



# NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION

## Health Policy Unit

On Tuesday, November 26, 2013, Jacob Gadd, Deputy Director of Health Care and Warren Goldstein, Assistant Director for TBI and PTSD programs met with several staff members from the National Institute of Mental Health (NIMH), National Institute of Health (NIH), and the Office of Rural Mental Health Research (ORMHR). The purpose of the meeting was to learn what TBI and PTSD programs NIH is currently involved with and/or is planning for the future. NIH is the world's largest bio-medical research organization and is investing resources and research dollars on the fundamentals of mental health disorders, bio-markers, and in the investigation of what treatments and therapies are successful.

During the meeting, representatives presented on the ARMY Study to Assess Risk and Resilience in Service members (STARRS) program, Mental Health Executive Order, and NIH's suicide prevention research portfolio were discussed. The STARRS program is a collaborative program between the U.S. Army, NIH, Harvard Medical School, University of Michigan, and Uniformed Services University of the Health Sciences, University of California San Diego School of Medicine, National Institute of Mental Health, and the Department of Health and Human Services. The STARRS program is a memorandum of agreement between the Army and NIMH to identify risks and protective factors for suicide and psychological health, inform the development of evidence-based interventions, and to rapidly deliver actionable findings as it relates to risk and resilience in service members. The Mental Health Executive Order signed by President Obama in 2012 was discussed as it directs improved access to mental health services for veterans, service members, and military families involving the Departments of Defense, Veterans Affairs, Health and Human Services and Education and how such government organizations such as the National Institute of Health is responding to the Administration's request to improve the scientific understanding and effective treatments and therapies for PTSD, TBI, and suicide prevention.

On Monday, December 2, 2013, Derrick Redd, National Field Service Representative attended a meeting with Ashley Kimery, Development Associate United Way of the National Capital Area, to discuss details about the 2013 Employee Giving Campaign. This year's kickoff will be on December 17, 2013 and it will give American Legion Employees multiple ways to give back this holiday season to a charity/organization of their choice.

On Tuesday, December 3, 2013, Jacob Gadd, Deputy Director for Healthcare is presenting on a Veteran Service Organization (VSO) panel at the National Veteran Treatment Court conference. The purpose of the VSO panel is to provide updates to national, state and local veteran treatment courts representatives on VSO programs and services. The American Legion has been a staunch supporter of Veteran Treatment Courts since their inception in 2009 by Judge Robert Russell in New York. The American Legion adopted Resolution 119: Veteran Treatment Courts and the following is a link to the resolution - <http://archive.legion.org/bitstream/handle/123456789/2033/2012N119.pdf?sequence=1>.

On Wednesday, December 4, 2013, Jacob Gadd, Deputy Director for Healthcare and Edward Lilley, National Field Service Representative met with Vivica Wright, the Veterans Health Administration's (VHA) Director of Network Support." The purpose of the meeting was to gain an overview of the Office of Network Support, and receive an update on what the VA is doing to improve their communication with issues such as Legionella in Pittsburgh and the chronic misuse of insulin pens in Buffalo.

On Thursday, December 5, 2013, Jacob Gadd, Deputy Director for Healthcare and Edward Lilley, National Field Service Representative met with Mr. John Wren from the U.S. Government Accountability Office (GAO) to discuss the GAO's ongoing review of VA's Rural Veteran Burial Access Strategy. Mr. Wren wanted to discuss The American Legion's perspective on how well VA is meeting the burial needs of rural veterans.

On Thursday, December 5, 2013, Jacob Gadd, Deputy Director for Healthcare, Ian DePlanque, Deputy Director for Legislation, and Edward Lilley, National Field Service Representative met with Jessica Barker, Director of Government Affairs for the Mesothelioma Applied Research Foundation to discuss how Mesothelioma is treated within VHA and how The American Legion can assist with getting the necessary information on Mesothelioma out to veterans.

On Thursday, December 5, 2013, Derrick Redd, National Field Service Representative attended a meeting with Mary K. Walker, Ph.D., F.A.H.A. (Chair), Department of Pharmaceutical Sciences, College of Pharmacy, University of New Mexico and Rebecca Betensky, Ph.D., Department of Biostatistics, Harvard School of Public Health, Boston MA to discuss the updates to the biennial "Veterans and Agent Orange" Report. The 2012 study was charged to examine the possible effects from exposure to herbicides used during military operations in Vietnam. The "Veterans and Agent Orange" Report will incorporate new information every two years through 2014.

On Thursday, December 5, 2013, Warren Goldstein Assistant Director for TBI and PTSD programs participated in a Mild TBI and Management Strategies webinar titled " Management of mTBI Persistent Post concussive Symptoms: Focus on Sleep Disturbance and Headache". The presentation discussed how persistent post concussive symptoms (PPCS) including headaches and sleep disruption that service members and veterans were experiencing as a result of a blast concussion due to combat.

On Thursday, December 5, 2013, Jacob Gadd, Deputy Director for Healthcare was interviewed by NPR News in Huntington, West Virginia. The purpose of the interview was to discuss the background of The American Legion's System Worth Saving Task Force and encourage veterans that receive care at the Huntington VA Medical Center to attend a town hall meeting in Huntington. The town hall meeting is being held on December 9 at American Legion Post 16 located at 1421 Sixth Avenue, Huntington WV 25701. On December 10-11, National Task Force Member Vickie Smith-Dikes and National Field Service Representative Derrick Redd are conducting the VA hospital site visit. The last System Worth Saving site visit to Huntington WV was in 2004.

On Friday, December 6, 2013, Jacob Gadd Deputy Director of Health Care and Warren Goldstein, Assistant Director For TBI and PTSD Programs and Marty Callaghan, Director of Media are participating in a briefing and tour of the National Intrepid Center of Excellence (NICoE) and the 7-East inpatient TBI unit to visit with service members suffering from Traumatic Brain Injury (TBI). The unit on 7-East focuses on moderate to severe TBI patients and the NICoE focuses on intensive outpatient treatments and therapies for mild to moderate TBI patients. The NICoE patients are still on active-duty and functioning at a level that is below full capacity and that have completed their combat duty.

### **Claims**

Zachary Hearn Deputy Director of Claims testified before the Disability and Memorial Affairs (DAMA) Subcommittee on December 4, 2013, regarding the adjudication of complex claims. The message The American Legion delivered to DAMA was that a comprehensive training approach needs to be provided to raters to ensure the highest quality of adjudication for veterans and their families.

Steve Henry was promoted to Assistant Director for Claims, effective December 5, 2013. Mr. Henry has been employed with The American Legion for over three years; his experience includes employment as a national appeals representative at the Board of Veterans' Appeals advocating for benefits for veterans and their dependents. Additionally, he worked as a field service representative and conducted multiple site visits for the System Worth Saving program.

### **Military Evaluation Board/Physical Evaluation Board (MEB/PEB)**

Gerardo Avila MEB/PEB Representative WRNMMC, Ft. Belvoir, Ft. Meade briefed 7 Soldiers on the IDES process at Fort Meade, MD, submitted 2 VA 21-526 EZ claim (FDC), and provided assistance to 7 Service Members by answering questions on the IDES process, claims and VA compensation.

Brian Buckler, Joint Base Lewis-McChord conducted 20 interviews, did not attend any Formal Hearing sessions and did not assist in the completion of any VA applications, no briefings or meetings were attended.

### **Board of Veterans Appeals Unit**

During the week ending November 29, 2013 the Board of Veterans' Appeals reached dispositions on 127 American Legion represented appeals. Of those dispositions 64.5% of the denials were overturned with outcomes favorable to the veteran. In 28 cases, the Board granted benefits outright after considering The American Legion's arguments. In 64 cases, The American Legion was able to point out errors in the development of the veteran's claims which mandated corrective action under the law. Of the total number of dispositions, 25 (19.7%) were outright denied.

Also during this period, the American Legion Appeals Unit reviewed, prepared written Informal Hearing Presentations (IHP), and/or orally argued 42 veteran's appeals. These claims included originals, remands, as well as specialty cases (Advance on Docket, Independent Medical Opinions, Court Remands, etc.). The unit handled telephone inquiries and provided consultations with veterans, VSO's, and Congressional Offices. The administrative team fielded 79 phone inquiries during this period. The appeal representatives did not conduct any Central Office Hearings.

### **Insurance, Pension and Debt Management**

The VA&R VA Insurance unit reviewed and processed 169 applications for new insurance coverage, of which 9 were for Supplemental insurance for totally disabled veterans in the Service-Disabled insurance program, along with 107 disability and settlement claims on other veteran's VA policies. Further case development included 90 other insurance inquiries or transactions, 31 phone calls with veterans, family members and VSOs, and 105 veteran insured's were contacted by mail on their policies, insurance options and action deadlines. There were also 48 direct contacts with VA personnel in regards to correcting or having additional actions taken on veteran's accounts.

The Philadelphia VA&R Pension unit processed 18 new claims for Veterans or Death pensions, along with reviewing and preparing 368 case actions for support of on-going pension benefits. Casework included processing 261 additional transactions and case inquiries to VA, performing 141 audits of Rating reviews and 45 phone contacts with claimants and VSOs. There were 15 personal interview contacts, and 3 waiver of overpayments processed with 7 appeals.

The VA&R Pension office in Milwaukee processed 274 new claims for Veteran's pensions and Death pensions, and presented supporting casework material on 252 claims already in progress, while also processing 164 inquiries and pension transactions with 3 Appeals. Phone contacts with claimants and VSOs amounted to 105 calls handled for the period from November 21, 2013 to December 4, 2013.

### **Benefits Delivery at Discharge (BDD)**

The Western BDD Office reviewed 14 BDD claims with 96 issues. Each claim required reviewing the rating, C&P examination, and service treatment records. Additional research was required on some cases. The BDD office also received 7 phone calls from veterans and Department Service Officers throughout the country requesting the status of a claim or had questions concerning a rating. The office provided an update for the status of the claim or provided options concerning the rating. Additionally, one veteran visited the office with general VA benefit questions. The office received and reviewed 57 pieces of VA correspondence.