



**STATEMENT FOR THE RECORD  
HEARING ON THE TOPIC OF  
"VETERAN READINESS AND EMPLOYMENT: IS VA SUCCEEDING?"  
SUBMITTED TO THE  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
COMMITTEE ON VETERANS' AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**September 15, 2022**

Chairman Levin, Ranking Member Moore, and Members of the Subcommittee:

We thank you for the opportunity to share our perspective on the Veteran Readiness and Employment (VR&E) program. Veterans Education Success works on a bipartisan basis to advance higher education success for veterans, service members, and military families, and to protect the integrity and promise of the GI Bill® and other federal education programs. We provide direct legal services and assistance to many hundreds of student veterans each year. In this work, we hear from veterans about their experiences with VR&E.

We strongly believe holistic support and access to high-quality post-secondary education and training for workforce development provides opportunities for those who have served our country to successfully transition from military service into the civilian workforce and continue to be strong contributors to our nation's economic well-being. We believe that VR&E is one of VA's most important programs to accomplish such.

VR&E is designed to provide veterans and service members with service connected disabilities the opportunity to receive the necessary support to "prepare for, obtain, and maintain suitable employment."<sup>1</sup> It is appropriate and necessary for the Committee to continue to give VR&E the attention it deserves.

Following our statement to the Subcommittee in 2019<sup>2</sup>, Veterans Education Success has continued to receive complaints from veterans about the Veteran Readiness and Employment program. The seventeen complaints reviewed in advance of this hearing tell a story that the process for VR&E benefits is often too complicated and stressful, and veterans get tired of fighting for the benefits.

Counselors appear to not understand that veterans with college or higher degrees may need professional retraining, and they can be unresponsive or even antagonistic to a veteran's

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<sup>1</sup> U.S. Department of Veterans Affairs. Vocational Rehabilitation and Employment (VR&E) Longitudinal Study (PL 110-389 Sec. 334): Annual Report 2018 for FY 2017. <https://www.benefits.va.gov/VOCREHAB/docs/2017LongStdy.pdf>

<sup>2</sup> Veterans Education Success Written Statement on Evaluating the Effectiveness of VA Vocational Rehabilitation and Employment Programs Before the House Committee on Veterans' Affairs Subcommittee on Economic Opportunity, June 4, 2019. [https://vetsedsuccess.org/wp-content/uploads/2019/06/VES\\_SFR\\_VRE\\_06032019-1.pdf](https://vetsedsuccess.org/wp-content/uploads/2019/06/VES_SFR_VRE_06032019-1.pdf)

interests. There are three specific areas of concern with the program, which we highlight below, followed by recommendations of potential solutions to these challenges veterans currently face.

**1. Veterans feel their counselors have not advised them well, resulting in wasting time and VR&E benefits on programs that fail to equip them for employment.**

One veteran contacted our organization to learn whether he can get his benefits back “to go to a real school.” The veteran complains that back in the 2000s, “I was steered by the counselor to go to [University of Phoenix] ....I was going to pick the University of Wisconsin but because of the advice changed direction—I then went on to get an MBA from UOP paid for by myself. I’d have never done any of this had the VA done it’s [sic] due diligence and investigated this school to begin with. I now have a worthless degree that most employers could care less [sic] about.”

Veteran JR<sup>3</sup> told us he had attended a flight school with obvious quality issues and he complained to his VR&E office. The veteran says his complaint to VR&E was ignored and he eventually left the program. It appears the flight program was ultimately suspended due to violation of the 85/15 rule. The veteran is now attempting to enroll in a different program to complete his training and is having trouble getting his VR&E benefits. “I’ve spent 3 years fighting to complete the program I was approved for back in 2013 and I am running out of time to use my benefits.”

Another veteran also had intended to pursue a career as a commercial pilot but was enrolled in the wrong program. The veteran explained that his education plan was mishandled by the school and the VR&E counselor because the program he was advised to take did not facilitate flight training. As relayed by Veteran BL, “My VA case manager didn’t insure [sic] that the education plan could be successfully completed and advised me incorrectly. Now I’m still struggling with the VA to get it done,” with the program “wasting my time and benefits”.

**2. Veterans complain that applying for and using VR&E benefits is too complicated and nerve-racking, sometimes to the point where they give up trying to get the benefits.**

Veterans reaching out to our team are often very discouraged and do not feel like counselors are assisting them. Veterans have shared stories that their counselors do not have the competence or time needed to help them, and to the veterans it appears as if the counselors are actively working to disqualify them from benefits. Further, a veteran can sometimes have multiple successive counselors, compounding the problem of the veteran receiving contradictory and confusing directions and decisions in regards to their VR&E benefits.

Veterans generally have problems getting responses from their counselors. Veterans also are asked to resubmit documentation already provided more than once. Veteran JR said he “was asked repeatedly to provide the same information over and over.” Veteran HL recounted that when he contacted the supervisor of his fourth counselor, she “directed me to submit documents as if I were a brand new acceptee into the program, which is worrying.” One veteran described it as feeling like the counselor would “nickel and dime you” all the time.

Some veterans also have shared their concern that the counselor may retaliate against the veteran. Veteran CT alleged that the “Voc rehab counselors have stripped me of my benefit because I’ve asked for help.” Veteran JR alleged that he stopped trying to pursue his VR&E benefits out of concern of losing his disability benefits because the VR&E office “threatened” to

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<sup>3</sup> To protect the privacy of veterans who have contacted us their names are not provided and instead they are referred to by letters.

downgrade his disability rating when he refused to attend a mental health evaluation to determine if he was fit to be a pilot, notwithstanding that he holds FAA approval and FAA first class medical certification.

The mismanagement of a veteran's VR&E case can have significant repercussions for the veteran. In the case of Veteran AI, the counselors' errors resulted in a VA debt for overpayment owed by Veteran AI. The VR&E supervisor had directed the veteran to stop using his Post-9/11 GI Bill for the current semester because VR&E would cover the term. All seemed resolved until Veteran AI was informed that his VR&E counselor had told VA Education Service *not* to cancel the Post-9/11 GI Bill payments. When Veteran AI tried to get the second counselor to correct the error, the counselor did not understand that she needed to submit different and correct paperwork.

*I reached out to [my counselor] so many times, and she was often unresponsive. When she was responsive, she was unhelpful. I reminded her that there were important deadlines to meet in my case, and she kept telling me that she had so many cases to handle and that she would do it, but she didn't....I had taken all necessary measures and followed all VA instructions, but my VR&E counselor did not do her part. As a result of [my counselor's] decision not to cancel my Post-9/11 GI Bill payments and subsequent failure to submit necessary documentation, I was paid by the Post-9/11 GI Bill for the spring semester, and then those payments were retroactively undone, creating VA overpayment debts for me. These debts would never have been created if my switch from the Post-9/11 GI Bill to VR&E had been completed correctly and in a timely manner.*

For Veteran CT, she decided to forgo VR&E benefits because of the stress of dealing with the VR&E counselors:

*I have failed classes and have had to drop classes over uncertainty about funding. I have reached a point where I decided to exit the VR&E program rather than continue to deal with [the School Certifying Official] and VR&E counselors who weren't advocating for me. This is very concerning, since the VR&E benefit is very generous and a big help to students like me looking to re-enter the workforce... The immense amount of stress caused by all these incidents and the lack of support from VR&E led me to email my VR&E counselor and tell her that I would just not use VR&E for the following semester.*

Another veteran emailed us about his experience and decision to give up: *"I attempted to get an extension the VA countered with a request for additional information and I have decided to forget about the extension or any education benefits including the VR&E. I am just tired of having to fight so hard to get these benefits that I have earned."*

### **3. Counselors discourage veterans with college degrees from obtaining further education despite it being the vocational path forward for the disabled veteran.**

Under statutory and regulatory authority the scope of services available to VR&E eligible veterans includes the education needed to enable a veteran to achieve their "vocational goal," which, per regulation, means a "gainful employment status consistent with a veteran's abilities, aptitudes, and interests."<sup>4</sup> "Program of education" as defined in the statute includes "any curriculum or any combination of unit courses or subjects at an educational institution which is

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<sup>4</sup> 38 CFR § 21.35(h); see also 38 USC § 3104(b); 38 USC § 3101(3), (6), and (9); 38 USC § 3452(b)

generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.”<sup>5</sup> The statute does not limit the “program of education” to attainment of a bachelor’s degree. Indeed, the term “program of education” goes on to expressly include the “national tests for admission to institutions of higher learning or graduate schools (such as the [SAT, LSAT, GRE, and GMAT...]).”<sup>6</sup>

Nevertheless, veterans who have contacted us complain that counselors have improperly determined that VR&E benefits may not be utilized to complete graduate or professional educational programs or that completing the graduate or professional program is unnecessary for a vocation, sometimes even after the veteran has commenced the course of study.

Veteran RS, who was going to school to become a teacher, needed to obtain a Masters of Teaching degree, which is typically required for teachers. Veteran RS reported, “*My current new counselor has really given me a hard time limiting my completion of the school program since it is a two-phase program with initial certification and then a Master of Teaching degree.*” Veteran HL had a similar experience when trying to obtain a master’s degree. He enrolled in school and needed to take two medical leaves of absence. After having four different counselors, Veteran HL concluded, “*VR&E will prevent me from being trained as a Computer and Information Research Scientist, because it requires a Master’s degree and they don’t like to pay for those, unless I receive help in pushing my case.*”

Another veteran approved for VR&E, Veteran IT, was accepted into medical school but was subsequently informed by his counselor that he could not use VR&E to attend medical school. Veteran IT reported he “*was really surprised by this decision as I made it clear in my voc rehab interview that I had been accepted into medical school and was on that path.*” Veteran IT was further confused by the decision because he knew another veteran who had had his medical schooling approved. Fortunately, we were able to assist Veteran IT with getting that decision reversed after a year-long process of appeals.

Veteran DG noted that the VR&E counselor met with him for “*10 minutes and was denied.*” According to Veteran DG, the counselor was not interested in talking with him about why he needs the degree for employment, citing that he has a master’s degree and used Chapter 35 benefits in the 1990s.

It appears that some counselors may not understand that a veteran possessing a bachelor’s or professional degree can have their vocation impacted by a service-related disability and require additional training. This is perhaps best illustrated with Veteran AN’s experience. Veteran AN is a psychologist suffering from mental health issues stemming from her time in the Army. Veteran AN sought to use VR&E benefits to retrain for another medical field due to her own medical condition, but Veteran AN has had difficulty getting the VR&E benefits approved. She reported that the VR&E counselor provided contradictory and confusing responses to her requests, and demanded additional unnecessary information.

The challenge for veterans wishing to attend graduate programs using VR&E benefits appears to be so well-known that another veteran, Veteran AG who was denied VR&E benefits for graduate education, shared that he has generally concluded there is “*a miscarriage of duties to veterans seeking graduate education through the VR&E program.*”

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<sup>5</sup> 38 USC § 3101(3) incorporates the definition of “program of education” from 38 USC § 3452(b)

<sup>6</sup> *Id.*

**Based on the issues addressed above, Veterans Education Success makes the following recommendations for the Subcommittee's consideration:**

- **Staff Ratio.** As the veterans' stories above demonstrate, too many VR&E counselors are overburdened and unresponsive. We renew our call for Congress to further decrease the number of clients per counselor from 125 clients to around 85 clients per counselor. While VA has worked to reduce the number of clients per counselor, we believe it would be beneficial to further decrease the Congressionally mandated ratio to a maximum of 85 clients per counselor. The current threshold of 125 is too high for counselors to adequately address the individual needs of student veterans, and students often complain about the lack of responsiveness of their counselors.
- **Counseling Consistency.** As raised in our 2019 statement to the Subcommittee, over the years our organization has heard from veterans admitted into top tier universities who were forced by counselors to enroll in low quality schools because the schools accepted one credit of PE from the student's Joint Services Transcript, notwithstanding that the low quality school would not produce the same positive outcomes for the veteran. Some veterans reported that VR&E counselors required them to forgo Ivy League colleges (where they had been admitted) in favor of low-quality, online for-profit colleges that had been successfully sued by the federal government for fraud. As discussed above, too many veterans continue to report subpar counseling.

Additionally, we continue to recommend increased training for VR&E counselors that includes comprehensive information for all five tracks in the VR&E program, consistent expectations, and requirements for quality to help improve veteran outcomes and overall customer experience. In particular, counselors should be trained to avoid recommending schools that have federal caution flags or law enforcement actions. Counselors should also be empowered to approve requests for obtaining additional education, including graduate degrees, when it is needed for veterans to obtain their vocational goals. We believe additional training and more explicit guidance for counselors could help improve the program delivery and experience for student veterans.

- **System Modernization.** Finally, we believe it is imperative for VA to continue to focus on improving and modernizing the current case management system, so that payments to students are not delayed given the dire financial situations many veterans are currently facing. As program participation rates rise, we feel these suggestions should be considered for future legislation to provide veterans with the world-class experience they deserve.
- **Housing Allowance Parity.** We urge Congress to establish a Monthly Housing Allowance (MHA) for VR&E students at rates similar to the Post-9/11 GI Bill to keep pace with the rising cost of living.

We thank the Subcommittee for your attention to this important issue and your consideration of our statement. We will also continue to provide feedback we hear from the veterans we work with. The VR&E program is one of the most important tools in helping veterans transition into long-term career opportunities to support themselves and their families. We look forward to continuing to collaborate with your staff and the Department of Veterans Affairs to improve this crucial program.