



Statement of Richard D. Kingsberry
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National Commander
of
National Association for Black Veterans, Inc.
(NABVETS)
before the
Senate and House Veterans' Affairs Committees

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Chairman Tester, Chairman Takano, Ranking Member Moran and Ranking Member Bost, and distinguished members of the Committees, on behalf our members and some 14,000 veterans we represent, I thank you for the opportunity to introduce myself, the organization I represent and to testify here today.

Background

My military service began when I served from 1972-1975 with America's Navy during the Vietnam War Era. I then

transitioned to the North Carolina Army National Guard and served on active duty in the Active Guard and Reserve Program. After approximately 29 years of service with the North Carolina National Guard, I retired as a Lieutenant Colonel culminating my career as Professor of Military Science in charge of the Army ROTC program at the University of North Carolina at Charlotte, which was a first for an African American in the North Carolina Army National Guard.

I have been a member of NABVETS for fourteen years having served as a State Commander, a Region Commander and in 2018 after the untimely death of National Commander Retired BG Robert Cocroft, who preceded Commander Richard Kornegay, following his untimely death; I was elected to serve as National Commander.

NABVETS was founded in Milwaukee, Wisconsin in 1969 by seven Black Combat Vietnam Veterans. These veterans noticed that Black Veterans were treated differently, by the VA, from the White Vietnam Veterans they had served alongside in Vietnam. The White Vietnam Veterans were receiving VA benefits and services while many of the Black Vietnam Veterans were being denied by the VA their rightfully earned benefits and services. They formed the

organization to address the blatant marginalization of Black Veterans and the challenges they faced with seeking benefits and services from the VA which some of these concerns still exist today.

NABVETS is recognized by the Secretary of Veterans Affairs in the preparation, presentation, and prosecution of claims under laws administered by the Department of Veterans Affairs. NABVETS represents all veterans, particularly Black Veterans. Over the past three years we have assisted veterans with obtaining over \$105 million in VA disability compensation.

We know from assisting Black Veterans that often times they were and have been denied access or the opportunity to obtain assistance from the VA. NABVETS is a volunteer organization supported by its members. With appropriate resources, we would be in a position to track, manage, and analyze data that impacts Black Veterans. Not having those resources, we have not been in a position to capture specific historical data relative to the magnitude of negative impacts that Black Veterans have encountered in accessing VA benefits and services.

What we do know is that in a VA Minority Veterans Report dated March 2017, the goal of the report was to gain an understanding of who minority Veterans are, how their military service affects their post-military lives, and how they can be better served based on these insights. This report identified minority veterans as Black or African American, Hispanic, or Latino American, Asian American or Native Hawaiian or Other Pacific Islander, American Indian and Alaska Natives. The number of minority Veterans who use at least one VA benefit or service was 44.1 percent in 2014. All well and good, however, as a part of our proposal we believe there needs to be plans put in place to increase this utilization percentage.

NABVETS has joined forces with the Black Veterans Empowerment Coalition (BVEC) which was indirectly formed by the actions of Chairman Takano during the summer of 2020 when he convened a roundtable to hear the issues facing the Black Veteran community in the aftermath of the untimely death of George Floyd, Breonna Taylor, and unfortunately so many others that year and the preceding years. The council includes additional groups who also advocate for and serve Black Veterans on the local and national level.

Priorities

1) NABVETS supports legislation introduced by Representative Seth Moulton and Representative James E. Clyburn, the GI Bill Repair Act. This bill focuses on repairing inequalities Black World War II Veterans experienced when accessing G.I. Bill benefits (The Serviceman's Readjustment Act of 1944 which is the original GI Bill). Racism systematically denied Black Veterans and their families of economic enhancement and expansion of generational wealth. The bill seeks to expand access to certain VA housing and education assistance programs to the surviving spouses, and dependents of Black WWII veterans. To further support this legislation, we seek Reparations for these Black Veterans who served during the period of 1 November 1944 – 1 November 1955 who were discriminated against or denied benefits by the VA. This denial of benefits has negatively impacted generations of Black Veterans and their families

2) A collaborative initiative between NABVETS and the VA to study the need and assist our aging Veterans, particularly Black Veterans (Korean War Veterans, Vietnam War Era Veterans). We Black Veterans who have literally given up on the VA. Many of them are in their 70s, 80s and even 90s, who have 0%, 10%, or 20% disability ratings. They deserve disability ratings that reflect their service connected conditions. These aging veterans will not be with us much longer, why can't their claims be revisited which could very well result in financial gains for them and their family?

3) We have a proprietary system that gives us the capacity of adjudicating claims cases in a matter of minutes. The system can 1. potentially reduce the number of Veterans related suicides, 2. allow for faster claims processing, 3. cost reduction by reducing the number of VA Claims Raters and 4. it identifies human component errors. The system further significantly reduces or eliminates difference of opinion, misappropriation of discretion, discrimination, training deficiencies, human errors, fraud waste and abuse. Further, this system can assist VA with reducing its backlog of claims.

4) NABVETS is further seeking assistance with launching our Training Academy to increase the educational levels of Black Veterans where, according to VA's 2017 report, is at 14.2 for having a Bachelor's Degree. With resources to launch our academy our focus will be to assist Black Veterans with enrolling in Veterans Readiness and Employment towards gaining post-secondary training, and job placement assistance. Our academy will increase the 41% Vocational Rehabilitation participation rate for minority veterans.

5) We support the initiatives of Senator Jerry Moran to address the employment and training of veterans, specifically during the COVID-19 public health emergency.

While millions of Americans have lost their jobs, thousands have also died from COVID-19. As Congress looks for ways to get veterans impacted by COVID-19 back to work, NABVETS urge you to examine ways to improve some of the existing programs that have helped to provide employment opportunities for veterans or revise some of the previous ones so that they are more effective for the issues we face today. One law that was enacted to

assist veterans with employment has been the Forever GI Bill. This law allows veterans an indefinite period of time to access a certain amount of funding to pay for a variety of educational and training opportunities. However, this VA benefit is only applicable to veterans who were honorably discharged from military service after 9/11.

Unfortunately, many veterans have exhausted the full amount of their education benefit without obtaining a career. In addition, a number of veterans received a less than honorable or bad conduct discharge for various reasons, including mental health issues, sexual trauma and discrimination, who as a result, receive no education benefit at all. These veterans need to be employed too!

6) NABVETS urge full support for the recently enacted Dependable Employment and Living Improvements for Veterans Economic Recovery Act, often referred to as DELIVER Act, which passed the House last September. There are many extraordinary provisions – some on Veterans Training, some on Homeless Veterans, and some on Women Veterans.

As NABVETS continues to partner with the Milwaukee, Wisconsin based Center for Veterans Issues, collectively

over the past three years over 2,600 veterans and their families were provided housing and employment services.

The Proprietary System: Unknown data solutions

POTENTIAL RETURN/REVENUE MODEL

State	Vets Under 65	Vets 65 and Over	Combined Vets Total
California	884,317	775,084	1,659,401

262 California cases currently loaded for processing.

Using only half the California Combined Veteran population total of 1,659,401 /2 = **829,700**

829,700 cases with an average of **\$32,104** in RETRO active VA Benefits = **\$26,636,688,800**

\$26,636,688,800 would be a one-time payment plus the monthly entitlement increase average of \$1,500.

829,700 cases x \$1,500 = \$1,244,550,000 in monthly entitlements

\$26,636,688,800 + \$1,244,550,000 x 12 (annual) =

\$14,934,600,000 + \$26,636,688,800 = \$41,571,288,800 x2
= **\$83,142,577,600**

In the Supreme Court case, ROBERT H. GRAY v. PETER O'ROURKE, ACTING SECRETARY OF VETERANS AFFAIRS, it is so stated that:

Congress “created a paternalistic veterans’ benefits system to care for those who served their country in uniform.” Jaquay v. Principi, 304 F.3d 1276, 1280 (Fed. Cir. 2002).

Congress’ longstanding “solicitude” for veterans is “plainly reflected in the VJRA, as well as in subsequent laws that ‘place a thumb on the scale in the veteran’s favor. . . .” Henderson v. Shinseki, 562 U.S. 428, 440-41 (2011). “In the context of veterans’ benefits where the system of awarding compensation is so uniquely pro-claimant, the importance of systemic fairness and the appearance of fairness carries great weight.” Hodge v. West, 155 F.3d. 1356, 1363 (Fed. Cir. 1998). **“The government’s interest in veterans’ cases is not that it shall win, but rather that justice shall be done, that all veterans so entitled receive the benefits due to them.” Barrett, 466 F.3d at 1044.**

Allowing veterans to languish for years in a cloud of uncertainty created and perpetuated by VA further undermines public confidence in our ability to honor and care for our veterans.

In conclusion, I wish to emphasize our support for the concerns and priorities of all VSOs and we enjoin Congress to move expeditiously to address all issues of disparities in treatment to include the excessive and discriminatory punishment endured by personnel of color. While the military is coming to grips with this reality, those veterans who are victims should be given consideration for VA benefits and services to enhance reintegration.

From NABVETS membership to both Committees, I thank you once again for this opportunity to share with you our views on issues impacting America's Black Veterans. I look forward to answering your questions and working with the Committees going forward.

Richard D. Kingsberry