

## **May 2009 Department News Bulletin**

**VA RECORDS:** The Veterans Benefits Administration, which has stored tens of millions of pages in veteran's files, closed a fast-track procurement on 15 APR that will digitize the paper forms to improve the way it processes and manages benefits. The contract is part of a push by Eric Shinseki, secretary of the Veterans Affairs Department, who said at his January confirmation hearing that he wanted to make the department as "paperless as possible." The paper claims that one veteran file to receive compensation can fill four or five cardboard boxes, said Gerald Manar, deputy director of national veterans' services for the Veterans of Foreign Wars. Shinseki in testimony before the House Veterans Affairs Committee described an almost Dickensian atmosphere in VBA offices that process disability claims. "Walk into one of our rooms where . . . decisions are being made about disabilities for veterans [and you'll] see individuals sitting at a desk with stacks of paper that go up halfway to the ceiling," he said. "As they finish one pile, another pile comes in."

The five-year contract, valued by industry sources at more than \$150 million, calls for scanning and indexing 25 million images a year from veterans' records, which are stored at more than 250 military and VBA locations nationwide. Scanning, digitizing and indexing VBA files will be a daunting and labor-intensive task for the company that wins the contract, because each record, which can contain medical documents, might be hundreds or thousands of pages, said Harold Gracey, a consultant with Topside Consulting who served as VA chief of staff from 1994 to 1998. Manar said the veteran's files include pieces of paper stapled or held together with paper clips, which the contractor will have to remove before scanning. He said indexing the files will be a central element for success in the digitization project, and the winning contractor will have to take care to ensure that the files are indexed correctly and each piece of paper matches up with the correct digital record.

The digitization contract is one step in resolving VBA's paper problems, Manar said. While 25 million documents seems like a significant amount of paper to scan in one year, it is a small number when one considers VBA processes claims for 800,000 veterans. Manar said it is likely the winning contractor will focus on digitizing the records of the 200,000 veterans the agency anticipates will leave the service within the next several years. VA intends to award the contract to one bidder as a broad purchase agreement on a General Services Administration contract. GSA lists 90 companies that have schedule contracts for document scanning and conversion.

[Source: [www.nextgov.com/nextgov/ng\\_20090416\\_5914.php](http://www.nextgov.com/nextgov/ng_20090416_5914.php) Bob Brewin article 16 Apr 09 ++]

**PTSD Update 26:** A House bill aimed at making it easier for support troops to qualify for veterans disability benefits for post-traumatic stress disorder has the Veterans Affairs Department worried it would create a loophole for fraudulent claims. The bill, H.R.952, sponsored by Rep. John Hall (D-NY) would expand the definition of "combat with the enemy" to include anyone who was in the combat theater, regardless of whether they engaged in combat. The idea, according to its chief sponsor is to make it easier for people in administrative and support jobs to receive disability benefits without having to prove a specific service-related cause. John Wilson of Disabled American Veterans, a supporter of the bill who appeared with other witnesses at a 23 APR hearing of the House Veterans' Affairs disability assistance panel, which Hall chairs, said there are many situations where a service member could have trouble presenting evidence of the cause of PTSD: traumatic events never entered in official records, incidents during temporary attachments to other units or

minor injuries that only later became significant. “This is one of the most vexing problems in the VA disability system,” said Barton Stichman of the National Veterans Legal Services Program.

Bradley Mayes, director of VA’s compensation and pension service, acknowledged at the hearing that some veterans are having such problems, but he said the administration prefers to address this with a change in regulations rather than a change in law. He said some changes already are being made. For example, those diagnosed with PTSD while still in service are no longer required to provide evidence that they faced a traumatic event. But Mayes said just being in a combat zone “does not necessarily equate to engaging in combat with the enemy and does not, in many cases, present the same difficulties encountered by combat veterans when later pursuing compensation claims.” Mayes also said that if the relaxed evidence standard were applied to physical injuries incurred in or aggravated by combat, it would sweep away safeguards against false claims. “A veteran who witnesses a traumatic event may show no immediate observable signs of the mental trauma,” he said. “A physical injury is more readily observable to lay witnesses and more likely to have been documented, even in a combat theater.” The fate of the bill is not clear. The House Veterans’ Affairs Committee passed a similar Hall bill last year but the measure never became law because of VA objections and concerns about funding the new disability claims. Budget problems remain the chief obstacle.

[Source: Navy Times Rick Maze article 4 May 09 ++]

**OBAMA VA OFFICIALS Update 03:** The Department of Veterans Affairs has a new, high-profile chief messenger: disabled Iraq war veteran Tammy Duckworth. Duckworth, who lost both legs in 2004 in Iraq when her helicopter was struck by a rocket-propelled grenade, was confirmed by the Senate as VA’s assistant secretary for Public and Intergovernmental Affairs. She will deal with Congress, veterans and their families, the news media, and the public. Duckworth will report to VA Secretary Eric Shinseki, a retired four-star general and former Army chief of staff who is a disabled Vietnam veteran. Veterans’ Affairs Committee chairman said Duckworth “can begin the long and hard work of improving the department’s reputation and relations across the country.” Iraq veteran Jon Soltz, who heads the group [VoteVets.org](http://VoteVets.org), called the appointment a milestone: “We now have one of our own — a veteran of the wars we are now in — in a top administration position. [Source: Navy Times article 4 MAY 09 ++]

**SWINE FLU:** Swine flu is an influenza virus, like the strains that cause such misery to people during the winter months. Flu viruses also infect many other species of mammals, as well as birds, and this strain causes a respiratory disease in pigs. It is related to human viruses, but influenza tends to stay in its own "host" species. It can pass from pigs to people through farming, with humans handling infected pigs. The flu can then move on to other people through coughing, sneezing, or touching infected people or surfaces and then touching your mouth or nose. Such infections are rare because swine flu viruses do not easily attach to human cells of the throat and lungs. However, recent studies have shown human infections may be more common than once believed. The Mexican government and the World Health Organization (WHO) have ruled out any risk of infection from eating pork. The Mexican government reports seeing symptoms of sudden fever above 100 degrees Fahrenheit; Dry cough and/or sore throat; Headache; Joint pain; Nasal congestion; and general fatigue. These are simniliar to seasonal flu symptoms. Swine flu may cause more severe vomiting and diarrhea. In rare cases, flu virus attacks the lungs, a complication that can be fatal. This strain also differs because it is so new. As a result, no one has natural immunity to it, unlike with seasonal flu.

WHO has confirmed 84 cases in U.S. to date and on 27 APR raised its pandemic threat level from 3 to 4, two levels below a full-scale pandemic. The WHO tally has lagged behind national counts of swine flu cases because of the Geneva-based organization's reporting requirements. The U.S. Centers for Disease Control and Prevention (CDC) says it does not yet know yet if this is a very infectious disease. Occasionally a swine flu virus in a person mutates in a way that makes it more easily transmitted from person to person. People are usually contagious for as long as they are symptomatic -- typically four to five days for adults and longer for children. Tests of last fall's seasonal vaccine and the new virus show no cross-reaction, suggesting that people who got the shot have no added protection against this flu strain. Mexico's government is recommending surgical masks for its citizens, but the CDC says the general U.S. public does not need them. Young adults appear most at risk. If you have no symptoms, be preventive:

- □ □ □ □ Wash your hands often with soap and water for at least 15 minutes.
- □ □ □ □ Cover your mouth and nose when you cough and sneeze, and discard used tissues immediately.
- □ □ □ □ Avoid close contact with people who are sick.
- □ □ □ □ If you feel sick, stay home from work and school.
- □ □ □ □ Go to the hospital if you experience severe symptoms, such as difficulty breathing.

As the illness continued to spread, President Obama asked Congress to approve an additional \$1.5 billion to fight swine flu. In a letter to congressional leaders, he requested inclusion of the funding in an existing supplemental appropriation now before Congress. If you know you have been exposed to swine flu, get lots of rest, and talk to your doctor about the antiviral drugs oseltamivir (trade name Tamiflu) or zanamivir (Relenza). These drugs may make the illness milder and work best if started within two days of getting sick. [Source: AP/Reuters/CDC/Washington Post/LA Times 27 Apr 09 ++]

**FTC KELLOGG COMPLAINT:** Kellogg Company, the world's leading producer of cereal, has agreed to settle Federal trade commission (FTC) charges that advertising claims touting a breakfast of Frosted Mini-Wheats as "clinically shown to improve kids' attentiveness by nearly 20%" were false and violated federal law. According to the FTC complaint, Kellogg claimed in a national advertising campaign that a breakfast of Frosted Mini-Wheats cereal had been shown to improve children's attentiveness by nearly 20%. The complaint also challenges the claim, made in a different television ad that a breakfast of Frosted Mini-Wheats was clinically shown to improve children's attentiveness by nearly 20% when compared to children who ate no breakfast. In fact, the study showed that the children who ate the cereal for breakfast averaged just under 11% better in attentiveness, by comparison, and that relatively few were nearly 20% more attentive. The clinical study to which the ads referred found that only about half the cereal-eaters showed any improvement in attentiveness, and only about one in nine improved by 20% or more. Based on the clinical study results, the complaint alleges that both of the challenged claims are false and violate the FTC Act.

“We tell consumers that they should deal with trusted national brands,” said Chairman Jon Leibowitz. “So it’s especially important that America’s leading companies are more attentive to the truthfulness of their ads and

don't exaggerate the results of tests or research. In the future, the Commission will certainly be more attentive to national advertisers." The proposed settlement would bar Kellogg from making comparable claims about Frosted Mini-Wheats unless the claims are true and not misleading. It requires that claims about the benefits to cognitive health, process, or function provided by Frosted Mini-Wheats or any morning food or snack food be substantiated and true. The settlement would prohibit Kellogg from misrepresenting the results of tests, studies, or research regarding any morning or snack food product. Finally, the settlement contains standard record-keeping provisions to allow the agency to monitor compliance.

The settlement contains no admission of wrongdoing or financial penalty. Noting that Kellogg's 2007 sales exceeded \$11 billion co-founder of the National Council Against Health Fraud (NCAHF), Dr. Stephen Barrett, submitted the following public comment to the FTC: "I believe that Kellogg should be required to pay a fine because its advertising was unconscionable. The fact that the ad misrepresented the numbers in the study was only part of the problem. The study itself was deliberately designed to be misinterpreted because it compared children who were hungry (no breakfast) to children who were fed. A real study to determine the value of Mini-Wheats would compare children who had various types of breakfast. Your failure to press for a fine signals other companies to do the same. If you really want to deter wrongdoing, you should also insist that Kellogg issue a corrective ad stating that the study itself was poorly designed." [Source: FTC news release 20 apr 09 <http://www.ftc.gov/opa/2009/04/kellogg.shtm> ++]