

STATEMENT OF DOUGLAS J. ROSINSKI, ESQ.
TO THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
JUNE 11, 2015, HEARING EXPLORING VBA'S FIDUCIARY PROGRAM

EXECUTIVE SUMMARY

VJG strongly advocates fundamental overhaul of the VA fiduciary program. Despite some misgivings, VJG supports the “culture” changes embodied in the revised rules proposed over a year ago. 79 Fed. Reg. 430 (Jan. 3, 2014). Unfortunately, the final rules have yet to be issued.

As identified over three years ago in testimony to the Subcommittee On Oversight & Investigations, Congress did not intend the VA fiduciary program to operate the way it does today. Yet, VA continues to place veterans’ *earned and awarded* benefits at risk from disregard of fundamental rights available to all Americans – except veterans.

To restore the program to its intended purpose and function, VJG suggests that Congress make *explicit* that:

- VA fiduciary program regulations *do not* pre-empt state laws and VA fiduciaries must comply with state laws unless in direct conflict with a statutory requirement.
- VA must recognize existing fiduciary appointments valid under laws of the veteran beneficiary’s state of residence.
- VA must adopt a “priority” of fiduciary appointments recognizing the primacy of familial relationships over paid third-party “strangers.”
- VA authority extends only to VA benefits paid to the veteran and does not extend to the veteran’s other income or property, or any property of any family member.

Reasonably implemented in program regulations, these statutory clarifications would go a long way in changing the manner in which VA approaches its responsibilities in this program.

What is needed most, however, is VA recognition that veterans needing assistance with their finances have the same rights as every other citizen and that VA or any other federal agency cannot simply ignore those rights for bureaucratic expediency or any other administrative convenience.

Mr. Chairman, Ranking Member, and Distinguished Members of the Subcommittee:

Thank you for the opportunity to again present the views of one who represents veterans and their families who have had their lives upended by the so-called VA “fiduciary” program. On behalf of the Veterans Justice Group, LLC (VJG), I am pleased to testify on this important, if often overlooked, VA program. I have had the rewarding, if frustrating, experience of representing a number of those that have fallen into the unforgiving quagmire that is the VA fiduciary program and have drawn on that experience in this testimony.

VJG has long called for overhaul of the fiduciary program. Proposed revised regulations were published for comment over a year ago. 79 Fed. Reg. 430 (Jan. 3, 2014). Despite some misgivings, VJG generally supports the program changes embodied in those proposed rules. As we stated in our formal comments, too often the current program rules allow VA-appointed “fiduciaries” – who have little, if any, related skills or training – to collect large fees for little work while disregarding beneficiary needs. The mindset of maximizing “savings,” while beneficiaries go without adequate housing, clothing, or needed medicines, must stop and the proposed rules go a long way towards that goal.

VJG also strongly supports the program “culture change” promised by VA management. It is critical, however, that the culture change not be limited to the appointed fiduciaries alone. A change in the culture of VA fiduciary program personnel, especially field examiners, is as important as, if not more important than, individual fiduciary program changes. Indeed, it is our experience that fiduciaries have historically responded *only* to their supervising field examiners, regardless of other requirements.

Unfortunately, as with so many other VA programs, little has come of the promises. Critically, VA has yet to publish the final rule which recognizes that a “fiduciary” empowered by the federal government should be *more* – not less – accountable for the proper treatment of his or her beneficiary. Given the admitted urgent need for reform, and only a few dozen comments to address, this delay is puzzling. The June 1, 2015, VA Office of Inspector General (OIG) *Audit of Fiduciary Program’s Management of Field Examinations* finding that VA management has significantly *reduced* resources since the promises to improve the program is similarly puzzling.

OIG, however, failed to identify the greatest risk to veterans entrapped in an unresponsive VA fiduciary program: *the permanent loss of all awarded benefits because of VA failure to timely appoint a fiduciary*. VA contends, and the Courts have agreed, that existing statutes prohibit money awarded, but not actually paid by VA before a veteran's death, from being paid to the veteran's estate. *The money in such cases is permanently retained by VA*. Thus, even if a veteran receives an award, VA can (and does) *indefinitely* delay payment until a fiduciary is appointed. Thus, VA's reduction in field examiners – and the lack of any time limit on the appointment of a fiduciary – creates not only a risk of, but a *perverse incentive for*, delay in field examinations and fiduciary appointments.

In general, our objections with the current and proposed fiduciary program rules are with unexplained or unnecessary restrictions on the rights of beneficiaries. We see no reason or legal requirement that beneficiaries under this program should have any fewer rights or protections than any other citizen just because they are veterans. Indeed, the expectation should be that a veteran beneficiary is protected from improper or unnecessary infringement on his or her basic right to control their own property – including by VA. This, however, is not the case, as VA overreaching in creating “incompetent” veterans continues unabated.

One gauge of VA's overreach in sweeping veterans into its fiduciary program is the sheer number of veterans VA reports to the National Instant Criminal Background Check System (NICS). As of April 2013, VA had reported over *143,000* benefit recipients to NICS, effectively prohibiting them from purchasing a firearm, which accounted for *99%* of all federal agency NICS reports based on mental health. Senate Report 113-86 (Sep. 4, 2013). “That is true despite the fact that other federal agencies, such as the Social Security Administration, appoint representatives to manage benefit payments for their beneficiaries in a manner similar to VA's process.” *Id.*

While the processes may be similar, it is VJG's experience that VA all too often bases its “incompetency” determinations on the flimsiest of reasons. The most outrageous of these is that a statement by a veteran to any VA medical provider that “my spouse handles the finances” or “my spouse signs the checks” can – and often does – result in a VA decision that the veteran is “unable to manage his finances,” loss of control over his financial accounts, and loss of a right to purchase a firearm.

As one example, a VJG attorney represented a veteran suffering from ALS who was proposed for incompetency after he told a VA physician that his wife “signed all the checks.” It was quickly established that the veteran meant

that it was difficult and painful for him to sign his name because of his physical condition and so his wife did that for him. The VA examiner did not ask for clarification of the veteran's statement and the first the veteran heard of his "incompetency" was when he received the proposal to appoint a fiduciary. The veteran's mental state was subsequently confirmed as undiminished in any way. Without experienced counsel, however, he would have been yet another statistic. We are aware of numerous other similarly questionable "incompetency" determinations.

Based on our years of experience struggling to protect clients from the excesses of the VA fiduciary program, VJG suggests that Congress make *explicit* that:

- VA fiduciary program regulations *do not* pre-empt state trust, estate, or fiduciary laws and VA fiduciaries must comply with state laws unless in direct conflict with a statutory requirement.
- VA must recognize Power of Attorney (Attorney-in-Fact), guardian, and fiduciary appointments that are recognized as valid under laws of the veteran beneficiary's state of residence.
- VA must adopt a "priority" of fiduciary appointments recognizing the primacy of familial relationships over paid third party "strangers."
- VA can only remove or replace a person serving as a guardian or fiduciary under state law at the time of a VA proposal of a veteran's "incompetency" upon obtaining a state court order finding "cause" to remove the person.
- VA authority extends only to VA benefits paid to the veteran and does not extend the veteran's other income or property, or any property of any family member.

To be clear, VJG believes that each of the above requirements are already found in existing statutes. VA, however, has chosen to adopt interpretations and implement policies which now require that "Congress make explicit" its intended program requirements.

In any event, the VA fiduciary program as envisioned in the proposed rules still suffers from unnecessary limitations on beneficiary rights and regulatory gaps and ambiguities that threaten continued program dysfunction. VJG discusses several of these issues below, as it did in its formal comments on the proposed revised fiduciary rules.

Respect For State Law

VJG does not agree with VA's foundation position that Congress intended to pre-empt state law when it narrowly authorized the Secretary to appoint a third party to handle the finances of a veteran when he or she cannot reasonably do so themselves. To the contrary, VJG submits that Congress intended VA to fully utilize the extensive and well-developed state law in this area to aid in the appointment, regulation, and oversight of its fiduciaries. Indeed, it has been VJG's experience that the vast majority of VA fiduciary program problems it encountered were violations of the state law of residence, such as failures to provide information to the beneficiary, violations of the duties of candor and loyalty, and failure to act in the best interest of the beneficiary. None of these are requirements of the VA fiduciary program.

In any event, VJG submits that there is no reasonable basis for the Secretary's interpretation of 38 U.S.C. section 5502(a)(1) finding that "Congress intended to preempt State law" in authorizing a VA fiduciary program. 79 Fed. Reg. at 430. Indeed, the single cited basis for this position is facially unrelated to the issue. *Id.* In any event, this issue was resolved by the U. S. Supreme Court *over 75 years ago*. Indeed, *Hines v. Stein*, 298 U.S. 94 (1936), explicitly rejected the Secretary's supremacy theory.

During many years, *Congress has recognized* the propriety, if not the *necessity*, of entrusting the custody and management of funds belonging to incompetent pensioners to *fiduciaries appointed by state courts*, without seeking to limit judicial power in respect of them. To the contrary, it has directed that whenever any guardian, curator, or conservator fails properly to execute his trust, etc., the [Secretary] may appear in the court which has appointed and make proper presentation of such matters. *Authority of the state courts over guardians for incompetents is thus definitely recognized.*

. . .

Nothing brought to our attention would justify the view that *Congress intended to deprive state courts* of their usual authority over fiduciaries, or to *sanction the promulgation of rules* to that end by executive officers or bureaus.

Hines, 298 U.S. at 98 (emphasis added) (internal citations and quotations omitted). Since 1936 then, the Secretary has been obligated to respect state fiduciary authority – but he does not yet do so.

Whether or not VA has the authority to ignore relevant state laws, there is every practical reason for it not to do so. Rather than a robust “scheme,” Congress provided only the barest outlines of the duties and responsibilities of a VA-appointed “fiduciary.” *See generally* 38 U.S.C. § 5502(a). Indeed, the relevant statutes specify only duties and responsibilities of the fiduciary *to the agency*. *See, e.g.*, 38 U.S.C. §§ 5502(b) (“render an account *to the Secretary*”); 5509 (fiduciary to receive payments at regional office when failing to provide accountings). Congress notably omitted any guidance on the “duties of the trust” or how “to administer the estate according to law.” Indeed, there are no directions at all regarding a fiduciary’s duties *to the beneficiary* – a seemingly key area for a “scheme” intended to protect beneficiaries from abuse by appointed fiduciaries.

This is a particularly significant omission by Congress, as a citizen’s “trust” and “estate” are state creations, and the associated “duties” and “law” are also creatures of state law. If anything, the general language of the statutory provisions *require* reliance on state laws regarding fiduciary conduct, duties, and responsibilities to properly implement Congress’s direction that an appointed fiduciary act for the “benefit of the beneficiary.” 38 U.S.C. § 5502(a)(1); *see also id.* §§ 5502(b) (“Secretary may appear . . . in the court which appointed such fiduciary”); 5502(d), (e) (escheatment determined by state law). Thus, existing law makes reasonably clear that Congress intended that VA actually incorporate, or at least abide by, state law whenever possible.

Whatever Congress’s intent, in addition to providing extensive and detailed fiduciary rules and thus obviating the need for VA to recreate them, recognizing state law also would allow VA to rely on state courts (and state agencies) for much, if not most, of the appointment and oversight activities that are now overwhelming VA’s limited resources. Recognizing state court appointments would allow VA to: (1) eliminate the need for initial field examinations because state entities will vet the fiduciary and determine whether the appointment is in the best interests of the beneficiary; (2) reduce the effort expended in obtaining and reviewing fiduciary-supplied information by accepting reports submitted to state agencies or courts; (3) provide an established forum for submitting and resolving complaints against fiduciaries; and (4) provide an independent arbiter for establishing fair and reasonable beneficiary budgets. All of these elements would greatly reduce the burden on (ever fewer) field examiners.

It is thus unclear why VA continues to adamantly assert pre-emption over the very system that would (a) provide the consistent, well-understood standards and enforcement mechanism that the fiduciary program sorely needs and (b) reduce the workload on program field examiners.

VA should establish clear evidentiary standards for “incompetency.”

The fundamental decision which triggers fiduciary program requirements is a final “rating” that a claimant is “unable to handle” his or her finances. 38 U.S.C. § 5502(a). Yet, there are no evidentiary standards for this initial decision. VJG submits that such standards are required in the program rules to ensure that claimants are not arbitrarily and capriciously deprived of several fundamental rights.

As discussed earlier, VJG has participated in several fiduciary cases where a veteran has been adjudicated as unable to handle his finances based on seemingly arbitrary bases. In each case, the “finding” was made by a single individual. Further, the veteran was not informed of any concern with his ability to handle his finances until a proposal to rate him as such was received in the mail.

The fundamental right to control one’s own property should not turn on such flimsy, even if well intended, conclusions of a single individual. Nor should claimants be thrust into fighting to retain those rights without notice of the applicable standards. Fiduciary program regulations, therefore, should establish the specific evidentiary standards for this important determination.

VA should establish a maximum period to appoint a fiduciary.

VJG is aware of VA action to appoint a fiduciary up to 9 years after the rating decision finding the claimant unable to manage his finances. Further, such long-delayed appointments are made without any reconsideration of the medical evidence or other basis of the original decision and without regard to “appropriate” financial management by the claimant in the years since the decision. Such long delayed fiduciary appointments are disruptive, intrusive, and, in many cases, replace well-functioning caregiving structures with adversarial relationships resulting in financial harm to the beneficiary.

VA regulations do not provide any time limit on the effectiveness of a proposed fiduciary appointment or require consideration of a beneficiary’s successful financial performance in the intervening period. VA should, therefore, establish reasonable time limits for the effectiveness of

“incompetency” decisions and the weight of the underlying medical evidence. At the very minimum, VA should establish requirements to review the need for a fiduciary appointment after a certain period, to include consideration of the claimant’s performance in financial matters since the original decision.

VA should be required to articulate a specific reason for disrupting existing well-functioning relationships.

VA is limited by statute to only exercise its authority to appoint a fiduciary “[w]here it appears to the Secretary that the interest of the beneficiary would be served thereby.” 38 U.S.C. § 5502(a)(1). VJG experience is that VA has historically been unable to articulate a specific bases for the need of a VA-appointed fiduciary when an attorney-in-fact already existed and performed properly under state law. This is especially true in cases where VA field examiners decide to appoint a stranger in lieu of a long-married spouse or other family member who has provided long-term care without any problems noted.

To ensure that VA acts to appoint a fiduciary only in the circumstances authorized by Congress, VA should be required to articulate in the proposed and final rating decisions an *explicit* statement of the reasons and bases for the determination that appointment of another fiduciary (as distinct from the status quo) is in “the interest of the beneficiary” as required by 38 U.S.C. section 5502(a)(1). In other words, VA should be required to state why changing the beneficiary’s current arrangement will result in a *better* situation for the beneficiary *before* invoking its authority to do so. While there are reasons to change existing arrangements (e.g., documented financial mismanagement, physical abuse, etc.), in our experience dedicated family members and long-term care givers have been ousted in favor of strangers without any discernable reasons or bases.

New criminal background and credit checks should be required for each re-appointment of a fiduciary.

The VA fiduciary program has long suffered from VA-appointed fiduciary misdeeds, yet VA routinely waives the criminal background and credit checks when assigning new beneficiaries to “known” fiduciaries. While nothing can prevent a determined miscreant from intentionally mismanaging a beneficiary’s funds, VJG believes that routinely performing credit and criminal checks is one of the best means to identify such misdeeds. In particular, *requiring* a review of a fiduciary’s credit report upon each appointment is a cost-effective means to identify suspicious financial activity

by those individuals. A single review before any veteran's money is placed with the fiduciary cannot identify later theft of that money. Indeed, knowledge that no further checks will be made may encourage such theft.

In addition, VJG supports routine (e.g., annual or bi-annual) review of each fiduciary's *and* each beneficiary's credit report for suspicious activity as a means of identifying suspicious financial activity in either individual's accounts (loss of beneficiary funds *or* increase in fiduciary's funds). Thefts of beneficiary funds could be identified earlier with routine checks. Further, knowing that such routine checks will be made may deter potential theft or misuse.

Face-to-face beneficiary interviews should be limited to situations requiring information that cannot be obtained by other means.

VJG supports face-to-face interviews with potential fiduciaries. VA, however, also requires (actually, demanded under threat of withheld benefits) "face-to-face" interviews with *beneficiaries*, even when those interviews cannot possibly obtain useful information because the beneficiary is demented, comatose, or otherwise unaware. Other than verifying the physical condition of the beneficiary's physical condition, such interviews rarely result in any information that is not already in the record or which could be obtained from caregivers, medical providers, or other third parties.

Yet, the purported reason for such beneficiary interviews has been to establish the financial needs of the beneficiary and set the budget for the fiduciary to implement. Yet, seeking financial information from an individual who has been found "unable to handle their finances" because they *are unaware of their financial needs* defies common sense and can only produce inherently unreliable information. Indeed, VJG has documented cases of an "interview" with (1) a *sleeping* beneficiary and (2) a *mentally-challenged* beneficiary cited as the basis for establishing the beneficiary's budget. VA even demanded to interview a long-term demented 90-year-old veteran despite written statement from his physicians that questioning by a stranger would be detrimental to the veteran's health and his family and physicians could provide all the information requested by VA. It was only after seeking a court order to protect the veteran did VA relent and accept the existing information in lieu of an "interview."

VA, therefore, should be required to explicitly establish the requirements for face-to-face beneficiary "interviews" (as distinguished from examinations by medical professionals) which are generally not to be performed unless

there is a clear need, there is no risk of adverse health impacts, and a reasonable expectation that the beneficiary is the only or at least the best source of the information being sought.

The practical issue of long appeal durations must be addressed.

38 U.S.C. section 5507(d) limits temporary fiduciary appointments to not exceed 120 days. The statute also states that a temporary fiduciary is to “protect the assets of the beneficiary *while* a determination of incompetency is being made *or appealed.*” 38 U.S.C. § 5507(d) (emphasis added). VJG experience is that an appeal of a fiduciary program decision, as with any other appeal of a VA benefits decision, takes from many *months* to many *years* to resolve. Indeed, *VJG is unaware of any fiduciary appointment appeal that has yet been decided by the Veterans Court in the four years since the Freeman case allowed such appeals.*

There is, therefore, a conflict between the statutory time restriction on temporary fiduciary appointments and the practical duration of an appeal in the normal course. Neither existing or proposed VA regulations address this conflict or identify how VA intends to comply with both the statutory direction to “protect the assets of the beneficiary” during an appeal and the limit of temporary fiduciary appointments to 120 days. VJG submits that because Congress explicitly established a 120 day limit for temporary fiduciaries, VA is required to establish an adjudicatory process that resolves incompetency issues and appeals of fiduciary program decisions *within 120 days*. Without such a requirement, a beneficiary would be left without any protection of his assets during the bulk of the appeal.

VJG recognizes that the imposition of a strict time limit for resolution of fiduciary appeals differs from the general canon that VA “has no time limits” for its adjudication processes. Fiduciary matters, however, are unique in the VA system, in that they involve government management of already awarded benefits (i.e., the *beneficiary’s* money). Thus, fiduciary appeals are properly given priority over other appeals. Indeed, timely resolution of appointment issues is critical to protecting a beneficiary’s assets, which is Congress’s stated purpose for the program. *See* 38 U.S.C. section 5507(d); *see also* 79 Fed. Reg. at 449 (“We intend that appeals in fiduciary matters would be processed expeditiously”).

Thus, a specific fiduciary appellate process required to resolve fiduciary appeals, is required.

Excluding family and caregivers from appointment as temporary fiduciaries is contrary to the need to expeditiously appoint qualified individuals.

In a related issue, VJG disagrees with VA's proposed limitation of temporary fiduciaries to "individuals and entities that already meet the qualification criteria for appointment and are performing satisfactorily as a fiduciary for at least one other VA beneficiary." This definition necessarily excludes family members, including spouses, and other long-term caregivers from serving as a temporary fiduciary because they will be very unlikely to have served as a fiduciary in any other case. VJG submits that there is no legitimate basis for such a blanket exclusion or deviation from the proposed order of preference of fiduciary appointment.

It has been VJG's experience that family members and long-term caregivers are the *most familiar* with a beneficiary's needs and can most quickly assume the role of temporary fiduciary in most cases. This is especially true where that individual has already managed the beneficiary's finances either formally or informally without complaint or noted deficiency. In such cases, VA can quickly establish a satisfactory track record and, if appropriate, waive formal investigation. To be clear, VJG recognizes that there will be cases where family members or long-term caregivers will not be an appropriate choice for temporary fiduciary. VA, however, should be required to provide a detailed basis for a deviation from the usual order of preference for permanent fiduciary appointments when making temporary fiduciary appointments.

Adequate field examiner qualifications must be specified

Neither existing or proposed regulations contain or point to the qualifications and training requirements applicable to field examiners. Indeed, it has been VJG's experience that regardless of the number of field examiners, they are and will continue to be required to make complex determinations, such as the adequacy of living conditions, "budget" approvals, and fiduciary performance evaluations, for which they have little, if any, formal training. Further, as in the case of the field examiner's "interview" of an admittedly sleeping beneficiary, the standards of adequate performance can vary widely.

Fiduciaries should provide funds as requested unless there is an articulable reason not to do so.

In VJG's view, an important change in the new fiduciary program "culture" is a complete reversal of the existing approach to responding to beneficiary requests for funds. In our experience, legitimate requests for funds often do not receive a response, are paid (if at all) only after repeated requests and after excessive delay. Indeed, as a practical matter, there appears to be a wide-spread presumption that any request for funds is inherently suspect and is to be paid only if the fiduciary cannot avoid doing so. Field examiners do little to correct this belief.

Consistent with the proposed culture change, therefore, VJG suggests that VA explicitly require that requests from beneficiaries (or their authorized representatives) for funds are presumptively reasonable and should be paid unless the fiduciary can articulate a specific reason for not doing so. Further, payments should be made within a set time limit, for example within 10 days of receipt of the request. Such a presumption will not prevent the fiduciary from requesting a reasonable explanation of the need for the funds, requiring evidence of proper expenditure of the requested funds, or denying requests that are improper or not in the best interest of the beneficiary.

VA should explicitly pre-empt higher state fees

Oddly, VA does not assert pre-emption authority in the one situation where state law actually conflicts with fiduciary program statutory requirements. VJG is informed that fees of up to 5 percent of a beneficiary's monthly benefits have been allowed by VA in Florida because state law allows that high of a fiduciary fee. Such payments, however, clearly violate Congress's expressed authorization of a "4-percent ceiling" for fiduciary fees. *See* 79 Fed. Reg. at 440 (citing 38 U.S.C. § 5502(a)(2)). It is unclear why or upon what basis VA allows this higher fee to be charged VA beneficiaries. Indeed, it is ironic that VA's position is that program regulations pre-empt state law, 79 Fed. Reg. at 430, and has repeatedly invoked federal supremacy over state laws in defense of its policies, *see, e.g., Solze v. Shinseki*, CAVC 12-1512, but has failed pre-empt conflicting state law in the one situation that directly results in higher costs to veterans.

As it is clearly in the interest of a beneficiary to not pay a higher fee than allowed by federal law, VA has a duty to prevent such unauthorized fees. VA, therefore, should be required to explicitly prohibit payment of fees higher than 4% to anyone acting as a veteran's fiduciary.

VA authority over non-VA funds and other beneficiary property

Neither current or proposed rules identify the proper scope of VA's control of non-VA funds in financial accounts not containing VA funds and other beneficiary assets. It has been our experience that VA field examiners demand detailed information, including account numbers and other access information, regarding *all* financial accounts, and other assets of a beneficiary *and* family members. Further, the budgets subsequently set by the field examiners routinely require expenditure of *all* non-VA funds before VA benefits can be used. Failure to provide the requested information or to expend non-VA funds in the directed manner has resulted in suspension of all VA benefit payments and even threats to cut off other federal funds (i.e., military retirement). VJG, however, is unaware of the legal authority for these demands.

Thus, Congress should explicitly define the scope of VA's authority to (1) inquire of a beneficiary's non-VA assets; (2) require disclosure of financial or other asset information by any family member (whether or not a potential fiduciary); and (3) require information regarding, or asserting control over the expenditure of, non-VA funds.

In sum, despite the promises of VA management, the disregard of fundamental fiduciary principles described in my February 2012 testimony continues to plague and impoverish the most vulnerable veterans, their families, and their caregivers. Indeed, as recent reviews have shown, so-called "federal fiduciaries" have less supervision today than in 2012. Thus, despite professed concern and promised changes, VA's fiduciary program continues to operate largely unchanged and unsupervised

Thank you again for this opportunity to speak on behalf of our country's most vulnerable veterans and their families. I look forward to your questions and, hopefully, substantive changes in this failed program.

Curriculum Vitae

Douglas J. Rosinski is a veteran of the United States Navy where he was a qualified submariner and nuclear engineering officer.

Mr. Rosinski earned a B.S., *with distinction*, in Physics & Astronomy from the University of Rochester in 1981 and a J.D., *cum laude*, from the University of South Carolina School of Law in 1997. He is admitted to practice law in the District of Columbia, Georgia, and South Carolina, numerous federal district and appellate courts, the United States Court of Appeals for Veterans Claims, and the United States Supreme Court. Mr. Rosinski is also accredited to represent veterans before the Department of Veterans Affairs.

Since 1997, Mr. Rosinski has concentrated his practice in administrative law and regulatory compliance. In 2000, he began litigating cases on behalf of veterans and their families before the Department of Veterans Affairs regional offices, the Board of Veterans' Appeals, the United States Court of Appeals for Veterans Claims, federal district court, the United States Court of Appeals for the Federal Circuit Court, and the United States Supreme Court. In 2006, Mr. Rosinski was co-lead counsel in a class action on behalf of veterans that obtained the largest reported settlement in a case for Privacy Act violations.

Mr. Rosinski currently practices veterans law with his own firm in Columbia, South Carolina, and can be contacted at djr@djrosinski.com.

Disclosure Statement

Mr. Rosinski is appearing before the Subcommittee as a private citizen and has not received any federal grant or contract relevant to the subject matter of his testimony. The Veterans Justice Group, LLC, is comprised of advocates for fair treatment of veterans and their families seeking VA benefits earned through the veteran's service. VJG current and former members have challenged the propriety of VA "federal fiduciary" appointments, actions, and inactions within the VA system, before the Court of Appeals for Veterans Claims, and state and federal courts.