come down from, you know, having someone who oversees economic opportunity in the VA who from that top down can really make sure that the lines are clear and people are held to those tough standards for our veterans.

Mr. O'ROURKE. And I know that SVA has been real consistent on advocating for somebody who reports directly to the Secretary on this issue and you are being consistent in that as well. I appreciate that and you are making a good case for it, right? That there is somebody who is accountable at the undersecretary level to make sure that we deliver.

Mr. Liermann, would you like to add to the conversation?

Mr. LIERMANN. Yes, thank you. I think one of the best ways to measure success for a disabled veteran is employment. Whether it takes a year, 2 years, 3 years, or 5 years to get there, the fact that they can come back, survive their disabilities, and have the ability to not only provide for themselves, but their families and their

communities, will set off a feeling within them and the community, that will just elevate everything even higher.

So I think employment is probably the best outcome to look, is we should never give up on our disabled veterans and give them the means to find that employment, because as we indicated earlier, 15,000 a year higher in annual program for somebody who completes the program is amazing to me, it really is. So it really shows the value of the program and I think substantial, gainful employment should be what we are looking at as a successful outcome for any disabled veteran.

Mr. O'ROURKE. Well, I will close by thanking each of you, including our representatives from the VA, for the work that you are doing on this. It is an extraordinarily valuable program and I just think that one of the consistent things we are hearing, each one of you mentioned the word accountability, is there just has to be better control for performance. We have to make sure that we are truly delivering the highest value in each case, setting very high expectations, achieving them, and that is on us too. I want to make sure to the point of adding another 143 employees that we make the appropriations request, if we think that the ratio is determinative. To Mr. Takano's point, having a system that can allocate resources where they need to go that is not based on paper, and making sure that we are accountable for delivering that system, all of that is helpful.

So I just want to thank you and to Ms. Ansley especially for reminding us that you testified 3 years ago. I think it is a real challenge on this Committee is we just don't want to continue to have the same conversation, because, it is on all of us, and I really in the time I have remaining here want to see if I can work with the Chairman to deliver on the guidance that you gave us.

We have some very direct questions for the record for Mr. Thrower and Mr. Kammerer, and we really look forward to getting your answers, and we want to work collaboratively with you to then build on that and make sure that next time Ms. Ansley is here she is congratulating all of us on being able to deliver to the higher expectations that we have set.

So, thank you all for doing this and, Mr. Chairman, thank you for calling this hearing today.

Mr. ARRINGTON. Thank you, Mr. Ranking Member. I know you are trying to get me to wrap it up.

Mr. O'ROURKE. I may have to go.

Mr. ARRINGTON. No, you can leave at any time and I won't keep you guys all night, but I do have a few more.

Look, the Ranking Member and I are on the same page, and generally are. If it is resources you need and that is what we believe would make the most impact to achieving the desired outcomes in helping our wounded warriors make the most of their lives, and have a purpose-filled life and an impact in their communities and self-sufficiency and all those things, that is all we want, that is all we want. But if it is defining success better and having better performance metrics, if we are chasing the wrong thing in that regard, if it is authority you don't have, we have to just be clear so we can pursue that alongside of you.

But I try to imagine what it would be like if a veteran, a disabled veteran and potential client, if not client, were sitting in this chair and my taxpayers from back in west Texas, that is why, and I think they would just be beside themselves. I think they would just be incensed with the waste and the mismanagement.

And I hear it, I was at an oversight hearing recently on an IT issue that had to do with logistics, management system, and it was \$400 million of waste. So 12 million is just a drop in the bucket, but the cumulative loss in not managing IT at the VA is astronomical. And we keep giving more money and more money to the VA, because we all want to help our veterans, but meanwhile I think the taxpayers are being fleeced and I think the VA is not serving the customer like they should in terms of our veterans.

And so I am going to ask some more questions to you, Mr. Thrower. Who do you report to at the VA?

Mr. THROWER. I report to the Principal Deputy CIO.

Mr. ARRINGTON. And the Principal Deputy I suppose reports to the CIO?

Mr. THROWER. Yes, sir.

Mr. ARRINGTON. And who is the CIO?

Mr. THROWER. We have an acting CIO right now.

Mr. ARRINGTON. So every time I have asked for the record, asked the question who do you report to, ultimately it is somebody that is in an acting role.

Mr. THROWER. Right.

Mr. ARRINGTON. How long has that person been in this role as acting CIO?

Mr. THROWER. Approximately a month.

Mr. ARRINGTON. Okay. What happened to the last fellow?

Mr. THROWER. He resigned.

Mr. ARRINGTON. On his own will?

Mr. THROWER. That is my sense, yes.

Mr. ARRINGTON. Okay. So what is central VA, the acting CIO and Deputy Principal, what are they doing about this? Are they engaged in this in terms of what has happened, doing a post-mortem, making sure we have lessons learned, making sure we have appropriate accountability, making sure we have a plan on whether to pick up what we have sunk and try to make it work or do we take something off the shelf, are they engaged in that process?

Mr. THROWER. Yes, sir, they are. I mean, you know, I and the development teams have briefed them on what happened, our assessment of how it happened. We have gone through and tried to do—a lot of this is a lot of forensic work that I have been doing over the last couple of months to really understand how we got to where we are. And so our leadership is fully apprised of that, as is leadership of the Veterans Benefits Administration, because we have been briefing both parties, and we are working to understand both what is the trail of accountability and what we should do about it going forward, both from an accountability point of view and more importantly, and to me more importantly, of how are we going to deliver what we want to deliver for veterans.

Mr. ARRINGTON. Are you captain of the team for the project?

Mr. THROWER. No, sir.

Mr. ARRINGTON. Who is?

Mr. THROWER. That would be within our development organization.

Mr. ARRINGTON. The IT development?

Mr. THROWER. Yes.

Mr. ARRINGTON. And why isn't that person here at this hearing?

Mr. THROWER. I am the—well, I have been the one who has been providing—

Mr. ARRINGTON. Do you report to him or is he—

Mr. THROWER. A separate chain of command.

Mr. ARRINGTON. Okay. So if the captain of the team is in a different chain of command, then I would go back and tell him that is the last time you ever come to a hearing and take the abuse that I am going to continue to dish out, when the person that I am understanding by your comments who is accountable is in a different part of the IT organization, is that correct?

Mr. THROWER. That is a challenge. I will say, though, that I have, you know, in the time that I have been in the role that I am in, I serve the role of being the liaison between the Veterans Benefits Administration and OI&T, and the types of conversations that I think did not happen at the beginning of the program I am now in place to make sure they do happen.

Mr. ARRINGTON. So conversations between whom?

Mr. THROWER. Between Mr. Kammerer, between the undersecretary, and the developer teams on our side of the fence, I broker that conversation.

Mr. ARRINGTON. Is Mr. Kammerer and the VR&E, are they your client essentially?

Mr. THROWER. Yes, sir.

Mr. ARRINGTON. So they are your client and you have to understand what the client's needs are.

Mr. THROWER. Yes, sir.

Mr. ARRINGTON. Did you serve your client or did you fail your client in this regard?

Mr. THROWER. I would say that we as an organization have failed our client in—

Mr. ARRINGTON. When you say as an organization, I want to be specific, who is that? Who is the organization that failed the client, VR&E, and therefore failed the case managers to give them tools to be more efficient, and therefore failed the disabled veterans who are receiving services? So, who is the organization? Is it your team, is it the guy that is not here who is actually responsible?

Mr. THROWER. My sense in this case—I have been in this role, sir, the role that I am in is a relatively new role. I am in the role because I think a lot are put in this role to put between these organizations because of I think a lot of the necessary communications and the ability to translate business speak to IT speak, as it were, was missing.

Mr. ARRINGTON. Were you in this role during this project?

Mr. THROWER. No, sir.

Mr. ARRINGTON. So you just were placed in this role after the fact?

Mr. THROWER. Well, at the point where we were past the point of no return certainly.

Mr. ARRINGTON. Okay.

Mr. THROWER. I have been in this role for officially 6 months.

Mr. ARRINGTON. Is it true there have been four project managers over this—

Mr. THROWER. So within the development team, yes, there have been four project managers over the course of this project.

Mr. ARRINGTON. Who did those project managers report to?

Mr. THROWER. They reported to the development organization.

Mr. ARRINGTON. And the head of development is whom?

Mr. THROWER. Right now, it is, I would say Bill James is officially the head of the EPMO, he is actually—

Mr. ARRINGTON. I don't know what EPO means, I don't know what that means. Who is the head of development?

Mr. THROWER. He is the head of our development organization.

Mr. ARRINGTON. James?

Mr. THROWER. Bill James, yes. He is actually now detailed to be our acting Principal Deputy.

Mr. ARRINGTON. He got a promotion out of it. I would call that a promotion.

Mr. THROWER. Well, sir, I would also say that he was not in that role either when this job got moved.

Mr. ARRINGTON. Okay. All right, let me just keep peeling back, because we are not going to leave here until the veterans back in my district understand what the hell is going on, because nobody understands what is going on up here. So we are just going to keep asking.

Now, that guy who has now been promoted to Principal Deputy is gone—he is not gone, he—

Mr. THROWER. No, sir. You didn't understand, sir.

Mr. ARRINGTON. Okay, please help me understand.

Mr. THROWER. Okay. Well, so he has actually only been in that role for a little over a year himself.

Mr. ARRINGTON. I did understand.

Mr. THROWER. Okay.

Mr. ARRINGTON. So he has been promoted to Principal Deputy, but he was not there when this project was breaking down.

Mr. THROWER. That is right.

Mr. ARRINGTON. So when I asked who was responsible and you said project development, then I said who is the project—so who was the project development head, director, chief executive, while this project went through four—

Mr. THROWER. When this guy started—

Mr. ARRINGTON [continued]. —development managers and ultimately failed—

Mr. THROWER [continued]. —and when I go back—

Mr. ARRINGTON [continued]. —and wasted \$12 million?

Mr. THROWER. When I go back, sir, to 2015 when the original decisions were made in this, Mr. Rob Thomas was the head of the project development organization and Ms. Nicole Mayerhauser was the Deputy in that organization, neither of them are at VA today.

Mr. ARRINGTON. Why?

Mr. THROWER. One retired and one left.

Mr. ARRINGTON. On their own accord?

Mr. THROWER. On their own accord, yes.

Mr. ARRINGTON. Do you think they anticipated this hearing and maybe that—

Mr. THROWER. I would not care to speculate. I do not believe that they did but, you know, there was a lot going on.

Mr. ARRINGTON. When did they retire and resign?

Mr. THROWER. Mr. Thomas left about a year ago and they both left about a year ago.

Mr. ARRINGTON. How long has this project been going on?

Mr. THROWER. Since 2015.

Mr. ARRINGTON. So who carried it, who carried the ball for at least half of the time?

Mr. THROWER. So it has been passed along. If I may, sir?

Mr. ARRINGTON. You may.

Mr. THROWER. I mean, I have looked, I have been looking really hard at this, because this bothers the heck out of me too, sir, to understand how we ended up in this path and how we diverged from things that we normally do. We normally follow a development path wherein we—which we call Agile, which has a methodology where you are actually delivering capability to customers on a regular basis. You deliver a piece of it today that people use and they work, and we know it works because it is out there in the field, then we do another piece in 2 months and another piece in 2 months after that. I have been up to this Committee and spoken to you in the past about what we are doing with education and with appeals. In both of those situations, we are following the methodology very carefully.

Mr. ARRINGTON. Whose methodology, the VA's?

Mr. THROWER. No, the Agile methodology. This idea of delivering real things out in the field so we know that they work and they are fully tested.

Mr. ARRINGTON. Was the Agile methodology not followed in this case, is that what you are telling me?

Mr. THROWER. It was not used in this case and it is my belief that it should have been, and to me that was the critical failure here. And instead, you know, there was a desire that was expressed early on that we wanted to—that it was a desire from the customer to deliver a fully developed, not to deploy in the field until we had a complete product, which in that has an inherent risk of if you do not—is that because you don't have that ability to test with real users and to have pieces of functionality delivered incrementally along the way.

Mr. ARRINGTON. Is there a strong default or incentive within the VA to do projects in-house?

Mr. THROWER. Actually, I would say that is changing and I think that is a very move to the good for us because, you know, there has been over time we know that we are not the department of software development, we are the department—and maintenance, we are the Department of Veterans Affairs.

Mr. ARRINGTON. Yeah, because that just—exactly. I mean, seriously, we are looking at trying to figure out, this is basic management, best practice in operating any organization, and that is what are your core competencies, what is your core mission. And the VA is not qualified to be and nor should it be involved in, to me, software development, that is not your core job.

And I have seen it over and over, the failure when the VA tries to develop their own software solutions instead of taking it off the shelf. We have an off-the-shelf solution for this that 40 other VA enterprise—or states, rather, have adopted, 40 states have adopted a solution for this and meanwhile VA is trying to do their own technology, software development. It doesn't make any sense at all and we have just thrown away millions of dollars on account of trying to keep, in my opinion, jobs at the VA for software developers. Would you agree with that?

Mr. THROWER. I would agree with that. And I would say that the leadership over the last 2 years within OI&T would agree with you as well. I mean, we have shifted to a very strong posture of buy before build. And in every project that is coming forward now, the first thing we are really incentivized to do is to see what products are out there in the marketplace that could fill this gap and to only do, if there is any development that we do in-house, it is only the pieces that are truly unique to VA that no one else can do, and it may be some issues around master data management or certain things that are very narrowly scoped.

Mr. ARRINGTON. I am going to give you the benefit of the doubt that you have a different philosophical view of what VA's core mission is and what they should be doing with respect to software solutions and it is different than the old paradigm, I am hoping and that is what I am hearing.

Mr. THROWER. It is pretty dramatically different.

Mr. ARRINGTON. So I am going to just, you know, all I can do is trust and then verify it through the process. Is there any senior person in the software development side, CIO's office, who was there through the entire project or at least half of the project after those two gentlemen or the people that you mentioned who retired and resigned?

Mr. THROWER. I actually don't believe that there has been anybody. The turnover in OI&T has been very large over the last several years and so there really has not been any one in a senior role that has been in the same job.

Mr. ARRINGTON. Mr. Kammerer, do you have to get permission to go out on your own to get software? Like it must be frustrating to you. Like could you just go out and get software? Because you are the leader, you know that we need IT solutions, because you are stuck in 1997 with a No. 2 pencil and a big chief tablet for your case workers, and can you just go out and get an IT solution yourself or do you have to go up the IT chain of command?

Mr. KAMMERER. There are legal and other challenges to just being able to purchase software. So the short answer is, I can't just get my own system for the counselors. It is unacceptable, as I stated, what happened. We need the system. We are working with our IT partners to address what you talked about, the managed services or managed software as a service.

Mr. ARRINGTON. But could you go out and purchase it yourself?

Mr. KAMMERER. There is some conversation within our organization about what is feasible in terms of our legal and appropriations ability to acquire those things. I will leave it to the expert, sir, to my right to give you more context, but—

Mr. ARRINGTON. Could he just go out and purchase a system that would help manage the case work?

Mr. THROWER. So one piece of context is that, you know, there is a separate IT appropriation within VA, and so things that are clearly defined as IT do go through, all approvals go through the CIO. There are good reasons for that, not the least of which is that any solution that is purchased and/or implemented, we want to ensure that from a data-integrity standpoint and a data-interoperability standpoint that these systems work together and that we can aggregate information to have a holistic view of veterans. However, within that environment, particularly with our philosophy as it has been evolving to buy versus build, we encourage looking at outside solutions and using that. As long as we can assert that and assure that these solutions can be integrated within the environment, that we have the right integration between, you know, the folks on our side to make sure that it ties back in—

Mr. ARRINGTON. So I think you probably have the right answers to how it should be managed. My takeaway from my oversight hearings, this one, and every hearing I have had since the first hearing in this room as a new Member of Congress, is that the bureaucracy at the VA is absolutely, fundamentally broken, and nowhere is it more broken than on the IT management side. It is decentralized, centralized when it is—I would fire you guys as a client if I were Mr. Kammerer, I would be disappointed, because you are going to get beat up for not achieving your outcomes or you should be, if you are not, and then you have got to point over to the CIO and the ineptitude for these guys to manage a project.

Mr. Kammerer, are you disappointed in your service from the IT side of VA where you are now still stuck in 1997? That is a yes or no.

Mr. KAMMERER. I am very disappointed we don't have a new system, Mr. Chairman.

Mr. ARRINGTON. How do you stay in this job just knowing that you aren't able to serve the veterans, the disabled veteran community that is your clientele? And you just get no help, it seems like. Do you need more resources? Yes or no.

Mr. KAMMERER. Certainly in the conversation we are having right now, Mr. Chairman, we need additional resources to complete this case management.

Mr. ARRINGTON. Do you need a better IT team?

Mr. KAMMERER. The gentleman to my right and I have had more time together in the last 6 months trying to solve this challenge and he hasn't been anything other than supportive, cooperative, and trying to get to, yes, so we can get some new software to our counselors, sir.

Mr. ARRINGTON. It has been a long day, we are going to close, and then I would like to follow up with you guys separately and I don't want to spend everybody else's time. I appreciate the other panelists and I am sorry for inconvenience you with the line of questions that has to do with you and your members of your organizations, but they are certainly discussions we could have outside of this Committee hearing.

So I ask unanimous consent that statements for the record from The American Legion and the Veterans of Foreign Wars of the United States be submitted into the hearing record.

Hearing no objection, so ordered.

Mr. ARRINGTON. Finally, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, and include any extraneous material in the record of today's hearing.

Hearing no objection, so ordered.

If there is nothing further, this hearing is adjourned.

[Whereupon, at 4:02 p.m., the Subcommittee was adjourned.]

## A P P E N D I X

---

### Prepared Statement of Jack Kammerer

Good Afternoon Chairman Arrington, Ranking Member O'Rourke, and Members of the Subcommittee. Thank you for inviting me to appear before you today to discuss the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program. I am accompanied by Mr. Lloyd Thrower, Deputy Chief Information Officer, Account Manager for Benefits, Office of Information and Technology. VA continues our deliberate efforts to achieve our strategic goal of transforming the VR&E program, delineated in Fiscal Year (FY) 2014, and remains focused on understanding the needs of our current to future Veteran population and enhancing our service delivery to these Veterans. My testimony today will provide an overview of the VR&E program with a performance summary and a discussion of VR&E's performance metrics, programs, and initiatives.

#### VR&E Program Overview

The Veterans Benefits Administration (VBA) VR&E Service assists Servicemembers and Veterans with service-connected disabilities and barriers to employment to prepare for, find, and maintain suitable employment. For Veterans with service-connected disabilities so severe that they cannot immediately consider employment, independent living (IL) services are offered to improve their ability to live as independently as possible. VR&E employs nearly 1,000 professional vocational rehabilitation counselors and delivers services through a network of nearly 350 office locations. VR&E's service delivery model supports Veterans where they are located, and currently includes operations at 56 Regional Offices (ROs), the National Capital Region Benefits Office, approximately 142 VR&E out-based offices, 71 military installations for the Integrated Disability Evaluation System (IDES), and 95 VetSuccess On Campus (VSOC) schools/sites.

VA's VR&E team in Washington, D.C., and staff across the country are committed to and engaged in multiple transformational initiatives. VA's intent remains to increase program efficiencies through improved business processes, with continual refinement of our performance metrics and ongoing technology enhancements, all to provide the optimal support for over 132,000 Veterans participating in the VR&E program in FY 2017.

VA remains focused on the goal of assisting Veterans with service-connected disabilities in achieving employment and living independently. VR&E has seen an overall increase in applications as more adjudicated compensation claims result in more potentially eligible VR&E clients with service-connected disabilities and barriers to employment. VR&E Chapter 31 applicants grew 33 percent from FY 2013 to FY 2017, with a corresponding increase of 17 percent in Chapter 31 VR&E participants. VR&E processed 107,200 new Chapter 31 claims in FY 2017, with an average of 54 days to process entitlement determination. While most Veterans are in the program, on average, five or more years, in FY 2017 VR&E counselors achieved over 15,000 positive outcomes including assisting more than 12,000 Veterans to achieve their rehabilitation goals and a 6.5 percent increase in employment rehabilitations from FY 2016.

While the VR&E workload has grown, the counselor caseload has slowly declined as we achieve more positive outcomes, resolve older cases, and strive for active Veteran participation in the program. Currently, VR&E has a rolling average of 133 Veterans per counselor, down from 140 Veterans per counselor at the end of FY 2016. However, there are other VR&E staff members who work directly with the counselors assisting Veterans in reaching their rehabilitation goals. Recently, VBA executed an organizational review focused on VR&E's staffing levels nationwide. One of the primary directives was to standardize operations across all ROs in accordance with the population they serve. As part of this review, we looked at the combination of counselors and other staff members to ensure a balanced workload approach.

VR&E is actively looking at multiple methods, including utilizing technology, to enhance the time counselors are able to engage Veterans. We are conducting an ongoing time study that consists of systematic observation, analysis, and measurement of the separate steps in the performance of a specific job. This is done for the purpose of establishing a standard time for each performance, with the ultimate goal of improving internal processes and procedures. This study will capture the work accomplished by VR&E staff and will define what VR&E-specific work is being completed, how much time it takes to complete that work, and determine an average time for each job duty.

#### **VR&E Program Data**

In FY 2017, VR&E counselors achieved 15,528 positive outcomes, up 8 percent from FY 2016. These included successfully rehabilitating 12,128 Veterans with service-connected disabilities, with 10,461 achieving rehabilitation into suitable employment, and an additional 778 Veterans completing their rehabilitation plan and electing to pursue further education rather than seek immediate employment. The remaining 889 were Veterans with disabilities so severe that they could not currently pursue employment, and achieved rehabilitation after they were able to gain greater independence through the delivery of IL services. VR&E counselors also achieved 3,400 Maximum Rehabilitation Gains.

With our team of 79 assigned VSOC counselors, VR&E continues to leverage our partnership with 95 schools across the country to provide educational and vocational counseling and other on-site services to a current target population of approximately 78,000 Veteran students. In FY 2017, VR&E's VSOC counselors assisted over 43,000 Veteran students and eligible dependents, including over 14,000 new contacts. VR&E has eight new jointly signed VSOC/school Memorandums of Understanding and we are working to expand to these new sites within the next year.

VR&E also closely collaborates with the Department of Defense (DoD) to provide VR&E services to Active Duty, Reserve, and National Guard Servicemembers through IDES. VR&E has nearly 145 IDES counselors located at 71 military installations, and provides early intervention counseling and other available services to IDES and other wounded, ill, and injured Servicemembers. In collaboration with the U.S. Army's Warrior Transition Command, staff members are jointly visiting select IDES sites to improve the referral process and services at military installations. VA appreciates the Committee's long-term support for wounded, ill and injured Servicemembers.

The VR&E program continues to provide educational and career counseling under Chapter 36 to transitioning Servicemembers, Veterans, and beneficiaries who are eligible for VA educational benefits. VR&E continues to provide more comprehensive and updated information about Chapter 36 counseling and services that was also incorporated into the recent update to the Interagency-led (e.g. DoD, VA, DOL) Transition Assistance Program curriculum.

#### **VR&E Longitudinal Study**

VR&E Service has continued tracking Veteran cohorts in the congressionally mandated 20-year Longitudinal Study. This study of Veterans who began their VR&E programs in FY 2010, 2012, and 2014, has provided a wealth of information including detailed analysis of cohort trends and Veteran satisfaction with VR&E services. From last year's iteration of the study, VR&E found that the majority of participants from all cohorts reported moderate-to-high program satisfaction (nearly 90 percent); women make up a larger percentage of the program participants (17–20 percent) than in the overall Veteran population; and on average, cohort members have a service-connected disability rating of about 60 percent. The study at this juncture also reveals that almost one quarter of participants in each cohort have a primary rating of post-traumatic stress disorder; more than 80 percent of the Veterans who achieved rehabilitation from an employment plan were employed at the time of the survey; and more than 90 percent were employed within the past 12 months. The study further indicates that Veterans who successfully complete the VR&E program report more positive economic outcomes including higher employment rates, annual earnings, and home ownership compared to those Veterans who discontinued their participation in the VR&E program.

#### **Information Technology and Business Process Improvements**

VR&E continues to work on leveraging technology to increase efficiencies and enhance our service delivery model in preparation for the development of a new VR&E Case Management System (VRE-CMS). In collaboration with the Veterans Health Administration (VHA), VR&E uses current technology to enhance Veteran services through an online medical referral tracking system and online counseling tech-

nology. In FY 2015, VR&E began employing VHA Telehealth technology that uses a secure video teleconference to enable VR&E counselors to remotely meet with and counsel Veterans receiving VR&E services. Initial feedback received from Veterans described the technology as challenging because the platform required the installation of specialized software, the use of a username and password, and did not operate on mobile devices. VR&E is working with VHA to use updated technology, the Pexip application, which will be easier for Veterans to participate in Tele-counseling appointments. VR&E will begin piloting this system in June 2018. The Pexip application is a mobile-friendly device that eliminates the need for Veterans to install specialized software, and provides a secure link between the counselor and Veteran. The ease of use and increased platform accessibility will improve VR&E's responsiveness to Veterans' needs and reduce travel costs and time for both Veterans and employees.

VBA continues to work with the Office of Information and Technology (OI&T) and Multi-Channel Technology (MCT) to find a viable solution to transition VR&E to an electronic case management system. To ensure alignment with program objectives, VBA is conducting a complete evaluation of IT development to date. Currently VBA, OI&T, and MCT are actively conducting a needs assessment and exploring alternatives to determine the most effective and cost-efficient way to deliver a modern, case management system. The intent remains to integrate VR&E with other VA benefit information systems to enhance relationship management and support vocational rehabilitation success. The goals of the new VRE-CMS remain to deliver a paperless service delivery model, better support Veterans on their own terms, ensure consistent efficient service delivery and quality, and modernize the employee experience. Methods to develop and implement this effort will be evaluated once options are presented.

#### **Competency Based Training System (CBTS) for VR&E Counselors**

VR&E piloted and is now planning a national deployment of the Competency Based Training System in FY 2019. This system will deliver empirically researched and industry benchmarked competency assessments to counselors online. This supports VBA's goal to improve the employee and Veteran experience by targeting training to the individual employee's needs and enabling employees to provide the highest level of counseling and employment services.

#### **Remote entitlement**

In an effort to increase the use of Tele-Counseling, the VR&E Service undertook a new pilot in April 2017 with the St. Petersburg, Florida RO to allow the use during the initial entitlement determination with the VR&E applicant. The initial results of the pilot indicate a great benefit to the applicant with a time savings, on average, of two hours because the applicant does not have to travel to meet face-to-face with the counselor. Based on the success of this pilot, remote entitlement was extended to an additional five ROs in April 2018, with a national rollout expected by the end of FY 2018.

#### **Other VR&E Initiatives using Innovative Approaches**

VR&E is also continuing to leverage and expand the use of national VR&E contract services to reduce the overall burden on the counselor staff and enable positive outcomes. VR&E continues to seek other technology and process innovations to improve service delivery to Veterans. We recently provided all counselors access to the Joint Legacy Viewer that provides bi-directional access to Veteran and DoD medical records. In the coming weeks, VR&E will implement Dragon software to our counselors. Dragon is a dictation software that will help to increase the efficiency of counselors as they perform daily and routine tasks.

In an effort to reduce the overall no-show rate for appointments, VR&E is also leveraging technology to implement a process where Veterans are reminded of upcoming appointments through a text message on their mobile device. VR&E Service continues to work to transform the Quality Assurance (QA) program. In an effort to better track trends in performance and identify specific training needs, we revised this QA review instrument and worked with a statistician to ensure a valid and reliable sampling of cases are reviewed.

#### **Concluding Remarks**

The VR&E Service, our leaders, and our teammates in the field will continue to further accelerate our VR&E Transformation. VR&E will continue to assess and improve the delivery of vocational rehabilitation services to a most deserving population: Veterans who have incurred a service-connected disability. Through the development of a new VR&E Case Management System, program performance meas-

ures that focus on Veteran outcomes, clear accounting of both Veteran progress and employment outcomes, and technology initiatives such as enhanced VR&E Tele-counseling, we continue to strive towards both substantially improving and materially enhancing the VR&E program. We also continue to develop and field comprehensive training, conduct significant oversight, and focus on efforts to enhance both service delivery and the actual services we provide Veterans in the VR&E program.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions from you or other members of the Subcommittee.

---

### **Prepared Statement of Heather Ansley, Esq., MSW**

Chairman Arrington, Ranking Member O'Rourke, and members of the Subcommittee, Paralyzed Veterans of America (PVA), thanks you for the opportunity to testify for this oversight hearing regarding the Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment (VR&E) program. This program provides critical assistance to veterans who have catastrophic disabilities due to their service to our nation.

Until the passage of the Americans with Disabilities Act (ADA) in 1990, there were no widespread protections in Federal law prohibiting disability-based discrimination in employment. PVA was a leader in advocating for the passage of this seminal civil rights law that provides equality of opportunity and access for people with disabilities, including veterans with disabilities. Despite increasing numbers of people with disabilities finding and retaining employment, however, too many have barriers to entering or remaining in the labor market. For example, approximately 42 percent of Gulf War era veterans with service-connected disability ratings of 60 percent or higher are not in the workforce.<sup>1</sup>

VR&E helps veterans as they work to rebuild their lives in the face of disabilities that are a result of their military service. The services available to veterans with catastrophic disabilities are critical to allowing them to benefit from the opportunities fostered by the ADA. VA's program, which is authorized by Chapter 31 of Title 38 of the United States Code, allows VA to provide comprehensive services to veterans with service-connected disabilities who have employment barriers that make it difficult for them to obtain and maintain competitive employment, while achieving maximum independence in daily living. For those who may be unable to seek employment following a disability or illness, VR&E is also authorized to provide independent living services.

In fiscal year 2016, 137,097 veterans participated in VA's VR&E program, while another 36,502 received evaluation and counseling services.<sup>2</sup> Of the veterans participating in VR&E services, 103,944, or more than 75 percent of all participants, had a serious employment barrier.<sup>3</sup> Veterans with serious employment barriers have an impairment that significantly impacts their ability to prepare for, seek, and retain employment and may require additional services such as adaptive equipment.<sup>4</sup>

Veterans who have acquired disabilities due to their military service that then create barriers to employment have earned every opportunity available to allow them to find success in employment. For some veterans, this may mean building a small business, while for those with the most significant disabilities it may mean working part-time from home for an employer. Whatever the future holds for these veterans, a strong VR&E program is critical to the long-term success of our nation's efforts to help veterans with service-connected disabilities transition into employment following their service.

### **Improve Access to Services Through New Resources and Program Efficiencies**

It takes time for a vocational counselor to properly evaluate veterans who have significant yet manageable physical and mental health disabilities for services and perform the necessary associated tasks. Even an experienced counselor needs sufficient time to carefully evaluate and collect information, and ultimately, guide their

<sup>1</sup>News Release, U.S. Bureau of Labor Statistics, Employment Situation of Veterans - 2017

<sup>2</sup>Department of Veterans Affairs, Veterans Benefits Administration Annual Benefits Report for Fiscal Year 2016, <https://www.benefits.va.gov/REPORTS/abr/ABR-Vocational-Rehabilitation-Employment-FY16-06092017.pdf>.

<sup>3</sup>Id.

<sup>4</sup>Id.

clients. The counselor's job is to keep up with planning and all the necessary behind-the-scenes paperwork, with an eye on moving the case forward.

While managing a caseload, the vocational counselor also needs to remain up to date on training programs, and the "world of work." At the very least, the counselor has to be familiar with training programs, universities, jobs in the community, resources, and more. All of this is an important function of the job that takes time.

In light of all of these duties, it is important that a counselor maintains a balanced caseload. A ratio of counselors to clients of 1:125 is recognized as a full workload in the field of vocational rehabilitation counseling. Although an experienced counselor can handle 125 clients, the needs of those clients must be considered.

Veterans come into the vocational rehabilitation system with some or many barriers to employment due to their one or more mental health or physical disabilities (and often veterans have both kinds of disabilities). They may have many health and physical limitations to work around, and all this is important to know and consider when developing services aimed at a suitable end goal. If the proportion of veteran clients who have significant barriers to employment is too great, then it may be tough for one counselor to properly manage 125 cases at a time.

Ensuring a proper counselor-to-veteran ratio in VR&E's program has been a perennial issue because of the impact staffing deficiencies have on the successful administration of the program, and ultimately, how successfully the program services its veteran clients. In January 2014, the Government Accountability Office issued a report calling on VA's VR&E program to implement performance and workload management improvements. At that time, caseloads for VR&E counselors ranged up to 1:139.<sup>5</sup> According to VA, the average counselor-to-veteran caseload ratio is now approximately 1:133.

The Independent Budget (IB), co-authored by the Disabled American Veterans, PVA, and the Veterans of Foreign Wars, has highlighted on a continuing basis the need for additional VR&E personnel to improve the program's effectiveness. In the most recent IB budget recommendations for Fiscal Years (FY) 2019 and 2020, the IBVSOs recommended an \$18 million increase for VR&E over the estimated FY 2018 appropriations.<sup>6</sup> This appropriation would allow VA to hire an additional 143 full-time equivalent employees.<sup>7</sup> Of these employees, at least 75 percent should be VR&E counselors as opposed to administrative or other personnel.

The IB continues to recommend increased VR&E staffing due to the imbalance between the increasing number of veterans in the program and the number of employees available to serve them. In the last four years, participation in the program has increased approximately 16.8 percent.<sup>8</sup> Personnel, however, have only increased by 1.8 percent.<sup>9</sup> With program participation estimated to increase by an additional three percent in the next fiscal year,<sup>10</sup> personnel will continue to feel constrained to provide the services veterans, particularly those with significant barriers to employment, need to be successful.

Providing VR&E with additional resources to decrease the counselor-to-veteran ratio is a step in the right direction. VR&E must also, however, reduce bureaucratic hurdles that delay veterans in moving through the vocational rehabilitation process. For example, PVA, along with our IB co-authors, support the commissioning of a study to assess whether or not VR&E's eligibility process could be streamlined by allowing access to any veteran with a service-connected disability. If veterans encounter hurdles to participation, then they may lose hope, interest, and ultimately, opportunities.

In addition to removing unnecessary processes, VR&E must deploy technology, where appropriate, to facilitate interaction with veteran clients and reduce administrative burdens on counselors. VR&E's piloted efforts to use technology to facilitate the entitlement process by using tele-counseling is a step in the right direction. Further implementation of electronic processes to facilitate participation by veterans and reduce administrative burdens on VR&E personnel have the potential to boost the program's success, while allowing VA to more efficiently use available resources.

The services available to veterans with service-connected disabilities through VA's VR&E program are vital to their ability to successfully return to work after acquiring what is in some cases a catastrophic disability. Additional investment in this

<sup>5</sup> Government Accountability Office, "VA Vocational Rehabilitation and Employment: Future Performance and Workload Management Improvements Are Needed," GAO-14-61, January 2014.

<sup>6</sup> The Independent Budget, Budget Recommendations for Fiscal Years 2019 and 2020 (2018), <http://www.independentbudget.org/2019/z—edits—022218/IB—FY19—20—D9s.pdf>.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id.

program, along with a reduction of administrative delays is key to ensuring that counselors are able to access the tools needed to help these veterans obtain and retain competitive employment in their communities. PVA also supports the creation of an administration within VA focused on veterans' economic opportunity and transition. We believe that the creation of this fourth administration within VA would elevate programs like VR&E and result in increased attention from VA leaders and stakeholders.

#### **Continue Collaboration with Public and Private Partners**

Continued resource constraints within the VR&E program complicate the ability of VR&E counselors to provide intensive services for veterans with multiple barriers to employment. Under current resource limitations, one way to maximize VR&E services is to increase partnerships with community organizations that provide specialty placement services and other Federal programs that provide employment services for veterans with disabilities. For veterans who have complex needs as a result of their disabilities and other circumstances, these partnerships may provide the lifeline that results in long-term employment success.

As a result of the barriers to employment faced by our members, PVA launched its own vocational rehabilitation and employment program in 2007, Paving Access for Veterans Employment (PAVE). With offices now co-located in VA medical centers in Tampa, Richmond, San Antonio, Chicago, Minneapolis, Long Beach, and a new dedicated office in New York City, PAVE serves all veterans nationwide using a hybrid, integrated approach to assist veterans and transitioning service members who face significant barriers to employment, as well as their spouses and caregivers.

PAVE provides clients with one-on-one career counseling and assistance. The program's services are available to any veterans with disabilities, including those whose disabilities are not related to their military service. PAVE counselors offer proactive, rapid engagement to ensure newly injured or ill veterans quickly learn about the services and supports available to help them return to work. Importantly, the program is a partner for life to ensure clients' continuing success. All services are provided at no charge.

Although PAVE counselors are serving some of the most difficult to place clients, including those living with paralysis or serious illness, they have a high rate of success in helping veterans return to work. In 2016, the PAVE program had an average active caseload of 600 clients and averaged 350 placements. Most importantly, the average retention rate for employed clients was 83 percent.

Continuing to foster new partnerships to ensure that veterans with disabilities, particularly those who have catastrophic disabilities, are able to be successful in returning to work is needed to stretch VR&E's existing resources. For example, PAVE counselors have noted that they are able to more quickly begin providing vocational assistance because there are fewer procedural hurdles to clear for eligibility. Another important aspect of these partnerships is the ability of private partners, such as PVA's PAVE program, to serve veterans who are ineligible for VR&E services, along with the caregivers and family members of all veterans who may need these services. Thus, these partnerships allow more veterans to receive high quality assistance.

VA's VR&E program must also continue to foster relationships with other government programs that have responsibilities to help veterans with disabilities obtain and retain employment. For example, the Department of Labor's Veterans' Employment and Training Service (VETS) administers programs that play a key role in assisting veterans with disabilities in obtaining employment. We are pleased that VR&E now reports that 100 percent of VR&E clients are referred to the state workforce system and the assistance available through federally-funded Disabled Veterans' Outreach Program (DVOP) specialists. We urge continued and increased collaboration and an evaluation of the success of these referrals for VR&E clients.

With the reality of continuing budgetary constraints, it is unclear when, if ever, VR&E may have the counselors and other resources necessary to adequately assist the increasing number of veterans who are seeking VR&E services each year. Collaborating with public and private partners is an important way to ensure that veterans with disabilities will be able to receive the services and supports needed to allow them to build successful employment outcomes. VR&E must continue to do community outreach to find experienced, credible partners to meet gaps that will result in more veterans with disabilities being placed in competitive, integrated employment sooner.

#### **Ensure Access to Services**

A veteran's eligibility period for receiving services from VR&E is for a 12-year period beginning on either: (1) the date of separation from military service, or (2) the

date the veteran receives a VA disability rating. In order to receive services, a veteran must need vocational rehabilitation to overcome employment barriers due to a service-connected disability. A veteran's entitlement to participate in VR&E services is 48 months.

PVA, along with our IB co-authors, has long supported the elimination of the 12-year limit on eligibility for services available through the VR&E program. For veterans who have incurred a catastrophic disability, the 12-year delimiting date may not be sufficient to allow them to meet their vocational rehabilitation goals. Furthermore, many of these veterans have disabilities that may continue to evolve and worsen over time, which may cause them to need additional assistance. Veterans with service-connected disabilities must have access to the vocational rehabilitation services that allow them to continue to work throughout their lives.

Although a VR&E counselor may waive the 12-year limit for veterans with serious employment barriers, veterans living with the wounds, injuries, and illnesses associated with military service should have certainty that if they need assistance in staying in or returning to the workforce in the future that this program will be there to assist them. Unnecessarily limiting eligibility harms veterans, particularly those with catastrophic disabilities, by failing to foster the conditions that allow them to be a part of their communities and contributing members to our nation's economy. Ensuring access to the supports and services that help veterans with disabilities fulfill their potential is integral to maximizing a veteran's potential.

#### **Increase Follow Up Time**

VR&E counselors typically follow veterans for 60 days once they are placed in a job. After that time, VA will close the veteran's case and the placement will be deemed a success. We are concerned, however, that 60 days is not enough time to determine whether or not a veteran who has a catastrophic disability has successfully adjusted to working as a person with a disability.

Most people find it at least somewhat challenging to settle into a new job. For someone who has acquired a disability, there are additional challenges that must be met including those related to needed accommodations, evolving medical needs and appointments, and other disability-related matters that can unfold over a period of time. Furthermore, employee probationary periods may be longer than 60 days.

PVA, along with the co-authors of the IB, believe that, at the very least, VR&E should study whether or not the current tracking standard of 60 days is sufficient follow up time. For employees with probationary periods over 60 days, longer follow up time may allow for problems that could lead to dismissal to be addressed, resulting in the veteran remaining employed. Regardless of the length of a probationary period, if any, it makes sense to increase the follow up time to ensure that the veteran has the supports, if needed, to ensure a successful transition to the workforce. That's why PVA's PAVE counselors conduct ongoing follow up for veterans placed through their program.

Long-term support may be needed to help a veteran with a catastrophic disability to not only successfully transition back to the workforce but also to remain in the workforce. If a veteran is not successful in the workplace, then he or she may suffer setbacks to include a belief that work is not possible, even when the problem was lack of support. Not all jobs turn out to be the right fit, but no veteran should feel that their only option is to leave the workforce when the proper supports and assistance would allow him or her to be successful. America cannot afford to waste the talent of these veterans who have much to offer to our society.

#### **Enhance Independent Living**

Despite best efforts, veterans who have significant disabilities may be unable to enter the labor market. In 1980, Congress passed a pilot program designed to assist these veterans by providing them with needed services and resources to increase their independence and ability to participate in their families and communities. Through the Independent Living program, VA is able to guide these veterans in development of goals and provide the information, referrals, and continuing case management needed for success in achieving them. A number of creative alternatives to employment preparation can be recommended, purchased, or approved by a veteran's counselor to enhance a veteran's quality of life.

VA's Independent Living program was initially limited to 500 veterans. Over time, the program proved to be a critical option for improving the rehabilitation experiences of catastrophically disabled veterans. As a result, Congress increased the number of veterans who could be served through this program. Today, however, the program remains capped and VA may initiate no more than 2,700 cases per year.

The Independent Living Program must be able to accept any veteran who could benefit without VA being forced to monitor enrollees to ensure that the cap on new

cases is not exceeded. In addition, VR&E counselors must be well-versed in the Independent Living program to ensure that those who are eligible and who would benefit most from participation are given the opportunity to do so. Once a veteran is in the program, counselors must also closely track referrals for VA service and benefits to ensure that those referrals are addressed. Otherwise, the program will fail the veterans it serves, and their independence will be compromised.

In sum, without the proper services and supports, veterans with catastrophic disabilities are in danger of following out of the workforce. Such a loss means decreased financial security and social opportunities. VA's VR&E program provides critical access to needed services and supports for veterans with service-connected disabilities. An investment in VR&E is an investment in helping veterans with disabilities return to work and ensuring their long-term rehabilitation and success.

PVA thanks you for this opportunity to express our views. We would be happy to answer any questions that you may have.

---

### Prepared Statement of Cassandra Vangellow, Esq.

Chairman Arrington, Ranking Member O'Rourke, and Members of the Committee:

Thank you for inviting Student Veterans of America (SVA) to submit our testimony on the Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment Program (VR&E). With more than 1,500 chapters representing more than 1.1 million student veterans in schools across the country, we are pleased to share the perspective of those directly impacted by the subjects before this committee.

Established in 2008, SVA has grown to become a force and voice for the interests of veterans in higher education. With a myriad of programs supporting their success, rigorous research on ways to improve the landscape, and advocacy throughout the nation, we place the student veteran at the top of our organizational pyramid.

#### Introduction/History

The intent of VR&E is to provide services to eligible servicemembers and veterans with service-connected disabilities to help them prepare for, obtain, and maintain suitable employment, or to achieve independence in daily living.<sup>1</sup> The end goal of VR&E is employment. Veterans work with a Vocational Rehabilitation Counselor to select one of five employment tracks: (1) Reemployment with a Previous Employer, (2) Rapid Access to Employment, (3) Self Employment, (4) Employment Through Long-Term Services, and (5) Independent Living Services.<sup>2</sup>

VR&E has been an important component of veterans' reintegration since Congress instituted a veterans benefits system upon U.S. entry into World War I in 1917.<sup>3</sup> In 1953, the Department of Veterans Benefits became part of the Veteran's Administration.<sup>4</sup> The Veterans' Benefits Act of 1962 authorized peacetime VR&E. The Vietnam Era Veterans' Readjustment Assistance Act of 1974, which amended the 1962 law, provided similar benefits to those offered during other wars.

As part of the GI Bill Improvement Act of 1977, Congress required VA to perform a study of its vocational rehabilitation program. In response, Congress passed the Veterans' Rehabilitation and Education Amendments of 1980. The program's purpose changed; focus turned to enabling veterans with service-connected disabilities to achieve maximum independence in daily living and to the maximum extent possible, to become employable and able to maintain suitable employment.

In 1986, the Vocational Rehabilitation and Counseling Service and Education Service were combined into Vocational Rehabilitation and Education Service. More changes followed the VA becoming a cabinet agency in March 1989. In 1990, the Vocational Rehabilitation and Education Service became the Vocational Rehabilitation Service. A separate Education Service was created at this time. In 1999, the name of the Central Office command and field structure became Vocational Rehabilitation and Employment Service.

<sup>1</sup>U.S. Department of Veterans Affairs, Vocational Rehabilitation and Employment (VR&E), <https://www.benefits.va.gov/vocrehab/employment—tracks.asp> (last visited Apr. 30, 2018).

<sup>2</sup>Id.

<sup>3</sup>Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, The Independent Budget - Veterans Agenda for the 115th Congress (Policy Recommendations for Congress and the Administration), 120, <http://www.independentbudget.org/2018/FY18—IB.pdf> (last visited Apr. 30, 2018).

<sup>4</sup>Email correspondence with Scott Lajiness, VBA-VSO Liaison, May 10, 2018. We thank Scott and his team for assisting us with our VR&E history inquiries. This correspondence provided the legislative history and background for this section.

The Deputy Under Secretary for Field Operations, the Deputy Under Secretary for Economic Opportunity, and the VR&E Director work together to provide VR&E services. The VR&E Service Director, who reports to the Deputy Under Secretary for Economic Opportunity, determines VR&E policy and priorities. The Deputy Under Secretary for Field Operations through five District Offices oversees and manages VR&E personnel in the 56 regional benefits offices. Importantly, the Office of Field Operations allocates employees to the Regional Offices.

In 2003, the Government Accountability Office (GAO) identified Federal disability programs, including VR&E, as high risk due to program management difficulties.<sup>5</sup> In March 2004, the Congressional Commission on Service Members and Veterans Transition Assistance's VR&E Task Force issued a report with 110 recommendations for program improvement.<sup>6</sup> Important Task Force takeaways included (1) VR&E not being a Veterans Benefits Administration (VBA) priority in assisting impacted veterans return to the workforce, (2) VR&E having a limited capacity to manage its growing workload, and (3) VR&E needing a redesign for the 21st century employment environment.<sup>7</sup>

Although VA implemented nearly all of the Task Force's recommendations, program concerns continue. The Veterans' Benefits Improvement Act, which passed in 2008, included a provision requiring a 20-year longitudinal study focusing on outcomes for participants beginning rehabilitation plans in fiscal years 2010, 2012, and 2014.<sup>8</sup> We appreciate VA's dedication to improving and enhancing VR&E and other benefits through study and evaluation.<sup>9</sup>

VR&E is an important program that continues to serve our nation's veterans. We appreciate the Office of VR&E meeting with us to discuss the program, and we look forward to ongoing collaboration to ensure the program best serves our veterans as they transition following their service. SVA appreciates the opportunity to share feedback on two VR&E-specific bills.

### Key Successes

Before discussing our concerns and sharing our insights for program improvement, we want to highlight several positive reforms occurring at VR&E. VR&E's new case management system is replacing its Corporate WINRS system that has been in place for two decades.<sup>10</sup> By utilizing a Microsoft management platform, veterans will be able to receive more efficient and effective services. After hearing from our constituents about issues coordinating and traveling to and from appointments, we are also encouraged by VR&E's increasing use of tele-counseling based on a successful St. Petersburg Regional Office pilot.<sup>11</sup>

As an organization that works on behalf of service-affiliated students getting "to, through, and beyond higher education," we also applaud VR&E for the expansion of the VetSuccess on Campus Program from 94 to 105 campuses.<sup>12</sup> We look forward to the continued growth of this program.

### Current Challenges

In recent years, we have collected stakeholder feedback on this program. Specifically, we performed a deep-dive analysis of VR&E over the past five months, including targeted feedback from stakeholders. Individual situations varied, but we classi-

<sup>5</sup> U.S. Government Accountability Office, High-Risk Series: An Update, January 2003, <https://www.gao.gov/assets/240/237065.pdf> (reporting, "The second new high-risk area involves Federal disability programs, primarily those at the Social Security Administration and the Department of Veterans Affairs. Already growing, disability programs are poised to surge as baby-boomers age, yet the programs remain mired in outdated economic, workforce, and medical concepts and are not well-positioned to provide meaningful and timely support to disabled Americans.")

<sup>6</sup> Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, The Independent Budget - Veterans Agenda for the 115th Congress (Policy Recommendations for Congress and the Administration), 120, <http://www.independentbudget.org/2018/FY18-IB.pdf> (last visited Apr. 30, 2018).

<sup>7</sup> U.S. Government Accountability Office, VA Vocational Rehabilitation and Employment Program - GAO Comments on Key Task Force Findings and Recommendations, June 2004, <https://www.gao.gov/assets/250/242861.pdf>.

<sup>8</sup> 38 U.S.C. § 3122 - Longitudinal study of vocational rehabilitation programs.

<sup>9</sup> U.S. Department of Veterans Affairs, VR&E Longitudinal Study, <https://www.benefits.va.gov/VOCREHAB/VRELongitudinalStudy.asp> (last visited May 13, 2018).

<sup>10</sup> U.S. Department of Veterans Affairs, Volume III - Benefits and Burial Programs and Departmental Administration, Congressional Submission, FY 2019, VBA-246, <https://www.va.gov/budget/docs/summary/fy2019VAbudgetvolumeIIIbenefitsBurialProgramsAndDepartmentalAdministration.pdf> [hereinafter FY 2019 Congressional Submission].

<sup>11</sup> FY 2019 Congressional Submission, at VBA-247.

<sup>12</sup> FY 2019 Congressional Submission, at VBA-249.

fied hurdles into five main categories: (1) counselor concerns, (2) program administration, (3) process subjectivity, (4) career concerns, and (5) benefits misconceptions. The next several sections include a mix of individual anecdotes and systemic barriers permeating the program.

### Counselor Issues

Counselor quality is consistently cited as the top challenge our students face. Large caseloads contribute to the lacking quality and veteran dissatisfaction. Public Law 114–223 specifies a ratio of one counselor for every 125 veterans in the program.<sup>13</sup> VA acknowledges that this counselor ratio is not being met, noting how the average counselor caseload ratio was 136.4 in 2017.<sup>14</sup> This average also reflects that some counselors may be serving less than 125 veterans while other counselors are serving much more. In March 2013, seven offices averaged fewer than 100 cases per staffer, yet eight offices averaged more than 175 cases per staffer.<sup>15</sup> Although the 2017 case per counselor ratio is lower than it was in 2015 (138.3) and 2016 (140.0), VA must enforce the ratio requirement specified in the 2016 law.

- Katherine S., Fort Worth, TX, University of Texas - Arlington: “As it stands, the future of a veteran depends on the opinion of a counselor. The trouble with opinions are, not only are they subjective for the counselor and relative to each veteran, but, in my experience, neither the veteran or a substantiated medical opinion seems to be able to influence the counselor’s belief. No one person should have that much sovereignty over another, especially when it is based on the whim of a personal opinion.”
- Wayne M., Los Angeles, CA, California State - Los Angeles: Underscoring the need for more counselors, he says, “they want to help more, but all of them in California are overloaded.”

Students also experience counselor continuity hurdles. The GAO determined that VR&E participants who work with more VR&E personnel over time are less likely to achieve suitable employment, revealing “veterans who worked with four staff were 27 percentage points less likely to achieve success within 8 years of program entry, compared to those who worked with only one staff member.”<sup>16</sup> Addressing this counselor staffing disparity would presumably also help lower the number of program re-entries, which included 37 percent across three studied cohorts in FY 2016.<sup>17</sup>

We are concerned by VA’s 2019 VR&E budgetary request for \$257.6 million as this request is \$59.3 million lower than the 2018 level.<sup>18</sup> VA states that the sizable decrease in the VR&E funding request is a result of the favorable pricing of the new Transition Assistance Program contract.<sup>19</sup> While we recognize the potential cost savings associated with a new program, we do not accept the rationale for not requesting additional Full-Time Employees to help with the program.<sup>20</sup> The current estimate for 2018 is 1,589 Total FTE, and the request for 2019 is also 1,589.<sup>21</sup> In light of continued feedback about not enough counselors, we question why more funding and resources are not being maximized to address this staffing gap.

Counselor training is another area of serious concern. We support VA’s requirements for counselors and counseling psychologists to hold a master’s degree or higher in Rehabilitation Counseling or a related field with a minimum of 30 hours of specific coursework.<sup>22</sup> We also appreciate the growing emphasis on professional credentialing, including Certified Rehabilitation Counselor, Certified Veterans Reha-

<sup>13</sup> Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act, Public Law 114–223, Sept. 29, 2016, <https://www.congress.gov/114/plaws/publ223/PLAW-114publ223.pdf>.

<sup>14</sup> FY 2019 Congressional Submission, at VBA–244.

<sup>15</sup> U.S. Government Accountability Office, VA Vocational Rehabilitation and Employment Program - Further Program Management Improvements Are Needed, 9, Feb. 27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

<sup>16</sup> U.S. Government Accountability Office, VA Vocational Rehabilitation and Employment Program - Further Program Management Improvements Are Needed, 5, Feb. 27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

<sup>17</sup> EconSys, Vocational Rehabilitation and Employment (VR&E) Longitudinal Study (PL 110–389 Sec. 334), E–10, July 31, 2017, <https://www.benefits.va.gov/VOCREHAB/docs/2016LongStdy.pdf>. [hereinafter 2017 Longitudinal Study].

<sup>18</sup> 2019 Congressional Submission, at VBA–239.

<sup>19</sup> FY 2019 Congressional Submission, at VBA–240.

<sup>20</sup> FY 2019 Congressional Submission, at VBA–240.

<sup>21</sup> FY 2019 Congressional Submission, at VBA–240.

<sup>22</sup> FY 2019 Congressional Submission, at VBA–241.

bilitation Counselor, Licensed Professional Counselor, and National Certified Counselor.<sup>23</sup>

In addition, counselors would benefit from track-specific training. Receiving training about entrepreneurship and changing academic requirements and demands would contribute to program satisfaction and successful rehabilitations. GAO previously reported ongoing training deficiencies,<sup>24</sup> including knowledge gaps regarding job placement and workplace accommodations. We were extremely discouraged by a senior VR&E Official's response to our inquiry about track-specific training. One VA program official stated, "The counselors know the tracks extremely well without having a VA specific training on each one of them."<sup>25</sup>

Such response directly contradicts what individual veterans are experiencing in many cases. One student emphasizes how counselors need to be trained about the self-employment track, "It seems like one of the biggest obstacles is that my counselor doesn't know how to go forward with the self-employment track mostly because she has never done it before." Another student says VR&E must "hold VR&E counselors accountable for working outside their scope of practice."

### Program Administration

Program control and ownership is a major barrier. Although VR&E is supposed to be a collaborative effort between VR&E and the Office of Field Operations, divided responsibility and authority is ineffective. The Office of Field Operations maintains oversight responsibility and management for the field operation.<sup>26</sup> While VR&E can implement policy and procedures, VR&E does not have control over regional office structure and individual counselors.

The M28R, VR&E Employment Manual,<sup>27</sup> as well as VR&E Job Support Tools,<sup>28</sup> are available resources to help educate and inform counselors and other personnel about their roles and responsibilities. Such resources provide important information regarding application processing, evaluation and entitlement, as well as plan development. However, policies and manuals are only successful when combined with management, oversight, and enforcement mechanisms.

VA agreed with the GAO recommendation that the VR&E Office must work with the Office of Field Operations to collect information about the varying approaches and report on which approaches are most successful in terms of suitable employment and veteran satisfaction.<sup>29</sup> Before this Subcommittee on February 27, 2014, VR&E Director Jack Kammerer stated, "VR&E Service is designing the staffing model to account for regional factors impacting performance, and together with the Office of Field Operations, we will revisit the metrics used in the resource allocation model to ensure continued validity and data integrity."<sup>30</sup> We request an update on the metrics and resource allocation model being used because problems persist more than four years later.

- Johnny P., McGaheysville, VA, Vermont College of Fine Arts: "Never before have I seen a VA program seemingly designed to prevent veterans from using it - the hoops to clear to participate are daunting, and eligible veterans in need suffer during the time consuming application process."

<sup>23</sup> FY 2019 Congressional Submission, at VBA-241.

<sup>24</sup> U.S. Government Accountability Office, VA Vocational Rehabilitation and Employment Program - Further Program Management Improvements Are Needed, 10, Feb.27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

<sup>25</sup> Email correspondence with Senior VA Official, Apr. 16, 2018.

<sup>26</sup> Email correspondence with Scott Lajiness, VBA-VSO Liaison, May 10, 2018. Mr.Lajiness noted how this organizational structure is noted in Office of Field Operations Letter 20-02-41, VBA Reorganization.

<sup>27</sup> U.S. Department of Veterans Affairs, M28R, Vocational Rehabilitation and Employment Service Manual, <https://www.benefits.va.gov/WARMS/M28R.asp> (last visited May 13, 2018).

<sup>28</sup> U.S. Department of Veterans Affairs, Vocational Rehabilitation & Employment Job Support Tools, <https://www.vba.va.gov/bln/vre/epss/VRE-JST/index.html> (last visited May 13, 2018).

<sup>29</sup> See U.S. Government Accountability Office, VA Vocational Rehabilitation and Employment Program - Further Program Management Improvements Are Needed, 10, Feb.27, 2014, <https://www.gao.gov/assets/670/661184.pdf> (noting how VA concurred with GAO's recommendation that "VA collect information on the regional offices' approaches for managing their VR&E workloads, assess their advantages and disadvantages, and use the results of this assessment to provide guidance to the offices.").

<sup>30</sup> Jack Kammerer, Prepared Statement RE Oversight Hearing on the Topic of "A Review of the Effectiveness of VA's Vocational Rehabilitation and Employment Program," HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, 57, Feb. 27, 2014, <https://www.gpo.gov/fdsys/pkg/CHRG-113hrg87668/pdf/CHRG-113hrg87668.pdf>.

The recent VA Office of the Inspector General Audit of VR&E Subsistence Allowance Payments<sup>31</sup> raises concerns. After evaluating a sample of 120 subsistence allowances for November 2016 and identifying four errors of overpayments and underpayments in 120 payments, the Office decided to limit the audit's scope and to offer no recommendations.<sup>32</sup> This report release on March 15, 2018 came out weeks after 11,000 VR&E participants experienced disbursement delays.<sup>33</sup> These late disbursements impact whether our students are able to pay for basic living necessities like housing and food. We encourage VR&E to identify what caused this delay and ensure it does not happen again.

- Jill W., Ada, OK, East Central University: “[C]onsistently, VR&E’s procedure for processing invoices is not effective. Our school takes from first available funds when processing financial aid, and VR&E is always the last to pay. I understand that VR&E counselors have to check the invoices, especially for books and supplies, before forwarding them to finance, but the amount of time it is taking puts VR&E participants at a huge disadvantage compared to Post-9/11 students, whose tuition and fees are paid in a timely manner.”
- Mark B., Washington, D.C., Johns Hopkins University: “My student loans were held by Johns Hopkins for 8 months because it took Voc Rehab 8 months to pay tuition to Hopkins.”

### Process Subjectivity

VR&E is marked by inconsistent treatment for similarly situated parties. While individualized plans are a VR&E positive, the emphasis on individualization often results in students receiving different approvals based on who their counselors are.

- Cristy B., Waterford, MI, Wayne State University: In referencing the inconsistencies, she discusses a common situation, “My VRC did this for me but didn’t do that,” while others are getting this and that.”
- Francheska S., Annapolis, MD, Anne Arundel Community College: “There is a huge disparity in equality between vocational rehabilitation programs. For example, Voc Rehab will only pay for my associates since I am employable as a paralegal. In contrast, my fellow veterans are able to attend law school courtesy of Voc Rehab. When I addressed this disparity with my counselor, the answer I consistently received is as follows: ‘We are here to employ you not educate you.’”
- Bruno M., Las Vegas, NV, University of Nevada Las Vegas: After seeing many of his friends and colleagues able to use VR&E for graduate school, he emphasizes the need for clarity regarding “access to graduate level degrees.”

### Career Concerns

Career concerns fall into three main categories: (1) failing to identify high-demand career fields, (2) pressuring recipients into paths/careers they do not want, and (3) missing soft skills development, including interviewing and LinkedIn instruction. Students consistently cite the lack of guidance about suitable employment. Some veterans are also pushed toward employment paths that will aggravate their disabilities.

- Adam L., Syracuse, NY, Syracuse University: “As a medic with medic related PTS I wasn’t going to be able to become a physician assistant with cadaver labs being a part of the undergrad and grad education plan.”
- Donalita B., Gilbert, AZ: “Counselors need to take veterans’ disabilities into consideration when selecting a track.”
- Gilbert B., Marina, CA, California State University - Monterey Bay: Regarding employment training and supports, he desires “more time to go over employment services in more detail instead of just the 30 minute meetings.”

In addition to counselors, Employment Coordinators work out of the Regional Offices.<sup>34</sup> Although such coordinators are supposed to help with resume preparation, this is an area that demands improvement. Veterans report confusion and dif-

<sup>31</sup>VA Office of Inspector General, Audit of Vocational Rehabilitation and Employment Program Subsistence Allowance Payments, VETERANS BENEFITS ADMINISTRATION, Mar. 15, 2018, <https://www.va.gov/oig/pubs/VAOIG-16-05121-110.pdf>.

<sup>32</sup>Id. at 3.

<sup>33</sup>Emily Wax-Thibodeaux, 11,000 disabled student veterans left without rent and expense money due to computer glitch, THE WASHINGTON POST, Feb. 2, 2018, <https://www.washingtonpost.com/news/checkpoint/wp/2018/02/02/11000-disabled-student-veterans-left-without-rent-and-expense-money-due-to-computer-glitch/>.

<sup>34</sup>FY 2019 Congressional Submission, at VBA-242.

faculty<sup>35</sup> in translating their military experiences into the civilian workforce context, which clearly seems like an opportunity for counselors and coordinators. Having a professional and polished resume is not enough in today's competitive job market - Program participants must know how to leverage job resources like LinkedIn. Veterans are eligible for a free one-year LinkedIn Premium Careers subscription,<sup>36</sup> and counselors and coordinators could be instrumental in helping recipients use these resources.

### **Benefits Misconceptions**

We consistently hear from students about persisting confusion regarding the use of multiple education benefits. VR&E specifies a duration of 48 months.<sup>37</sup> GI Bill beneficiaries may use their education benefit for up to 36 months.<sup>38</sup> For students using both benefits, how do these months of eligibility interact? VA specifies on its Post 9/11 GI Bill FAQ page, that while a beneficiary may be eligible for more than one VA education benefit program, "[Y]ou may only receive payments from one program at a time. You can receive a maximum of 48 months of benefits under any combination of VA education programs you qualify for."<sup>39</sup>

Students indicate this seemingly clear-cut policy is problematic in practice. Some students are able to use the remaining 12 months (difference between 48 months of maximum eligibility and 36 months of GI Bill benefits) to continue educational pursuits, while others are not. Third party sources identify how nuanced this policy can be.<sup>40</sup> In recognizing that VR&E is an employment program, we request clearer guidance about benefits overlap to ensure students are maximizing their benefits in pursuit of their educational and employment goals. Such guidance is imperative as a majority of VR&E participants are pursuing the Employment through Long-Term Services track, specifically 83 percent for Longitudinal Study Cohort I, 88 percent for Cohort II, and 92 percent for Cohort III.<sup>41</sup>

### **Recommended Improvements**

#### **Immediate Recommendations**

**Expectation Management.** First, many VR&E obstacles originate from unclear expectations about what the program provides. This can be addressed by revamping how the program is publicized. Although we generally received positive feedback about the application form being intuitive and easy to fill out, policy guidance about how the program works is scattered on multiple webpages.

We appreciate that the Client Relations Team<sup>42</sup> is available to respond to inquiries from veterans, as well as outside organizations like ours. As inquiries come in, patterns of questions are likely to emerge. We recommend the VR&E Office prepare a Frequently Asked Question resource to be updated annually. Providing this resource would enable prospective and current participants' understanding of program objectives.

**Employer Partnerships.** Identifying employer partnerships is another opportunity for the VR&E program to flourish. Many entities are looking to hire veterans, and several of the VR&E existing tracks, including Reemployment with a Previous Employer and Rapid Access to Employment demonstrate this. VA and the Department of Labor maintain a Memorandum of Understanding to best serve those with service-connected disabilities, which includes providing labor market information to VR&E participants.<sup>43</sup> We think further inter-agency collaboration with the Depart-

<sup>35</sup> U.S. Government Accountability Office, VA Vocational Rehabilitation and Employment Program - Further Program Management Improvements Are Needed, 6, Feb. 27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

<sup>36</sup> LinkedIn, LinkedIn for Veterans - Free Premium Career Subscription and Eligibility, <https://www.linkedin.com/help/linkedin/answer/14803/linkedin-for-veterans-free-premium-career-subscription-and-eligibility?lang=en> (last visited May 7, 2018).

<sup>37</sup> See 38 U.S.C. § 3105(b)(1) - Duration of rehabilitation programs.

<sup>38</sup> 38 U.S.C. § 3312(a) - Educational assistance: duration.

<sup>39</sup> U.S. Department of Veterans Affairs, Can I be eligible for two or more education benefits?, GI BILL CUSTOMER HELP, Answer Updated Mar. 14, 2018, <https://gibill.custhelp.va.gov/app/answers/detail/a—id/523/can-i-be-eligible-for-two-or-more-education-benefits%3F>.

<sup>40</sup> Benjamin Krause, Does VA Voc Rehab Chapter 31 Take Away From Your GI Bill?, DISABLEDVETERANS.ORG, Oct. 30, 2013, <https://www.disabledveterans.org/2013/10/30/va-voc-rehab-take-away-gi-bill/> (noting how the blog author is a VR&E alumnus who has submitted testimony to the House Veterans Affairs Committee).

<sup>41</sup> 2017 Longitudinal Study, at 3–13.

<sup>42</sup> FY 2019 Congressional Submission, at VBA–249.

<sup>43</sup> See Jack Kammerer, Statement RE A Review of VA's Vocational Rehabilitation and Employment Program, HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, 5–6, JULY 8,

ment of Labor's Veterans' Employment and Training Service will foster greater leveraging of opportunities and resources,<sup>44</sup> including almost 2,500 American Job Centers.<sup>45</sup>

**Subsistence Allowances.** Establishing appropriate subsistence allowances would also be a beneficial program development. Many of our surveyed constituents share concerns about not being able to afford basic necessities like food and rent while pursuing their individualized training and education plans. Subsistence rates are based on rate of attendance (full time, three quarter time, half time), number of dependents, and the training type.<sup>46</sup> Regional Office insights also echo these challenges where managers report that veterans may discontinue their plans before obtaining suitable employment because of financial pressures.<sup>47</sup> Although some VR&E participants may be able to receive the higher Post 9/11 Chapter 31 Subsistence Allowance Rate if pursuing their educations, this funding does not apply to all VR&E participants.

**Participant Satisfaction.** Implementing satisfaction surveys for participants and employers would make it easier for VR&E to monitor the program and assess issues as they arise, as compared to having to wait for results from the Longitudinal Study. We question the rationale for no longer externally reporting Veterans' Satisfaction with VR&E that is measured in the J.D. Power & Associates Voice of the Veteran Continuous Measurement Survey.<sup>48</sup>

### Strategic Recommendations

**Economic Opportunity Administration.** The creation of the VA Economic Opportunity Administration will provide economic opportunity programs like VR&E with the champion these programs need and deserve. Creating an Under Secretary for Economic Opportunity and Transition to oversee these programs would also give this Committee and other legislative bodies a central point of contact for accountability and oversight.<sup>49</sup> SVA is proud to support the bipartisan Veterans' Education, Transition, and Opportunity Prioritization Plan (VET OPP) Act of 2018, which was introduced in the House by Subcommittee Members Brad Wenstrup and Mark Takano.<sup>50</sup>

As SVA's Director of Policy Lauren Augustine testified at the Joint Subcommittee Oversight Hearing on the Fiscal Year 2019 Budget, this fourth administration would create "a refocusing of existing resources that modernizes VA and creates greater accountability for economic opportunity and transition programs."<sup>51</sup> Similarly SVA's Vice President of Government Affairs William Hubbard emphasized how moving VR&E and other programs to the new administration will increase accountability, elevate economic opportunity issues, reduce bureaucracy, create a VA counterpart for positions already established at the Department of Labor and the De-

2015, <https://docs.house.gov/meetings/VR/VR10/20150708/103656/HHRG-114-VR10-Wstate-KammererJ-20150708.pdf>.

<sup>44</sup> U.S. Department of Labor, About VETS, <https://www.dol.gov/vets/aboutvets/aboutvets.htm> (last visited May 10, 2018).

<sup>45</sup> CareerOneStop, How can an American Job Center help you?, <https://www.careeronestop.org/LocalHelp/AmericanJobCenters/american-job-centers.aspx#AJC%20Types> (last visited May 10, 2018).

<sup>46</sup> U.S. Department of Veterans Affairs, VR&E Subsistence Allowance Rates, <https://www.benefits.va.gov/vocrehab/subsistence—allowance—rates.asp> (last visited May 13, 2018).

<sup>47</sup> U.S. Government Accountability Office, VA Vocational Rehabilitation and Employment Program - Further Program Management Improvements Are Needed, 6, Feb. 27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

<sup>48</sup> FY 2019 Congressional Submission, at VBA-245.

<sup>49</sup> MG Robert M. Worley II USAF (Ret.), Testimony RE An Update on the Implementation of the Forever GI Bill, the Harry W. Colmery Educational Assistance Act of 2017, HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, Dec. 12, 2017, <https://veterans.house.gov/calendar/eventsingle.aspx?EventID=2006> (Noting how in the Exchange with Rep. Kathleen Rice (D-NY), Mr. Worley consistently expressed how he could not answer questions relating to other Economic Opportunity Programs not under the Education Service purview. An Under Secretary for Economic Opportunity and Transition would oversee VR&E programs, educational assistance programs, veterans' housing loan and related programs, and other critical programs that serve our veterans. A person holding this role would serve a crucial role for keeping the lines of communication and oversight between VA and Congress open).

<sup>50</sup> Press Release - Wenstrup, Takano, Rubio, and Hassan Introduce Legislation to Prioritize Veterans' employment and Education Programs at the VA, BRAD WENSTRUP WEBSITE, Apr. 26, 2018, <https://wenstrup.house.gov/updates/documentsingle.aspx?DocumentID=400271>.

<sup>51</sup> Lauren Augustine, Testimony RE Oversight Hearing on the Topic of "Fiscal Year 2019 Budget Submission of the Department of Veterans Affairs," HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY AND SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS OF THE COMMITTEE ON VETERANS' AFFAIRS, 5, Mar. 15, 2018, <http://studentveterans.org/images/pdf/will/Legislative-Hearing-VA-FY19-Budget-3.15.18.pdf>.

partment of Defense, as well as supporting “whole health.”<sup>52</sup> We look forward to testifying at the upcoming legislative hearing on the VET OPP Act.

**Authority Restructure.** The VR&E Office should be given responsibility and authority over counselors and other staff administering the VR&E program. Having this authority under the Office of Field Operations inhibits oversight and effective service to our veterans. Giving the power to VR&E will enable more effective counselor and personnel allocation to each regional office.

**Eligibility Requirements.** Reconsidering VR&E’s eligibility criteria, which is specified in statute, would require a legislative fix. As it currently stands, a veteran is VR&E eligible (1) if he/she has a service-connected disability of at least 20 percent with an employment handicap or a service-connected disability of 10 percent with a serious employment handicap and (2) be discharged or released from military service under other than dishonorable conditions.<sup>53</sup> The most recent VR&E Longitudinal Study released on July 31, 2017, revealed that cohort members (Cohort I includes 10,791 members; Cohort II includes 15,396 members; Cohort III includes 21,082 members) have an average service-connected disability of about 60 percent.<sup>54</sup>

It is interesting to note how VR&E participants who re-entered the program from a discontinued or rehabilitated status have a higher combined disability rating - 69 percent as compared to 64 percent, which can likely be attributed to a worsening disability condition.<sup>55</sup> By increasing the service-connected disability rating requirement, we can ensure that VR&E services are being received by the veterans truly in need of assistance obtaining suitable employment, defined as “employment that does not aggravate the Veteran or Servicemember’s disabilities, is stable, and is consistent with his or her pattern of abilities, aptitudes, and interests.”<sup>56</sup>

**Funding Reform.** The VR&E funding structure demands attention. VR&E Director Jack Kammerer emphasized VR&E importance before this Subcommittee, stating “VR&E employees across the country are committed to and engaged in multiple initiatives to extend VR&E’s outreach capabilities, gain a better understanding of our current and future Veteran population, increase program efficiencies, enhance our supporting technologies, and reframe performance metrics.”<sup>57</sup> VA’s VR&E budget request fails to indicate that VR&E is a priority.

<sup>52</sup> William Hubbard, Testimony RE Legislative Hearing on the Topic of: “Pending Legislation,” HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, 6–7, Mar. 20, 2018, <http://studentveterans.org/images/pdf/will/Legislative-Hearing—HVAC—Subcommittee-on-Economic-Opportunity-March-20-2018.pdf> (noting how “It appears maintenance of bureaucracy is the chief concern for those opposing this proposal, placing an emphasis on preserving ‘the way things are’ for the sake of doing so, versus the prioritization of the customer: veterans.”).

<sup>53</sup> See 38 U.S.C. § 3102 - Basic entitlement. See also U.S. Department of Veterans Affairs, Vocational Rehabilitation and Employment (VR&E) - Eligibility and Entitlement, <https://www.benefits.va.gov/vocrehab/eligibility—and—entitlement.asp> (last visited May 1, 2018).

<sup>54</sup> 2017 Longitudinal Study, at E–4.

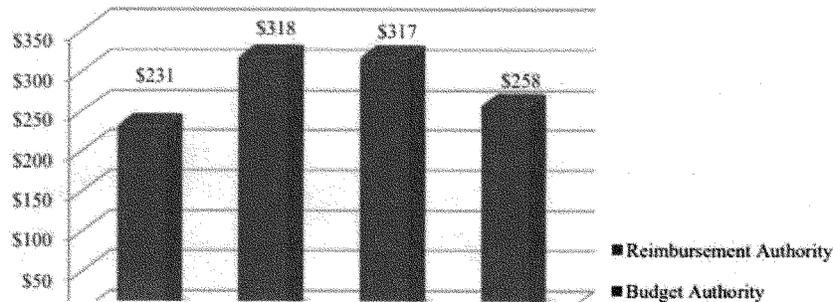
<sup>55</sup> 2017 Longitudinal Study, at E–10.

<sup>56</sup> U.S. Department of Veterans Affairs, Vocational Rehabilitation and Employment (VR&E) - Program Definitions, <https://www.benefits.va.gov/vocrehab/program—definitions.asp> (last visited May 1, 2018).

<sup>57</sup> Jack Kammerer, Statement RE A Review of VA’s Vocational Rehabilitation and Employment Program, HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, 1, JULY 8, 2015, <https://docs.house.gov/meetings/VR/VR10/20150708/103656/HHRG—114—VR10—Wstate-KammererJ—20150708.pdf>.

**2019 Budget Authority Request: \$258.0 million**  
**Change over 2018 Estimate: -\$59.3 million / -18.7 percent**

**Summary of Budget Authority - Vocational Rehabilitation & Employment  
(\$ in millions)**



**Figure 1. VA's 2019 Budgetary Request shows an 18.7 percent decrease. FY 2019 Congressional Submission, at VBA-239.**

Total appropriations for Fiscal Year 2016 totaled \$1,532,061,000 - \$217,379,000 for salaries, rent, travel, other services; \$573,346,000 for subsistence allowances paid to veterans, and \$741,336,000 for vocational training, including tuition, books, supplies, etc. paid on behalf of veterans.<sup>58</sup> Due to VR&E's expected increasing program demand, we emphasized during previous testimony that counselor salaries be increased to attract high-quality counselors.<sup>59</sup> Glassdoor indicates a salary range of \$49,799-\$95,000 based on salary reports and statistical methods.<sup>60</sup>

Paired with our anecdotal evidence from our constituents, recent work by the Department of Justice and U.S. Attorney's Office for the District of Columbia highlight additional issues. Atius Technology Institute's owner paid a counselor a 7 percent cash kickback on all VA payments to Atius, which amounted to a kickback of approximately \$155,000.<sup>61</sup> In exchange for the kickback, the counselor encouraged VR&E participants to attend Atius. While this particular situation is likely limited in scope, it shines a light on the need for better compensation to attract higher quality personnel to take care of and support our veterans.

Data Collection and Analysis. The congressionally-mandated Longitudinal Study is a positive step in data collection, but we are concerned with how VR&E is measuring results. At SVA, we are driven by data, especially outcomes. Based on our National Veteran Education Success Tracker (NVEST), which is the first comprehensive study of the academic successes of student veteran use of the Post-9/11 GI Bill, we are able to report that students have earned 453,000 degrees and certificates using the Post-9/11 GI Bill since 2009.<sup>62</sup>

<sup>58</sup> 2017 Longitudinal Study, at 1-15.

<sup>59</sup> Lauren Augustine, Testimony RE Oversight Hearing on the Topic of "Fiscal Year 2019 Budget Submission of the Department of Veterans Affairs," HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY AND SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS OF THE COMMITTEE ON VETERANS' AFFAIRS, 4, Mar. 15, 2018, <http://studentveterans.org/images/pdf/will/Legislative-Hearing-VA-FY19-Budget-3.15.18.pdf>.

<sup>60</sup> Glassdoor, U.S. Department of Veterans Affairs Vocational Rehabilitation Counselor Salaries, <https://www.glassdoor.com/Salaries/vocational-rehabilitation-counselor-salary-SRCH-KO035.htm> (last visited May 1, 2018).

<sup>61</sup> Office of Public Affairs, School Owner Pleads Guilty to \$2 Million Bribery Scheme Involving VA Program for Disabled Military Veterans, Apr. 16, 2018, <https://www.justice.gov/opa/pr/school-owner-pleads-guilty-2-million-bribery-scheme-involving-va-program-disabled-military> (also noting how "These bribery payments were hand-delivered by Poawui or an Atius employee to the VR&E counselor or the counselor's assistant, a veteran who was enrolled in the VR&E program.")

<sup>62</sup> Cate, C.A., Lyon, J.S., Schmeling, J., & Bogue, B.Y. (2017). National Veteran Education Success Tracker: A Report on the Academic Success of Student Veterans Using the Post-9/11

Although VR&E's 15,528 positive outcomes for 2017 sounds impressive, "positive outcome" is broadly defined as achieved a rehabilitation plan goal, pursued higher education, obtained suitable employment, or became employable through VR&E.<sup>63</sup> Does pursuit of higher education mean signing up for a class? Completing a course with a passing grade? Starting but not completing a course? We question whether the positive outcome includes those veterans who achieved a maximum rehabilitation gain, which is a status applied to veterans who attained vocational skills or some other benefit from VR&E participation even though suitable employment was not achieved.<sup>64</sup> While each of these attainments may benefit a participant, VA must monitor outcomes, successes, and issues in a way that allows the program to be evaluated.

Outcome Tracking. Another strategic goal is to track employment outcomes for longer periods. Currently, veterans are considered rehabilitated once suitable employment has been maintained for 60 days. For comparison, the Department of Labor measures job retention for its employment and training programs over a 180-day period.<sup>65</sup> Monitoring employment six months and one year, which VA has previously considered,<sup>66</sup> would enable VA to better assess rehabilitation.

We thank the Chairman, Ranking Member, and the Committee members for your time, attention, and devotion to the cause of veterans using VR&E and other economic opportunity programs. As always, we welcome your feedback and questions, and we look forward to continuing to work with this Subcommittee, the House Veterans' Affairs Committee, and the entire Congress to ensure the success of all generations of veterans through education and beyond.

#### **Information Required by Rule XI2(g)(4) of the House of Representatives**

Pursuant to Rule XI2(g)(4) of the House of Representatives, Student Veterans of America has not received any Federal grants in Fiscal Year 2018, nor has it received any Federal grants in the two previous Fiscal Years.

#### **APPENDIX A**

The following feedback comes directly from student veterans and other constituents who filled out our survey. Such feedback includes hurdles, as well as suggestions for improvement. Narratives include participants' first name and last initial.

#### **Counselor Issues**

- Jonathan H.: I had an awful Voc Rehab Counselor who refused to let me attend the university of my choosing, which I was already enrolled at and instead pushed for me to instead, drop out and enroll in community college. She said, "there is no difference between Harvard and a community college" and I stood up and left the room never to go back and make use of their services. After I left no one even attempted to make contact with me. Before this I also informed the counselor I want to be a lawyer and she informed me that the best I would be able to do is Paralegal.
- Kierston W.: We are required to meet with our counselor once per semester to discuss our education track, however, the last 2 appointments that I had with our VSOC were cancelled. Also, our (Syracuse University) VSOC was highly disorganized with not returning emails or being available for the veterans on campus.
- Mark H.: More of a hands-on approach to the counselors. Most students on VR&E don't get the much-needed help from counselors here at UNLV.
- Jim B.: More counselors to better understand participant needs as most counselors are completely over booked which takes away from their knowledge of the veterans they are trying to assist. Often allowing individuals to fall through the cracks.
- Samantha R.: More accessibility - VR&E counselors available on campus.
- Daniel C.: Better communication between vets & counselors/supervisors at VR&E. I have to call & email several times to get a response & most of the time I don't receive all the information available on a particular subject. It feels

GI Bill. Student Veterans of America, Washington, D.C., 42, <http://nvest.studentveterans.org/wp-content/uploads/2017/03/NVEST-Report-FINAL.pdf> (noting how 63.4 percent of the completed degrees were at the bachelor's degree level or higher).

<sup>63</sup> FY 2019 Congressional Submission, at VBA-242.

<sup>64</sup> U.S. Government Accountability Office, VA Vocational Rehabilitation and Employment Program - Further Program Management Improvements Are Needed, 2 n.7, Feb.27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

<sup>65</sup> Id. at 8.

<sup>66</sup> Id. at 8.

like they have all the information & I have to ask the right question the right way at the right time to get an answer with all the content I need. To put it simple, I feel like I don't matter. I feel like I am a bother to the counselor.

- Daniel P.: The entire system is broken. Counselors are incompetent and unwilling. Their superiors do not get involved and are nonexistent as it relates to helping student veterans. I was placed on the program over three years ago, and I have gone through four different counselors that have no idea what's going on. The right hand doesn't know what the left hand is doing. This program is a complete waste of time and I would advise any fellow veteran to stay clear and pursue education on their own using other resources.
- Robert O.: The responsiveness of counselors, they are not equipped to solve most issues.
- Robert A.: Either fewer veterans assigned to a specific counselor so that it doesn't take an act of congress to get them to at least email you back within a three week time period after you've attempted to contact them, or who actually have a background in career/personal development or something to that extent so that neither the Veterans Administration or veteran wastes their time, TAX PAYERS dollars, or start being more selective on who you hire as a counselor.
- Wayne M.: Reduce work load for counselors - they want to help more, but all of them in California are overloaded.
- Katherine S.: As it stands, the future of a veteran depends on the opinion of a counselor. The trouble with opinions are, not only are they subjective for the counselor and relative to each veteran, but, in my experience, neither the veteran or a substantiated medical opinion seems to be able to influence the counselor's belief. No one person should have that much sovereignty over another, especially when it is based on the whim of a personal opinion.

#### **Program Administration**

- Robert R.: Subsistence allowance is not enough to survive.
- Kierston W.: We are encouraged to attend school full time, and many of us have families, we all have monthly payments that need to be made whether classes are in session or on break. As non-traditional students it is difficult for us to find part-time employment while classes are in session, that can transfer to a full time position while on break that will supplement the housing allowance.
- Christopher G.: Making it simpler for Vets to access benefits and not have it hard to jump through hoops to get reimbursement.
- Carlos S.: Manage expectations of participants. This is not a "get everything I want" program. - Better explanation of the benefit and eligibility. Too many veterans think this is an automatic benefit.
- Mark B.: Pay bills in a decent amount of time. My student loans were held by Johns Hopkins for 8 months because it took Voc Rehab 8 months to pay tuition to Hopkins.
- Kassandra F.: Cost of living pay - I think that the prorated money is not beneficial for those who are in school and trying to pay for housing or any bills.
- Dean Z.: Equal monthly stipend to post 9-11, as a student attending college in the DC Metro area being married with 2 children, I get approx \$971 a month for housing and food, veterans at my college using post 9-11 as single Unmarried get approx \$2100 a month. I've had to take out loans to pay for housing because I could not afford to live in the local area.
- Arthur H.: Better stipend to help with the cost of living.
- Hannah J.: I would like to share my experience with attempting to apply for an MSW internship with the VA hospital in Des Moines Iowa. Upon acceptance to my MSW program with Simmons College in Boston, online accredited and prestigious brick mortar in its own right, I immediately contacted the local VA in Des Moines to acquire the steps I needed to complete in order to apply. I was informed that I was not qualified to apply for the VA internship due to my programs "online" status. I contacted my VR&E counselor, and the MSW VA program director in Des Moines, and was informed that there was nothing that I could do about this.
- Jill W.: I am the director of Veteran Student Support Services (Dept. of Education TRIO program) at a small university in Oklahoma. My coworkers and I have discussed advising our new intakes to utilize the Post-9/11 GI Bill rather than VR&E, even though we know that our disabled veterans really need the case management services provided by VR&E. This is because, consistently, VR&E's procedure for processing invoices is not effective. Our school takes from first available funds when processing financial aid, and VR&E is always the last to pay. Right now, I still have seven students for whom VR&E has not proc-

essed payments, and the school has applied the Pell Grants and/or loan money of those students to their accounts, leaving them with little resources to pay rent, utilities, etc. The past several semesters, we have had students who did not receive their released Pell grants/loans until the week before finals! (A few semesters ago, every single payment for the State of Oklahoma was sent to Texas, and the government had to wait for that money to be returned before they would reissue payments!!! Another semester, the VA was changing payment systems, and again, our students suffered.) I understand that VR&E counselors have to check the invoices, especially for books and supplies, before forwarding them to finance, but the amount of time it is taking puts VR&E participants at a huge disadvantage compared to Post-9/11 students, whose tuition and fees are paid in a timely manner.

- Patrick H.: The book reimbursement is very outdated with hard copies and invoices being mailed between colleges and state offices. Tuition and fees need to be reimbursed faster, especially for those colleges that hold back the Pell Grant Money until the Ch. 31 money comes in.
- Johnny P.: Never before have I seen a VA program seemingly designed to prevent veterans from using it - the hoops to clear to participate are daunting, and eligible veterans in need suffer during the time consuming application process.

### Process Subjectivity

- Cristy B.: Training for counselors - Counselors all need to receive the same training so that they can provide quality service to veterans. This whole "My counselor did this for me but didn't do that" while others are getting this and that.
- Shane: Most of the time the Counselors deny applications based on how they feel. They do not follow the CFR regulations. They neglect to provide a reason behind their actions. There is no one to check and monitor what they are doing. There is a lot of abuse and neglect of veterans needs that exists within the program.
- Tarshica R.: Some get approved for bachelor & master programs while some do not. Really hard to gain employment with Associates.
- Helen H.: Some places allow services while others do not. Huge inconsistencies. Veterans suffer.
- Francheska S.: There is a huge disparity in equality between vocational rehabilitation programs. One is location and the second inequality depends on your vocational rehabilitation specialist. For example, VR&E will only pay for my associates since I am employable as a paralegal. In contrast, my fellow veterans are able to attend law school courtesy of VR&E. When I addressed this disparity with my counselor, the answer I consistently received is as follows: We are here to employ you not educate you.
- Kevin T.: Make it simpler to get the degree one is working toward instead of having to fight with counselors to get answers without being belittled or having to make a trial ready case. I've almost completed my B.A. We planned to get me licensed IF I did well enough to go forward. A master's is needed to get licensed. Well, I didn't flunk out of the first year, actually, I've held near a 4.0 with this being my senior year. Still it has been a fight to get any information about moving forward. Others are doing it, and it seems dependent on who one is assigned as to how easy or hard it is to get anything.

### Career Concerns

- Adam L.: Realistic VR&E counselor - As a medic with medic related PTS I wasn't going to be able to become a physician assistant with cadaver labs being a part of the undergrad and grad education plan.
- Kierston W.: While this is a great benefit that allows a student to search for the right job after graduating, it is not only not advertised but also not available until the student is "job ready." As an accounting major on a CPA track I am not "job ready" until I've passed all 4 parts to the CPA exam, however, can work as an accountant for 2 years while preparing for and taking the exams. I have a job after graduation, 2 months after graduation and will not be able to receive this benefit until I've finished all parts, which means I am searching for a job for 2 months that will pay me enough to survive.
- Mario H.: Listen to the needs of the recipient. - I was put into an Business Administration AA program against the advice of my school counselor and my wishes with the promise of a continuation upon completion. After program completion, I was told I did not qualify to continue and my degree was not transferable so I had to go back to school at my own expense to be able to transfer which took me an additional two years.

- Charles P.: There is no job placement program nor is there a way to link with other who may want to hire veterans for job. Outside of the school aspect, the program is useless. My counselor was never in the office, never very helpful, we had monthly calls which were a waste. - Like other job placement areas, they need to get out there and look for companies and people to help find veterans jobs. I mean bigger companies not just Walmart, good paying jobs with a future.
- Joshua M.: When initially signing up for the VR&E don't make individuals pick 3 jobs they think they would want in order to receive any benefits. As many of us are just getting out of the military and don't know exactly what we want to do. If Individuals are leaning towards a field guide them, but if they are unsure allow those using chapter 31 to take gen eds that they will eventually need. This would give them time to choose a specific career field or even career. This would not waste tax payers money as they have at least a years worth of time to decide what they want to do while getting credits they would need for any degree later down the road.
- Logan B.: It feels like I'm fighting tooth and nail to take the self-employment route. I wish they would be more open to me making my own choices and how VR&E can help me instead of trying to put me on whatever track is easiest.
- Brenton I.: A comprehensive list of employment opportunities in the local area either through work-study or privately owned companies.
- Donalita B.: Counselors need to take veterans' disabilities into consideration when selecting a track.
- Gilbert B.: More time to go over employment services in more detail instead of just the 30 minute meetings

#### **Benefits Misconceptions**

- Heidi O.: The eligibility could be extended beyond the 48 months so if there was a need to get a Masters degree in a career field it would be covered.
- Donald W.: For those of us who use 9/11, who qualify for vocrehab, ensuring that they know that they should switch before they run out so that they can continue at the higher GI bill rate. Make it easier to access once you are in school.

#### **APPENDIX B**

VR&E statutory and regulatory authority are included below.

#### **38 USC Ch. 31: TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES**

##### **From Title 38-VETERANS' BENEFITS**

##### **PART III-READJUSTMENT AND RELATED BENEFITS**

##### **§3100. Purposes**

The purposes of this chapter are to provide for all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment.

##### **§3101. Definitions**

For the purposes of this chapter-

(1) The term "employment handicap" means an impairment, resulting in substantial part from a disability described in section 3102(1)(A) of this title, of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests.

(2) The term "independence in daily living" means the ability of a veteran, without the services of others or with a reduced level of the services of others, to live and function within such veteran's family and community.

(3) The term "program of education" has the meaning provided in section 3452(b) of this title.

(4) The term "program of independent living services and assistance" includes (A) the services provided for in this chapter that are needed to enable a veteran to achieve independence in daily living, including such counseling, diagnostic, medical, social, psychological, and educational services as are determined by the Secretary to be needed for such veteran to achieve maximum independence in daily living, and (B) the assistance authorized by this chapter for such veteran.

(5) The term “rehabilitated to the point of employability” means rendered employable in an occupation for which a vocational rehabilitation program has been provided under this chapter.

(6) The term “rehabilitation program” means (A) a vocational rehabilitation program, or (B) a program of independent living services and assistance authorized under section 3120 of this title for a veteran for whom a vocational goal has been determined not to be currently reasonably feasible.

(7) The term “serious employment handicap” means a significant impairment, resulting in substantial part from a service-connected disability rated at 10 percent or more, of a veteran’s ability to prepare for, obtain, or retain employment consistent with such veteran’s abilities, aptitudes, and interests.

(8) The term “vocational goal” means a gainful employment status consistent with a veteran’s abilities, aptitudes, and interests.

(9) The term “vocational rehabilitation program” includes-

(A) the services provided for in this chapter that are needed for the accomplishment of the purposes of this chapter, including such counseling, diagnostic, medical, social, psychological, independent living, economic, educational, vocational, and employment services as are determined by the Secretary to be needed-

(i) in the case of a veteran for whom the achievement of a vocational goal has not been determined not to be currently reasonably feasible, (I) to determine whether a vocational goal is reasonably feasible, (II) to improve such veteran’s potential to participate in a program of services designed to achieve a vocational goal, and (III) to enable such veteran to achieve maximum independence in daily living, and

(ii) in the case of a veteran for whom the achievement of a vocational goal is determined to be reasonably feasible, to enable such veteran to become, to the maximum extent feasible, employable and to obtain and maintain suitable employment, and

(B) the assistance authorized by this chapter for a veteran receiving any of the services described in clause (A) of this paragraph.

### **§3102. Basic entitlement**

(a) In General.-A person shall be entitled to a rehabilitation program under the terms and conditions of this chapter if-

(1) the person-

(A) is-

(i) a veteran who has a service-connected disability rated at 20 percent or more which was incurred or aggravated in service on or after September 16, 1940; or

(ii) hospitalized or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that-

(I) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment is doing so under contract or agreement with the Secretary concerned, or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned; and

(II) the person is suffering from a disability which will likely be compensable at a rate of 20 percent or more under chapter 11 of this title; and

(B) is determined by the Secretary to be in need of rehabilitation because of an employment handicap; or

(2) the person is a veteran who-

(A) has a service-connected disability rated at 10 percent which was incurred or aggravated in service on or after September 16, 1940; and

(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.

(b) Additional Rehabilitation Programs for Persons Who Have Exhausted Rights to Unemployment Benefits Under State Law.-<sup>(1)</sup> Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if-

- (A) the person is described by paragraph (1) or (2) of subsection (a); and
  - (B) the person-
    - (i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;
    - (ii) has no rights to regular compensation with respect to a week under such State or Federal law; and
    - (iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and
  - (C) begins such additional rehabilitation program within six months of the date of such exhaustion.
- (2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when-
- (A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or
  - (B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.
- (3) In this subsection, the terms "compensation", "regular compensation", "benefit year", "State", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).
- (4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.

### **§3103. Periods of eligibility**

- (a) Except as provided in subsection (b), (c), (d), or (e) of this section, a rehabilitation program may not be afforded to a veteran under this chapter after the end of the twelve-year period beginning on the date of such veteran's discharge or release from active military, naval, or air service.
- (b)(1) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition of such veteran made it infeasible for such veteran to participate in such a program, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program, and such period of eligibility shall again begin to run on the first day following such veteran's recovery from such condition on which it is reasonably feasible, as determined under regulations which the Secretary shall prescribe, for such veteran to participate in such a program.
- (2) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because-
- (A) such veteran had not met the requirement of a discharge or release from active military, naval, or air service under conditions other than dishonorable before
    - (i) the nature of such discharge or release was changed by appropriate authority, or
    - (ii) the Secretary determined, under regulations prescribed by the Secretary, that such discharge or release was under conditions other than dishonorable, or
  - (B) such veteran's discharge or dismissal was, under section 5303 of this title, a bar to benefits under this title before the Secretary made a determination that such discharge or dismissal is not a bar to such benefits, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.
- (3) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability rated at 10 percent or more, the twelve-year period of eligibility shall not run during the period such veteran was so prevented from participating in such a program.

(c) In any case in which the Secretary determines that a veteran is in need of services to overcome a serious employment handicap, such veteran may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines, on the basis of such veteran's current employment handicap and need for such services, that an extension of the applicable period of eligibility is necessary for such veteran and-

(1) that such veteran had not previously been rehabilitated to the point of employability;

(2) that such veteran had previously been rehabilitated to the point of employability but (A) the need for such services had arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran was previously trained in a vocational rehabilitation program under this chapter, or (B) the occupation for which such veteran had been so trained is not suitable in view of such veteran's current employment handicap and capabilities; or

(3) under regulations which the Secretary shall prescribe, that an extension of the period of eligibility of such veteran is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d) In any case in which the Secretary has determined that a veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible, such veteran may be afforded a program of independent living services and assistance in accordance with the provisions of section 3120 of this title after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines that an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence in daily living.

(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.

(f) In any case in which the Secretary has determined that a veteran was prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility otherwise prescribed in this section as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, 12304, 12304a, or 12304b of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.

#### **§3104. Scope of services and assistance**

(a) Services and assistance which the Secretary may provide under this chapter, pursuant to regulations which the Secretary shall prescribe, include the following:

(1) Evaluation, including periodic reevaluations as appropriate with respect to a veteran participating in a rehabilitation program, of the potential for rehabilitation of a veteran, including diagnostic and related services (A) to determine whether the veteran has an employment handicap or a serious employment handicap and whether a vocational goal is reasonably feasible for such veteran, and (B) to provide a basis for planning a suitable vocational rehabilitation program or a program of services and assistance to improve the vocational rehabilitation potential or independent living status of such veteran, as appropriate.

(2) Educational, vocational, psychological, employment, and personal adjustment counseling.

(3) An allowance and other appropriate assistance, as authorized by section 3108 of this title.

(4) A work-study allowance as authorized by section 3485 of this title.

(5) Placement services to effect suitable placement in employment, and postplacement services to attempt to insure satisfactory adjustment in employment.

(6) Personal adjustment and work adjustment training.

(7)(A) Vocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, handling charges, licensing fees, and equipment and other training materials determined by the Secretary to be necessary to accomplish the purposes of the rehabilitation program in the individual case.

(B) Payment for the services and assistance provided under subparagraph (A) of this paragraph shall be made from funds available for the payment of readjustment benefits.

(8) Loans as authorized by section 3112 of this title.

(9) Treatment, care, and services described in chapter 17 of this title.

(10) Prosthetic appliances, eyeglasses, and other corrective and assistive devices.

(11) Services to a veteran's family as necessary for the effective rehabilitation of such veteran.

(12) For veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment, such license fees and essential equipment, supplies, and minimum stocks of materials as the Secretary determines to be necessary for such a veteran to begin employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.

(13) Travel and incidental expenses under the terms and conditions set forth in section 111 of this title, plus, in the case of a veteran who because of such veteran's disability has transportation expenses in addition to those incurred by persons not so disabled, a special transportation allowance to defray such additional expenses during rehabilitation, job seeking, and the initial employment stage.

(14) Special services (including services related to blindness and deafness) including-

(A) language training, speech and voice correction, training in ambulation, and one-hand typewriting;

(B) orientation, adjustment, mobility, reader, interpreter, and related services; and

(C) telecommunications, sensory, and other technical aids and devices.

(15) Services necessary to enable a veteran to achieve maximum independence in daily living.

(16) Other incidental goods and services determined by the Secretary to be necessary to accomplish the purposes of a rehabilitation program in an individual case.

(b) A rehabilitation program (including individual courses) to be pursued by a veteran shall be subject to the approval of the Secretary. To the maximum extent practicable, a course of education or training may be pursued by a veteran as part of a rehabilitation program under this chapter only if the course is approved for purposes of chapter 30 or 33 of this title. The Secretary may waive the requirement under the preceding sentence to the extent the Secretary determines appropriate.

(c)(1) The Secretary shall have the authority to administer this chapter by prioritizing the provision of services under this chapter based on need, as determined by the Secretary. In evaluating need for purposes of this subsection, the Secretary shall consider disability ratings, the severity of employment handicaps, qualification for a program of independent living, income, and any other factor the Secretary determines appropriate.

(2) Not later than 90 days before making any changes to the prioritization of the provision of services under this chapter as authorized under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan describing such changes.

#### **§3105. Duration of rehabilitation programs**

(a) In any case in which the Secretary is unable to determine whether it currently is reasonably feasible for a veteran to achieve a vocational goal, the period of extended evaluation under section 3106(c) of this title may not exceed twelve months, except that such period may be extended for additional periods of up to six months each if the Secretary determines before granting any such extension that it is reasonably likely that, during the period of any such extension, a determination can be made whether the achievement of a vocational goal is reasonably feasible in the case of such veteran.

(b)(1) Except as provided in paragraph (2) and in subsection (c), the period of a vocational rehabilitation program for a veteran under this chapter following a determination of the current reasonable feasibility of achieving a vocational goal may not

exceed forty-eight months, except that the counseling and placement and postplacement services described in section 3104(a)(2) and (5) of this title may be provided for an additional period not to exceed eighteen months in any case in which the Secretary determines the provision of such counseling and services to be necessary to accomplish the purposes of a rehabilitation program in the individual case.

(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.

(c) The Secretary may extend the period of a vocational rehabilitation program for a veteran to the extent that the Secretary determines that an extension of such period is necessary to enable such veteran to achieve a vocational goal if the Secretary also determines-

(1) that such veteran had previously been rehabilitated to the point of employability but (A) such veteran's need for further vocational rehabilitation has arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran had been so rehabilitated, or (B) the occupation for which such veteran had been so rehabilitated is not suitable in view of such veteran's current employment handicap and capabilities; or

(2) under regulations which the Secretary shall prescribe, that such veteran has a serious employment handicap and that an extension of such period is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d)(1) Except as provided in paragraph (2), the period of a program of independent living services and assistance for a veteran under this chapter (following a determination by the Secretary that such veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible) may not exceed twenty-four months.

(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran's level of independence in daily living.

(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a severe disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

(B) In this paragraph, the term "Post-9/11 Global Operations period" means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.

(e)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of a subsistence allowance and other assistance described in paragraph (2) shall not-

(A) be charged against any entitlement of any veteran under this chapter; or

(B) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of allowance or assistance.

(2) The payment of the subsistence allowance and other assistance referred to in paragraph (1) is the payment of such an allowance or assistance for the period described in paragraph (3) to a veteran for participation in a vocational rehabilitation program under this chapter if the Secretary finds that the veteran had to suspend or discontinue participation in such vocational rehabilitation program as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

(3) The period for which, by reason of this subsection, a subsistence allowance and other assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall be the period of participation in the vocational rehabilitation program for which the veteran failed to receive credit or with respect to which the veteran lost training time, as determined by the Secretary.

**§3106. Initial and extended evaluations; determinations regarding serious employment handicap**

(a) The Secretary shall provide any veteran who has a service-connected disability rated at 10 percent or more and who applies for benefits under this chapter with an initial evaluation consisting of such services described in section 3104(a)(1) of this title as are necessary (1) to determine whether such veteran is entitled to and eligible for benefits under this chapter, and (2) in the case of a veteran who is determined to be entitled to and eligible for such benefits, to determine-

(A) whether such veteran has a serious employment handicap, and

(B) whether the achievement of a vocational goal currently is reasonably feasible for such veteran if it is reasonably feasible to make such determination without extended evaluation.

(b) In any case in which the Secretary has determined that a veteran has a serious employment handicap and that the achievement of a vocational goal currently is reasonably feasible for such veteran, such veteran shall be provided an individualized written plan of vocational rehabilitation developed under section 3107(a) of this title.

(c) In any case in which the Secretary has determined that a veteran has a serious employment handicap but the Secretary is unable to determine, in an initial evaluation pursuant to subsection (a) of this section, whether or not the achievement of a vocational goal currently is reasonably feasible, such veteran shall be provided with an extended evaluation consisting of the services described in section 3104(a)(1) of this title, such services under this chapter as the Secretary determines necessary to improve such veteran's potential for participation in a program of services designed to achieve a vocational goal and enable such veteran to achieve maximum independence in daily living, and assistance as authorized by section 3108 of this title.

(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.

(e) The Secretary shall in all cases determine as expeditiously as possible whether the achievement of a vocational goal by a veteran currently is reasonably feasible. In the case of a veteran provided extended evaluation under subsection (c) of this section (including any periods of extensions under section 3105(a) of this title), the Secretary shall make such determination not later than the end of such extended evaluation or period of extension, as the case may be. In determining whether the achievement of a vocational goal currently is reasonably feasible, the Secretary shall resolve any reasonable doubt in favor of determining that such achievement currently is reasonably feasible.

(f) In connection with each period of extended evaluation of a veteran and each rehabilitation program for a veteran who is determined to have a serious employment handicap, the Secretary shall assign a Department of Veterans Affairs employee to be responsible for the management and followup of the provision of all services (including appropriate coordination of employment assistance under section 3117 of this title) and assistance under this chapter to such veteran.

#### **§3107. Individualized vocational rehabilitation plan**

(a) The Secretary shall formulate an individualized written plan of vocational rehabilitation for a veteran described in section 3106(b) of this title. Such plan shall be developed with such veteran and shall include, but not be limited to (1) a statement of long-range rehabilitation goals for such veteran and intermediate rehabilitation objectives related to achieving such goals, (2) a statement of the specific services (which shall include counseling in all cases) and assistance to be provided under this chapter, (3) the projected date for the initiation and the anticipated duration of each such service, and (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved.

(b) The Secretary shall review at least annually the plan formulated under subsection (a) of this section for a veteran and shall afford such veteran the opportunity to participate in each such review. On the basis of such review, the Secretary shall (1) redevelop such plan with such veteran if the Secretary determines, under regulations which the Secretary shall prescribe, that redevelopment of such plan is appropriate, or (2) disapprove redevelopment of such plan if the Secretary determines, under such regulations, that redevelopment of such plan is not appropriate.

(c)(1) Each veteran for whom a plan has been developed or redeveloped under subsection (a) or (b)(1), respectively, of this section or in whose case redevelopment of a plan has been disapproved under subsection (b)(2) of this section, shall be informed of such veteran's opportunity for a review as provided in paragraph (2) of this subsection.

(2) In any case in which a veteran does not agree to such plan as proposed, to such plan as redeveloped, or to the disapproval of redevelopment of such plan, such veteran may submit to the person described in section 3106(f) of this title a written statement containing such veteran's objections and request a review of such plan as proposed or redeveloped, or a review of the disapproval of redevelopment of such plan, as the case may be.

(3) The Secretary shall review the statement submitted under paragraph (2) of this subsection and the plan as proposed or as redeveloped, and, if applicable, the disapproval of redevelopment of the plan, and render a decision on such review not later than ninety days after the date on which such veteran submits such statement, unless the case is one for which a longer period for review, not to exceed 150 days after such veteran submits such statement, is allowed under regulations prescribed by the Secretary, in which case the Secretary shall render a decision no later than the last day of the period prescribed in such regulations.

**§3122. Longitudinal study of vocational rehabilitation programs**

(a) Study Required.-(1) Subject to the availability of appropriated funds, the Secretary shall conduct a longitudinal study of a statistically valid sample of each of the groups of individuals described in paragraph (2). The Secretary shall study each such group over a period of at least 20 years.

(2) The groups of individuals described in this paragraph are the following:

(A) Individuals who begin participating in a vocational rehabilitation program under this chapter during fiscal year 2010.

(B) Individuals who begin participating in such a program during fiscal year 2012.

(C) Individuals who begin participating in such a program during fiscal year 2014.

(b) Annual Reports.-By not later than July 1 of each year covered by the study required under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study during the preceding year.

(c) Contents of Report.-The Secretary shall include in the report required under subsection (b) any data the Secretary determines is necessary to determine the long-term outcomes of the individuals participating in the vocational rehabilitation programs under this chapter. The Secretary may add data elements from time to time as necessary. In addition, each such report shall contain the following information:

(1) The number of individuals participating in vocational rehabilitation programs under this chapter who suspended participation in such a program during the year covered by the report.

(2) The average number of months such individuals served on active duty.

(3) The distribution of disability ratings of such individuals.

(4) The types of other benefits administered by the Secretary received by such individuals.

(5) The types of social security benefits received by such individuals.

(6) Any unemployment benefits received by such individuals.

(7) The average number of months such individuals were employed during the year covered by the report.

(8) The average annual starting and ending salaries of such individuals who were employed during the year covered by the report.

(9) The number of such individuals enrolled in an institution of higher learning, as that term is defined in section 3452(f) of this title.

(10) The average number of academic credit hours, degrees, and certificates obtained by such individuals during the year covered by the report.

(11) The average number of visits such individuals made to Department medical facilities during the year covered by the report.

(12) The average number of visits such individuals made to non-Department medical facilities during the year covered by the report.

(13) The average annual income of such individuals.

(14) The average total household income of such individuals for the year covered by the report.

(15) The percentage of such individuals who own their principal residences.

(16) The average number of dependents of each such veteran.

**Title 38: Pensions, Bonuses, and Veterans' Relief PART 21-VOCATIONAL REHABILITATION AND EDUCATION Contents Subpart A-Vocational Rehabilitation and Employment Under 38 U.S.C. Chapter 31**

**§21.1 Training and rehabilitation for veterans with service-connected disabilities.**

(a) Purposes. The purposes of this program are to provide to eligible veterans with compensable service-connected disabilities all services and assistance necessary to enable them to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. (Authority: 38 U.S.C. 3100)

(b) Basic requirements. Before a service-disabled veteran may receive training and rehabilitation services under Chapter 31, Title 38 U.S.C., three basic requirements must be met:

(1) The Department of Veterans Affairs must first find that the veteran has basic entitlement to services as prescribed by §21.40. (Authority: 38 U.S.C. 3102)

(2) The services necessary for training and rehabilitation must be identified by the Department of Veterans Affairs and the veteran. (Authority: 38 U.S.C. 3106)

(3) An individual written plan must be developed by the Department of Veterans Affairs and the veteran describing the goals of the program and the means through which these goals will be achieved.

---

**Prepared Statement of Shane L. Liermann**

Chairman Arrington, Ranking Member O'Rourke and Members of the Subcommittee:

Thank you for inviting DAV (Disabled American Veterans) to testify at this oversight hearing of the Subcommittee of Economic Opportunity regarding the Vocational Rehabilitation and Employment (VR&E) program of the Department of Veterans Affairs (VA).

Mr. Chairman, as you may know, DAV is a congressionally chartered national veterans' service organization of more than one million wartime veterans, all of whom were injured or made ill while serving on behalf of this nation. To fulfill our service mission to America's injured and ill veterans and the families who care for them, DAV directly employs a corps of more than 260 National Service Officers (NSOs), all of whom are themselves wartime service-connected disabled veterans, at every VA regional office (VARO) as well as other VA facilities throughout the nation. Together with our chapter, department, transition and county veteran service officers, DAV has over 4,000 accredited representatives on the front lines providing free claims and appeals services - including for VR&E services - to our nation's veterans, their families and survivors.

We represent over one million veterans or survivors, making DAV the largest veterans service organization (VSO) providing claims assistance. This testimony reflects the collective experience and expertise of our thousands of dedicated and highly trained service officers who provide free claims and appeals assistance to hundreds of thousands of veterans and survivors each year.

Our mission includes the principle that this nation's first duty to veterans is the rehabilitation and welfare of its wartime disabled. This principle envisions vocational rehabilitation and/or education to assist disabled veterans to prepare for and obtain gainful employment and enhanced opportunities for employment and job placement so that the full array of talents and abilities of disabled veterans are used productively.

In fact, all of DAV's National Service Officers have received or are currently receiving services through VR&E as part of the DAV National Service Officer Appren-

tice Program through a Memorandum of Understanding (MOU) with VA's VR&E program.

For example, in July 1998, I started my career with DAV and received services through VR&E. I successfully completed the DAV NSO Training Program through VR&E in December 1999. Not only am I a successful outcome of these specialized services &E, but also, as a DAV NSO Supervisor, I personally assisted over 15 DAV Apprentices with VR&E Services to include meetings with their counselors, discussion of their plans, and use of VR&E other resources. As a DAV NSO, I assisted hundreds of veterans with VR&E, to include applications, meetings with their counselors, resolution of differences of opinion, representation in Notice of Disagreements with Decision Review Officers and before Veterans Law Judges at the Board of Veterans Appeals (BVA).

### **VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM**

The VR&E program, also known as the Chapter 31 program, assists veterans and service members with service-connected disabilities and an employment barrier to prepare for, obtain, and maintain suitable employment. Veterans with at least a 20 percent disability evaluation or a 10 percent evaluation with a serious employment handicap meet the eligibility criteria. VR&E provides comprehensive services to include vocational assessment, rehabilitation planning, and employment services. For veterans with service-connected disabilities so severe that they cannot immediately consider work, the VR&E program offers services to improve their ability to live as independently as possible within their families and communities. VR&E also administers Chapter 36, Chapter 35, and Chapter 18 benefits under title 38, United States Code. These programs provide benefits to eligible dependents, spouses, and beneficiaries.

VR&E administers these benefits through a decentralized service-delivery network comprised of nearly 350 offices. As of the end of fiscal year (FY) 2016, the field network included a VR&E workforce of 1,335 staff, including Vocational Rehabilitation Counselors (VRC), Employment Coordinators, support staff, and managers. The network also included nearly 200 Integrated Disability Evaluation System counselors on 71 military installations, 79 VetSuccess on Campus counselors at 94 college locations, and 142 out-based VR&E offices.

VR&E's Chapter 31 workload is predominately driven by three factors: (1) the number of veterans applying for rehabilitation benefits and services; (2) the number of veterans who enter into the development and implementation of a rehabilitation plan; (3) the associated growth of disability claims consistent with the ongoing reduction of the claims backlog; (4) changes to total volume of military separations due to military end-strength policy; and (5) frequency/severity of service-related injuries/illnesses. Once a veteran or service member applies and is determined eligible for services, the veteran meets with a VRC to complete a comprehensive vocational assessment. The VRC will then make an entitlement determination. If the veteran or service member is not entitled, the counselor will assist with any necessary referrals for other services such as referrals to state vocational rehabilitation programs, local employment agencies, or other local or state training programs.

VR&E requires regular face-to-face interactions with veterans to deliver benefits and services, this is in contrast to VBA's other lines of business that focus primarily on claims processing. They are the largest out-based network of any VBA business line with nearly 350 locations nationwide.

The cycle of an active VR&E case may extend up to and beyond six years. This is necessary to provide adequate training for veterans so that they can obtain employment that accommodates their disabilities and provides a career foundation that is appropriate.

### **VR&E SERVICE STUDIES**

In 2008, Congress passed the Veterans' Benefits Improvement Act, which required VA to conduct a 20-year longitudinal study of veterans who applied for and entered into a plan of services in the VR&E program in FY 2010, FY 2012, and FY 2014. These three cohorts are being followed annually for 20 years each. Survey data collection started in 2012 for the first two cohorts and in 2014 for the last cohort. The primary focus of the VR&E Longitudinal Study is on the long-term employment and standard of living outcomes for VR&E participants after they exit the program.

A 2014 Government Accountability Office (GAO) Vocational Rehabilitation and Employment Report (GAO-14-61) noted that further performance and workload management improvements were needed. GAO recommended that VA reflect success rates in revised performance measures, ensure the reliability of its customer satisfaction survey results, re-visit its staff allocation formula, study staff assignments, and close certain gaps in its training for staff.

VR&E implemented new program performance measures in FY 2015 that place a greater focus on veteran outcomes and their accomplishments. These new measures of veterans' success are driven by positive outcomes and active participation. Positive outcomes include employment and independent living rehabilitation; rehabilitation for further education; and maximum rehabilitation gains, as either employed or employable. These new metrics effectively measure veterans' outcomes at every stage of their progression through the program and more accurately account for veterans' multi-year participation in the VR&E program.

On July 31, 2017, the VR&E Longitudinal Study annual report was released for FY 2016. It noted that the average combined disability evaluation is 60 percent, indicating the program is benefiting those with significant disabilities.

The most substantive finding of the study to date is that regardless of the length of time since they began their VR&E program, veterans who have achieved rehabilitation have substantially better employment and standard of living outcomes than those who discontinued services. Rehabilitation remains one of the most dominant variables driving positive financial outcomes compared to those veterans who were discontinued.

The study also found that veterans who have achieved rehabilitation reported higher annual income amounts than discontinued participants, at least \$15,000 higher for individual income and at least \$24,000 higher for household income. Compared to non-VR&E participants, those who achieved rehabilitation had an annual income almost 50 percent higher: \$46,000 versus \$31,000, dramatically demonstrating its successful outcomes for the veteran population VR&E serves. The study also reveals that roughly 90 percent of veterans report a moderately to highly satisfying experience with VR&E.

#### **VR&E SERVICE PERSONNEL**

In 2016, Congress enacted legislation (P.L. 114–223) that included a provision recognizing the need to provide a sufficient client-to-counselor ratio to appropriately align veteran demand for VR&E services. Section 254 of that law authorizes the VA Secretary to use appropriated funds to ensure the ratio of veterans to VRCs does not exceed 125 veterans to one full-time employment equivalent (FTEE). Unfortunately, for the past three years, VA has requested no new personnel for VR&E to reach this ratio.

The Administration's proposed budget for FY 2019 reflected that over the past four years, VR&E program participation had increased by an estimated 16.8 percent, while VR&E staffing has risen just 1.8 percent, VA projects program participation will increase another 3.1 percent in FY 2019; however the current rolling average counselor-to-client ratio is 136.4.

#### **RECOMMENDATIONS TO IMPROVE RATIO OF VETERANS TO VRC**

##### **1. Provide an additional 143 FTEE**

In order to achieve the 1:125 counselor-to-client ratio established by Congress, we estimate that VR&E will need another 143 FTEE in FY 2019 for a total direct workforce of 1,585, to manage an active caseload and provide support services to almost 150,000 VR&E participants. At a minimum, three-quarters of the new hires should be VRCs dedicated to providing direct services to veterans. This would require an increase of \$18 million for FY 2019.

Unfortunately, the Administration's budget proposal called for a decrease of \$257 million for VR&E in FY 2019. While this is partly due to lower pricing for the Transition Assistance Program (TAP) for those separating from service, it disregards the increased need of VR&E services veterans may require many years after separation. The Administration has acknowledged that since 2013, participation in this program increased by nearly 17 percent and noted a rolling average counselor to caseload ratio of 136.4; however, their budget request fails to request additional FTEE to move closer to a 1:125 counselor-to-client ratio.

##### **2. Leveraging Technologies to Improve Efficiency of VRCs**

Each rehabilitation plan in the VR&E program is essentially a partnership between the veteran and the VRC. For any plan or partnership to be successful, both parties need clear expectations and the required time for successful completion. Studies and feedback from both veterans and VRCs indicate that time is an essential element to success and that VRCs spend a large amount of time with administrative functions that could be spent more effectively on counseling. Leveraging technologies could improve the efficiency and time requirements for VRCs, thus allowing more time for actual counseling.

#### **Time Study**

VR&E has indicated its intention to conduct a time study in the very near future to measure the amount of time each VRC spends completing administrative tasks versus counseling veterans. We applaud VR&E for this initiative to help determine if VRCs can be more effective for the veterans in the program.

#### **Tele-counseling**

As previously noted, VR&E requires regular face-to-face interactions with veterans to deliver benefits and services. VR&E previously had access to the same on-line video service, JABAR, as used by VHA. However, recently VR&E started a pilot at the St. Petersburg VARO using a new service, PEXIP. VR&E will be adding other VAROs to the pilot in the near future with an expectation to be VA wide by the end of the fiscal year.

This technology has the potential to decrease the current 45-day processing time from application to rehabilitation plan. The required face-to-face interactions can also be scheduled via PEXIP, which will increase the efficiency of the VRC. The veteran will spend less time traveling to appointments with less interference with educational and employment requirements. This is a great example of leveraging technology to improve the veteran experience.

#### **Electronic Reminders of Appointments**

Even with the use of PEXIP, VRCs have reported that approximately 50 percent of veterans fail to appear for scheduled appointments. VR&E is planning to roll out text message reminders for appointments on a nationwide basis to increase the number of veterans appearing for their appointments, further increasing the time each VRC spends counseling versus performing administrative tasks.

#### **School Payment System**

Many VRCs utilize education services to help achieve veterans' employment goals, which lead to another administrative function for VRC who must ensure payment of those educational centers. The payment process currently in use is cumbersome and time-consuming for the VRC and payment for schools is an ongoing challenge.

However, the Post 9–11 GI Bill has already developed a school payment system that is streamlined and efficient. Because approximately 97 percent of the schools used by VR&E counselors are GI Bill approved schools, we recommend that VR&E receive permission to utilize the same financial system as the GI Bill in order to greatly reduce the amount of administrative time expended by VRCs.

#### **Automate and Digitize VR&E Records**

VR&E Services require VRCs to keep notes, applications, documents, and other evidence as part of the veteran's file. Although VBA has gone to digital claims files, VR&E still maintains paper files. Efforts have been started to digitize all VR&E files and place them inside VBA's Veterans Benefits Management System (VBMS). This will give all VRCs greater access to veterans VR&E files as well as their claims folders.

Automation of VR&E applications and required documentation by VRCs would also reduce their time spent on administrative actions. VR&E is obtaining voice recognition software that will allow counselors to make their notes by speaking; another example of VR&E's initiative to improve the effectiveness of VRCs.

### **3. Increased Resources for VA IT Services**

VA IT Services have many requirements and priorities for all of VA to include the Veterans Health Administration, VBA, and the National Cemeteries Administration. However, in order to meet requirements and initiatives as noted above, VR&E needs an increase in its information technology resources in order to automate and digitize VR&E records and to streamline the school payment system.

### **4. Training for VRCs**

In 2017, VR&E conducted a pilot for a new training platform, Competency Based Training System (CBTS). All newly employed VRCs will receive 80 hours of training. CBTS will gauge each VRC's understanding and knowledge about the program on an annual basis. Remedial training will be provided on areas or subjects that need additional focus.

This training system can be used to provide uniformity and some standardization because inconsistency between VAROs and VRCs is common within VR&E. At the same time, we urge VR&E to use this training to ensure each VRC understands the flexibility they have to address the individualized needs of their veteran clients while remaining consistent within the overall VR&E system.

### **5. Increase Awareness of VR&E Services**

During service members' transition to civilian life, VA provides information regarding VR&E Services. Many transitioning veterans may be eligible for both Post 9–11 GI Bill and VR&E Services; however, few may be aware of how much data exists about the proven benefits, such as the 50 percent increase in annual earnings for those who complete the program. We recommend that VR&E consider conducting a national awareness campaign, in collaboration with VSOs, in order to provide information on eligibility, the various benefits offered by VR&E services and the differences between the education and employment services available.

### **6. Retain Current Eligibility Standards**

In recent years there have been some suggestions that the VR&E program should be scaled back by limiting the number of veterans who are eligible and we note that restricting eligibility to VR&E could potentially decrease the counselor-to-veteran client ratio. However, DAV will adamantly oppose any legislation or policies that would restrict existing VR&E eligibility criteria. As VR&E is an employment program, any changes to eligibility will negatively impact disabled veterans' ability to obtain and maintain employment.

### **7. Eliminate 12-Year Eligibility Period**

Finally, DAV supports H.R. 5452, Reduce Unemployment for Veterans of All Ages Act of 2018. Currently, veterans with service-connected disabilities or other employment challenges are able to receive career development services through the VA's Vocational Rehabilitation and Employment program up to 12 years after they separate from the service. H.R. 5452 would eliminate the 12-year period of eligibility. In agreement with DAV Resolution No. 250, we support this legislation to eliminate the 12-year period of eligibility, which will provide veterans the flexibility to receive the support they have earned and deserve throughout their lifetime and thus help reduce unemployment for service-connected veterans.

Mr. Chairman, this concludes my testimony on behalf of DAV. I would be happy to answer any questions you or other members of the Subcommittee may have.

---

## **Statements For The Record**

### **VETERANS OF FOREIGN WARS OF THE UNITED STATES**

#### **PATRICK MURRAY, ASSOCIATE DIRECTOR**

Chairman Arrington, Ranking Member O'Rourke and members of the Subcommittee, on behalf of the men and women of the Veterans of Foreign Wars (VFW) and its Auxiliary, thank you for the opportunity to present our views on this important benefit.

The Vocational Rehabilitation and Employment Service (VR&E) provides critical counseling and other adjunct services necessary to enable service-disabled veterans to overcome barriers as they prepare for, find, and maintain gainful employment. VR&E offers services on five tracks: re-employment, rapid access to employment, self-employment, employment through long-term services, and independent living.

The VFW views VR&E as a critical tool in promoting success for our veterans. It is at the forefront in ensuring veterans can remain in the workforce and stay employed in meaningful careers. Once a veteran receives a disability rating, and cannot continue along their original path in the work force, they must choose a different route for their career. This is where VR&E is critical because it helps veterans remain employed by providing training and education for an alternative career.

The VFW has nearly 2,000 service officers across the country, and representatives on 24 military installations. Our service officers train twice a year on VR&E and have assisted on over 4,000 of those claims resulting in \$37.6 million in 2017 alone. We are fully supportive of how vitally important this program is, but we are also keenly aware of areas that need improvement.

The vital part of the VR&E program is the counselors who assist veterans with their claims. The counselors are the key component in assisting veterans with their rehabilitation plan for VR&E. However, while the counselors are one of the biggest assets for veterans seeking to use VR&E they are also one of the largest areas that needs improvement.

Far too often our service officers have to work with veterans who are eligible to receive VR&E benefits but were originally denied by the VR&E counselors. The sub-

jectivity of approving eligibility leads to veterans being denied the benefit, when in fact they should have been approved immediately. There needs to be a more standardized way to approve the eligibility of veterans, and further training of counselors, so deserving recipients do not have to fight for a benefit they have already earned.

The other issue concerning VR&E counselors is the need for more of them. Additional funding needs to be authorized in order to ensure the program can keep up with demand. Counselors who have an increased workload cannot give the proper attention to the clients they deserve if counselors have too many clients to serve.

Over the past four years, program participation has increased by an estimated 16.8 percent, while VR&E staffing has risen just 1.8 percent. VA projects program participation will increase another 3.1 percent in FY 2019, and it is critical that sufficient resources are provided not only to meet this rising workload, but also to expand capacity to meet the full, unconstrained demand for VR&E services.

In 2016, Congress enacted legislation (P.L. 114–223) that included a provision recognizing the need to provide a sufficient client-to-counselor ratio to appropriately align veteran demand for VR&E services. Section 254 of that law authorizes the Secretary of Veterans Affairs to use appropriated funds to ensure the ratio of veterans to Vocational Rehabilitation Counselors (VRC) does not exceed 125 veterans to one full-time employment equivalent. Unfortunately, for the past three years, VA has requested no new personnel for VR&E to reach this ratio.

In order to achieve the 1:125 counselor-to-client ratio established by Congress, the VFW estimates that VR&E will need another 163 Full Time Equivalent Employees (FTEE) in FY 2019 for a total workforce of 1,585, to manage an active caseload and provide support services to almost 150,000 VR&E participants. At a minimum, three-quarters of the new hires should be VRCs dedicated to providing direct services to veterans.

A suggestion the VFW has that could improve the accuracy of reporting the counselor-to-client ratio is to change from a national average to an average of VA Regional Offices (RO). This change would help identify areas of need for the specific offices, rather than having one area of the country drastically affect the average of the other RO's. Changing the reporting of the counselor-to-client ratio would help identify offices that are meeting the requirements and those offices that need significant help.

We are disappointed by the Administration's proposal for a decrease of \$257 million for VR&E for FY 2019. While we understand this is partly due to lower pricing for the Transition Assistance Program for those separating from service, this disregards the increased need of VR&E services veterans may require many years after separation. The Administration acknowledges that since 2013, participation in this program increased by 17 percent and noted a rolling average counselor-to-caseload ratio of 136.4; however, their budget request fails to request additional FTEE to move closer to a 1:125 counselor-to-client ratio.

---

### THE AMERICAN LEGION

Chairman Arrington Ranking Member O'Rourke and distinguished members of the Subcommittee, on behalf of National Commander Denise Rohan and our 2 million members, we thank you for the opportunity to share the views of The American Legion regarding the Department of Veterans Affairs' Vocational Rehabilitation and Education (VR&E) program.

The Vocational Rehabilitation and Employment (VR&E) Program provides comprehensive services and assistance enabling veterans with service-connected disabilities and employment handicaps to achieve maximum independence in daily living, become employable, and maintain suitable employment. After a veteran is authorized to utilize VR&E, a vocational rehabilitation counselor helps the veteran identify a suitable employment goal and determines the appropriate services necessary to achieve their goal.

As our nation's servicemembers transition to the civilian sector, there is an ongoing need for retraining to independent living, achieving the highest possible quality of life, and securing meaningful employment. To meet America's obligation to these specific veterans and other eligible VR&E veterans, VA leadership must focus on marked improvements in case management and effective vocational counseling.

The successful rehabilitation of our severely disabled veterans is determined by the coordinated efforts of every Federal agency [Department of Defense (DoD), Veterans Affairs (VA), Department of Labor (DOL), Office of Personnel Management (OPM), Housing and Urban Development (HUD), etc.] involved in the seamless transition from the battlefield to the civilian workplace. Timely access to quality health care services, favorable physical rehabilitation, vocational training, and job place-

ment play a critical role in the seamless transition of each and every veteran, as well as his or her family.

Administration of VR&E and its programs is a responsibility of the Veterans Benefits Administration (VBA). Historically, VBA has placed emphasis on the processing of veterans' claims and the reduction of the claims backlog, which is extremely important. However, providing effective employment programs through VR&E must become a priority as well.

Until recently, VR&E's primary focus has been providing veterans with skills training, rather than obtaining meaningful employment. Clearly, any employability plan that doesn't achieve the ultimate objective of a job is an injustice to those veterans seeking assistance in transitioning into the civilian workforce.

Vocational counseling plays a vital role in identifying barriers to employment that must be overcome, as well as matching veterans' skills with those career opportunities available to qualified candidates. Becoming fully qualified becomes the next logical objective towards successful transition.

Category	2013	2014	2015	2016	2017
VR&E New Claims	80,812	87,094	88,439	112,155	107,200
Caseload	135,815	148,229	166,511	173,606	172,323
Participants	112,659	123,383	131,607	137,097	132,218
Total Positive Outcomes	12,418	13,106	13,476	14,350	15,528
Case per Counselor Ratio	136.2	131.8	138.3	140	136.4

Between FY13 and FY17, VR&E applicants rose from 80,812 to 112,115, creating increased workloads for VR&E counselors tasked with developing employment goals and services for beneficiaries. The American Legion recognized the escalating problems associated with VR&E, and at our 2016 National Convention passed Resolution No. 345: Support for Vocational Rehabilitation and Employment Program Hiring More Counselors and Employment Coordinators<sup>1</sup>. Congress also recognized these problems, and sought to address them in Public Law 114-223. Specifically, Section 254 mandates that the Secretary of Veterans Affairs "may use amounts appropriated.... to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code does not exceed 125 veterans to one full-time employment equivalent.

By 2017, the average caseload of a typical VR&E counselor was 136.4 veterans. With actual participants expected to rise by 17,000, it does not appear that VBA intends to meet this congressionally requested ratio. In order to fulfill the 1:125 counselor-to-client ratio in FY 2018, it has been estimated that VR&E would need 266 new full-time employees (FTE), for a total workforce of 1,550 FTE. Instead, VBA added only 61 FTE, and froze the VR&E request for direct personnel at 1,442 through 2019. Further, budgeted funds for estimated overtime have been slashed from \$996,000 to \$500,000, depriving overworked counselors the opportunity to help veterans.

Additionally, improvements made to veterans' claims, such as modernizing the appeals process, can only accelerate participation in the vocational rehabilitation program. Over \$135.5 million has been requested for the Board of Veterans Appeals and related information technology initiatives to reduce the pending appeals inventory. An additional \$74 million has been requested in President Trump's FY 19 budget to hire an additional 605 full-time VBA employees to assist in decreasing and processing veterans' claims. The American Legion's fears that the unintended consequence of increasing the applicant pool for VR&E without increasing support staff for the critical program itself will cause further strain.

#### **BUDGET REQUEST TRANSPARENCY**

The FY 2019 VA Budget Request proposed a cut of \$59.8 million - over 18 percent - to the Vocational Rehabilitation and Employment Program. The wide majority of these cuts are outlined squarely in VR&E's second largest line item: Other Services.

<sup>1</sup>American Legion Resolution No. 345: <https://archive.legion.org/bitstream/handle/123456789/5663/2016N345.pdf?sequence=1&isAllowed=y>

The budget proposal attributes this cut to “favorable pricing of a new Transition Assistance Program (TAP) contract which provides the required level of support at a considerably lower cost.” Further review shows greater fluctuation in “Other Services”:

2014	2015	2016	2017	2018 (projected)
\$64,360,000	124,785,000	124,785,000	43,244	

While The American Legion appreciates the explanation for this reduction, it believes that greater detail needs to be provided. Questions remain as to why a renegotiated TAP contract is under Vocational Rehabilitation and Employment funding, and why this funding could not have been used as an offset to increase FTE for VR&E counselors.

#### PERFORMANCE MEASURES

The American Legion applauds the efforts of VR&E to continue to focus on designing performance measures to drive continuous improvement and achieve optimal outcomes for veterans. The FY19 budget request will continue to calculate Class Achievement Rate, which measures the percentage of veterans who after six years obtain a positive outcome and the number of veterans persisting in their enrollment, measured against all veterans in their cohort (class).

Based on the Vocational Rehabilitation and Employment Longitudinal Study Annual Report for FY 2016, 90% of VR&E participants have reported moderate to high program satisfaction<sup>2</sup>. While The American Legion applauds the success and focus that VBA has placed on customer service, we urge Congress to not discount the experiences of veterans dissatisfied with the program. Compared to other VA education and training benefits, the mishandling of a veteran’s case in the VR&E program carries significant consequences.

As an example, a veteran enrolled in the Post 9/11 GI Bill may categorize their satisfaction with the VA as “poor” if they have encountered multiple late payments. This could potentially impact their enrollment times, and at worst, delay their graduation.

A veteran enrolled in the Vocational Rehabilitation Program may categorize satisfaction with the VA as “poor” if their entire course of study was rejected by their Vocational Rehabilitation Counselor, despite the knowledge of other veterans in the program who are pursuing comparable rehabilitation plans. The result of this experience thus has life-altering implications.

While the JD Power & Associates Voice of the Veteran Continuous Measurement Surveys do not indicate that this is a widespread problem, The American Legion has received enough anecdotal evidence from our members across the country that leads us to believe this still warrants attention. It is clear that the individualized nature of developing employment plans makes for incredibly difficult decisions on the part of Vocational Rehabilitation Counselors. In addition to assessing the veteran’s needs, skills and abilities, the counselors also have to reconcile economic conditions and employment trends to determine the best course of action for the veteran. Often times these counselors must be the bearers of bad news, and they should be adequately empowered to make these judgments. However, appropriate recourse for veterans concerned with the decisions of their counselors needs to be improved.

Evidence of the need for this can be found as recently as April of 2018 in the case of Atius Technology Institute. The owner of Atius Technology Institute (“Atius”), a privately owned, non-accredited school specializing in information technology courses, plead guilty to bribing a Vocational Rehabilitation Counselor in exchange for the public official’s facilitation of payments that were supposed to be dedicated to providing vocational training for vocational rehabilitation. Over the life of the scheme, Atius defrauded the Department of Veterans Affairs, veterans, and the American taxpayer out of \$2.2 million dollars. The counselor certified veterans attending Atius were enrolled in up to thirty two hours of class per week, when in fact, Atius offered a maximum of six weekly class hours. In order to do this, it is likely that many veterans were manipulated into attending the fraudulent institution.

<sup>2</sup>Vocational Rehabilitation and Employment (VR&E) Longitudinal Study (PL 110–389 Sec. 334). Vocational Rehabilitation and Employment (VR&E) Longitudinal Study (PL 110–389 Sec. 334).

While the case of Atius is extraordinary, the lessons that can be drawn from it are important: if a veteran enrolled in the Vocational Rehabilitation Program believes that something is not right with the decisions or conduct of his or her counselor, intentional or otherwise, that appropriate recourse is available to address potential inequity.

**Conclusion**

In closing, The American Legion supports this important program, that has helped thousands of veterans become better trained and capable of obtaining quality employment. Further, The American Legion is committed to working with the Department of Veterans Affairs and this committee to ensure that America's veterans are provided with the highest level of employment assistance.

Chairman Arrington, Ranking Member O'Rourke, and distinguished members of this committee, The American Legion thanks this committee for holding this important hearing and for the opportunity to explain the views of the 2 million members of this organization. For additional information regarding this testimony, please contact Mr. Jonathan Espinoza, Legislative Associate of The American Legion's Legislative Division at (202) 861-2700 or [jespinoza@legion.org](mailto:jespinoza@legion.org)

