

**STATEMENT OF**  
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**BEFORE THE**  
**HOUSE COMMITTEE ON VETERANS' AFFAIRS**  
**SUBCOMMITTEE ON ECONOMIC OPPORTUNITY**  
**CONCERNING**  
**A REVIEW OF VA's VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM**  
**MAY 17, 2018**

Chairman Arrington, Ranking Member O'Rourke, and members of the Subcommittee, Paralyzed Veterans of America (PVA), thanks you for the opportunity to testify for this oversight hearing regarding the Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment (VR&E) program. This program provides critical assistance to veterans who have catastrophic disabilities due to their service to our nation.

Until the passage of the Americans with Disabilities Act (ADA) in 1990, there were no widespread protections in federal law prohibiting disability-based discrimination in employment. PVA was a leader in advocating for the passage of this seminal civil rights law that provides equality of opportunity and access for people with disabilities, including veterans with disabilities. Despite increasing numbers of people with disabilities finding and retaining employment, however, too many have barriers to entering or remaining in the labor market. For example, approximately 42 percent of Gulf War era veterans with service-connected disability ratings of 60 percent or higher are not in the workforce.<sup>1</sup>

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<sup>1</sup> News Release, U.S. Bureau of Labor Statistics, Employment Situation of Veterans – 2017 (Mar. 22, 2018) <https://www.bls.gov/news.release/pdf/vet.pdf>.

VR&E helps veterans as they work to rebuild their lives in the face of disabilities that are a result of their military service. The services available to veterans with catastrophic disabilities are critical to allowing them to benefit from the opportunities fostered by the ADA. VA's program, which is authorized by Chapter 31 of Title 38 of the United States Code, allows VA to provide comprehensive services to veterans with service-connected disabilities who have employment barriers that make it difficult for them to obtain and maintain competitive employment, while achieving maximum independence in daily living. For those who may be unable to seek employment following a disability or illness, VR&E is also authorized to provide independent living services.

In fiscal year 2016, 137,097 veterans participated in VA's VR&E program, while another 36,502 received evaluation and counseling services.<sup>2</sup> Of the veterans participating in VR&E services, 103,944, or more than 75 percent of all participants, had a serious employment barrier.<sup>3</sup> Veterans with serious employment barriers have an impairment that significantly impacts their ability to prepare for, seek, and retain employment and may require additional services such as adaptive equipment.<sup>4</sup>

Veterans who have acquired disabilities due to their military service that then create barriers to employment have earned every opportunity available to allow them to find success in employment. For some veterans, this may mean building a small business, while for those with the most significant disabilities it may mean working part-time from home for an employer. Whatever the future holds for these veterans, a strong VR&E program is critical to the long-term success of our nation's efforts to help veterans with service-connected disabilities transition into employment following their service.

### Improve Access to Services Through New Resources and Program Efficiencies

It takes time for a vocational counselor to properly evaluate veterans who have significant yet manageable physical and mental health disabilities for services and perform the necessary associated tasks. Even an experienced counselor needs sufficient time to carefully evaluate and collect information, and ultimately, guide their clients. The counselor's job is to keep up with planning and all the necessary behind-the-scenes paperwork, with an eye on moving the case forward.

While managing a caseload, the vocational counselor also needs to remain up to date on training programs, and the "world of work." At the very least, the counselor has to be familiar with training programs, universities, jobs in the community, resources, and more. All of this is an important function of the job that takes time.

In light of all of these duties, it is important that a counselor maintains a balanced caseload. A ratio of counselors to clients of 1:125 is recognized as a full workload in the

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<sup>2</sup> Department of Veterans Affairs, Veterans Benefits Administration Annual Benefits Report for Fiscal Year 2016, <https://www.benefits.va.gov/REPORTS/abr/ABR-Vocational-Rehabilitation-Employment-FY16-06092017.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

field of vocational rehabilitation counseling. Although an experienced counselor can handle 125 clients, the needs of those clients must be considered.

Veterans come into the vocational rehabilitation system with some or many barriers to employment due to their one or more mental health or physical disabilities (and often veterans have both kinds of disabilities). They may have many health and physical limitations to work around, and all this is important to know and consider when developing services aimed at a suitable end goal. If the proportion of veteran clients who have significant barriers to employment is too great, then it may be tough for one counselor to properly manage 125 cases at a time.

Ensuring a proper counselor-to-veteran ratio in VR&E's program has been a perennial issue because of the impact staffing deficiencies have on the successful administration of the program, and ultimately, how successfully the program services its veteran clients. In January 2014, the Government Accountability Office issued a report calling on VA's VR&E program to implement performance and workload management improvements. At that time, caseloads for VR&E counselors ranged up to 1:139.<sup>5</sup> According to VA, the average counselor-to-veteran caseload ratio is now approximately 1:133.

*The Independent Budget* (IB), co-authored by the Disabled American Veterans, PVA, and the Veterans of Foreign Wars, has highlighted on a continuing basis the need for additional VR&E personnel to improve the program's effectiveness. In the most recent IB budget recommendations for Fiscal Years (FY) 2019 and 2020, the IBVSOs recommended an \$18 million increase for VR&E over the estimated FY 2018 appropriations.<sup>6</sup> This appropriation would allow VA to hire an additional 143 full-time equivalent employees.<sup>7</sup> Of these employees, at least 75 percent should be VR&E counselors as opposed to administrative or other personnel.

The IB continues to recommend increased VR&E staffing due to the imbalance between the increasing number of veterans in the program and the number of employees available to serve them. In the last four years, participation in the program has increased approximately 16.8 percent.<sup>8</sup> Personnel, however, have only increased by 1.8 percent.<sup>9</sup> With program participation estimated to increase by an additional three percent in the next fiscal year,<sup>10</sup> personnel will continue to feel constrained to provide the services veterans, particularly those with significant barriers to employment, need to be successful.

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<sup>5</sup> Government Accountability Office, "VA Vocational Rehabilitation and Employment: Future Performance and Workload Management Improvements Are Needed," GAO-14-61, January 2014.

<sup>6</sup> The Independent Budget, Budget Recommendations for Fiscal Years 2019 and 2020 (2018), [http://www.independentbudget.org/2019/z\\_edits\\_022218/IB\\_FY19-20\\_D9s.pdf](http://www.independentbudget.org/2019/z_edits_022218/IB_FY19-20_D9s.pdf).

<sup>7</sup> *Id.*

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

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

Providing VR&E with additional resources to decrease the counselor-to-veteran ratio is a step in the right direction. VR&E must also, however, reduce bureaucratic hurdles that delay veterans in moving through the vocational rehabilitation process. For example, PVA, along with our IB co-authors, support the commissioning of a study to assess whether or not VR&E's eligibility process could be streamlined by allowing access to any veteran with a service-connected disability. If veterans encounter hurdles to participation, then they may lose hope, interest, and ultimately, opportunities.

In addition to removing unnecessary processes, VR&E must deploy technology, where appropriate, to facilitate interaction with veteran clients and reduce administrative burdens on counselors. VR&E's piloted efforts to use technology to facilitate the entitlement process by using tele-counseling is a step in the right direction. Further implementation of electronic processes to facilitate participation by veterans and reduce administrative burdens on VR&E personnel have the potential to boost the program's success, while allowing VA to more efficiently use available resources.

The services available to veterans with service-connected disabilities through VA's VR&E program are vital to their ability to successfully return to work after acquiring what is in some cases a catastrophic disability. Additional investment in this program, along with a reduction of administrative delays is key to ensuring that counselors are able to access the tools needed to help these veterans obtain and retain competitive employment in their communities. PVA also supports the creation of an administration within VA focused on veterans' economic opportunity and transition. We believe that the creation of this fourth administration within VA would elevate programs like VR&E and result in increased attention from VA leaders and stakeholders.

#### Continue Collaboration with Public and Private Partners

Continued resource constraints within the VR&E program complicate the ability of VR&E counselors to provide intensive services for veterans with multiple barriers to employment. Under current resource limitations, one way to maximize VR&E services is to increase partnerships with community organizations that provide specialty placement services and other federal programs that provide employment services for veterans with disabilities. For veterans who have complex needs as a result of their disabilities and other circumstances, these partnerships may provide the lifeline that results in long-term employment success.

As a result of the barriers to employment faced by our members, PVA launched its own vocational rehabilitation and employment program in 2007, Paving Access for Veterans Employment (PAVE). With offices now co-located in VA medical centers in Tampa, Richmond, San Antonio, Chicago, Minneapolis, Long Beach, and a new dedicated office in New York City, PAVE serves all veterans nationwide using a hybrid, integrated approach to assist veterans and transitioning service members who face significant barriers to employment, as well as their spouses and caregivers.

PAVE provides clients with one-on-one career counseling and assistance. The program's services are available to any veterans with disabilities, including those whose disabilities are not related to their military service. PAVE counselors offer proactive, rapid engagement to ensure newly injured or ill veterans quickly learn about the services and supports available to help them return to work. Importantly, the program is a partner for life to ensure clients' continuing success. All services are provided at no charge.

Although PAVE counselors are serving some of the most difficult to place clients, including those living with paralysis or serious illness, they have a high rate of success in helping veterans return to work. In 2016, the PAVE program had an average active caseload of 600 clients and averaged 350 placements. Most importantly, the average retention rate for employed clients was 83 percent.

Continuing to foster new partnerships to ensure that veterans with disabilities, particularly those who have catastrophic disabilities, are able to be successful in returning to work is needed to stretch VR&E's existing resources. For example, PAVE counselors have noted that they are able to more quickly begin providing vocational assistance because there are fewer procedural hurdles to clear for eligibility. Another important aspect of these partnerships is the ability of private partners, such as PVA's PAVE program, to serve veterans who are ineligible for VR&E services, along with the caregivers and family members of all veterans who may need these services. Thus, these partnerships allow more veterans to receive high quality assistance.

VA's VR&E program must also continue to foster relationships with other government programs that have responsibilities to help veterans with disabilities obtain and retain employment. For example, the Department of Labor's Veterans' Employment and Training Service (VETS) administers programs that play a key role in assisting veterans with disabilities in obtaining employment. We are pleased that VR&E now reports that 100 percent of VR&E clients are referred to the state workforce system and the assistance available through federally-funded Disabled Veterans' Outreach Program (DVOP) specialists. We urge continued and increased collaboration and an evaluation of the success of these referrals for VR&E clients.

With the reality of continuing budgetary constraints, it is unclear when, if ever, VR&E may have the counselors and other resources necessary to adequately assist the increasing number of veterans who are seeking VR&E services each year. Collaborating with public and private partners is an important way to ensure that veterans with disabilities will be able to receive the services and supports needed to allow them to build successful employment outcomes. VR&E must continue to do community outreach to find experienced, credible partners to meet gaps that will result in more veterans with disabilities being placed in competitive, integrated employment sooner.

## Ensure Access to Services

A veteran's eligibility period for receiving services from VR&E is for a 12-year period beginning on either: (1) the date of separation from military service, or (2) the date the veteran receives a VA disability rating. In order to receive services, a veteran must need vocational rehabilitation to overcome employment barriers due to a service-connected disability. A veteran's entitlement to participate in VR&E services is 48 months.

PVA, along with our IB co-authors, has long supported the elimination of the 12-year limit on eligibility for services available through the VR&E program. For veterans who have incurred a catastrophic disability, the 12-year delimiting date may not be sufficient to allow them to meet their vocational rehabilitation goals. Furthermore, many of these veterans have disabilities that may continue to evolve and worsen over time, which may cause them to need additional assistance. Veterans with service-connected disabilities must have access to the vocational rehabilitation services that allow them to continue to work throughout their lives.

Although a VR&E counselor may waive the 12-year limit for veterans with serious employment barriers, veterans living with the wounds, injuries, and illnesses associated with military service should have certainty that if they need assistance in staying in or returning to the workforce in the future that this program will be there to assist them. Unnecessarily limiting eligibility harms veterans, particularly those with catastrophic disabilities, by failing to foster the conditions that allow them be a part of their communities and contributing members to our nation's economy. Ensuring access to the supports and services that help veterans with disabilities fulfill their potential is integral to maximizing a veteran's potential.

## Increase Follow Up Time

VR&E counselors typically follow veterans for 60 days once they are placed in a job. After that time, VA will close the veteran's case and the placement will be deemed a success. We are concerned, however, that 60 days is not enough time to determine whether or not a veteran who has a catastrophic disability has successfully adjusted to working as a person with a disability.

Most people find it at least somewhat challenging to settle into a new job. For someone who has acquired a disability, there are additional challenges that must be met including those related to needed accommodations, evolving medical needs and appointments, and other disability-related matters that can unfold over a period of time. Furthermore, employee probationary periods may be longer than 60 days.

PVA, along with the co-authors of the IB, believe that, at the very least, VR&E should study whether or not the current tracking standard of 60 days is sufficient follow up time. For employees with probationary periods over 60 days, longer follow up time may allow for problems that could lead to dismissal to be addressed, resulting in the veteran remaining employed. Regardless of the length of a probationary period, if any, it makes

sense to increase the follow up time to ensure that the veteran has the supports, if needed, to ensure a successful transition to the workforce. That's why PVA's PAVE counselors conduct ongoing follow up for veterans placed through their program.

Long-term support may be needed to help a veteran with a catastrophic disability to not only successfully transition back to the workforce but also to remain in the workforce. If a veteran is not successful in the workplace, then he or she may suffer setbacks to include a belief that work is not possible, even when the problem was lack of support. Not all jobs turn out to be the right fit, but no veteran should feel that their only option is to leave the workforce when the proper supports and assistance would allow him or her to be successful. America cannot afford to waste the talent of these veterans who have much to offer to our society.

### Enhance Independent Living

Despite best efforts, veterans who have significant disabilities may be unable to enter the labor market. In 1980, Congress passed a pilot program designed to assist these veterans by providing them with needed services and resources to increase their independence and ability to participate in their families and communities. Through the Independent Living program, VA is able to guide these veterans in development of goals and provide the information, referrals, and continuing case management needed for success in achieving them. A number of creative alternatives to employment preparation can be recommended, purchased, or approved by a veteran's counselor to enhance a veteran's quality of life.

VA's Independent Living program was initially limited to 500 veterans. Over time, the program proved to be a critical option for improving the rehabilitation experiences of catastrophically disabled veterans. As a result, Congress increased the number of veterans who could be served through this program. Today, however, the program remains capped and VA may initiate no more than 2,700 cases per year.

The Independent Living Program must be able to accept any veteran who could benefit without VA being forced to monitor enrollees to ensure that the cap on new cases is not exceeded. In addition, VR&E counselors must be well-versed in the Independent Living program to ensure that those who are eligible and who would benefit most from participation are given the opportunity to do so. Once a veteran is in the program, counselors must also closely track referrals for VA service and benefits to ensure that those referrals are addressed. Otherwise, the program will fail the veterans it serves, and their independence will be compromised.

In sum, without the proper services and supports, veterans with catastrophic disabilities are in danger of following out of the workforce. Such a loss means decreased financial security and social opportunities. VA's VR&E program provides critical access to needed services and supports for veterans with service-connected disabilities. An investment in VR&E is an investment in helping veterans with disabilities return to work and ensuring their long-term rehabilitation and success.

PVA thanks you for this opportunity to express our views. We would be happy to answer any questions that you may have.



## **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 2018***

Department of Veterans Affairs, Office of **National Veterans Sports Programs & Special Events** — Grant to support rehabilitation sports activities — \$181,000.

### ***Fiscal Year 2017***

Department of Veterans Affairs, Office of **National Veterans Sports Programs & Special Events** — Grant to support rehabilitation sports activities — \$275,000.

### ***Fiscal Year 2016***

Department of Veterans Affairs, Office of **National Veterans Sports Programs & Special Events** — Grant to support rehabilitation sports activities — \$200,000.

### ***Fiscal Year 2015***

Department of Veterans Affairs, Office of **National Veterans Sports Programs & Special Events** — Grant to support rehabilitation sports activities — \$425,000.

## **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.

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

Heather L. Ansley is the Acting Associate Executive Director of Government Relations at Paralyzed Veterans of America.

Her responsibilities include managing the organization's efforts on Capitol Hill and working with the Administration to promote legislation and policies that ensure veterans with catastrophic disabilities receive the health care and benefits that they have earned and the civil rights protections that they deserve. 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 (CCD) Veterans Task Force. Additionally, she serves as an officer on CCD's Board of Directors.

Prior to her arrival at Paralyzed Veterans of America, she served as Vice President of VetsFirst, a program of United Spinal Association. She has also 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.