

Good morning committee members and guests. My name is Rustyann Brown. I am a retired federal employee who served 10 years in the Navy as a Hospital Corpsman and then years later continued my federal service at the Veterans Benefits Administration Regional Office, Oakland, CA. I was hired by the VA on September 15, 2009 as a Claims Assistant and considered this a wonderful opportunity to continue serving my Veteran community.

I quickly realized that we were being instructed to do things that were not in the best interest of the Veteran, but instead, good for the employee and management numbers. It started with returned mail piling up in huge tubs and no one assigned to research and locate current addresses.

Letters regarding claims issues that we sent to Veterans always included the 1-800# and not our own direct line. This type of communication was discouraged as they did not want us bogged down with calls. Elderly and terminal Veterans claims would not be moved or acted upon; just no sense of urgency for them.

I began, very quickly, to voice my opinion to my supervisors and other employees because we were not doing the right thing. This was a regular visit to my supervisor's office. Sometimes as I approached, I could see him roll his eyes at me and then dismiss me with, "Just do what you are told to do". Then one day this supervisor brought me into his office and told me that per the director I could no longer do volunteer work with the Oakland Vet Center. I had been volunteering to help Veterans understand the forms and which ones were needed for their situation. When I asked why I was being restricted, I was simply told that the director believed that it was a conflict of interest.

In July 2012 I was promoted to Veterans Service Representative and sent to San Diego for what should have been 8 weeks of training. Instead after only 3 weeks, my training group of five was brought back and placed on a special informal project. We were never given an answer as to why we were doing this work that was part of our previous role and why we were not allowed to fulfill the remainder of our training requirements.

This project consisted of processing 13,184 informal claims which had never been reviewed. We realized that a substantial portion of these veterans were now dead and their claims had never been answered; nothing had been done to help them.

If we determined that they were dead or had never filed a formal claim, we were instructed to mark them "NAN", No Action Necessary, our initials, the date and set aside. We began to ask management why nothing was being done to take care of these claims as required by policy. And also why their criteria for screening these claims was not the normal screening practices.

I would go home on a daily basis telling my husband of the heart wrenching letters I had read that day and how so many of these veterans and dependents were now dead before anyone had even looked at their claim. Even among the ones still living, it had been years, sometimes more than 10 or 12 years since they had made the request.

After several months of screening these claims we were taken off the project and relocated to a different team. Our team continued to do other special projects for our previous department, IPC and we were also finally given claims to begin developing in our new position. This was new work for us for which the San Diego training was supposed to prepare us.

I began to see Military Sexual Trauma claims show up in my work assignments. These claims are supposed to be developed by the Special Ops Team because of the sensitive nature of the claim. But, when I would take the claim to my mentor or supervisor and tell them what I had and that it needed to be moved to the Special Ops Team, I was told to just do the next action and move it on. This was a huge problem for me as I am a survivor of military sexual trauma and service connected for PTSD due to this. For me, simply reading the statements would bring back all the memories I had tried for years to forget. I would spend time in the restroom crying or hiding in a stair well so I could be alone and not have anyone see the physical reaction I would have to these claims.

A Reasonable Accommodation Request was initiated in May 2013 to remove MST and certain other PTSD claims from the claim files I reviewed, those that provoked my PTSD symptoms. Under the VA's rules, I should have received a response within 30 days. Yet, I did not even receive a request for additional medical documentation for over 60 days, and did not receive a final determination for five months. During this time, I continued to review files, and my own PTSD reactions intensified in part because of fears that I would have to review the files which exacerbated my symptoms. I took FMLA in September to remove myself from the situation. While I was on leave on Oct 30, 2013 5 months after the request was initiated, I received a letter from the regional office denying my request without good justification. During this entire time, no one at the agency had engaged in the required interactive process with me as a disabled employee; no one asked me about the details of which files I could not review, and what would remedy the situation. Thus, they never learned that it was a smaller group of files than they believed, with a simple accommodation which would allow me to continue as a Veterans Service Representative. With my accommodation denied, and in order to maintain my employment and protect my retirement, I agreed to take a downgrade in pay and status and was sent back to IPC as a Claims Assistant.

Then in April 2014, a cart showed up in my work area and when I looked at what was on the cart, it was some of those informal claims from Nov. 2012.



I saw my initials on the very first page. I didn't understand why they were still hanging around. I took a picture of the cart (shown above) and forwarded it to Congressman Lamalfa. 2 other employees and I, hand carried approximately 120-140 claims to the OIG office in the building, per Congressman Lamalfa's

instructions, all of which required actions. OIG came in for 16 days to do an investigation in June-July, 2014.

After months of being referred to as “snitch” or “narc” by other employees and being isolated with my department, I put in for early retirement. I could no longer continue to work under these conditions so I retired Sept 15, 2014.

From that day I have fought to get the word out regarding these claims and the Veterans who were ignored. So many of these Veterans had letters or personal notes attached begging for help, and we, the VBA Oakland, did nothing.

I do not have General or CEO on my resume', but, I know what was done to these veterans was not right. I will carry those memories of the letters for the rest of my life. I ask this committee to do everything in their power to do the right thing for these veterans, their families and the employees that truly want to do the right thing without fear of retaliation. Thank you.

STATEMENT OF RUSTYANN BROWN
FORMER FEDERAL EMPLOYEE OF VBA OAKLAND
BEFORE THE
HOUSE COMMITTEE ON VETERANS AFFAIRS

April 22, 2015