

VETERANS UPDATES 10/2019

The following articles are from [Veterans Information Service](#), publisher of the “*What Every Veteran Should Know*” monthly updates and annual Veteran Service Officer books widely utilized by most Veteran Service Officers. This provides veterans and their families a source of up-to-date and easily digestible benefits information, including public record, pending legislation, bills, laws and policies of the various US government Veterans Administration organizations and their subsidiaries.

CLARIFICATION ON COMMISSARY SHOPPING PRIVILEGES

Last month we published a story entitled, “Millions Will Be Allowed to Shop on Military Bases soon but they are unsure how they’ll get access.” We received questions about that story that we wanted to clarify a few specific details.

The legislation has already been passed and signed into law that allows for around three million people to be eligible to shop at military stores. This will include Purple Heart recipients, former prisoners of war and primary veteran caregivers. Newly eligible customers will also be able to use certain morale, welfare and recreation activities.

The pool of eligible shoppers was **approved by law in the fiscal year 2019 National Defense Authorizations Act**. Previously, veterans with 100% service-connected disabilities were able to shop, but now all with service-connected disabilities can shop. However, **this doesn’t actually go into effect until January 1**, which is where some of the confusion has come in. The law itself is signed, but just not effective until the start of 2020.

Involved organizations are currently working out details of the program, such as what identification can be used to access privileges.

FEDERAL COURT ORDERS VA TO REIMBURSE VETERANS FOR NON-DEPARTMENT EMERGENCY MEDICAL EXPENSES

A federal court has ordered Veteran officials to provide reimbursement to veterans for all expenses at non-department emergency medical centers. This could mean payouts of tens of thousands of dollars to patients who are dealing with financial issues related to hospital bills. The ruling could also add billions in medical care costs to the VA's budget in coming years.

There was a divided three-judge panel on the U.S. Court of Appeals for Veterans' Claims that made the ruling. They said the VA's current reimbursement regulation for veterans seeking non-department medical care violates existing federal rules.

They chastised officials for creating what they called an unacceptable policy and they ordered medical expenses not covered by veterans' private medical insurance to be covered by the agency.

In August of this year, the VA Inspector General found \$716 million in improperly processed payments in cases that involved veterans seeking medical care outside the health system in 2017. This included \$53 million that should have been refunded under existing rules.

This is the second time in three years the court has struck down emergency payment procedures from the VA. Both times the VA was scolded for only covering part of veterans' expenses. Advocates have praised the ruling, and it does establish a class of veterans eligible for reimbursement.

"The court's decision rights a terrible injustice and its order ensure that veterans who were unjustly denied reimbursement for critical emergency treatment at non-VA facilities will finally be reimbursed," said Bart Stichman, Executive Director of the National Veterans Legal Services Program. "It is a hard-won victory for hundreds of thousands of veterans."

The specific case at-hand in the latest ruling involved two veterans denied several thousand dollars in unpaid emergency room expenses under the current VA policy. With one plaintiff, the majority of bills were paid by private insurance and for the other, Medicare covered most of the expenses. Regardless, in both cases the VA said they were required to deal with the unpaid balance because the veterans were primarily covered under other insurance. The court ruling indicates that it violates both existing law and past legal precedent.

The ruling gave the VA 45 days to submit to the court their plans to contact veterans with denied claims since 2016 and develop criteria for reimbursing eligible claims. That would not include the costs of co-payments related to private insurance.

The decision could cost the VA as much as \$6.5 billion by 2025. The VA can appeal the ruling to a higher court. In a statement, they said they are reviewing the decision but didn't comment further.

COURT RULING COULD GIVE EXTRA YEAR OF GI BILL BENEFITS TO VETERANS

A recent decision by a federal court could expand veterans' education benefits dramatically. It would allow an extra year of tuition assistance for veterans who qualify for both the Post-9/11 GI Bill program and the older Montgomery GI Bill payouts. Veterans Affairs officials haven't currently decided whether or not they'll appeal the ruling. It has the potential to affect tens of thousands of veterans and cost hundreds of millions of dollars.

The decision came from the U.S. Court of Appeals for Veterans Claims earlier in the month, and it found the VA's practice of requiring veterans to relinquish Montgomery GI Bill eligibility to receive Post-9/11 GI Bill payouts is improper. Department officials have made the argument in the past that they have to do it this way to avoid duplicate payments being made to veterans.

However, now in a 2-1 decision, the judicial panel ruled federal language prohibiting double-dipping means that someone can't receive assistance from more than one program in a single month, semester or pay period, but can move between programs. If veterans are eligible for both programs, they should receive payouts from both but not simultaneously, according to the decision.

Under current rules, the Post 9/11 GI Bill provides 36 months of tuition assistance and living stipends to veterans or their family members who served at least three years on active duty after September 10, 2001. The Montgomery GI Bill is a smaller stipend that lasts for 36 months for veterans who served on active duty at least three years and paid into the program when they enlisted. In almost all cases a veteran receives one benefit or the other, but not both.

The Montgomery GI Bill has received a lot of heat in recent years because servicemembers still contribute to it but aren't likely to see any benefit. The Post 9/11 GI Bill is more generous in payouts so most veterans give up their Montgomery benefits when it's time to go to classes. Lawmakers have toyed with the idea of ending the Montgomery program altogether.

VA officials will need to make a decision on whether or not to appeal in the coming weeks.

NATIONAL VETERAN SUICIDE PREVENTION REPORT IS RELEASED

The U.S. Department of Veterans Affairs recently released the 2019 National Veteran Suicide Report. It includes findings from its most recent analysis of veteran suicide data from 2005 to 2017. The 2019 National Veteran Suicide Prevention Annual Report highlights suicide as a national problem and urges all Americans to come together to address the larger social issues that contribute to the increased rates of suicide in the U.S.

One key change from this year's report is that it does not group together veterans eligible for VA services with servicemembers and former National Guard and reserve members who were never federally activated. This change was necessary because these groups are unique and do not all qualify for the same benefits and services, therefore they require individualized outreach strategies.

Moving forward, VA's report will include a separate section focusing on never federally activated former Guard and Reserve members, while the Department of Defense will publish a separate report focusing on servicemember suicides. The most recent data from 2017, has allowed VA to better understand and address current trends in veteran suicide as well as evaluate ongoing suicide prevention programs. Key VA initiatives described in the report reflect the department's efforts to prevent veteran suicide through targeted strategies that reach all veterans. The VA's public health approach to suicide prevention focuses on equipping communities to help veterans get the right care, whenever and wherever they need it. That approach is the foundation for the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS) executive order, which aims to bring together stakeholders across all levels of government and in the private sector to work side by side to ensure that our veterans are able to seek and receive the care, support and services they deserve.

"VA is working to prevent suicide among all veterans, whether they are enrolled in VA health care or not," said VA secretary Robert Wilkie. "That's why the department has adopted a comprehensive public health approach to suicide prevention, using bundled strategies that cut across various sectors – faith communities, employers, schools and health care organizations, for example – to reach veterans where they live and thrive."

VA was one of the first institutions in the United States to implement comprehensive suicide risk surveillance, which involves collecting and interpreting suicide-related data. "Data is an integral part of our public health approach to suicide prevention," said Wilkie. "The latest data offers insights that will help us build networks of support and research backed suicide prevention initiatives to reach all veterans, even those who do not and may never come to us for care."

Key points from the report include:

- From 2005 to 2017, suicides among all U.S. adults increased by 43.6 % but suicides among veterans increased only 6.1%,
- The non-veteran population in America is increasing, but the veteran population is decreasing,
- The number of veteran suicides was more than 6,000 a year from 2008 to 2017,
- In 2017, the suicide rate for veterans was 1.5 times the rate for non-veteran adults even while adjusting for population differences in age and sex,
- Firearms were the method of suicide in nearly 71% of male veteran suicide deaths and more than 43% in female veteran suicide deaths in 2017,
- There were 919 suicides among never federally-activated former National Guard and Reserve members in 2017, an average of 2.5 suicide deaths a day.

If you or someone you know is having thoughts of suicide, contact the Veterans Crisis Line to receive free, confidential support and crisis intervention available 24 hours a day, 7 days a week, 365 days a year. Call 1-800-273-8255 and press 1, text to 838255, or chat online at [VeteransCrisisLine.net/Chat](https://www.VeteransCrisisLine.net/Chat).

VA ADMITS DEBT COLLECTION SYSTEM CAUSES CONFUSION

Officials at the VA have acknowledged to lawmakers that their debt collection practices are both clunky and confusing and as a result could potentially leave families facing financial difficulties. They're also promising reforms within the next year.

"We are too often fragmented, uncoordinated and highly variable in our processes," said John Rychalski, chief financial officer for the Department of Veterans' Affairs, told members of the House Veterans' Affairs Committee on Thursday. "Frankly, we have a way to go before we can declare success."

Last fiscal year, overpayments to veterans from the VA totaled around \$1.6 billion, similar to the mistakes in previous years. The cases include mistakes with disability payouts after the update of beneficiary information, payments conflicting with other federal benefits such as drill pay, changes in college enrollment lowering GI Bill eligibility and math errors made by department employees. Officials from Veterans Education Success said one in four GI Bill recipients face some level of overpayment-related debt. The department sent out more than 600,000 debt collection notices to veterans and their families in fiscal year 2018 to recover the money.

Members of the House Veterans' Affairs Committee said they hear from veterans too often when they face a significant financial hardship as a result of those actions, and they incur debt through no fault of their own.

"VA has a lot of work ahead to reduce the number of overpayments sent to veterans," said Rep. Chris Pappas, D-N.H. Receiving these notices of balance due can prove particularly burdensome to veterans living on fixed incomes."

VA made changes in policies in recent years that required withholding future checks until the debt was fully repaid, instead opting to do automatic 12-month repayment plans. Lawmakers and advocates have said the debt which is often more than \$2,500 is still too large to comfortably deduct from monthly payouts.

"The resultant debts owed by veterans often cause severe financial hardships for veterans and their families," said Shane Liermann, Deputy National Legislative Director for benefits at Disabled American Veterans." In many cases, the burden of repaying these debts can negatively impact a veteran's quality of life, put them at risk of homelessness and affect their access to VA health care."

Lawmakers have pushed the VA on making hardship waivers for debt collection easier to obtain. They are also pressuring VA officials to more broadly use their authority to wipe debt out altogether. Rychalski said officials need to balance their responsibility to taxpayers to

recover overpayments with the financial health of veterans. The department is currently reviewing cases and how they're handled to see if there is a need for systemic changes.

Within the next year the VA expects to introduce an online portal so veterans can go there and see their outstanding debts. The VA is also anticipating to implement new policies minimizing the number of debt notices sent to veterans from sub-agencies that are part of the VA. Within the next three years the VA said it hopes to have a new online debt payment system up and running.

Earlier this year a group of lawmakers in the Senate started debating whether or not over paid veterans should be punished for the mistakes of the federal government. They introduced legislation that would require changes in how the VA handles corrections and the pending legislation would limit how much can be withheld from veteran's future payouts to cover the debt.

It's wrong to put the debt from the VA's accounting mistakes on the shoulders of men and women who have served their country," Sen. Jon Tester, ranking member of the Senate Veterans' Affairs Committee, said in a statement. "For some veterans, these benefits make the difference between paying monthly rent or missing payments.

Under the current law, VA officials can withhold 100% of a veteran's monthly benefits to cover past overpayments, even in situations where the mistakes are the result of errors from federal officials.

New legislation would limit withholdings to no more than 25% of a monthly benefits check. The legislation would also put a five-year limit on the time when VA officials are able to recover overpayments, but it wouldn't wipe out all debts related to VA mistakes.

Last session similar reforms were introduced, but only parts of the legislation became law. For example, the VA policy was rewritten so veterans could update their personal information in department systems which was part of an effort to cut down on mistakes made in benefits payouts.

The pending legislation would require the VA to update computer systems to make that process easier as well as mandating electronic notification debt notices.