

**WRITTEN STATEMENT MG GUS HARGETT
PRESIDENT
NATIONAL GUARD ASSOCIATION OF THE UNITED STATES**

As President of the National Guard Association of the United States, I thank you for the honor of appearing before you today and for all that you are doing for our veterans

Background - Unique Citizen Service Member/Veteran

The National Guard is unique among components of the Department of Defense in that it has the dual state and federal mission. While serving operationally on Title 10 active duty status in Operation Iraqi Freedom or Operation Enduring Freedom , National Guard units are under the command and control of the President. However, upon release from active duty, members of the National Guard return to their states as both **veterans** and serving members of the Reserve Component but under the command and control of their governors. As members of a special branch of the Selected Reserves they train not just for their federal missions but for their potential state active duty missions such as fire fighting, flood control and assistance to civil authorities in a variety of possible disaster scenarios.

While serving in their states, members are scattered geographically with their families as they hold jobs, own businesses, or pursue academic programs and participate actively in their communities. Against this backdrop, members of the National Guard remain ready to uproot from their families and civilian lives to serve their governor domestically or their President in distance parts of the globe as duty calls and to return to reintegrate within the same communities when their missions are accomplished.

Military service in the National Guard is uniquely community based. But the culture of the National Guard remains little understood outside of its own circles. When the Department of Defense testifies before Congress stating its programmatic needs, it will likely recognize the indispensable role of the National Guard as a vital Operational Force in the Global War on Terror but it will say little about and seek less to redress the benefit disparities, training challenges and unmet medical readiness issues for National Guard members and their families. We continue to ask that these disparities be given a fresh look with the best interests of the National Guard members and their families in mind.

NGAUS in concert with The Military Coalition has long sought legislation authorizing veteran status under Title 38 for National Guard and Reserve members of the Armed Forces who are entitled to a non-regular retirement under Chapter 1223 of 10 USC but were never called to title 10 active service other than for training purposes during their careers – through no fault of their own.

Many members of Congress may not know that a reservist can complete a full Guard or Reserve career but not earn the title of “Veteran of the Armed Forces of the United States,” unless the member has served on Title 10 active duty for other than training purposes.

Drill training, annual training, and title 32 service responding to domestic natural disasters and defending our nation’s airspace, borders and coastlines do not qualify for veteran status.

Reserve- component members who served 20 years gave the government a blank check to send them anywhere in the world but through no fault of their own were never deployed or in some cases even allowed to be deployed.

Yet, an active-duty member whose entire short- term enlistment tour is spent in less rigorous domestic assignments to domestic posts and bases on Title 10 status will fully qualify, not just for veterans status, but for all veterans’ benefits. This disparity is unfair and must end.

H.R. 679 would not bestow any benefits other than the honor of claiming veteran status for those who honorably served and sacrificed as career reserve component members but were never ordered to Title 10 active service. They deserve nothing less than this recognition. Authorizing veteran status for career RC service would substantially boost the morale of the RC without a cost consequence.

Opposition to this bill in the past has been grounded in a myth that passage would open the floodgates of new veteran benefits for this group. That is just not the case or even allowable under the law. H.R. 679 explicitly guards against this possibility. Moreover, “pay go” laws in effect bar the default triggering of any new entitlements. It is time to move past the unfounded “camel’s nose under the tent” fear that has held back this legislation.

Correct a disproportionate denial rate for Reserve Component claims for disability benefit compensation by providing National Guard and Reserve veterans of the Global War on Terror with a presumption of service connection for certain injuries

According to Veterans Administration statistics published in May 2012, it is denying adjudicated disability benefit compensation claims for Reserve Component (RC) Global War on Terror at four times the rate of active duty GWOT veterans according to a published VA May 2012 report.

Years of neglect in the Office of the Secretary of Defense with the demobilization process for RC members returning home from GWOT deployment and the inadequate capturing of theater medical records for the RC have come home to roost.

Area theater commands in Operation Iraqi Freedom and Operation Enduring Freedom did not establish a reliable method for preserving in-theater records of the RC. Congress heard testimony during the peak years of OIF in 2007 that some medically evacuated RC members sometimes returned stateside with medical records resting on their supine chests.

Moreover, too many members of the Guard and Reserve have been allowed to slip through the medical cracks at demobilization stations resulting in widespread under identification of service connected injuries at that critical separation point.

A variety of reasons were at play to include inadequate screening by medical personnel at the demobilization site; the reluctance of returning members to report disabling injuries at distant demobilization sites to avoid the risk of further separations from home after lengthy deployments; or simply the late onset of symptoms after discharge from exposures to chemical hazards, traumatic brain injury or post traumatic stress disorder.

The six most frequent injuries for which the VA awards disability benefit compensation are tinnitus; back or cervical strain; PTSD; leg flexion limitations; degenerative spinal arthritis; of the spine; and migraine. Service connection presumptions for these injuries presented for RC GWOT veterans would mitigate the inequity.

The issues of veterans' unemployment and mental health maintenance cannot be separated. Before veterans can maintain gainful employment in a challenging job environment, they must be able to maintain a healthy mental status and establish supportive social networks.

In 2007, the Rand Corporation published a study titled, "The Invisible wounds of War." It found that at the time 300,000 veterans of Operation Iraqi Freedom and Operation Enduring Freedom suffered from either PTSD or major depression. This number can only have grown after five more years of war. The harmful effects of these untreated invisible wounds on our veterans hinder their ability to reintegrate with their families and communities, work productively, and to live independently and peacefully.

Rand recommended that a network of local, state, and federal resources centered at the community level be available to deliver evidence-based care to veterans whenever and wherever they are located. Veterans must have the ability to utilize trained and certified services in their communities. In addition to training providers, the VA must educate veterans and their families on how to recognize the signs of behavioral illness and how and where to obtain treatment.

VA and Vet Center facilities are often located hundreds of miles from our National Guard veterans living in rural areas. Requiring a veteran, once employed, to drive hundreds of miles to obtain care at a VA facility necessitates the veteran taking time off from work for reasons likely difficult to explain to an employer. The VA needs to leverage community resources to proactively engage veterans in caring for their mental health needs in a confidential and convenient manner that does not require long distance travel or delayed appointments.

To facilitate the leveraging of mental health care providers in our communities, the VA can actively exercise its authority to contract with private entities in local communities, or creatively implement a voucher program that would allow our veterans to seek fee-based treatment locally outside the brick and mortar of the veterans Administration facilities and even Vet Centers.

The Vet Center in Spokane for example serves an area as big as the state of Pennsylvania. It is not practical for veterans in this catchment area to drive hundreds of miles to seek counseling or behavioral clinical care. That Vet Center pre-screens fee-based providers to whom it will refer veterans for confidential treatment in its management area. It also monitors the process to make sure the veteran is actually receiving care paid for by the Vet Center. This system already

works. However, a voucher process would improve efficiencies by relieving the Vet Center of its scheduling burden by allowing the veteran to directly make his or her own appointment with providers as needed.

The VA and Vet Centers also need to fully leverage existing state administrative mental health and veteran networks. Working with the state mental health care provider licensing authorities, community providers certified by the VA or Vet Center to treat veterans could be identified at the state agency level with vouchers to pay for treatment.

Several of our veterans have fallen through the cracks of the VA health care system, and will continue to do so. According to the Vietnam Veterans of America, last year only 30% of our veteran population had enrolled in VA medical programs. Many veterans end up in the care of state social service programs in cooperation with state and national veteran organizations. The VA has the authority to assist in maintaining this safety net of care for veterans in a stressful economic climate for our states with a voucher program or expanded contracting with private entities. It needs to act.

We must proactively address an unemployment rate in excess of 20 % for serving members of the National Guard and Reserve. Anecdotally, we continue to hear that employers will find subtle ways to avoid hiring a serving member of the Guard or Reserve in order to avoid disruptions to the workplace from deployment related absences. Although technically be a violation of the Uniformed Services Employment and Reemployment Rights , it is impossible to prove in most cases.

Although the unemployment rate for returning veterans is lower than the national average, the National Guard Bureau late in 2012 has reported the unemployment rate for the Army National Guard to be greater than 20 %- much higher than the national average of 7.8 percent reported at the end of 2012.

California reports that no CA National Guard company or brigade returning from deployment during the last three years has had an unemployment rate less than fifty percent (50%).Some units returning from deployment in 2012 reported their unemployment rate to be in excess of 60 %.

Although USERRA prohibits hiring discrimination against members of the Reserve Components by reason of their ongoing military service, acts of discrimination when they occur are often impossible to prove.

When an employer has a choice of hiring a veteran no longer serving in the Select Reserve or a veteran or non veteran still serving in the Guard or Reserve, the employer would most likely hire the non serving veteran to remove the risk of a deployment that can disrupt the workplace.

Members of the National Guard and Reserve should not face discrimination in the hiring process particularly from federal government employers. Currently veterans receive hiring preference points from federal agencies. Because National Guard members are in a much worse employment fix that is likely to continue, federal agencies need to help address this by awarding separate preference points to serving members of the National Guard and Reserve.

Thank you again for the honor of appearing before you today and for what you are doing for our National Guard veterans who are still serving and for those who have separated. They have benefited greatly from your efforts. Thank you.

Disclosure Statement

Neither NGAUS nor I have received in this current year or within the past two fiscal years any federal grant or contract.

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President
NGAUS