

Service Bulletin

June 2009

DEPARTMENT OF VETERANS AFFAIRS (VA)

<http://www.va.gov>

74 Fed.Reg. 22832 (May 15, 2009) (Amending 38 C.F.R. Part 17, § 17.36)

Final Rule: Expansion of Enrollment in the VA Health Care System

Regulations were amended to establish additional sub-priorities of Category 8 veterans and allowing enrollment of certain Priority Group 8 veterans' whose income exceeds the current means test and geographic means test income thresholds by 10 percent or less. The rule is effective June 15, 2009. VA projects that this regulatory change will result in an additional 258,000 priority category 8 enrollees in FY 2009.

VA Launches Web Site for Iraq and Afghanistan Veterans

<http://www.oefoif.va.gov>

VA has launched its new "Returning Veterans" Web site to welcome home veterans of the Iraq and Afghanistan conflicts with a social, veteran-centric Web site focusing on their needs and questions. The Web site will feature videos, veteran stories, and a blog where veterans are encouraged to post feedback. The site also will restructure the traditional index-of-benefits format found on other VA pages into question-based, categorized, and easily navigated links by topic. This will allow veterans to find benefits of interest easily and discover related benefits as they explore.

VA Accepting Applications for Post-9/11 GI Bill

<http://www.gibill.va.gov/>

Starting May 1, 2009, VA began accepting applications for the Post-9/11 GI Bill. Payments will not be processed until August 1, 2009. The application form is available online. The form requires that individuals currently eligible for another education benefit make an irrevocable election from their existing program to the Post-9/11 GI Bill. VA has received more than 60,000 claims for education benefits during the first five weeks since Veterans and service members could apply online. Up to 460,000 students are expected to participate in the program during the first year.

Typically individuals who are eligible for more than one benefit may use a combined total of 48 months of entitlement. Therefore, for those individuals who have entitlement remaining under the Montgomery GI Bill (MGIB), the number of months of Post-9/11 GI Bill entitlement will be equal to the number of months remaining under MGIB. However, if all MGIB entitlement is exhausted, the veteran may be entitled to a maximum of 12 additional months of entitlement under the Post-9/11 GI Bill.

Over 700 Schools Partner with VA in Yellow Ribbon Program

www.gibill.va.gov/GI_Bill_Info/CH33/YRP/YRP_List.htm

As of early June, VA has entered into more than 700 agreements with institutions of higher learning across the nation to participate in the Post-9/11 GI Bill's "Yellow Ribbon Program." Many schools signed agreements for participation in not only undergraduate programs, but graduate and doctoral programs as well. Some schools entered into one agreement that covered all their campuses throughout the United States.

The Yellow Ribbon Program is a provision of the Post-9/11 GI Bill that allows degree-granting institutions to voluntarily enter into a formal agreement with VA to fund tuition and fee expenses that exceed the highest public, in-state undergraduate rates. The institution can contribute up to 50 percent of those expenses and VA will match this additional funding for eligible students. This may enable qualified students to potentially attend school tuition-free. This program is reserved for participants at the 100 percent benefit level, specifically those who have served at least 36 months on active duty or served at least 30 continuous days and were discharged due to a service-related injury.

Vet Success Web Site Enhanced

<http://www.vetsuccess.gov/>

The Vet Success Web site was recently redesigned by VA to improve its capabilities for assisting veterans seeking employment. Veterans can use the site to search for jobs and employers, create and distribute resumes, find job fairs, and apply for VA Vocational Rehabilitation, among other resources. Employers can use Vet Success to post jobs and contact job seekers. A detailed user manual is available: <http://www.vetsuccess.gov/documents/VetSuccess-UserGuide1.pdf>

Update on PMC Consolidation of Survivor Benefit Claims

The Veterans Benefits Administration is in the process of consolidating all survivor benefit claims and dual claims to the three Pension Maintenance Centers (PMC). The Office of Field Operations (OFO), in conjunction with the area offices began consolidation of dual claims from the Philadelphia, Wilmington, Milwaukee and St. Paul Regional Offices in January 2009.

OFO had planned to continue the consolidation of 11 additional stations in June 2009. This consolidation has been postponed. OFO and the area offices will send a review team to the PMCs to review and assess the impact of dual claims on the PMC workload and provide findings and any recommendations. At that time, OFO will work with the area offices and PMCs to determine the future plan to consolidate the dual claims workload.

**VA Enhancing Brain Injury and Recovery Lab
for Veterans Suffering from Traumatic Brain Injuries**
www.heartoftexas.va.gov

To improve capabilities to conduct research that will benefit veterans and their families, VA will combine its Brain Injury and Recovery Laboratory in Austin, Texas, with the VA's Center of Excellence for Research on Returning War Veterans in Waco, Texas. Moving the laboratory will allow Veterans easier access to VA hospitals in Waco and in Temple, Texas, and will also enable them to work with servicemembers stationed at Ft. Hood, Texas—the largest U.S. Army installation in the world. Researchers will also have access to the world's most powerful research magnetic resonance imaging (MRI) machine, which is located in Waco at the Center of Excellence.

All researchers currently working in Austin have started research either at the Center of Excellence for Research on Returning War Veterans or at other research facilities at the Central Texas Veterans Health Care System in Temple. The Waco VA Medical Center has several construction projects scheduled in the future, which will further enhance the capabilities of the Center of Excellence.

VA Launches Web Site to Help College Counselors Aid Veterans
www.mentalhealth.va.gov/College

VA has launched a new Web site to strengthen the connection between college and university mental health professionals and the Veterans of the Iraq and Afghanistan conflicts now studying on their campuses. The Web site features recommended training for college and university counselors, with online modules including "Operation SAVE" for suicide prevention, "PTSD 101" and "Helping Students Who Drink Too Much." It also will feature a resource list that will be updated regularly.

Although the Web site is designed primarily for counselors, it also serves as a resource for Veteran-students who wish to learn more about the challenges they may face in adjusting to their lives after leaving the military.

**Fast Letter FL 09-21 (May 13, 2009):
Accreditation of Agents and Attorneys; Agent and Attorney Fees; Final Rule**

This letter issued May 13, 2009 provides information concerning the VA final rule that amends the regulations governing the representation of claimants for veterans benefits. VA published its final rule in the Federal Register on May 22, 2008, at 73 *FR* 29851-29880. The final rule was effective June 23, 2008. VA amended its regulations governing the representation of claimants for veterans' benefits in order to implement provisions of Public Law 109-461. The amended regulations establish the procedures and rules necessary to facilitate the paid representation of claimants by agents and attorneys after an NOD has been filed.

Fast Letter FL 09-23 May 20, 2009):
Transfer of Burial Flag Application Processing to the National Cemetery Administration

On October 1, 2008, the National Cemetery Administration began processing burial flag applications from the St. Louis Regional Office (RO). The transfer of burial flag application processing will be completed in phases. The transfer from ROs in the Western Area occurred on April 15, 2009. Other ROs will follow the schedule below:

Central Area ROs: June 1, 2009
Southern Area ROs: July 15, 2009
Eastern Area ROs: September 1, 2009

ROs will continue processing burial flag applications until their designated transfer date.

DEPARTMENT OF DEFENSE (DOD)

DOD Launches Program to Fight Stigma of Seeking Psychological Health Care

<http://www.realwarriors.net>

DOD has launched the Real Warriors Campaign, a multimedia public education effort designed to combat the stigma keeping some service members veterans and their families from seeking needed psychological health care. The launch is part of a larger effort by the Department of Defense to ensure service members and their families can access necessary treatment for the invisible wounds of war as well as the visible wound.

For more information, visit the Web site or call the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE) Outreach Center at (866) 966-1020.

DOD Announces \$555 Million Expansion To Homeowners Assistance Program

<http://hap.usace.army.mil>

DOD has temporarily expanded the Homeowners Assistance Program (HAP) using funds from the American Recovery and Reinvestment Act (ARRA). The \$555 million allocated to the HAP will be used to provide benefits to eligible military and DOD civilians who face financial losses selling their primary residence during the current housing downturn.

The HAP has been providing financial assistance to military and DOD civilians for more than 40 years, and most recently has been used to provide benefits to personnel at base realignment and closure (BRAC) sites where government action caused a decrease in market home values. ARRA funding allows the DOD to temporarily expand this program in order to partially reimburse home sale losses in the following priority order:

- Wounded service members relocating for treatment or medical retirement, and for the survivors of those who have died while on deployment.

- Military and DOD civilians affected by the 2005 BRAC round, without the need (which existed under previous law) to prove that the base closure caused the local market decline.
- Normal military permanent change of station (PCS) moves, on a temporary basis.

Last February, Congress authorized ARRA funding for a temporary expansion of the HAP in order to address unique economic pressures faced by military personnel. After conducting an extensive analysis to determine how best to prioritize the finite \$555 million available while maximizing assistance to as many people as possible, DOD developed specific eligibility criteria that includes PCS retroactivity from July, 1, 2006, through December, 31, 2009, and longer for wounded warriors/surviving spouses and personnel affected by BRAC.

Special eligibility criterion for this temporary program expansion is available on the HAP website. All active and former service members, as well as DOD civilians, who have sold a primary residence for a loss or are considering selling their home are encouraged to visit the HAP website in order to check specific program criteria, and if eligible, apply online.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS **PRECEDENT DECISIONS**

<http://www.vetapp.gov/>

Rice v. Shinseki, 22 Vet.App. 477 (2009)

<http://www.vetapp.gov/documents/Rice-1445.pdf>

The decision notes that a Total Disability rating based on Individual Unemployability (TDIU) is not a "separate claim" for purposes of establishing an effective date. The Court held, in part:

Considering more closely the facts of *Comer*, *Roberson*, *Bernklau*, and *Norris*, we hold that a request for TDIU, whether expressly raised by a veteran or reasonably raised by the record, is not a separate claim for benefits, but rather involves an attempt to obtain an appropriate rating for a disability or disabilities, either as part of the initial adjudication of a claim or, if a disability upon which entitlement to TDIU is based has already been found to be service connected, as part of a claim for increased compensation. The distinction between the two is important for purposes of assigning an effective date for an award of compensation. Different statutory and regulatory provisions apply depending on whether the claim is an original claim or one for increased compensation.

Nielson v. Shinseki, Slip.Op., May 21, 2009

<http://www.vetapp.uscourts.gov/documents/Nielson-2311.pdf>

This precedent opinion provides interpretation of the term "service trauma" for the purposes of VA dental treatment. The Court held, in part:

...based on the ordinary definitions and the context of the statutory scheme, we hold that the plain meaning of "service trauma" as used in section 1712 is an injury or wound violently produced while the injured or wounded is in the armed forces.

UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE (GAO)

<http://www.gao.gov>

GAO REPORT 09-357: Army Health Care: Progress Made in Staffing and Monitoring Units that Provide Outpatient Case Management, but Additional Steps Needed

<http://www.gao.gov/products/GAO-09-357>

In February 2007, a series of Washington Post articles disclosed problems at Walter Reed Army Medical Center, particularly with the management of servicemembers receiving outpatient care. In response, the Army established Warrior Transition Units (WTU) for servicemembers requiring complex case management. In January 2008, the Army issued a policy establishing Comprehensive Transition Plans, which can be used to monitor and coordinate servicemembers' care. To help ensure consistent implementation of these plans among its WTUs, the Army is developing a new policy that includes the systematic collection of performance measures across WTUs. However, despite Army officials' repeated assurances to GAO that this policy was forthcoming, it had not been finalized as of February 27, 2009.

The Army's feedback mechanisms include its Warrior Transition Unit Program Satisfaction Survey, which collects information from servicemembers in WTUs on a number of issues, including the primary care manager and nurse case manager. However, the survey's response rates for the WTUs have been low (13 to 35 percent) and the Army has not determined whether the results obtained from the respondents are representative of all WTU servicemembers. An Army official told GAO that the Army does not plan to conduct analyses to determine whether the survey results are representative, because it is satisfied with the response rates. In GAO's view, the response rates are too low for the Army to reliably report satisfaction of servicemembers in WTUs.

GAO REPORT 09-540T: Recovering Servicemembers: DOD and VA Have Made Progress to Jointly Develop Required Policies but Additional Challenges Remain

<http://gao.gov/products/GAO-09-540T>

The National Defense Authorization Act for Fiscal Year 2008 (NDAA 2008) requires DOD and VA to jointly develop and implement comprehensive policies on the care, management, and transition of recovering servicemembers. The Senior Oversight Committee (SOC)--jointly chaired by DOD and VA leadership--has assumed responsibility for these policies. The NDAA 2008 also requires GAO to report on the progress DOD and VA make in developing and implementing the policies.

DOD and VA have made substantial progress in jointly developing policies required by sections 1611 through 1614 of the NDAA 2008 in the areas of (1) care and management, (2) medical and

disability evaluation, (3) return to active duty, and (4) transition of care and services received from DOD to VA. Overall, GAO's analysis showed that as of March 2009, 60 of the 76 requirements GAO identified have been completed and the remaining 16 requirements are in progress.

DOD and VA officials told GAO that they have experienced numerous challenges as they worked to jointly develop policies to improve the care, management, and transition of recovering servicemembers. DOD and VA agreement on key definitions for what constitutes "mental health," for instance, is important for developing policies that define the scope, eligibility, and service levels for recovering servicemembers.

Recent changes affecting the SOC may also pose future challenges to policy development. Some officials have expressed concern that DOD's recent changes to staff supporting the SOC have disrupted the unity of command because SOC staff now report to three different officials within DOD and VA. Additionally, according to DOD and VA officials, the SOC's scope of responsibilities appears to be in flux. While the SOC will remain responsible for policy matters for recovering servicemembers, a number of policy issues may now be directed to the DOD and VA Joint Executive Council. Despite this uncertainty, DOD and VA officials told GAO that the SOC's work groups continue to carry out their responsibilities.

GAO REPORT 09-686T: VA Health Care: Overview of VA's Capital Asset Management

<http://gao.gov/products/GAO-09-686T>

Through its Veterans Health Administration (VHA), the VA operates one of the largest integrated health care systems in the country. In 1999, GAO reported that better management of VA's large inventory of aged capital assets could result in savings that could be used to enhance health care services for veterans. In response, VA initiated a process known as Capital Asset Realignment for Enhanced Services (CARES). Through CARES, VA sought to determine the future resources needed to provide health care to our nation's veterans. This testimony describes (1) how CARES contributes to VHA's capital planning process, (2) the extent to which VA has implemented CARES decisions, and (3) the types of legal authorities that VA has to manage its real property and the extent to which VA has used these authorities.

Legal restrictions and administrative- and budget-related disincentives associated with implementing some authorities affect VA's ability to dispose and reuse property in some locations. While VA's use of various legal authorities likely contributed to VA's overall reduction of underutilized space since fiscal year 2005, VA does not track the overall effect of using these authorities on space reductions. Not having such information precludes VA from knowing what effect these authorities are having on reducing underutilized or vacant space or knowing which types of authorities have the greatest effect. According to VA officials, VA will institute a system in 2009 that will track square footage reductions at the building level.



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