

**REPORT OF THE
COMMISSION ON**

Veterans' Affairs

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



House Document No. 16

**COMMONWEALTH OF VIRGINIA
RICHMOND
1988**

CONTENTS

Summary of Findings and Recommendations	page 1
Commission Activities and Issues 1986-87	page 3
Appendix I: Correspondence with Commissioner Cantrell	page 13
Appendix II: Correspondence with Dr. Pak	page 20
Appendix III: Commission Members, 1986-87	page 23

SUMMARY OF FINDINGS AND RECOMMENDATIONS

In the course of 1986-87 the Commission held nine meetings, six of which were public hearings at which any individual veteran, veterans' organization representative, or concerned person could address the Commission on any matter affecting veterans or their dependents. Thirty-seven proposals and suggestions were presented to the Commission at these hearings and through correspondence. Based on testimony presented at these hearings, on correspondence, and on its own deliberations, the Commission makes the following recommendations:

- Appropriate \$8 million (\$4 million in each year of the upcoming biennium) for the creation of a state veterans' cemetery and state veterans' home;
- Require that applicants for veterans' services from the Virginia Employment Commission present evidence of their veteran status;
- Require that honorably discharged veterans be provided a higher level of service by the Virginia Employment Commission than those holding less than honorable discharges;
- Strengthen present Virginia law providing for a veterans preference in state hiring;
- Memorialize Congress to provide compensation and medical treatment for veterans who suffer from the effects of exposure to Agent Orange or nuclear radiation while on duty with the military;
- Exempt from taxation one dwelling house and one motor vehicle owned by any veteran with total and permanent service-connected disabilities;
- Provide adequate state financial support to the Division of War Veterans' Claims, its programs and personnel;
- Allow veterans, their surviving spouses and other dependents to receive, free of charge, copies of any state-maintained records they may need to establish their eligibility for federal or other veterans' benefits;
- Inform the public -- especially public school pupils -- of the role of black veterans in American history.

COMMISSION ACTIVITIES AND ISSUES, 1986-87

After ten years, the Commission on Veterans' Affairs may at last have overcome the results of its inactivity between 1975 and 1978. The prolonged dormancy of the Commission between 1976 (when its report was presented in House Document No. 18) and 1980 (when its report was presented in House Document No. 28) had rendered the Commission almost unknown to the Commonwealth's veterans and veterans' organizations. By the beginning of 1987, however, both individual veterans and spokesmen for veterans' organizations were using the Commission as a vehicle to bring their needs and concerns to the General Assembly and other governmental officials.

In the course of 1986-87 the Commission held nine meetings, six of which were public hearings (in Buckingham Court House, Lynchburg, Collinsville, Wise, Lexington, and Richmond) at which any individual veteran, veterans' organization representative, or concerned person could address the Commission on any matter affecting veterans or their dependents. The proposals and suggestions made at the hearings and through correspondence were compiled by the Commission's staff into a list of thirty-seven items, ranging from very broad-based expressions of the need for greater action by the Commonwealth on behalf of its veterans to specific, detailed proposals for legislative action by the General Assembly.

After reviewing these items, the Commission concluded that very many veterans' needs, many of which the Commission has called to the attention of state officials both in letters and in previous reports, continue to go unmet. Chief among the needs of Virginia's veterans, however, remains the creation of a state veterans' cemetery and a state veterans' home.

State Veterans' Cemetery and State Veterans' Home

Approximately 671,000 veterans are now living in Virginia. Last year, approximately 10,000 Virginia veterans died; an additional 10,300 Virginia veterans will die this year; and 10,600 more will die next year. According to statistics presented to the Commission by representatives of Virginia's major veterans' organizations, one quarter of Virginia's veterans would like to be buried in a veterans' cemetery. Unfortunately, though, burial space in federal veterans' cemeteries in Virginia is limited. Interment in Arlington National Cemetery is restricted to a select group of veterans and high government officials; only a handful of plots are available at Culpeper National Cemetery; and Quantico National Cemetery, though relatively new and having considerable space, is located hundreds of miles from the homes of many Virginia veterans and their families. Accordingly, for many Virginia veterans, burial in a national cemetery is not realistically possible. It is difficult for these veterans to understand why the Commonwealth has not taken steps to meet their need through the creation of a state veterans' cemetery or cemeteries, especially when many other states, with the financial assistance of the federal government, have provided veterans' cemeteries for their veterans.

Ever since the passage by the Congress of Public Law 95-476 a decade ago, federal funds have been available, on a fifty percent matching basis, to assist the states in creating state veterans' cemeteries. Beginning with its report to the Governor, Attorney General, and General Assembly in 1980 (House Document No. 28), the Virginia Commission on Veterans' Affairs has been recommending the creation of a Virginia state veterans' cemetery, to take advantage of the federal program and meet this need of Virginia's veterans. Until the closing hours of the 1987 Session of the General Assembly, it seemed as though the day on which this need would be met was drawing gradually closer. However, just prior to the adjournment of its 1987 Session, the General Assembly killed the project when language in Item 49 of the 1987 Budget Bill prohibited the use of any state funds for any cemetery purpose whatsoever.

In the course of subsequent conversations with many members of the General Assembly, the Commission on Veterans' Affairs became aware that many of the legislators who voted for the 1987 Budget Bill had no idea that one of its provisions forbade the creation of a state veterans' cemetery. Since neither the House nor the Senate version of the Budget Bill contained the prohibition, members were at a loss to account for its inclusion in the report of the Budget Conference Committee and in the final version of the Bill. One member of the Commission, Delegate Stephen E. Gordy of Fairfax, shocked by the surreptitious inclusion in the Budget Bill of the prohibition on use of state funds for a veterans' cemetery, requested on August 10, 1987, a formal opinion of the Attorney General of Virginia as to the measure's validity. In an opinion of November 12, 1987, however, Attorney General Mary Sue Terry held that the process for enactment of laws, as provided in the Virginia Constitution, had not been violated, and that the Division of War Veterans' Claims was, therefore, prohibited from spending any state funds to establish a state veterans' cemetery.

The federal law which provides for the payment of up to two-thirds of expenditures made by the states for cemetery site acquisition and start-up costs expires in 1989. Prior to the law's expiration, as other states take advantage of the federal program, and as available moneys are shrunk by Congressional budget-balancing efforts, less and less money remains potentially available to match a Virginia appropriation for creation of a state veterans' cemetery. The longer Virginia waits, the more likely it is that the federal program will end or its financial resources be exhausted by the time the General Assembly acts.

It may seem to some that \$1.5 million is too large a sum to be spent on a state veterans' cemetery. In comparison to what the Commonwealth is currently spending on its veterans, it is, indeed, a large sum. However, this figure is minimal when one compares what Virginia is currently spending for its veterans with what other states are spending for their veterans. Over the past several years, Virginia has been spending about \$1.6 million per year on veterans' programs. Given the approximately 671,000 veterans living in the Commonwealth, this amounts to only \$1.92 per year per living veteran. By contrast, Maryland is spending \$20 million per year on veterans' programs (\$5.63 per each of Maryland's 532,700 living veterans), North Carolina is spending \$2 million (\$3.05 for each of 656,000 veterans), Pennsylvania is spending \$16 million (\$10.23 for each of 1,546,100 veterans), California is spending \$32 million (\$10.90 for each of 2,936,000 veterans), and Massachusetts is spending \$20 million (\$28.61 for each of 699,000 veterans). Even West Virginia and Arkansas, states which certainly are less prosperous than Virginia, are spending more than ten times per veteran what Virginia is spending.

In October, 1987, the Commission's Chairman held discussions with the federal Veterans Administration concerning construction of a state veterans' home in Virginia, and explored with them the possibility of acquiring land near the Salem, Virginia, Veterans Administration Medical Center as a site for a home for aged and infirm Virginia veterans. In the course of these discussions, it was emphasized that Virginia could be placed on the federal government's priority list for receiving federal matching funds for the project if the General Assembly were to commit as little as one-half of the anticipated state cost of the project. The cost of the entire project (based on experience in other states) was estimated at \$16 million, with the state's total share being about \$5.6 million. (The federal matching funds are available to cover sixty-five percent of the cost, with the state paying for the remaining thirty-five percent.) However, as in the case of the state veterans' cemetery project, if Virginia fails to act promptly, these funds will be lost.

Currently, fifty-six veterans' homes are being operated by thirty-five states. Oklahoma operates five, Nebraska four, Missouri and New Jersey three each, and eight other states have two each. Virginia has none. The Division of War Veterans' Claims has been advised by the Veterans Administration that the Commonwealth's preapplication for federal assistance in constructing a state veterans' home has been reviewed and that, should Virginia submit a formal application and give some assurance of a commitment to financing its share of the project, Virginia's project would be accorded a high priority, because this would be the state's first veterans' home.

Virginians' federal tax dollars are already supporting both state veterans' cemeteries and state veterans homes -- all of them in other states. The needs of Virginia's veterans are no less than the needs of veterans in the other states. The Commonwealth needs to act promptly to meet these needs, while federal funds are still available to match Virginia's.

Veterans' Employment

As central as the veterans' cemetery and veterans' home were in the Commission's deliberations over the past two years, there were several other issues that occupied the group's attention as well. Prominent among these secondary concerns were those involving veterans' employment.

In the course of its public hearings conducted across Virginia in 1986 and 1987, it was brought to the Commission's attention that persons seeking veterans' services from the Virginia Employment Commission were not required, as a prerequisite to receiving those services, to present any evidence of their veteran status. Complaints were also made that the Virginia Employment Commission was providing persons having less than honorable discharges with the same level of service as honorably discharged veterans. The Commission agreed that honorably discharged veterans should be accorded a preference over those whose discharges are other than honorable. Accordingly, the Commission on Veterans' Affairs requested the Virginia Employment Commission to adopt policies or promulgate regulations to require (i) that applicants for veterans' services present evidence of their veteran status and (ii) that honorably discharged veterans be provided a higher level of service than those holding less than honorable discharges. (A copy of Chairman Bagley's letter to Commissioner Cantrell and a copy of Commissioner Cantrell's reply are included in this report as Appendix I.)

Also in the field of veterans' employment, frequent complaints continued to be heard that the Commonwealth was not granting a meaningful preference to veterans in hiring state employees. The Commission called this situation to the attention of Dr. Chong M. Pak, Director of the Department of Personnel and Training, in November of 1986. (A copy of Chairman Bagley's letter to Dr. Pak is included in this report as Appendix II. As of the writing of this report, no reply has been received from Dr. Pak or the Department of Personnel and Training.)

The Commission would support any legislative or administrative initiatives (possibly including but not necessarily being limited to providing for disciplinary action against supervisors not granting a veterans preference) which would strengthen present Virginia law providing to veterans a preference in hiring for state jobs.

Exposure to Agent Orange and Nuclear Radiation

Not all situations brought to the Commission's attention fell within its charge or were within the ability of the Commonwealth to affect significantly without a concerted, nation-wide effort. Particularly important among these issues was the need for Congress to provide compensation and medical treatment for veterans who suffer from exposure to (i) Agent Orange or (ii) radiation while on duty with the military. The Commission was persuaded that Congress needs to act speedily to remedy the indecision, indifference, and ineffectiveness which have been so characteristic of national policy in meeting the health care needs of veterans exposed to these twin hazards in the line of duty. While not proposing any particular legislation, the Commission would support any initiative on the part of the executive branch or the legislature to memorialize the Congress on these needs.

Local Tax Relief for Disabled Veterans

In Virginia, not only state government but also local governments have been largely unaware of veterans' needs and largely unresponsive to veterans' requests. Nowhere is this more evident than in the matter of local tax relief for veterans with total and permanent service-connected disabilities. While the Virginia Constitution permits localities to provide tax relief to the handicapped, such tax relief is neither required nor focused specifically on veterans with total and permanent service-connected disabilities, nor applicable to personal property taxes levied on motor vehicles. Especially in light of the very small number of these individuals in Virginia and the tremendous debt owed them not only by their country, but also by their state and by their locality, one dwelling house and one motor vehicle owned by any of these veterans should be excluded from local taxation by constitutional amendment. Though the process of constitutional alteration would make offering of legislation of this kind perhaps more appropriate for an odd-numbered year session of the General Assembly, the Commission feels this matter to be of sufficient merit to warrant its inclusion in its report to the 1988 General Assembly.

Support of the Division of War Veterans' Claims

Virginia has never paid its veterans a bonus. On a dollars-per-veteran basis, its veterans' program is one of the most meager of any of the fifty states. Almost the entire Virginia veterans' program is contained in the activities of the Division of War Veterans' Claims -- the state agency created to assist Virginia veterans in filing and processing claims for benefits from the federal government. In speaking of the Division of War Veterans' Claims, though, one must not allow the fact that it represents virtually the whole state veterans' program to obscure the fact that the Division is doing a superlative job. According to the federal Veterans Administration's publication "Geographic Distribution of VA Expenditures," in fiscal year 1986-87 alone, on a budget of only \$1.95 million from the Commonwealth, the Division brought Virginia's veterans (and the Virginia economy) \$421,155,770 in compensation and pension payments. That is about \$216 for every taxpayer dollar appropriated to the Division. In view of the central role played by the Division in Virginia's veterans' program and the excellent results which the Division has achieved in carrying out its mission, adequate financial support of the Division of War Veterans' Claims, its programs and personnel must remain a very high priority for the Governor, Attorney General, and General Assembly of Virginia. To do anything less would be a betrayal both of the Division's dedicated employees and of the veterans of Virginia.

Free Copies of Vital Records

Until 1983, the Commonwealth provided copies of documents such as birth certificates and death certificates free of charge to veterans. In that year, state law was amended to provide for the imposition of uniform charges for all vital statistics records to all persons. Veterans and, in the case of deceased veterans, their surviving spouses or dependents, need a variety of state-maintained records in order to establish their eligibility for a number of federal and other benefits. These records are, typically, birth certificates, marriage certificates, and death certificates. While current law (§ 32.1-273) provides that the maximum fee for each copy is to be five dollars, no fees less than that amount are charged in practice. Given the number of records and number of copies of each record that are often required by the US Veterans Administration and other governmental agencies to process claims of veterans and their surviving spouses and other dependents, the cost to an individual veteran to obtain a federal or other benefits can be considerable. It is reported that total charges by the Health Department for copies of these records sometimes reach as high as \$100 for an individual. This is an insupportable burden to place upon persons whose service to their country has earned them not only the benefits for which they seek to qualify, but the simple gratitude of the country and people they have served as well. This burden is doubly unjustified in the case of surviving spouses and other dependents whose financial resources very well may be stretched to the limit by the death of the primary benefit recipient. The Commission recommends that state law be amended to allow veterans and their surviving spouses and other dependents to receive, free of charge, copies of any state-maintained records they may need to establish their eligibility for federal or other veterans' benefits. The loss of revenue to the Commonwealth would be negligible, compared to the burden which payment of these fees places on individual veterans and their families. This matter is not one of economics, but one of simple fairness and elemental decency.

Contributions of Black Veterans

During its hearings of the past two years it was pointed out to the Commission that, unmindful as the general public and the state government may be, generally, of veterans' achievements and needs, they are even more ignorant of the achievements and needs of black veterans. Among the causes for this appalling situation is the absence of any program to inform the public -- especially public school pupils -- of the role of black veterans in American history. The Commission applauds the efforts of black veterans' organizations and dedicated individuals to educate the public in this area, but their efforts, however selfless and tireless, cannot reach the large numbers of people who could be reached by a program directed and supported by the Commonwealth. The Commission feels it would be appropriate to include in the public school curriculum instruction on black veterans and their proud place in American history.

Respectfully submitted,

Floyd C. Bagley (Chairman)

Franklin M. Slayton, (Vice Chairman)

C. Ray Edmonds

William E. Fears

Stephen E. Gordy

Daniel E. Karnes

Donald A. McGlothlin, Sr.

Lewis B. Puller, Jr.

Ewin A. Ottinger

Charles L. Waddell

APPENDIX I

Correspondence with Commissioner Cantrell



COMMONWEALTH of VIRGINIA

COMMISSION ON VETERANS' AFFAIRS

General Assembly Building

September 25, 1987

The Honorable Ralph G. Cantrell
Commissioner, Virginia Employment Commission
318 East Cary Street
Richmond, VA 23219

POST OFFICE BOX 3-AG
RICHMOND, VIRGINIA 23208

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 786-3591

FLOYD C. BAGLEY
CHAIRMAN
JAMES FRIES

FRANKLIN M. SLAYTON
VICE CHAIRMAN
DOROTHY BOSTON

RAY EDMONDS
DREW WELLS

WILLIAM E. FEARS
DORIS COMAC

STEPHEN E. GORDY
NORRIS FAX

ANIEL E. KARNES
DAN OKEN

RONALD A. MCGLOTHLIN, SR.
RUNDY

WIN A. OTTINGER
NORFOLK

LEWIS B. PULLER, JR.
ALEXANDRIA

HARLES L. WADDELL
NORFOLK

Dear Commissioner Cantrell:

In the course of its public hearings conducted across Virginia during the 1986-87 biennium, it was brought to the attention of the Virginia Commission on Veterans' Affairs that persons seeking veterans' services from the Virginia Employment Commission are not required, as a prerequisite to receiving those services, to present any evidence of their veteran status.

At its meeting on September 11, 1987, the Commission unanimously directed me to write to you concerning this situation. The Commission feels that the Virginia Employment Commission should require presentation of a DD214 form or other proof of veteran status before providing veterans' services to persons claiming to be veterans. The Commission is also concerned that persons having less than honorable discharges are being provided the same level of service as honorably discharged veterans, and feels that honorably discharged veterans should be accorded a preference over those whose discharges are other than honorable.

On behalf of the veterans of Virginia, the Commission on Veterans' Affairs urges the Virginia Employment Commission to adopt policies or promulgate regulations to require (i) that applicants for veterans' services present evidence of their veteran status and (ii) that honorably discharged veterans be provided a higher level of service than those holding less than honorable discharges.

If there are any Virginia statutes which preclude the Commission's complying with this request, I would appreciate your advising me of that fact in order that the Commission on Veterans' Affairs may recommend to the 1988 Session of the General Assembly that those statutes be amended or repealed.

Sincerely yours,

Floyd C. Bagley, Chairman
Commission on Veterans' Affairs



COMMONWEALTH of VIRGINIA
Virginia Employment Commission

Philip G. Cantrell
Commissioner

703 East Main Street
1936-1986 50 years of Service to Virginians

P. O. Box 1358
Richmond, Virginia 23211

October 26, 1987

Mr. Floyd C. Bagley, Chairman
Commission on Veterans' Affairs
General Assembly Building
Post Office Box 3-AG
Richmond, Virginia 23208

Dear Mr. Bagley:

Thank you for your letter of September 25, 1987, concerning the services of the Virginia Employment Commission to veterans seeking employment. As you may be aware, Federal law defines the qualifications for an eligible veteran in Title 38, Chapter 41, of the United States Code. Section 2011(4) of Title 38 states that "Eligible Veteran shall mean a person who (1) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or (2) was discharged or released from active duty because of a service-connected disability." This definition is repeated at 20 CFR, Section 652.110(3) and is the accepted definition of the Veterans' Employment and Training Service of the U. S. Department of Labor. Because this is a matter of Federal law and regulation, the Virginia Employment Commission must comply.

The Virginia Employment Commission requires each individual claiming veteran status upon registration to attest to the following: "I certify that I served in the armed forces during the dates shown and was released under other than dishonorable conditions." No further proof of veteran status is required unless there is reason to believe that an individual has falsified such a certification statement. In that event, an individual may be requested to present a DD Form 214 or other proof of veteran status. Certification of being a veteran released under other than dishonorable conditions entitles those individuals to Job Service employment opportunities on a priority basis if otherwise qualified.



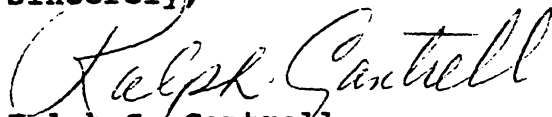
An Equal Opportunity / Affirmative Action Employer

Floyd C. Bagley
Page 2
October 26, 1987

Veterans released under dishonorable conditions who otherwise qualify are served on a non-priority basis with other eligible individuals.

I hope this information is responsive to your concerns. If you require additional information, or clarification of the information provided, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Ralph G. Cantrell". The signature is written in dark ink and is positioned above the typed name.

Ralph G. Cantrell
Commissioner

Attachment

APPENDIX II

Correspondence with Dr. Pak



COMMONWEALTH of VIRGINIA

COMMISSION ON VETERANS' AFFAIRS

General Assembly Building

POST OFFICE BOX 3-AG
RICHMOND, VIRGINIA 23208

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 786-3591

FLOYD C. BAGLEY
CHAIRMAN
DUMFRIES

FRANKLIN M. SLAYTON
VICE CHAIRMAN
SOUTH BOSTON

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WILLIAM E. FEARS
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GRUNDY

EWIN A. OTTINGER
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LEWIS B. PULLER, JR.
ALEXANDRIA

CHARLES L. WADDELL
STERLING

November 10, 1986

Dr. Chong M. Pak, Director
Department of Personnel and Training
101 North Fourteenth Street
Richmond, Virginia 23219

Dear Dr. Pak:

At its meeting of November 5, 1986, the Virginia Commission on Veterans' Affairs, by a unanimous vote, directed me to write to you concerning the employment of veterans by the Commonwealth. In spite of the policy of the Commonwealth, as expressed in Virginia Code § 2.1-112, of granting an employment preference to veterans, numerous individual veterans and veterans' organizations continue to complain to the Commission that state agencies are not granting a meaningful employment preference to veterans.

The Commission has directed me to request that, as Director of the Department of Personnel and Training, you write to the heads of all state agencies and remind them both of the letter of the law, which requires the granting of a veterans' preference in state hiring, and of the spirit of the law, which demands that the Commonwealth make every effort to employ those whose commitment, courage, and self-sacrifice on behalf of their fellow citizens have kept and are keeping this country free.

Sincerely yours,

Floyd C. Bagley, Chairman
Commission on Veterans' Affairs

APPENDIX III

Commission Members, 1986-87

Floyd C. Bagley (Chairman)

Franklin M. Slayton, (Vice Chairman)

C. Ray Edmonds

William E. Fears

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Staff support for the
Commission was provided by the
Division of Legislative Services

