

STATEMENT OF
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BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO

Vocational Rehabilitation and Employment (VR&E) Programs

WASHINGTON, DC

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MADAM CHAIRWOMAN AND MEMBERS OF THIS SUBCOMMITTEE:

On behalf of the 2.2 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to thank this committee for the opportunity to testify. The issues under consideration today are of great importance to our members and the entire veteran population.

During this economic recession the number of unemployed veterans has increased to nearly one million as of February 2009. That is an increase of nearly 160,000 veterans since we last testified before this subcommittee. There are twice as many unemployed veterans as there were one year ago and there are more unemployed Iraq and Afghanistan veterans as there are men and women currently serving in Iraq. Of these one million veterans we know that two-thirds of them, or 666,000, are ineligible for any educational programs that are available—Chapter 30, Chapter 31, or Chapter 33. What we don't know is how many of these veterans are unemployed due to an injury they received in service to our nation. Nonetheless, we do know that there are veterans who are injured and who are not receiving any rehabilitation because of a twelve year delimiting date tied to the VR&E program.

There is no delimiting date on a service connected injury and at no point does that injury stop being related to or caused by your service to our nation. Veterans' service related injuries tend to progressively worsen over time and many injuries won't even fully disable a veteran until long after

twelve years. Veterans did not ask to become disabled and we as a Nation need to do more to help service disabled veterans rehabilitate for the entirety of their employable lives.

VR&E Brief Overview

The sole purpose of the Department of Veterans Affairs' Veterans Benefits Administration's Vocational Rehabilitation and Employment (VR&E), as authorized under Chapter 31 of 38 USC, is to provide comprehensive services to address the employment handicaps of service-connected disabled veterans in an effort to achieve maximum independence in daily living, and to obtain and maintain gainful employment. Furthermore, VR&E provides services to severely disabled veterans with an eye towards helping them achieve the highest quality of life possible, including future employment when feasible.

In 1918, Congress passed the Vocational Rehabilitation Act to increase the probability for a seamless transition into suitable employment that is consistent with a qualifying veteran's competencies and interests through successful rehabilitation. This program was administered by the Federal Board for Vocational Education. On August 24, 1921, VR&E was transferred to the soon-to-be created Department of Veterans Affairs. Legislation would later expand VR&E, specifying that any eligible veteran may receive up to four years of training specifically directed to rehabilitation and the restoration of employability.

Currently, to be eligible for VR&E, the veteran must have been discharged under circumstances other than dishonorable; have a disability rating or memo rating of 10% or more, which was incurred in or aggravated by such service for which a pension is payable under the laws administered by the VA or would be but for the receipt of retirement pay; and be in need of vocational rehabilitation to overcome employment handicaps caused by such service-connected disability. VR&E provides for 48 months of entitlement and the program may be utilized within 12 years from the date of initial VA disability rating notification, with an exception for those with a serious employment handicap.

The process begins when a case manager is assigned to each recipient of VR&E services. The case manager works with a Vocational Rehabilitation Counselor (VRC) to determine the extent of a disabled veteran's employment handicap(s). A written rehabilitation plan is then developed by the VA and the veteran, describing the goal of the VR&E program and the means through which the goal will be achieved. The VRC and the case manager then help the veteran for up to 18 months through on-going case management to achieve the goals of the agreed upon written plan for employment or independent living. Services provided include, but are not limited to: referrals for medical and dental services, coordination of training allowances, education counseling for children and spouses of veterans who have a permanent and total service-connected disability, testing for aptitude and tutorial assistance.

Under the current VR&E program, a veteran whose eligibility and entitlement have been established must not only complete the rehabilitation plan, but he or she will also be tracked to attainment of suitable employment based on the plan's goals. This is called the "Five-Track Service Delivery

System.” The tracks are: Re-employment; Rapid Access to Employment; Self-Employment; Employment through Long-Term Services; or Independent Living Services.

Briefly, the Re-employment Track helps veterans and members of the National Guard and the Reserves return to jobs held prior to active duty. The Rapid Access to Employment Track emphasizes the goal of immediate employment and is available to those who already have the skills to compete in the job market in appropriate occupations. Self-Employment is a track for veterans who have limited access to traditional employment and need flexible work schedules and a more accommodating work environment because of their disabling conditions or other special circumstances. Under the Employment through Long-Term Services track, VR&E assists veterans who need specialized training or education to obtain and maintain suitable employment. Finally, the Independent Living Services Track is for veterans who may not be able to work immediately and need additional rehabilitation to enable them to live more independently.

From its conception, VR&E has been adapted to better reflect veterans’ current circumstances. For example, the cap on the number of veterans eligible for the Independent Living track has been modestly increased. What defines “successful rehabilitation” has also been restructured. Before 1980, completion of a training program for suitable employment and not actual job placement was considered a success. This was identified as a problem area, and improved. Furthermore, in partnership with the Department of Labor (DOL), employers, and other relevant federal agencies, efforts have been made by the VA to increase employment opportunities for program participants. Finally, outreach and early intervention efforts have been expanded and integrated into the U.S. Army Wounded Warrior Program (AW2) and Warrior Transition Units (WTU) command.

The Veterans of Foreign Wars has identified five primary areas of concern. We believe that if these recommendations were adopted, the VR&E program would have better results and increased investment for veterans and our government.

- 1. The Delimiting Date for VR&E Needs to be Removed*
- 2. VR & E’s Educational Stipend Needs Parity in Comparison to Chapter 33*
- 3. For Many Disabled Veterans with Dependents VR&E Education Tracks are Insufficient*
- 4. VR&E Performance Metrics Need to be Revised to Emphasize Long-term Success*
- 5. VR&E Needs to Reduce Time from Enrollment to Start of Services*

The Delimiting Date for VR&E Needs to be Removed

Currently, the delimiting date for VR & E is set to 12 years after separation from the military, or twelve years following the date a servicemember learns of their rating for a service connected disability. This fails to take into account the fact that many service related injuries will not hinder the veteran to the point of needing help or rehabilitation until many years following the injury.

Eliminating VR&E’s delimiting date would allow veterans to access the VR&E program on a needs basis for the entirety of their employable lives. Veterans would still have to be approved by VR&E as having an employment handicap resulting from their service connected disability and would still be

subject to the total cap of services. However, dropping the arbitrary delimiting date would insure rehabilitation for veterans should their service connected disability negatively progress over time.

VR & E's Educational Stipend Needs Parity in Comparison to Chapter 33

With the passage of the new GI-Bill, the discrepancy in benefits between Chapter 31 and Chapter 33 may have the latent consequence of incentivizing chapter 33 even though a disabled veteran needs access to the additional rehabilitation benefits chapter 31 provides. For this reason the VFW strongly urges Congress to create a Chapter 31 educational housing stipend that is in line with the Chapter 33's housing allowance; which is E-5, with dependents, basic allowance for housing (BAH) determined by the zip code of the educational institution of interest. This would offer our disabled veterans the best all-around program and would return the VR&E program to offering the best available overall services to rehabilitating veterans.

For Many Disabled Veterans with Dependents VR&E Education Tracks are Insufficient

For many veterans with dependents the VR&E educational track provides insufficient support. Veterans with dependents are the second largest group seeking assistance from VR&E and they are often those with the most pressing needs to secure meaningful long-term employment. There are many seriously disabled veterans that are unable to pursue all of their career options or goals due to the limited resources provided to disabled veterans with children and spouses. We must not forget that these veterans are utilizing VR&E because of a disability they incurred in service to our country. Unfortunately these heroes utilize VR&E's employment track at a rate higher than disabled veterans without dependents. The VFW believes this is likely due to the fact that immediate employment, while possibly not the best long-term rehabilitation outlook, immediately provides higher resources to the family that cannot afford long-term educational rehabilitation.

The Veterans of Foreign Wars would like to see VR&E institute a program to help veterans with dependents while they receive training, rehabilitation and education. This could be achieved by establishing a sufficient allowance to assist with the cost-of-living and in some cases by providing childcare vouchers or stipends. Childcare is a substantial expense for many of these veterans. Without aid of some form, many disabled veterans will be unable to afford the costs associated with long-term educational rehabilitation.

By assisting these veterans with these expenses, we can increase the likelihood they will enjoy long-term success and an increased quality of life. This will lead to decreased usage of VA services and is a worthwhile proactive approach.

VR&E Performance Metrics Need to be Revised to Emphasize Long-term Success

Currently VR&E measures the “rehabilitation rate” as the number of veterans with disabilities that achieve their VR&E goals and are declared rehabilitated compared to the number that discontinue or leave the program before achieving these goals. “Rehabilitated” within the employment track means that a veteran has been gainfully employed for a period of 60 days following any VR&E services they received. This form of performance measure could have the latent consequence of incentivizing short-term employment solutions over long-term strategies.

The VFW would like to see all VR&E performance metrics changed to reflect the employable future of the veteran. At anytime if a veteran becomes unemployed, during his employable future, he would be counted as such. A veteran’s success in completing a rehabilitation program followed by his employment does not necessarily mean he has been rehabilitated for the course of his employable future. Changing the metrics to reflect a career long standing will incentivize long-term approaches to VR & E programs. If an injury is aggravated following rehabilitation then a servicemember may need to additional rehabilitation to make him employable.

VR&E Needs to Reduce Time from Enrollment to Start of Services

The current VR&E program can take up to several months to begin a program of training. This occurs primarily because VR&E is required to validate that entitlement is present. In a recent conversation with VR&E’s central office, the VFW learned that it is extraordinarily rare that entitlement is not found for the VR&E program. If a veteran has proven eligibility for VR&E, the VFW believes entitlement ought to be assumed thereby minimizing veterans time in gaining access to VR&E programs.

The Vocational Rehabilitation Counselor makes entitlement determinations on the basis of whether the veteran’s employment problems have been caused by

- The veteran’s service connected disabilities
- The veteran’s non service-connected disabilities
- Deficiencies in education and training
- Negative attitudes about people with disabilities
- The impact of alcoholism and/or drug abuse
- Consistency with abilities, aptitudes, and interests
- Other pertinent factors

If entitlement were assumed, veterans would still have to be considered eligible. To be considered eligible for VR&E services, a veteran must

- Have received, or will receive, a discharge under conditions other than dishonorable;
- Have served on or after September 16, 1940;

- Have a service-connected disability employment handicap rating of at least 20% or a serious employment handicap rating of 10%;
- Need vocational rehabilitation to overcome an employment handicap; and
- Submit a completed application for VR&E services on VA Form 28-1900

In conclusion the Veterans of Foreign Wars believes that VR&E is one of the best tools disabled veterans have. We hope to see it upgraded to face the unique challenges of today's veterans during these tough economic times. The cost to our disabled veterans far exceeds the recompense our nation provides them as these injuries drastically reduce their quality of life. However, we must not forget disability does not just affect the soldier or the veteran. Families and children pay a price as well and it is our responsibility to offer these veterans a robust, fair, rehabilitation program for their employable future.

Madam Chairwoman, this concludes my testimony and I will be pleased to respond to any questions you or the members of this Subcommittee may have. Thank you.