

**STATEMENT FOR THE RECORD
PARALYZED VETERANS OF AMERICA
FOR THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
OF THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
CONCERNING
PENDING LEGISLATION**

JUNE 24, 2015

Chairman Abraham, Ranking Member Titus, and members of the Subcommittee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to provide our views on pending legislation before the Subcommittee.

H.R. 303, the “Retired Pay Restoration Act”

PVA supports H.R. 303, the “Retired Pay Restoration Act.” PVA has always strongly supported the repeal of the current inequitable requirement that a veteran’s military retired pay based on longevity be offset by an amount equal to his or her VA disability compensation. Veterans are the only group of federal retirees that have to surrender a portion of their retirement pay to receive their disability compensation. This requirement essentially forces disabled military retirees to fund their own disability benefits.

While this issue has always been about funding, PVA believes this is more about fairness. Is it fair that an individual who has done his duty and served 20 years of faithful service be penalized because he or she also became disabled during that service? PVA does not believe this is fair.

H.R. 1302, the “VA Appeals Backlog Relief Act”

PVA supports the intent of H.R. 1302, the “VA Appeals Backlog Relief Act,” and sees a level of value in it. We are concerned that there may be some instances where the veteran submits additional evidence or information with the substantive appeal that may require the VA to do additional development to assist the veteran in substantiating his or her claim. This development might preclude the VA from compliance with the certification deadline in some instances. Unfortunately, PVA does not believe this law would be enforced to the point that there would visibly be any significant change. In fact, some veterans’ appeals could be negatively impacted if their appeal was certified prior to the receipt of supporting evidence, PVA recommends language allowing for an

exception for those situations where additional development might be needed. PVA wholeheartedly supports seeking methods to reduce the time for certification as some appeals are waiting up to three years to be certified.

H.R. 1338, the “Dignified Interment of Our Veterans Act of 2015”

PVA supports H.R. 1338, the “Dignified Interment of Our Veterans Act of 2015.” All veterans who have honorably served in the military deserve a proper and dignified interment. Requiring the Secretary to conduct a study on the matters relating to the disposition of unclaimed remains is appropriate to ensure that all veterans receive the handling and recognition their service deserves.

H.R. 1380

PVA supports H.R. 1380 to expand the eligibility for a medallion furnished by the Secretary to signify the veteran status of a deceased individual. By removing any limitation due to date of death of a veteran, all those who served will be eligible for the recognition they earned through their service.

H.R. 1384, the “Honor America’s Guard-Reserve Retirees Act”

PVA supports H.R. 1384, the “Honor America’s Guard-Reserve Retirees Act.” We believe everyone who raises their hand to support and defend the Constitution of the United States should be recognized for their service, to include the Guard and Reserve. The mission of many guard and reservists is to facilitate and support the deployments of their comrades, so the unit is fully prepared when called upon. Unfortunately, the law

does not currently allow those who have served several years under non-federal status orders, and are entitled to retirement pay, TRICARE, and other benefits, to call themselves “veterans.” These men and women have taken the same oath as an active duty servicemember and have made sacrifices that have earned the right to call themselves veteran. But at the same time, it is critical that these individuals recognize at their retirement that the title of “Veteran” does not come with the benefits earned by those who have served on active duty for 20 years. This is our only concern, that there will now be a perceived “double-standard” on how we treat our “veterans.”

H.R. 2001, the “Veterans 2nd Amendment Protection Act”

PVA has no position on HR 2001, the “Veterans 2nd Amendment Protection Act.”

H.R. 2214, the “Disabled Veterans’ Access to Medical Exams Improvement Act”

PVA supports H.R. 2214, the “Disabled Veterans’ Access to Medical Exams Improvement Act.” VA has had great success with the use of contract physicians. Extending the temporary authority until December 31, 2017 will further support the effort to reduce the backlog and then provide additional authority beyond VA’s backlog reduction goal to ensure the ability to maintain the 125 day decision goal. More importantly, if VA misses its 2015 backlog reduction target, contracted physicians will still be available to continue supporting the process with no additional legislation required.

H.R. 2605, the “Veterans Fiduciary Reform Act of 2015”

PVA supports H.R. 2605, the “Veterans Fiduciary Reform Act of 2015.” Often beneficiaries languish and even die during the protracted effort to appoint a fiduciary. There have been many iterations of this legislation circulating for the last few years; this legislation addresses many concerns that have been expressed on fiduciary services. In particular, this legislation is taking steps to minimize the impact on family members who serve as fiduciaries and included a provision for caregivers.

Efforts to appoint fiduciaries seem to have become worse following the centralization of fiduciary services. When these issues were handled at the regional office level, the local field examiners and estate analysts had a more personal awareness of beneficiary issues associated with incompetency ratings. Since the onset of centralization, it has become increasingly difficult to assist beneficiaries in situations where their welfare may be compromised. Practical options such as supervised direct pay are less likely to be utilized when functional contact between field examiners and rating activities is limited. Rating calculators do not effectively analyze the potential danger or lack thereof of paying benefits to beneficiaries who are rated as incompetent.

With regards to notification to claimants, it is important to explain that what is needed to challenge a determination of competency is an expression of competency from a medical professional that addresses the ability to manage funds. Often documentation to support a negative determination will consist of statements that the individual receives help in paying the bills which clearly is an insufficient basis for determination.

H.R. 2691, the “Veterans’ Survivors Claims Processing Automation Act of 2015”

PVA supports H.R. 2691, the “Veterans’ Survivors Claims Processing Automation Act of 2015.” The legislation allows VA to pay benefits to a survivor who for whatever reason didn't file a claim as long as sufficient evidence of record existed to grant the claim. For example, in the case of a veteran who was known to have been exposed to Agent Orange and died of lung cancer, the VA could establish entitlement to DIC in the absence of a properly filed claim. In such a case the notification of death would become the date of claim. While this may not be the intent of the legislation, this could protect a date of claim which could otherwise be untimely and will ensure the survivor receives benefits their loved one earned. This is appropriate legislation that will pay benefits to a veteran’s survivor as quickly as possible and streamline the process. In many cases, the benefits a disabled veteran receives may be the only family income.

One change that PVA would like to see in the language is in Section 2(B)(ii) that states “...the date on which the survivor of a veteran notifies the Secretary of the death.....” As in many cases with legislation, PVA believes this should read “survivor or duly appointed representative” to ensure it is clear that veteran service officers or others that may be assisting the survivor can act on their behalf. It may also be appropriate to include language referencing VA learning of the death from another federal agency such as the Social Security Administration or the Internal Revenue Service before a survivor may notify VA. Limiting notification to the survivor strikes PVA as being too narrowly defined. However, this being said, VA has already initiated a process to automatically begin payment of DIC to the spouse of record in cases where the veteran

has been rated at 100% for ten years, without a requirement for the widow to file a claim. This legislation would better establish that process into law.

H.R. 2706, the “Veterans National Remembrance Act”

PVA supports H.R. 2706, the “Veterans National Remembrance Act.” With the rapid aging of our World War II population and increasing number of daily losses of these heroes, the need for National Cemeteries is increasing. It is critical that these veterans have the ability and the opportunity to lie for all eternity with their fellow veterans if they and their family so chooses.

Mr. Chairman and members of the Subcommittee, we appreciate your commitment to ensuring that veterans receive the best benefits and care available. We also appreciate the fact that this Subcommittee has functioned in a generally bipartisan manner over the years. We look forward to working with the Subcommittee as we continue to provide the best care for our veterans.

Information Required by Rule XI 2(g)(4) of the House of Representatives

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

Fiscal Year 2014

No federal grants or contracts received.

Fiscal Year 2013

National Council on Disability — Contract for Services — \$35,000.

Disclosure of Foreign Payments

“Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.”