Federal Update
For
January 4 - 8, 2016

VA Death Verification System Update

New Policy

The federal government has acknowledged that it wrongly declared more than 100 veterans dead and suspended their benefit payments, and says it is changing its policy of confirming deaths. Mike Rieker, a 69-year-old Vietnam War Navy veteran who was among those wrongly declared dead, said his situation turned serious when he realized he might go weeks or more without a benefits check while the situation was ironed out. "I spent five minutes arguing on the phone with a lady about me being dead," he said with a wry smile at a news conference 22 DEC. Eventually, "I started looking around the house for things to sell," he added.

Republican U.S. Rep. David Jolly of Florida brought the issue to the Department of Veterans Affairs' attention in a November letter. In response, the VA acknowledged that it had erroneously stopped benefits to 115 people from July 7, 2014, to April 1, 2015, because officials believed they were dead. Now, the department is "updating its process to request further confirmation of the beneficiary's death before it terminates payments," VA spokesman Randal Noller said in a statement to The Associated Press. When officials think a veteran is dead, the department will send a letter to his or her address and request confirmation of the death from a surviving family member, according to a 10 DEC letter from the VA to Jolly's office. If the VA doesn't hear from the family — or from a veteran erroneously believed dead — only then will the department terminate payments, according to the letter.

Jolly said that he's grateful the department took action and that VA blamed the problems on computer and human error. The VA verifies its beneficiaries' entitlement through an automated match with the Social Security Administration's Death Master File, Noller said. "Although these types of errors are a small percentage, we sincerely regret the inconvenience caused by such errors," Noller said in his statement. In Rieker's case, under the new rules he would have had a 30-day period to present evidence that he was alive and well, Jolly said.
[Source: Associated Press | Tamara Lush | December 22, 2015 ++]

VA Health Care Access Update

Justice Dept. Drops 46 of 55 Cases

Justice Department officials have declined to pursue dozens of criminal investigations into employees at the Department of Veterans Affairs who allegedly participated in a national effort to cover up long delays in care by creating fake patient waiting lists. As of 3 DEC the Justice

Department has refused to pursue any charges in 46 of 55 cases referred by the VA's own inspector general. Nine cases are still pending, according to a letter from Rep. Jeff Miller, chairman of the House Veterans Affairs Committee, to Attorney General Loretta Lynch that was obtained by the Washington Examiner. Despite the widespread attention VA officials have received for manipulating patient wait times, the Justice Department has acknowledged opening just one criminal investigation into a practice that took place at 110 VA facilities across the country.

FBI Director James Comey told Congress last year that the law enforcement agency's Phoenix office had opened a criminal probe of allegations made against officials at the Phoenix VA hospital. However, during a House Judiciary Committee hearing last month, Lynch could not answer questions from Rep. Mimi Walters (R-CA) about the status of that investigation or whether any others had been opened. Lynch vowed during that hearing to have her staff provide Walters with information about the investigation. A month later, Justice Department staff did respond to Walters' questions. The officials requested Walters accept an "informal phone call" rather than a formal response, then refused to answer any questions about the scope of the agency's work with the VA. "I am at a loss as to why [the Justice Department] required a month to determine that it was unable to provide any answers to these questions," Walters wrote in a Dec. 17 letter to Lynch. "It is my concern that [the Justice Department] intentionally induced my office to participate in an informal discussion for the sole purpose of obstructing legitimate congressional oversight beyond the public's purview," she added.

The Justice Department did not respond to a request for comment about why it could not answer Walters' questions and whether it had ever pursued criminal charges against any VA officials involved in the wait-time scandal.
[Source: Washington Examiner | Sarah Westwood | December 30, 2015++]

POW/MIA Recoveries

Reported 16 thru 31 Dec 2015

"Keeping the Promise", "Fulfill their Trust" and "No one left behind" are several of many mottos that refer to the efforts of the Department of Defense to recover those who became missing while serving our nation. The number of Americans who remain missing from conflicts in this century are: World War II (73,515) Korean War (7,841), Cold War (126), Vietnam War (1,627), 1991 Gulf War (5), and Libya (1). Over 600 Defense Department men and women -- both military and civilian -- work in organizations around the world as part of DoD's personnel recovery and personnel accounting communities. They are all dedicated to the single mission of finding and bringing our missing personnel home. For a listing of all personnel accounted for since 2007 refer to http://www.dpaa.mil/ and click on 'Our Missing'. If you wish to provide information about an American missing in action from any conflict or have an inquiry about MIAs, contact:

- Mail: Public Affairs Office
  2300 Defense Pentagon
  Washington, D.C. 20301-2300
  Attn: External Affairs
- Phone: (703) 699-1420

- Online: Fill out form on http://www.dpaa.mil/Contact/ContactUs.aspx

Korea

The Department of Defense POW/MIA Accounting Agency (DPAA) announced 4 DEC that the remains of a U.S. serviceman, missing from the Korean War, have been identified and will be returned to his family for burial with full military honors. Army Sgt. **Robert C. Dakin**

The Defense POW/MIA Accounting Agency announced the identification of the remains of Army Pfc. **David S. Burke**, 21,

The Defense POW/MIA Accounting Agency announced 8 DEC the identification of the remains of Army Pfc. **James M. Smith**, 19, of Wilcox County, Ga., who was lost fighting in South Korea on Feb. 12, 1951. He was assigned to Company K, 38th Infantry Regiment, 2nd Infantry Division.

World War II

The Department of Defense POW/MIA Accounting Agency (DPAA) announced 4 DEC that the remains of Marine Cpl. **James D. Otto**, unaccounted for since World War II, have been identified and are being returned to his family for burial with full military honors.

The Department of Defense POW/MIA Accounting Agency (DPAA) announced the identification of the remains of Army Air Forces 1st Lt. **Leonard R. Farron**, of Pierce County, Wash., who was piloting a P-39 Airacobra that failed to return to base after a strafing mission over Guadalcanal on Oct. 15, 1942. He was assigned to the 67th Fighter Squadron, 347th Fighter Group, 13th Air Force.
[Source: http://www.dpaa.mil | December 31, 2015 ++]

VA Insurance Dividends in 2016

$88.1 million to ~430,000 Vets

This year, VA will pay $88.1 million in annual dividends to approximately 430,000 Veterans who served before 1956 and hold qualifying life insurance policies. The dividends come from the earnings of trust funds that Veterans have paid insurance premiums into over the years, and are linked to returns on investments in U.S. government securities. VA will pay the following dividends:

- $53.5 million – Anticipated total amount of dividends to qualifying Veterans of World War II holding National Service Life Insurance policies that begin with the letter "V".
- $2.3 million – Anticipated total amount of dividends to be paid to qualifying World War II-era Veterans holding Veterans Reopened Insurance policies that begin with the letters "J," "JR" or "JS".
- $32.2 million – Anticipated total amount of dividends to be paid to qualifying Korean Conflict-era Veterans holding Veterans Special Life Insurance policies that begin with the letters "RS" or "W".

- $105,000 – Anticipated total amount of dividends to be paid to qualifying Veterans who served after World War I until 1940 and hold U.S. Government Life Insurance policies that begin with the letter "K".

No action is required on the part of the Veteran receiving dividends. VA will automatically pay the dividend on the anniversary date of the policy by sending it to the insured Veteran. The amounts will vary based on the age of the Veteran, the type of insurance and the length of time the Veteran has had the policy in force. Veterans eligible for the dividends must have had these VA life insurance policies in effect since they left the military and would have received annual notifications about their policies. VA operates one of the nation's largest life insurance programs, providing more than $1.2 trillion in coverage to 6.3 million Service members, Veterans, and family members. Veterans who have questions about their policies should contact the VA insurance toll-free number at 1-800-669-8477 or send an email to VAinsurance@va.gov. For more information on VA life insurance, see http://www.benefits.va.gov/insurance.
[Source: VAntage Point | December 30, 2015 ++]

VA Claims Backlog Update

Lowest But Never Going Away

The Veterans Affairs Department's backlog of disability claims will finish 2015 near its lowest level in six years, but still will not come close to the publicly promised goal of zero. VA officials this week said the backlog sits at just under 75,000 cases, down by nearly half from when the department began publicly tracking the figure in 2009, and down by 88 percent from its peak of nearly 612,000 cases in the spring of 2013. It's a remarkable turnaround for an agency that in the early part of this decade routinely took ridicule from critics for the ever-growing backlog totals, and saw the overall number of claims spike as it worked to make internal improvements.

Since 2012, more than 940,000 new veterans have been added to VA's compensation lists. But for years, White House and VA leaders have publicly targeted 2015 as the year they would eliminate the backlog, comprised of first-time claims pending for more than four months. And that goal may never be reached. In a statement this week, VA officials said some claims will always require more than 125 days to process, "for a number of complex reasons." Those include shifting schedules for medical exams, additional entitlement issues, and discovery of new evidence during processing that can bolster a veteran's case. "VA's legal duty to assist veterans in fully developing their claims is an obligation we take seriously and will not rush," the statement said. "VA employees are dedicated to getting veterans the benefits they have earned as quickly and accurately as possible."

Veterans Benefits Administration officials have estimated that about 10 percent of new claims coming into the system may fall into those categories. With the current inventory, that translates into a rolling list of about 40,000 backlogged claims. The department has cleared more than 530,000 overdue claims from its caseload in about 2.5 years, thanks to a series of process updates, computer upgrades and years of mandatory overtime for claims workers. Those changes include moving VA from a largely paper-based processing system to a completely digital one, enabling faster sharing of medical records and military service

information. That process wasn't fully engaged until 2013, after the backlog had quadrupled from its fall 2009 totals. A combination of newly returning Iraq and Afghanistan war veterans and decisions to expand the number of Vietnam-era service-connected illnesses led to a dramatic spike in the caseload, and to frustration over the slow pace of change.

In response, VA leaders required its claims processors to work 20 hours of overtime each month nearly continuously since the start of 2013, and for isolated periods in the two years prior. The move added hundreds of days of extra processing time, but has worn on employees tasked with the work. Department leaders have said they hope to end the mandatory OT in the coming year. Progress on clearing the backlog has been largely stagnant since October, when the total dipped below 75,000 cases for the first time. But the processing numbers often stall near the end of the year as holiday breaks and unused vacation time stacks up, and in past years significant backlog reduction has resumed in late January. Outside critics also have expressed concern that the effort to clear the delayed first-time claims has led to an increase in the backlog of appeals on claims, where cases routinely languish for three years or more.

The appeals caseload has risen by about 75,000 since spring 2013, to just over 325,000 pending cases today. But VA officials insist the percentage of total claims that wind up in appeals has remained steady in recent years, and the recent rise is connected to the greater number of claims being filed by veterans, not problems with processing first-time cases. Department leaders have promised to address the appeals problems in coming years, while also remaining focused on the first-time claims delays. "While complete elimination of the backlog may not be achievable under our current processing systems and procedures, we know there is still more that we can do," they said in their statement.
[Source: MilitaryTimes | Leo Shane | December 29, 2015 ++]

Veterans Crisis Line Update

What Happens on the Other End

The Veterans Crisis Line is an anonymous call center designed to encourage Veterans and their families and friends to make the call. The professionals on the other end of the line are simply called "responders." Yet they have a job that is unlike almost any other, anywhere. They are specially trained and experienced in helping Veterans of all ages and circumstances. Some of the responders are Veterans themselves and understand the challenges Veterans of all ages and service, their families and friends have been through. During their shifts (which can happen at any time, any day), responders immediately let the caller know that someone is on the other end who cares and will listen as long as needed. Responders stay on the line until they are either assured of the caller's safety via a family member, or forward the situation to local emergency rescue coordinators who have the situation in hand. A recent HBO film about the Crisis Line features two sequences that vividly portray the understanding and compassion required on the job:

- In one, responders work with an Afghanistan war Veteran and father of five who is tormented by recurring nightmares that have become unbearable. The responder tells the man, who served his country with the Marines, "You're their father. No one can replace you."

- In another, responders and tech people are involved in a daylong search for an anonymous caller in distress. At last, through brilliant detective work, the young man is admitted to an Army medical facility. A Crisis Line supervisor comments, "This is a good ending to the day." Success means keeping a caller engaged on the phone until they are out of danger.

If you are a Veteran in crisis, know someone who is, or are a concerned family member, please make the call. Receive confidential support 24 hours a day, 7 days a week, 365 days a year:

- Call 1-800-273-8255 and Press 1
- Chat online
- Or send a text message to 838255

For more information, visit https://www.veteranscrisisline.net. If you're interested in a job on the Crisis Line or supporting Veterans in many other ways, please visit VA Careers at http://www.vacareers.va.gov/job-search/index.asp?q=veterans+crisis+line&cat=&radius=100&loc=new+york&search=search.
[Source: VAntage Point Blog | December 29, 2015 ++]

VA Minority Veterans Panel Update

New Members

VA announced the appointment of four new members to the Advisory Committee on Minority Veterans on Dec. 21. The committee was chartered on Nov. 2, 1994, and advises the Secretary of Veterans Affairs on the needs of the nation's 4.7 million minority Veterans on compensation, health care, rehabilitation, outreach and other benefits and programs administered by the VA. The committee assesses the needs of Veterans who are minority group members and recommends program improvements designed to meet their needs. The committee members are appointed to two or three-year terms. Minority Veterans comprise nearly 21 percent of the total Veteran population. The new committee members are:

Melissa Castillo: Navy Veteran of San Antonio, Texas. Served as the Assistant Regional Director for San Antonio Region, Veterans County Service Officer Association of Texas; Assistant Women Veterans Coordinator; Advisor to the US Army Survivor Outreach Services Program; and Advisor to the Alamo Community College District Veterans Affairs Committee. Currently serves as the Assistant Veterans Service Officer at the Bexar County Veterans Service Office in San Antonio, Texas, and is an accredited Veterans Service Officer.

Benno Cleveland: Army Veteran of Fairbanks, Alaska. Served two tours in Dong Tam, Vietnam where he earned a Purple Heart. He also served as Senior Vice Commander and Department Commander of the Military Order of the Purple Heart. In recognition of his distinguished military service, the Alaska Federation of Natives bestowed him with their "Veteran of the Year" honors in 2014 at their Annual Convention in Anchorage. Mr. Cleveland also founded the Alaska Native Veterans Association and is currently serving as President.

Ginger Miller: Navy Veteran of Accokeek, Maryland, and former homeless disabled Veteran. Ms. Miller became Founder and CEO of two nonprofit organizations that serve Veterans and

their families: John 14:2, Inc. and Women Veterans Interactive. She served as Chairwoman of the Prince George's County Veterans Commission; Commissioner, Maryland Commission for Women; member of the Maryland Veterans Resilience Advisory Council; and a member of the Maryland Caregivers Support Coordinating Council. She is currently a member of Disabled American Veterans.

Xiomara Sosa: Army Veteran of Summerville, South Carolina. Ms. Sosa is the Founder and Principal of XAS Consulting, LLC, an integrative mental healthcare and holistic wellness consulting firm. She served on the Women Veteran Social Justice board of directors; Military Partners and Families Veteran Initiative; the Semper Fidelis Health and Wellness Advisory Board; and a current member of the Women in Military Service for America Memorial Foundation, Inc.

The new members join current members:

- Marvin Trujillo, Jr., Committee Chairman, Marine Corps Veteran
- Many-Bears Grinder, Col. (USA-Ret)
- Patricia Jackson-Kelley, Lt. Col. (USA-Ret)
- Librado Rivas, Command Sgt. Maj. (USA-Ret)
- Teresita Smith, Sgt. First Class (USA-Ret)
- Rebecca Stone, Staff Sgt. (USA-Ret)
- Cornell Wilson, Jr., Maj. Gen. (USMC-Ret)
- Anthony Woods, Army Veteran

[Source: VA News Release Dec. 23, 2015 ++]

VA Accountability Update

Phoenix VA Officials

For months, officials at the Department of Veterans Affairs have claimed they were stymied in trying to hold top Phoenix VA officials accountable because of an ongoing criminal investigation. But an email this week from the department's Inspector General's Office says that excuse is bunk: The OIG and FBI criminal investigation of Phoenix officials was completed, referred to federal prosecutors and rejected over the summer. There is no pending case. The controversy centers on Lance Robinson, deputy director of the Phoenix VA Health Care System, and Brad Curry, chief of Administrative Services. Those senior executives were placed on administrative leave in May 2014 after inspectors verified delayed patient care, falsified wait-time data and whistleblower retaliation at the Carl T. Hayden VA Medical Center on Indian School Road. Hospital Director Sharon Helman, who also was suspended at the time, has since been fired.

The fact that Robinson and Curry remain on leave – collecting more than $400,000 in pay and benefits for more than 19 months – drew anger and criticism in the past week from key lawmakers, including Sen. John McCain (R-AZ) and Rep. Jeff Miller (R-FL), chairman of the House Committee on Veterans' Affairs. During a Senate Committee on Veterans' Affairs field hearing in Gilbert this week, Undersecretary David Shulkin repeated the claim that disciplinary efforts have been thwarted by "our inability to interview witnesses who have not been cleared by the

U.S. Attorney's Office." That comment prompted the House committee staff to ask the VA Office of Inspector General for verification. In an emailed response, OIG Congressional Relations Specialist Megan VanLandingham wrote that statements by Shulkin and other VA officials "are not accurate."

VanLandingham's missive, obtained by The Arizona Republic, says the OIG notified the VA before July that the criminal investigation of Phoenix VA employees was completed and the U.S. Attorney's Office decided not to press charges. Cosme Lopez, a U.S. Attorney's Office spokesman, declined to verify the case was rejected. Lopez said Arizona's top federal prosecutor, John Leonardo, does not divulge how an investigation has been resolved or any other information on criminal matters unless a conviction is secured. The email from VanLandingham notes that Helman was fired while the VA criminal investigation was underway last year. It says the VA twice interviewed Curry earlier this year, and took part in framing questions for Robinson's interview by inspectors. It also says the OIG provided the VA with all investigative materials, for potential use in the disciplinary probe. "Given these facts," the email says, "we don't understand VA's assertion that they have been unable to investigate and hold these employees accountable ..."

Earlier in the day, The Republic submitted a list of questions to VA headquarters seeking details of how the U.S. Attorney's Office prevented disciplinary proceedings. Jacobsen did not address those questions, but provided a VA statement that says "there has been no recommendation given or decision made that VAMC leaders (in) Phoenix should not be disciplined for whistleblower retaliation." The statement notes there have been lengthy criminal inquiries and said the VA is still "reviewing the voluminous evidence collected through those investigations and will impose appropriate discipline based on all substantiated misconduct, including but not limited to whistleblower retaliation." VA Deputy Secretary Sloan Gibson was grilled about the delayed personnel actions last week during a hearing of the House Committee on Veterans' Affairs. He acknowledged the process had gone on too long, adding, "... we can’t let issues languish unresolved in protracted IG or Department of Justice investigations for months and years. Our past practice has been to wait for these investigations to be complete. We’re done waiting."

The congressional ire over accountability was exacerbated this week by revelations that internal VA probes long ago determined that several Phoenix administrators retaliated against whistleblowers who first exposed the department's crisis in care and management. One investigation found that Robinson had transferred hospital spokeswoman Paula Pedene to a basement after she reported administrative misconduct. Another concluded that Chief of Staff Darren Deering reassigned Dr. Katherine Mitchell, an emergency-room supervisor, after she raised concerns about patient safety and delayed care. Both employees filed complaints with the Office of Special Counsel and won settlements from the VA. Deering, a staunch defender of the hospital administration, had been scheduled to testify during a 14 DEC Senate committee hearing, but was canceled as a witness after the findings against him were revealed. He did not respond to a request for comment submitted via a hospital spokeswoman.
[Source: The Republic | Dennis Wagner | December 16, 2015 ++]

VA Accountability Update

Meaningful Discipline/Evidence Lacking

The Veterans Affairs Department does not plan to discipline any of the managers accused of egregious behavior by union officials in a controversial July report, according to a VA spokesperson. The department "found no outstanding allegation of wrongdoing warranting discipline against any of the identified managers," the spokesperson said in response to questions about the report compiled by the American Federation of Government Employees Local 17, allegedly at VA Secretary Bob McDonald's request. The 40-page "hit list," so-called by advocates for senior executives and federal managers, detailed alleged incidents of harassment, discrimination, bullying and incompetence by "disruptive and ineffective" managers who work in VA's Central Office.

The VA Office of Accountability Review investigated the allegations in the report and found that several of them "had already been raised and resolved through the Equal Employment Opportunity complaint process, and/or the labor management grievance or unfair labor practice complaint processes," the spokesperson said. Other allegations were more general criticisms of managers' leadership abilities, communication skills and personality traits "rather than unlawful activity that might be actionable," the spokesperson added. VA leadership created the Office of Accountability Review earlier this year to look into any alleged management or patient-related improprieties, whistleblower retaliation, and "related matters that impact public trust in VA," according to a March fact sheet. The two OAR investigators, who produced a summary report of their findings in early December, are "both experienced labor relations/employee relations specialists," the VA spokesperson said. They interviewed current and former employees, and reviewed relevant documents and complaints. While the accountability review concluded the allegations did not warrant discipline, investigators recommended more training for managers.

The July report compiled by AFGE Local 17 identified managers, but did not provide a list of witnesses or other information that could substantiate or refute the allegations. One senior executive, according to the list, allegedly directed subordinates to sign documents indicating that mid-year performance reviews had taken place even though they had not; another manager played favorites with employees who share his religious beliefs, according to the report. Another supervisor, who is described as a "disgrace" with a "disordered personality," harasses female employees, the report claimed, while others have allegedly made disparaging remarks about a subordinate's sexual orientation, forced employees to ask for permission to use the bathroom, yelled and cursed at subordinates, and ignored requests for reasonable accommodations and advance sick leave – some from disabled veterans.

Government Executive obtained a redacted version of the report in October through a Freedom of Information Act request. The House Veterans' Affairs Committee requested the unredacted report in July. VA Deputy Secretary Sloan Gibson told VA Committee Chairman Jeff Miller (R-FL), during a 9 DEC hearing that the department would provide the panel with the report including the names of the accused managers. To date, the committee has not received the unredacted report. "This is more proof that no matter what type of investigation -- including those done by VA itself, the inspector general, Congress or unions representing VA

workers -- finds misconduct on the part of VA employees, the end result is almost always the same: the department fails to institute meaningful discipline against those found to have done wrong," Miller said in a statement.

Gibson has been emphatic about the importance of following due process and evidence in disciplinary actions against employees. During the Dec. 9 hearing before the House VA Committee, he defended his decision to demote and reassign rather than fire two senior executives whom the department's watchdog concluded used their positions of authority for personal gain. The evidence against Diana Rubens and Kimberly Graves did not warrant firing, or the IG's criminal referral to the Justice Department, Gibson argued. "I'm not going to recommend, I'm not going to propose a disciplinary action that is based upon media coverage, or an opinion that is expressed in the IG report, if it is not supported by the evidence," he said, adding that he knew his decision not to fire Rubens and Graves wasn't going to "sit well, with virtually everybody." Human resources management, including the disciplinary and appeals process for employees, can be incredibly complex within VA, in part because it operates under different appointment authorities and regulations within two legal categories (Title 5 and Title 38).

The Senior Executives Association and Federal Managers Association sent a letter to McDonald in November asking what he planned to do with the AFGE Local 17 report. The groups said they had been contacted by several managers named in the report. "While they corroborated the fact that complaints have been filed against them, complaints were often found to be unsubstantiated. Because these managers and supervisors had repeated, yet groundless, accusations against them, FMA and SEA worry that instead of thoughtfully examining constructive means to improve VA, Local 17 is personally targeting managers and supervisors and perpetuating labor-management hostility," the letter stated. The groups also said that since the report surfaced, they had heard from "several VA managers and supervisors who have been verbally threatened and harassed by union representatives and members."

SEA Interim President Tim Dirks on 22 DEC said the group was "pleased with the final outcomes of the agency investigation, and hopes that VA managers will now receive the supervisor training needed to improve their administrative skills and understanding of the VA's complex and multi-faceted personnel system so that they may more productively conduct the public business." Dirks urged the union (in this case, AFGE Local 17) to use "proper channels and seek fair and constructive solutions" instead of "simply slandering managers without sufficient evidence to bolster their accusations." Miller said VA leaders have not proven they "are committed to holding corrupt and incompetent employees accountable" and that the department so far "has offered little more than rote talking points on the importance of accountability while the department's rampant lack of discipline remains on perpetual display." [Source: GovExec.com | Kellie Lunney | December 23, 2015 ++]

VA Accountability Update

Jailable Offense or Management Mistake?

Did a pair of senior Veterans Affairs Department executives get away with fraud, or were they libeled as part of a larger political spat? That's the lingering question after Justice

Department officials announced they will not charge the two women with any criminal activity, despite a scathing inspector general report that accuses the pair of abusing their power and stealing up to $400,000 in federal funds. Lawmakers have called that a fireable and jailable offense. VA leaders have called it a management mistake, and are working on a demotion and reassignment for the pair. For their part, the executives at the center of the department's latest accountability scandal — Diana Rubens, Philadelphia regional office director, and Kimberly Graves, St. Paul, Minnesota, regional office director — have said little.

Their attorneys have signaled they intend to appeal the demotions. Both women appeared before Congress in November but declined to answer questions, a constitutional right that critics blasted as proof of guilt. The inspector general report released in late September charged that Rubens and Graves "inappropriately used (their) position of authority for personal and financial benefit." Both women were involved with reassigning their predecessors to other jobs within VA, then moving into the vacant positions themselves. Investigators said the moves carried with them fewer responsibilities but no salary reductions, plus generous relocation payouts. Graves, who makes nearly $174,000 a year, got more than $129,000 to move from Philadelphia to Minnesota. Rubens, who makes $181,000, received more than $288,000 to move from Washington, D.C., to Philadelphia. Most of that money was tied to home purchasing programs available to relocated federal employees. Lawmakers labeled their actions as harmful to veterans, taxpayers and the department as a whole.

In response to the report, VA leaders suspended use of the relocation program, and are reviewing broader reimbursement policies. But they disagreed with investigators' assessment of abuse and corruption within the department. In testimony before the House Veterans' Affairs Committee earlier this month, Deputy Secretary Sloan Gibson lamented "the gulf between the rhetoric in the IG report and the actual evidence." VA leaders opted for demotion rather than dismissal because "I did not find that the evidence supported unethical violation," Gibson said. "I did find that evidence supported a failure in judgment." Several lawmakers challenged Gibson's decision not to fire the pair, citing the IG's criminal referrals. But officials with the U.S. Attorney's Office appear to have agreed with VA's assessment, declining to pursue criminal prosecution. Instead, officials there "referred the matter to the VA for any administrative action that is deemed appropriate" and declined further comment. VA officials also have repeatedly noted that their investigation was conducted separately from the IG's inquiry, and their findings did not show nearly the same inflammatory violations as the outside one.

In November, acting VA Under Secretary for Benefits Danny Pummill acknowledged that his agency should have been more careful in its oversight of the job transfers but told lawmakers he was still fine with the results. "If I could go back in time, I still would have made all of the moves," he said. Despite that vote of confidence, Rubens and Graves are facing demotions and cross-country reassignments in response to the report. VA leaders have opted not to try to recoup any of the relocation expenses in question — and indicated the pair may be eligible for additional reimbursements if the pending moves proceed. That further incensed Congress. Legislation is pending to make it easier for bureaucrats to reclaim those kinds of expenses, even if VA officials have shown no interest in doing so.

Lawmakers have promised continued oversight of the Graves and Rubens cases, but so far have offered no reaction to the Justice Department announcement. For the past year, members of Congress have sparred with VA leaders over a lack of firings and accountability within the department, saying department officials seem more interested in protecting problem employees than improving operations. But this latest case prompted VA's strongest pushback on those criticisms. Gibson challenged lawmakers during his December hearing, noting: "I've never encountered an organization where leadership was measured by how many people you fired ... you can't fire your way to excellence." He promised employee dismissals when warranted, but also blamed outside critics for turning minor problems into national scandals. Whether VA's proposed demotions for Graves and Rubens will be upheld remains to be seen. Paperwork mistakes by the VA have complicated the process, delaying the administrative action and leading to more jabs from lawmakers. A decision on whether the pair will be moved again or stay in their current posts should be finalized by mid-January.
[Source: MilitaryTimes | Leo Shane | December 30, 2015 ++]

VA Accountability Update

FY 2016 | Extra $6B w/Strings

The Department of Veterans Affairs is starting the new fiscal year with an extra $6 billion in discretionary spending, but that additional cash comes with strings. Out of the $1.1 trillion spending bill passed by Congress earlier this month, $71.4 billion has been earmarked for VA to improve (among other things) its electronic health records, reduce the backlog of disability claims and continue construction projects — provided the department loops in lawmakers. Either the VA Secretary or chief information officer must submit plans to both the House and Senate appropriations committees for projects related to "information technology systems development, modernization, and enhancement," according to the spending bill's text. And if a project's cost goes up or down by more than $1 million, a request for a funding transfer must be made to those committees.

There's nearly a dozen instructions VA must follow if it plans on using available funding to improve the Veterans Health Information Systems and Technology Architecture (VistA) electronic health record. Not more than 25 percent of the funding can be obligated or spent, according to the legislation, until a report is provided to both appropriations committees detailing everything from changes in the "scope or functionality of projects within the VistA Evolution program" to a timeline of scheduled milestones to "any changes to the governance structure for the VistA Evolution program and its chain of decision-making authority." Around $233 million was set aside to help the department with its electronic health records. VA's electronic health records system was a focal point for Congress several years ago, when it ordered the VA and Defense Department to come up with a way to share outpatient data between their existing systems and move on to modern health IT standards. In mid-November DoD leaders said they had done that and more.

According to the spending bill, $2.7 billion — $173 million more than fiscal 2015 — was set aside for the Veterans Benefits Administration, with an emphasis on reducing the backlog of disability claims. In a November fact sheet provided by the White House, the backlog of disability claims that are older than 125 days currently stands at roughly 76,000 claims, an 88

percent drop from the March 2013 peak of 611,000 claims. The money in part will fund nearly 800 more staff members to handle the backlog and appeals. Within the spending bill is language directing the VA Secretary to submit a quarterly report to both appropriations committees that includes:

- The average time to complete a disability compensation claim
- The number of claims pending more than 125 days, disaggregated by initial and supplemental claims
- Error rates
- Any corrective action taken within the quarter to address poor performance
- Training programs undertaken
- The number and results of Quality Review Team audits

After mismanagement led to a more than billion-dollar budget overrun for a VA hospital in Denver, the spending bill dictates that for major Veterans Health Administration construction projects, the $649 million set aside for the work won't be available until the VA uses an outside federal entity to serve as "the design and/or construction agent" for projects with a total cost of more than $100 million. That entity would also be "providing full project management services, including management of the project design, acquisition, construction, and contract changes." The VA must also certify in writing "that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns" and provide a copy to Congress. Also of note, following a VA Office of Inspector General report that found senior officials using their authority for personal and financial gain, a notification must be made to the appropriations committees if a waiver is issued for funding to be used for the Home Marketing Incentive Program within VA.
[Source: Federal News Radio | Meredith Somers | December 28, 2015 ++]

VA Rural Access Update

Increased thru Choice Act

Great news for the uninsured population and Veterans living in rural communities with limited access to health care providers and services. If you are a Veteran enrolled in, or eligible for, U.S. Department of Veterans Affairs (VA) health care services, the Veterans Choice Act of 2014 and Choice Improvement Act of 2015 were created to offer you greater access to care in your community. If you are a Veteran who is not eligible for VA health care and do not have insurance, the Health Insurance Marketplace may be a great option for you. The Veterans Choice Act increases access to health care for enrolled Veterans, and the Choice Improvement Act expands this access to a larger number of Veterans. For example, eligible Veterans who live more than 40 miles from a VA medical facility or are unable to schedule an appointment within 30 days may be eligible to use their Choice Card to see a provider in their community. To find out if you are eligible, please call 1-866-606-8198 or visit http://www.va.gov/opa/choiceact.

Recent legislation (the Choice Improvement Act) amended the Veterans Choice Act to further expanded eligibility for Veterans to receive care in their communities. VA will implement these changes in several phases, with the first phase (waiver of the enrollment date) effective immediately. The legislation:

- Waives the enrollment date – now, all enrolled Veterans, regardless of when they enrolled, may be eligible
- Expands the 60-day episode for referral care – meaning, if an eligible Veteran is referred for care, they will have 60 days to complete the referral
- Allows for appointments less than 30 days when clinically indicated – soon, Veterans with an approved clinical need for an appointment can seek care in their community, even if it's within 30 days
- Allows VA to expand its network – VA has now has authority to expand its Veterans Choice Program provider base
- Allows for Veterans Choice Program benefit where no VA full-time physician is present at the existing site of VA care

In addition, Veterans who receive hospital or medical services for a service-connected disability will be eligible to participate in a Health Savings Account effective December 31, 2015. VA wants to ensure that Veterans have options to access the health care they need, and that the care received also fully addresses their needs. Veterans who are uninsured or not eligible to enroll in VA health care can consider enrollment in state or federal Health Insurance Marketplaces for affordable health insurance. Most people can find health insurance plans available for $75 or less per month. Learn about options available in your area by visiting https://www.healthcare.gov or call 1-800-318-2596. If you are a Veteran who is either enrolled or not enrolled in VA health care and want more Veteran-specific information about the Health Insurance Marketplace, visit www.va.gov/aca.
[Source: The Rural Connection | Office of Rural Health | Fall 2015 ++]

VA Flu Shots Update

VA Retail Immunization Program

Flu season is here, and getting your flu shot is the single best way to protect yourself, as well as your loved ones, against the flu virus. For Veterans, getting a flu shot has never been easier. More than 8,000 locations now offer free flu shots for eligible Veterans through a U.S. Department of Veterans Affairs (VA) partnership with Walgreens. Studies show that if you plan when and where to get your flu shot, you are more likely to get one. So what are the options? Veterans enrolled in the VA health care system may opt to get a free flu shot at a local VA health care facility or at a neighborhood Walgreens drug store. Veterans can receive a free flu shot at their VA health care facility during any scheduled appointment or at a convenient walk-in flu station. Alternatively, Veteran patients may visit their local Walgreens to get a flu shot where an appointment is not required. Participation is strictly voluntary, and while there is no cost, Veterans should show their Veteran Identification Card and another form of ID.

The record of the flu shot from Walgreens will be included in the Veteran's VA electronic health record immunization record. Veterans who choose the Walgreens' option should use Group Code # 5933XBAYV or download the flu form (http://www.ehealth.va.gov/campaign/rrcp/2015_VA_RCCP_W_Flu_RegForm_100815.pdf). Wherever you choose to get vaccinated, the best choice for your health is to get a flu shot.

Note: Reference to non-VA pharmacies, including Walgreens, does not constitute or imply endorsement of these organizations, their services or products. If your local pharmacy is not currently participating in the VA Retail Immunization Program, they may participate in the future as the program expands. Vaccine is subject to availability. State and health-related restrictions may apply. If you do not have insurance coverage, there may be a charge for a flu shot after March 31, 2016.
[Source: The Rural Connection | Fall 2015 ++]

Vet Hiring Fairs

1 Jan thru 29 Feb 2016

The U.S. Chamber of Commerce's (USCC) Hiring Our Heroes program employment workshops are available in conjunction with hundreds of their hiring fairs. These workshops are designed to help veterans and military spouses and include resume writing, interview skills, and one-on-one mentoring. For details of each you should click on the city next to the date in the below list. To participate, sign up for the workshop in addition to registering (if indicated) for the hiring fairs which are shown below for the next month. For more information about the USCC Hiring Our Heroes Program, Military Spouse Program, Transition Assistance, GE Employment Workshops, Resume Engine, etc. visit the U.S. Chamber of Commerce's website at http://www.hiringourheroes.org/hiringourheroes/events.

St. Paul, MN - Minneapolis/St. Paul Hiring Expo with Minnesota Wild Details Register
February 9 - 9:30 am to 2:00 pm