



VETERANS EDUCATION SUCCESS

VES WRITTEN STATEMENT

ON

EVALUATING THE EFFECTIVENESS OF VA
VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAMS

BEFORE THE

HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

U.S. HOUSE OF REPRESENTATIVES

June, 4, 2019

Chairman Levin, Ranking Member Bilirakis, and Members of the Committee,

Thank you for the opportunity to provide feedback on the Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment (VR&E) program. Veterans Education Success works 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 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 wellbeing. We believe that VR&E is one of VA's most effective program to accomplish such.

VR&E is designed to provide support for veterans and servicemembers with service connected disabilities the opportunity to receive the necessary support to "prepare for, obtain, and maintain suitable

employment.”¹ The benefits provided by this program are significant; yet, despite its important role, it often flies under the radar by policymakers. It is appropriate and necessary for the Committee to continue to give VR&E the attention it deserves.

Over the last ten years as I have worked with military-affiliated students, and the institutions of higher learning that support them, I’ve heard consistent feedback about the program and veterans’ concerns in three areas I would like to bring to the Committee’s attention: (1) Technology, (2) Staffing, and (3) Inconsistency of counseling and direction provided by Vocational Rehabilitation Counselors.

These 3 areas of concern also arose during the May 2018 Congressional hearing about the program. Witnesses testimony included the insufficient client-to-counselor ratio, the proposed cut of approximately \$59 million dollars to the program for the FY 2019 VA Budget, and the lack of training and consistency for counselors.

Since that time, we want to acknowledge that VA has been proactive in addressing a number of these concerns, including increasing the amount of funding requested in the FY 2020 budget proposal. Most of that requested increase is aimed at hiring 70 more counselors to meet the statutory mandate of no more than 125 clients per counselor and for the continued roll out of a modernized case management system that automates invoice payment processing in the early part of FY 2020. They have also employed a tele-counseling pilot program and other technology to create ease of access.² VES supports VA’s requested funding for FY 2020 and urges Congress to approve it.

While we are hopeful for what appears to be a positive path forward for the program, we believe there are still areas that deserve attention and need to be addressed.

The Need for a Modernized Case Management System

The last time the case management system for VR&E was updated was over two decades ago, in 1997. Complaints from both students and school administrators have revolved around the challenges School Certifying Officials (SCOs) have faced with, what one school administrator referred to as, the black hole of certification. This is not surprising as it is still a paper-based file system.

Students have gone up to six months without receiving payments, causing undue financial hardship. When SCOs contact VA Regional Offices for updates, they are left with little information and much frustration as they work to find ways to provide answers and support for their student veterans struggling to stay in school.

In 2015, the VR&E office was authorized to work with the VA Office of Information & Technology (VA OI&T) to modernize their case management system. In spring of 2018, after approximately \$12 million

¹ 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>

² U.S. Department of Veterans Affairs. FY 2020 President’s Budget Request. March 11, 2019.

<https://www.va.gov/budget/docs/summary/fy2020VAbudgetvolumellbenefitsBurialProgramsAndDeptmentalAdministration.pdf>

was spent on trying to update the system, the program was scrapped.³ Since then, VA has been working to effectively update the system and, according to VA officials, plans to roll it out this fall.

Given the recent challenges VA OI&T has experienced with its last attempt to modernize this system and the rollout of sections 107 and 501 of the Harry W. Colmery Act, we urge careful Congressional oversight. We remain cautiously optimistic about previewing this system in the coming months.

Insufficient and Inadequate Veteran Resource Counselors

Veteran Resource Counselors are crucial to the success or failure of the program, yet many barriers currently exist to prohibit them from achieving the level of success they could. With the modernization of the case management system, we believe some of these barriers should, in theory, be removed since it will automate some of the administrative burden. That said, we still remain concerned about the following issues:

Client-to-Counselor Ratio – We applaud VBA’s concerted effort to reduce the number of clients per counselor but question the current legislative mandate of 125 clients to one counselor. The program is set-up to offer individualized plans specific to the needs and challenges of each client. This type of support is necessary to help the veteran successfully accomplish his or her goals, yet the time it takes to provide such support and follow-up can be labor intensive.⁴ We believe it would be beneficial to further explore if the current client to counselor ratio is effective. We encourage the Committee to consider decreasing the Congressionally mandated ratio to something more along the lines of 85 clients for each counselor.

Challenges with Conflicts of Interest – We are also concerned about the recent news of James King, a VR&E Counselor who pleaded guilty in October 2018 to bribery, fraud and obstruction for demanding and receiving bribes from three for-profit schools in exchange for directing disabled veterans to those schools, in a kickback scheme.⁵ In addition to lying about the types of training his clients were receiving, Mr. King threatened one veteran that his benefits would lapse if he did not attend one of the three schools Mr. King was conspiring with. Additionally, he forced a student to pursue training in a vocational program he was not physically able to perform due to his service-connected disability. This individual had communicated his desire to pursue training to become a baker, yet that path was not financially beneficial for Mr. King.

While this example is clearly egregious in nature, it highlights the importance of ensuring counselors are not in positions where there is a clear conflict of interest. We would encourage Congress to ensure stronger conflict of interest provisions and oversight.

Concerns about the Power of Counselors and Inadequate Requirements of Quality – The story of Mr. King also highlights the amount of power and influence counselors have in approving or disapproving a veteran’s educational path. In the past three years, I have worked with at least three

³ House Committee on Veterans’ Affairs Subcommittee on Economic Opportunity Hearing, “A Review of VA’s Vocational Rehabilitation and Employment Program”

<https://www.youtube.com/watch?v=sxQ8Wuktal4&feature=youtu.be>

⁴ The American Council on Education. ACE’s 2015 Servicemember and Veteran Academic Advising Summit Report. 2015. <https://www.acenet.edu/news-room/Documents/2015-Veterans-Programs-Summit-Report.pdf>

⁵ The U.S. Department of Justice. Department of Veterans Affairs Official Pleads Guilty to Bribery, Fraud, and Obstruction in \$2 Million Scheme Involving Program for Disabled Military Veterans. October 26, 2018. <https://www.justice.gov/opa/pr/department-veterans-affairs-official-pleads-guilty-bribery-fraud-and-obstruction-2-million>

students who were admitted into top tier universities. They were also accepted into low-quality schools that did not produce the same outcomes, but because that institution accepted one credit of PE from the student's Joint Services Transcript, the counselor forced the individual to choose the lower quality school because it would be more cost effective.

While the VR&E program is focused primarily on vocational training and is not an education benefit, the student was going to receive higher quality training that would lead to more opportunities within the career field they were pursuing. It took months of petitioning to get each of those students into the higher quality programs. These are not isolated cases. Many examples exist of disabled students steered away from Ivy League and top-notch colleges – which would significantly enhance their career trajectory – and instead towards low-quality schools that are much less respected on the job market.

Current statute gives counselors a preeminent role in helping disabled veterans choose a school, and as the story of Mr. King has shown us, not all have the student's best interest at heart. While we do not believe Mr. King's behaviors is shared by all counselors, VA must ensure veterans and taxpayers are not paying for programs that are less likely to lead to a degree or employment. This highlights the need for ensuring consistency in guidelines and expectations for counselors, in particular requiring counselors to consider the quality and future earnings trajectory of a college, as there are wide differences among colleges. We would encourage the Committee to require quality considerations in VR&E college selections, using, for example, currently existing data already provided by the federal government such as the GI Bill Comparison Tool metrics and other measures provided by the Department of Education. We also believe students should have a more prominent voice in the selection of the institution or program they choose to pursue.

Veterans have also complained about inconsistency in what they are allowed, or not allowed, to pursue related to education. One student might only be allowed to pursue a two-year degree while their peer is approved to pursue a doctorate degree. While this program is indeed a rehabilitation program to allow veterans the opportunity to get necessary training for their specified career path, veterans should have the opportunity to use their full 48 months to pursue training that will allow them to increase their ability to be a substantive contributor to the American economy.

Proper Training and Consistent Expectations – Additionally, counselors should continue to receive ongoing training. In his May 2018 testimony, former Director Jack Kammerer referred to a Competency Based Training System the Department was planning to roll out during the 2019 fiscal year.⁶ The concept sounds promising, but we would encourage VA to ensure the trainings incorporate comprehensive information for all five tracks in the VR&E program and require annual training to stay abreast of current issues.

Jack of All Trades, Master of None – In a Government Accountability Office report, veterans cited challenges with their counselor's inability to help them translate their military service into federal civilian employment and frustration that a counselor did not adequately describe the physical challenges of the job given the veteran's physical disabilities.⁷ Veterans using the VR&E program are supported by their

⁶ Statement of Jack Kammerer, Director, Vocational Rehabilitation and Employment, Veterans Benefits Administration, Department of Veterans Affairs Before the House Committee on Veterans' Affairs Subcommittee on Economic Opportunity. May, 18, 2018. <https://docs.house.gov/meetings/VR/VR10/20180517/108251/HHRG-115-VR10-Wstate-KammererJ-20180517.pdf>

⁷ U.S. Government Accountability Office. Report to Congressional Committees, "VA Vocational Rehabilitation and Employment: Further Performance and Workload Management improvements Are Needed." 2014. <https://www.gao.gov/assets/670/660160.pdf>

Counselors to develop individualized plans following one of five tracks: Reemployment, Rapid access to employment, Self-employment, Employment through long-term services, and Independent Living. The counselor is expected to be a subject matter expert on each of these tracks. That is an impossible standard to meet.

By analogy, if a veteran visits a VA Health clinic for a specific health issue, they visit a specialist. An orthopedic surgeon is not going to be able to effectively help a patient who is having respiratory issues. Why not apply the same standard to veterans who need vocational rehabilitation?

In some of the regional VR&E offices, counselors are assigned subject matter experts for one area. In other offices, there is concern about maintaining continuity of counselors and the impact it can have on persistence and successful completion of a program.⁸ While there is no clear-cut answer on how to address this issue since what works in some offices may not work in others, we agree with the GAO report recommendations on conducting field research to identify and publish promising practices for client support for each of the field offices. VA also agreed with this recommendation. We believe it would be helpful for this Committee to learn if this was completed and what the outcomes were. Subject matter expertise is worth the Committee's consideration.

Additional Recommendations

As former subcommittee Chairman Arrington mentioned in his opening statements for the May 2018 hearing, VR&E should be the “crown jewel” of programs, yet it unfortunately falls short in ways the Post-9/11 GI Bill does not.⁹ When the Forever GI Bill was passed in 2017, Congress removed the 15-year delimiting date and included restoration of entitlement to students whose schools closed. We agree with our colleagues at Veterans of Foreign Wars, Paralyzed Veterans of America, and Disabled American Veterans who have called for the removal of the 12-year delimiting date.¹⁰ Those using VR&E should also have the same restoration of entitlement their peers receiving the Post-9/11 GI Bill enjoy. They pursue programs of study based on the guidance and direction of their counselors and only have one chance to do so. It is unacceptable that severely injured veterans do not get their benefits reinstated when a school closes, leaving them with wasted benefits, nothing to show for it, and no ability to fulfill the mission of the program – vocational rehabilitation.

Create Rate Parity – Currently this program has two different subsistence rates. One is at the rate of the Post-9/11 GI Bill benefit and one is at the rate of the Montgomery GI Bill benefit. Veterans in the same program of study could have vastly different benefits. This is confusing since, unlike the Post-9/11 GI Bill and the Montgomery GI Bill, VR&E is one benefit program. It also creates a larger administrative burden and challenges for VA as they navigate what subsistence rate the veteran is eligible for. This can be challenging for a veteran and discourages them from taking advantage of a program that could have

⁸ *Ibid*

⁹ House Committee on Veterans' Affairs Subcommittee on Economic Opportunity Hearing, “A Review of VA's Vocational Rehabilitation and Employment Program”
<https://www.youtube.com/watch?v=sxQ8Wuktal4&feature=youtu.be>

¹⁰ The Independent Budget Veterans Agenda for the 116th Congress: Policy Recommendations for Congress and the Administration. “Enhance Vocational Rehabilitation and Employment Services.”
<http://www.independentbudget.org/pdf/TIB-EAE3-Enhance-Vocational-Rehabilitation-and-Employment-Services.pdf>

positive lifelong impacts. Moving the subsistence rate to one rate reduces bureaucracy, eliminates confusion, and creates better parity for service members and veterans with service-connected disabilities.

Transparency – Finally, VR&E does not have the same transparency as the Post-9/11 GI Bill. No information is available on the Comparison Tool related to where veterans pursue post-secondary education using VR&E. Additionally, it is challenging to find current and pertinent information other than in annual reports. Having access to this information would be helpful for outside organizations who are also supporting those using this program, as well as for disabled veterans seeking information on the college outcomes of their peers.

I appreciate the Committee's continued commitment to this program and look forward to answering any further questions you might have.