

**STATEMENT**  
**OF**  
**JOHN M. GARCIA, CABINET SECRETARY**  
**NEW MEXICO DEPARTMENT OF VETERANS' SERVICES**  
**OVERSIGHT HEARING**  
**ON**  
**DISABILITY COMPENSATION CLAIMS DECISIONS**  
**BEFORE THE**  
**SUBCOMMITTEE ON DISABILITY ASSISTANCE**  
**AND MEMORIAL AFFAIRS**  
**OCTOBER 20, 2005**

Mr. Chairman and Distinguished Members of the Committee, on behalf of the Veterans of the great State of New Mexico and our Governor, Bill Richardson, I am honored to have this opportunity to testify this morning and to present my views regarding variances in disability compensation claim decisions made by the VA regional offices and the factors that are affecting the review process.

New Mexico, unlike any other State in the Union, has a 400-year rich military legacy. Many New Mexico natives such as myself can proudly trace our ancestry back eleven generations, to the early citizen soldiers that first arrived in the Southwest Region of our Country. Many citizens from the great State of New Mexico have served our Nation with dignity and honor from the Civil War to the fields of France during World War I to the battlefields of World War II and Korea, to the steamy jungles of Vietnam, to the desert sands of the Gulf War, and to the War in Iraq, New Mexicans have served with distinction. Our military legacy is made up of our infamous Navajo Code Talkers and our Bataan Death March Veterans whose place in American history has been firmly planted, and their story remains an incredible testimony to the courage and sacrifice of these men. Our New Mexico Vietnam Veterans were No. 1 in draftee percentage per capita, and our State was the third highest in casualty rate during the Vietnam War and we were the first into Iraq with our stealth fighters out of Holloman Air Force Base. New Mexico's Veterans have a rich legacy of honor and pride of service to their Country.

In the year 2003, Governor Bill Richardson elevated what was once the Veterans' Services Commission to what is now the New Mexico Department of Veterans' Services, a cabinet level Agency, in order to better serve our Veterans. In partnership with the Veterans Administration Regional Office, the Veterans Administration Hospital, the

Veteran Centers, and the Veteran Services Organizations, our Agency has created a New Mexico Veteran Administrative team providing an array of resources for outreach and benefits for our New Mexico Veterans. As a result, New Mexico is ranked among the top five (5) states assisting Veterans in receiving their disability, comp and pen benefits.

The Veterans Administration spent approximately \$6.3million in New Mexico in 2003 to serve more than 185,000 Veterans who live in our State. Last year, approximately 59,000 Veterans received health care, and 31,000 Veterans and their survivors received disability compensation or pension payments from the Veterans' Administration in New Mexico per capita. More than 4,500 Veterans, reservists, and survivors used GI Bill payments for their education, and twenty four thousand owned homes with active VA home loan guarantees, and over 1,600 were interred in Ft. Bayard and Santa Fe National Cemeteries. Since 2003, we have seen a substantial increase in benefits and services to our New Mexico Veterans.

Per the Department of Veterans Affairs' Office of Inspector General (VAIG) recommendation, the Veterans' Benefits Administration will begin a review of an additional 72,000 claims that were awarded disability compensation for PTSD at the 100% scheduler rate or 100% based on individual unemployability.

Of the original sampling of 2,100 claims, there were three hundred cases from the State of New Mexico which were identified for further review, and letters were sent to each of them. The letters that were sent were threatening and strongly implied a loss of benefits at two levels: 1. The letter implied the Veteran would lose benefits if he did not comply, and 2. The letter implied that Veterans would lose benefits if they were not under current treatment.

This policy of “retroactive inspection” has been received by the ENTIRE Veteran community as an assault on every Veteran, not just those for review. It is clearly perceived by our Veteran community as an “attitude” and not a policy.

**How serious is this problem?** On October 8<sup>th</sup>, a Vietnam Veteran from New Mexico committed suicide. He was a 100% service connected PTSD/Unemployability combat Veteran in receipt of a Purple Heart. HE WAS NOT ONE OF THE NEW MEXICO VETERANS SELECTED FOR REVIEW, but it was clear to those who found him that the issue was on his mind because of information about the retroactive inspection was found at his side next to his Purple Heart Medal. He is clearly a casualty of this review.

**Why?** Because an attack on one Veteran is an attack on all of them. Let me make this clear. This review policy is perceived as an attitude, an attack, and a personal assault on the Honorable service of all Veterans.

Service-connected compensation should be considered a “Cost of War,” as should our commitment to taking care of our disabled veterans’ health care.

I recently returned from National Association of State Directors of Veterans Affairs Conference. During that Conference, the VA central office publicly stated that the letters sent to New Mexico Veterans were “horrible and a travesty” and a public apology was rendered. At this same Conference, we were told Veterans would have “to get in line” for their health care budget along with all the other Federal agencies. This means that we have no priority or guarantee of health care.

**Are we truly seeing an “attitude”?** As Secretary of the New Mexico Department of Veterans’ Services, it certainly appears this way.

### **What can we do?**

1. We can drop the retroactive inspections.
2. We can adequately fund future health care for our disabled veterans.
3. We can promise our young men and women, in writing, before we send them in harm's way that we can take care of them and their health needs for their lifetime.

On October 7, 2005, I attended a burial ceremony for eight (8) soldiers who died in Vietnam in 1968, and whose remains were recovered and interred at Arlington National Cemetery. One of the soldiers interred was from Albuquerque, New Mexico. Upon my return home, I also received a letter that was forwarded to our Governor requesting assistance for her Vietnam Veteran husband, and at this time I would like to read that letter to you. The letter is dated October 7, 2005:

Dear Mr. Governor:

I am a 3<sup>rd</sup> generation native of New Mexico. I am proud of being a part of a grand State. I am especially proud of the treatment our war veterans have received from State government. My father was a veteran of WWII, and spent some time in Korea in 1954-1955. I would like you to know that my husband and I appreciate everything this State stands for regarding our veterans.

Recently, my husband received a letter from the Department of Veterans Affairs. This letter indicated that he was under for determination of his benefits. He was given 60 days to respond. He was, in effect, asked to prove all over again what he had spent the last 36 years trying to prove. At this time, he is receiving 100% benefits for PTSD.

As a result of this letter, I have spent the last three nights watching him walk the floor, scared his benefits are going to be cut off. He turned in all his paperwork as asked on Monday, October 3<sup>rd</sup>, and was told by the representative at the DVA Regional Office in Albuquerque, New Mexico that he would receive a call from that office by Monday afternoon. He is still waiting for that call! Many attempts to contact that office have been futile. The young lady who was to call him back “this afternoon” is either not in, away from her desk, or unavailable. I find this unacceptable.

This morning, I went to work, and when I called my husband to inform him that I was safe at work, he told me he was going to “fix everything.” I left work, and when I returned home, he had called his brother to pick the two guns that he owns. I immediately contacted the VA hospital, and spoke to Dr. Mike Burger. He calmed my husband down, and promised that he would look into the VA Administration, and gather information. Then he would call us back.

I guess what I want you to know is that there are a large number of Veterans in New Mexico who have received this same letter. They and their families are going through much the same thing that my family is. This has affected me, our children, and our grandchildren.

Something needs to be done to stop this madness. Our Veterans are feeling that they are worthless, and are being called liars. How many veterans will succeed, where my husband did not this morning? This is very painful, and I can't stress enough how important these Veterans are to us. This is my life, my husband's life, and our family's life.

Please understand that there may be others who are feeling the same if not worse. If this continues, there are going to be more dead soldiers and they won't even have to leave the States.

Thank you for all you have done for the Veterans.

Mrs. Lane De Priest

Mr. Chairman and Distinguished Members of the Committee, I respect the important work that you and Members of this Committee are doing to improve the support to our Veterans who answered the call to serve our Country. The New Mexico Department of Veterans' Services is dedicated to providing outreach services and benefits to our Veterans. On behalf of the Veterans of the State of New Mexico and the over 26 million Veterans in this Country, I thank you for allowing me to express my concerns.

This concludes my statement, and I am happy to respond to any questions.

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