



a program of United Spinal Association

**Testimony**

**of**

**VetsFirst, a program of United Spinal Association**

**Submitted by**

**Heather L. Ansley, Esq., MSW  
Vice President of VetsFirst**

**Before the**

**Subcommittee on Economic Opportunity  
Committee on Veterans' Affairs  
United States House of Representatives**

**Regarding**

**Review of the Effectiveness of VA's Vocational Rehabilitation and  
Employment Program**

**February 27, 2014**



**Executive Summary of the Testimony of  
VetsFirst, a program of United Spinal Association  
Submitted by Heather L. Ansley, Esq., MSW; Vice President of VetsFirst  
Before the Subcommittee on Economic Opportunity  
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Regarding the Effectiveness of VA's Vocational Rehabilitation and Employment Program**

Access to quality vocational rehabilitation services is critical to helping veterans with disabilities receive the skills and training necessary to help them reintegrate into the workforce. The opportunity to participate in the workforce is critical, not only because of the financial benefits from employment, but also because of the intrinsic value of work. Without the opportunity to continue participating in the workforce, many veterans with disabilities may become disconnected from the very society they pledged to preserve and protect.

The mission of the Department of Veterans Affairs' Vocational Rehabilitation and Employment (VR&E) program is to assist veterans with barriers to employment in overcoming those obstacles. To better meet the needs of a new generation of veterans, VR&E has received additional staffing in recent years and caseloads have decreased. VetsFirst remains concerned; however, that VR&E still lacks the resources needed to best assist all disabled veterans in returning to employment.

In addition, VetsFirst is concerned about VR&E's difficulty in overcoming the impact certain disabilities have on veterans' ability to succeed in a vocational rehabilitation program. Veterans who are living with mental health conditions have poorer VR&E outcomes than those with other disabilities. This is particularly concerning in light of the number of veterans who are experiencing mental health issues due to years of combat and multiple deployments.

To begin addressing these veterans' needs, VR&E vocational rehabilitation counselors must have the skills and training needed to facilitate job placement and disability-related accommodations. Research shows that many veterans who have acquired disabilities do not believe that they will be able to easily explain the types of job accommodations that they might need due to their disabilities. Without proper information about how to navigate the workforce as a person with a disability, veterans living with mental health conditions and other significant disabilities may face barriers in attaining and retaining employment.

Veterans with more significant disabilities may also routinely require a higher level of employment supports both pre- and post-placement than are typically provided by VR&E. Otherwise, some veterans who are unable to remain in the workforce due to disability may be forced to apply for benefits like Individual Unemployability or Social Security Disability due to a lack of supports. For veterans who require more supports and services, VR&E should consider partnering with a variety of non-profit organizations that provide the intensive services needed to assist veterans living with significant disabilities, including mental health conditions, in returning to and remaining in the workforce.

Chairman Flores, Ranking Member Takano, and other distinguished members of the subcommittee, thank you for the opportunity to testify regarding VetsFirst's views on the effectiveness of the Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment (VR&E) Program.

VetsFirst, a program of United Spinal Association, represents the culmination of over 65 years of service to veterans and their families. We advocate for the programs, services, and disability rights that help all generations of veterans with disabilities remain independent. This includes access to VA financial and health care benefits, housing, transportation, and employment services and opportunities. Today, we are not only a VA-recognized national veterans service organization, but also a leader in advocacy for all people with disabilities.

VA's VR&E services are critical to helping eligible servicemembers and veterans with service-connected disabilities receive the skills and training necessary to help them reintegrate into the workforce and their communities. The opportunity to participate in the workforce is critical, not only because of the financial benefits from employment, but also because of the intrinsic value of work. Without the opportunity to continue participating in the workforce, many veterans with disabilities may become disconnected from the very society they pledged to preserve and protect.

#### Overview of the Need for Vocational Rehabilitation Services

As of September 2013, 3.74 million veterans were receiving VA disability compensation.<sup>1</sup> The Veterans Benefits Administration's (VBA's) Annual Benefits Report for Fiscal Year (FY) 2012, provides an in depth view of the types of disabilities for which veterans are receiving compensation.<sup>2</sup> The most frequent condition for which a veteran typical receives compensation is a musculoskeletal system disability. However, the body system with the highest number of 100 percent ratings is mental disorders.

Veterans who receive VA compensation may also be eligible for VR&E services. According to VBA's annual report, 121,236 veterans received VR&E services during FY 2012. By era, 95,406 of these veterans served during the Gulf War. Veterans with a combined service-connected disability rating of 100 percent represented 8.8 percent of all participants in the VR&E program. During FY 2012, 9,949 veterans were considered to have successfully completed their rehabilitation programs.

Unfortunately, many veterans with disability ratings of 60 percent or higher are not participating in the workforce. As reported by the U.S. Bureau of Labor Statistics, 22 percent of Gulf War Era

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<sup>1</sup> National Center for Veterans Analysis and Statistics, Department of Veterans Affairs Statistics at a Glance (2013), [http://www.va.gov/vetdata/docs/Quickfacts/Homepage\\_slideshow\\_09\\_30\\_13.pdf](http://www.va.gov/vetdata/docs/Quickfacts/Homepage_slideshow_09_30_13.pdf).

<sup>2</sup> Department of Veterans Affairs, Veterans Benefits Administration Annual Benefit Report for Fiscal Year 2012, [http://www.vba.va.gov/REPORTS/abr/2012\\_abr.pdf](http://www.vba.va.gov/REPORTS/abr/2012_abr.pdf).

veterans reported having a disability related to their military service.<sup>3</sup> Of those veterans, 365,000 reported having a disability rating of 60 percent or higher. The workforce participation rate was 50.1 percent compared to 87.4 percent for veterans without a service-connected disability.

Veterans with disabilities, like other people with disabilities, face barriers to employment that include misinformation about disability and misperceptions about required accommodations. Many of today's veterans living with disabilities are concerned with how their disabilities might be viewed in the workplace. Even if they know about the Americans with Disabilities Act (ADA), many are unsure about disclosing a disability to an employer and fear job-related discrimination due to a disability.

These barriers are illustrated by a research study conducted by the Northeast ADA Center in collaboration with Kessler Foundation and Tip of the Arrow Foundation.<sup>4</sup> This study revealed that nearly half of those wounded warriors surveyed believed that their disability would be a barrier to employment. Furthermore, more than half of respondents believed they would not be able to easily explain the types of job accommodations that they might need due to their disabilities. Those veterans living with post-traumatic stress disorder had the most fear of discrimination during the hiring process and once on the job. To combat these fears, researchers concluded, in part, that information about the ADA, including disclosure decisions and accommodation practices, should be included in a veteran's vocational rehabilitation.

### Overview of VR&E Eligibility and Services

Veterans are eligible to receive VR&E services upon application if they have an other than dishonorable discharge and a service-connected disability rating from VA of at least 10 percent. Servicemembers who apply for the services, are awaiting discharge from active duty, and receive a memorandum rating of 20 percent or higher from VA are also eligible for VR& E services. Application for VR&E services must be made within 12 years of the date of separation or upon notification by VA of an eligible service-connected disability rating.

A determination that a veteran is eligible for VR&E services does not automatically confer entitlement to the services. In order to be entitled to receive VR&E services, veterans must have "an employment handicap." An employment handicap is "an impairment resulting in substantial part from [a service-connected disability], of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests."<sup>5</sup>

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<sup>3</sup> News Release, U.S. Bureau of Labor Statistics, Employment Situation of Veterans – 2012 (Mar. 20, 2013) <http://www.bls.gov/news.release/vet.t06.htm>.

<sup>4</sup> Webinar, Northeast ADA Center, Beyond Yellow Ribbons: Workplace Inclusion of Veterans with Disabilities (June 30, 2011) <http://www.northeastada.org/media/DBTAC/2011-06-30/June30webinarvets.pdf>.

<sup>5</sup> 38 U.S.C. § 3101(1).

For veterans with service-connected disabilities of 20 percent or higher, the determination by a vocational rehabilitation counselor of an employment handicap is sufficient to confer eligibility. For veterans with service-connected disabilities of 10 percent, a vocational rehabilitation counselor must determine that “a serious employment handicap” is present. A serious employment handicap is “a significant impairment, resulting in substantial part from a service-connected disability rated at 10 percent or more, of a veteran’s ability to prepare for, obtain, or retain employment consistent with such veteran’s abilities, aptitudes, and interests.”<sup>6</sup>

Once entitlement is established, vocational rehabilitation counselors work with eligible veterans to begin the process of developing a rehabilitation plan. VR&E delivers services through one of five tracks: reemployment, rapid access to employment, self-employment, employment through long-term services, and independent living. Although there are five tracks through which a rehabilitation plan may be delivered, it is possible for a combination of these tracks to be pursued within an individual rehabilitation plan. Veterans, who remain employed in suitable employment for at least 60 days, or one year if self-employed, are considered to be rehabilitated.

### Effectiveness of VR&E Services in Preparing Disabled Veterans for Employment

The Government Accountability Office’s (GAO’s) January 2014 report, “VA Vocational Rehabilitation and Employment: Further Performance and Workload Management Improvements Are Needed,”<sup>7</sup> laid out many challenges facing the VR&E program as it seeks to return veterans with disabilities to the workforce. These challenges include the veteran’s disability, the need to develop a realistic employment plan, family obligations, and issues related to military transition. The presence of an employment barrier due to a disability is one critical factor that makes veterans seeking VR&E services unique from other veterans returning to the workforce.

VetsFirst is concerned about the impact of a veteran’s disabilities on his or her ability to successfully return to the workforce. According to GAO, “[v]eterans’ disabilities—especially those related to mental health—present challenges through the rehabilitation process.”<sup>8</sup> These challenges were illustrated by GAO’s finding that veterans with mental health conditions experienced a decreased likelihood of attaining a successful outcome within eight year of entering VR&E than those with other disabilities.

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<sup>6</sup> 38 U.S.C. § 3101(7).

<sup>7</sup> Government Accountability Office, “VA Vocational Rehabilitation and Employment: Future Performance and Workload Management Improvements Are Needed,” GAO-14-61, January 2014.

<sup>8</sup> *Id.*

The presence of mental health conditions clearly impacts the ability of veterans who are living with these disabilities to succeed in their efforts to return to the workforce. At the end of FY 2012, 150,138 Post-9/11 veterans were receiving compensation for post-traumatic stress disorder.<sup>9</sup> To address the needs of these and other veterans, we are pleased that VR&E is adding courses on mental health awareness and techniques to the training regimen for all vocational rehabilitation counselors. Ensuring that counselors have the training they need to better evaluate and assist veterans living with mental health issues is one of the tools that we hope will lead to better outcomes for these veterans following their VR&E services.

Once placed in employment, some veterans may need more supports to ensure long-term success. VR&E considers a veteran to be rehabilitated if he or she maintains employment for at least 60 days. Most veterans' cases are closed once they reach that employment milestone. GAO noted, however, that veterans' cases are sometimes left open for a longer period of time, particularly if there are specific concerns such as serious mental health conditions or a high-risk of job loss.

Although some veteran's cases may be followed for longer than 60 days, VetsFirst believes that VR&E must provide increased support and follow up to ensure that all veterans throughout the VR&E program have long-term employment success. Sixty days may not be sufficient to determine whether a veteran will be successful in his or her new job. Veterans with more significant disabilities may also routinely require a higher level of supports post-placement than are typically provided. Thus, we support models such as those developed by the National Organization on Disability (NOD) that promote intensive work and follow up with veterans.<sup>10</sup>

In response to GAO's recommendation that VA lengthen post-placement services and follow up, VA commented that it found little to be gained from "directing limited resources to implementing and executing additional post-placement measures."<sup>11</sup> We believe, however, that more must be done to ensure the long-term placement success of veterans with disabilities in the workforce. Otherwise, veterans who are unable to remain in the workforce due to a disability may be forced to apply for Individual Unemployability or Social Security Disability. We must ensure that veterans who are trying to work are not precluded from remaining in the workforce due to a lack of employment supports.

For veterans who require more supports and services, VR&E should develop partnerships with non-profit organizations that provide the intensive, long-term services needed to assist veterans living with significant disabilities, including mental health conditions, in returning to and

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<sup>9</sup> See *supra* note 2.

<sup>10</sup> National Organization on Disability, *Wounded Warrior Careers: A Four-Year Report* (2013), [http://nod.org/research\\_publications/wwc\\_vets/WWC\\_4\\_Year\\_Report/](http://nod.org/research_publications/wwc_vets/WWC_4_Year_Report/).

<sup>11</sup> See *supra* note 7.

remaining in the workforce. Specifically, we recommend fostering opportunities that would allow VA to test whether providing veterans with these disabilities the opportunity to receive intensive services through community partners promotes improved completion and retention rates. Veterans, particularly those at high risk of applying for benefits such as Individual Unemployability, could be targeted with the opportunity to seek supportive services from participating non-profit organizations.

To ensure VR&E can better meet the needs of veterans, VetsFirst also believes that VR&E continues to need additional staffing resources. GAO's report showed caseloads that ranged up to 1 to 139.<sup>12</sup> While this represents a decrease in average caseloads, we believe that additional gains will only come from VR&E having the resources it needs to ensure that eligible veterans are not delayed in gaining entrance to services.

GAO also noted that the wide variation in caseloads between regional offices may illustrate a need for VA to better manage resource allocation. The current staffing model is based on workload, outcomes, and accuracy. GAO is concerned that this model may lead to adverse allocations for underperforming offices. We are pleased that VA has indicated a need to reevaluate resource allocation to ensure optimum staffing for regional offices within current resource limits.

In addition to ensuring VR&E is properly staffed, VA must ensure that employees are properly trained on issues that hinder the return to work of veterans with particularly significant disabilities. To ensure that veterans with disabilities are able to take advantage of employment opportunities, VR&E counselors must have the skills and training needed to facilitate job placement and disability-related accommodations. According to GAO's report, at least one of these areas was identified as a training deficiency by five of the eight regional offices reviewed.

GAO noted that "absent additional training on job placement and accommodations, counselors may be hindered in their ability to help veterans find and maintain employment."<sup>13</sup> We agree with this important statement. Our concerns about the lack of training on accommodations available to veterans with disabilities have led us to advocate for efforts to ensure that transitioning servicemembers receive information about disability-related employment and education protections through the Transition Assistance Program. We are pleased that this subcommittee supported those efforts, which were incorporated into the FY 2014 National Defense Authorization Act (Public Law 113-66).

Ensuring that all transitioning servicemembers have exposure to protections available through the ADA and other non-discrimination laws represent only one step toward breaking down barriers to

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<sup>12</sup> See *supra* note 7.

<sup>13</sup> *Id.*

employment for veterans with disabilities. VR&E must also prepare veterans with disabilities for the individual challenges that they will face in the workforce as people with disabilities.

Recently, we learned about the experience of one female disabled veteran who was seeking to return to the workforce. Despite having received assistance from VR&E, she felt unprepared for how to approach the workforce as a person with a disability. Although she had physical limitations that would hinder her ability to perform some workplace tasks, she was unaware of her ability to ask for workplace accommodations. Instead of being confident in her abilities, she was self-conscious about her disability.

This veteran's experience in returning to the workforce must not be repeated. Veterans with disabilities need more information about how to approach the workplace as a person living with a disability. Without the proper supports from VR&E, many veterans will continue to face these barriers alone.

It appears that VA is planning to develop training on accommodations and job placement that will be in effect by the last quarter of 2014. We urge VA to ensure that this training is developed and deployed as soon as possible. We also encourage VA to connect with the Job Accommodation Network, which is a service of the Department of Labor, in facilitating training on workplace accommodations.

Lastly, we remain concerned about veterans who are not receiving any vocational assistance from VA because they are unaware of how VR&E can assist them and how to access the benefits. According to the National Survey of Veterans,<sup>14</sup> many veterans are not fully aware of the benefits of seeking vocational rehabilitation through VA. Of those veterans who had not used VR&E services, the top responses were that he or she was unaware of how to apply for or receive the benefit (32.3 percent) and that he or she had never considered applying for VR&E services (31.3 percent).

We urge VA to undertake new efforts to educate veterans about VR&E services. Additional outreach regarding VR&E services may also help to address the tensions identified by GAO between veterans and vocational rehabilitation counselors that exist due to differing views about the purpose and nature of these services. Only when the purpose of and access to services is clear to veterans will those who can benefit from the VR&E program be likely to succeed.

Thank you for the opportunity to testify concerning VetsFirst's views on the effectiveness of VA's VR&E Program. We appreciate your leadership on behalf of our nation's veterans who are living with disabilities. I would be pleased to answer any questions.

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<sup>14</sup> Westat, National Survey of Veterans, Active Duty Service Members, Demobilized National Guard and Reserve Members, Family Members, and Surviving Spouses (Oct. 18, 2010), [www.va.gov/vetdata/docs/SurveysandStudies/NVSSurveyFinalWeightedReport.pdf](http://www.va.gov/vetdata/docs/SurveysandStudies/NVSSurveyFinalWeightedReport.pdf).

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

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This testimony is being submitted on behalf of VetsFirst, a program of United Spinal Association.

In fiscal year 2012, United Spinal Association served as a subcontractor to Easter Seals for an amount not to exceed \$5000 through funding Easter Seals received from the U.S. Department of Transportation. This is the only federal contract or grant, other than the routine use of office space and associated resources in VA Regional Offices for Veterans Service Officers that United Spinal Association has received in the current or previous two fiscal years.

## **Heather L. Ansley, Esq., MSW**

Heather L. Ansley is the Vice President of VetsFirst, which is a program of United Spinal Association.

Ms. Ansley began her tenure with the organization in December 2009. Her responsibilities include managing the public policy advocacy, veterans benefits services, and veterans outreach activities for VetsFirst. She also works to promote collaboration between disability organizations and veterans service organizations by serving as a co-chair of the Consortium for Citizens with Disabilities Veterans and Military Families Task Force.

Prior to her arrival at VetsFirst, she served as the Director of Policy and Advocacy for the Lutheran Services in America Disability Network.

Before arriving in Washington, D.C., she served as a Research Attorney for The Honorable Steve Leben with the Kansas Court of Appeals. Prior to attending law school, she worked in the office of former U.S. Representative Kenny Hulshof (R-MO) where she assisted constituents with problems involving federal agencies. She also served as the congressional and intergovernmental affairs specialist at the Federal Emergency Management Agency's Region VII office in Kansas City, Missouri.

Ms. Ansley is a Phi Beta Kappa graduate of the University of Missouri-Columbia with a Bachelor of Arts in Political Science. Ms. Ansley also holds a Master of Social Work from the University of Missouri-Columbia and a Juris Doctorate from the Washburn University School of Law in Kansas.

She is licensed to practice law in the State of Kansas and before the United States District Court of Kansas.