

**SD VETERANS COMMISSION MEETING**  
**16 – 17 April, 2007 Education Classroom Building 145**  
**Fort Meade, South Dakota**

The meeting was called to order at 1:00 PM by Chairman Don Loudner. Vice Chairman Mike Birnbaum led the Pledge of Allegiance. Self-introductions around the room were made.

George Summerside had a welcome for all. He had a thank you to Dennis Foell for 20 years of leadership for the Division of Veterans Affairs and it will continue to move forward.

The agenda was changed; the Legislative Reports moved up to follow General Gorman's Department Report and Gene Murphy would report of meeting with C. Slaughter of St. Louis as 6a. It was moved by Gene Murphy, with second by Birnbaum, to accept agenda changes. Motion carried.

Bill Locken moved, with second by Birnbaum, to accept minutes of November 1-2, 2006 meeting as printed. Motion carried.

General Michael Gorman presented his report. Included were the following:

- February 12, 2007 Dennis Foell presented him with a letter of retirement. Both receptions in Sioux Falls and in Pierre were very well attended by friends and colleagues wishing him well.
- There will also be recognition of Dennis' years of service at the Annual Benefits School.
- Foell's replacement will be hired according to State Law using the Veterans Commission.
- George Summerside will be the Acting Director and Larry Person will assist him until the new Director is in place.
- On the Military side—it is the lowest deployment overseas number at 183 and the majority are in Afghanistan.
- The deployment totals over the years: 2,937 Army Guard deployed to Iraq, Afghanistan and stateside; 700 Airmen around the world.
- Air Guard Recruiting will soon be getting approximately 80 new positions to fill with the addition of three new F-16's being stationed in Sioux Falls.
- For the Army Guard 53% of their equipment is in place and this is enough to do any missions statewide; however, if anyone should be deployed, it would be fully equipped.
- Sioux Falls has set up a task force to study/prepare for what happens after the F-16's are retired 7 – 10 years from now. This is the "transformation of Air Guard" and would next be F-35's, if they will be stationed in Sioux Falls.
- The National Guard has established a partnership with the country of Suriname, formerly Dutch Guinea. We are there to help foster democracy in this developing nation and it will pay off in the future, but *how* is not necessarily known. It is a civilian to civilian type of encouragement development of tourism and other industry. Black Hills State University has a special study area and SD Department of Tourism and State Development with their expertise have much to offer here. SDSM&T can provide assistance with mining development. The Guard is helping facilitate such connections that can help provide future opportunities for sound growth.

- Approximately 150 Guard personnel are alerted for an October activation. This is Bravo Battery of the 1<sup>st</sup> Battalion, 147<sup>th</sup> Field Artillery.
- Only if South Dakota units were needed for Combat Service Support should there be reactivations earlier than 2011.

Andy Gerlach was next to report on the State Legislation. His report will be mailed out to the Commission Members and is an enclosure to these minutes. He reported on ten Bills which affected Military & Veterans Affairs: HB 1003, HB 1010, HB 1011, HB 1012, HB 1187, HB 1204, and SB 96, all of which passed. HB 1192, HB 1202, and SB 179 which did not pass.

He explained the process of legislation and budget coming from the Department. During the summer staff begins putting our programs together and setting up the budget to determine what should go to the Governor. Gerlach would recommend a united front with the veterans' community for any future legislation. Concern was raised by Gene Murphy about the Depleted Uranium issue—concern that it will be the “Agent Orange” of the War on Terrorism. General Gorman spoke to that saying the information he has would not indicate this. He would request a program of education for the Commission on what the ramifications are: What causes it, where is that found or how does a person come in contact with it?

The consensus was to have “education on Depleted Uranium” added to the next Veterans Commission Meeting Agenda.

On the question of the State Cemetery Issue Gerlach said the Department is putting updated information together. Demographics seem to be the main issue. In order to establish a budget, any money pulled away from the present “living veterans”, where should it be going, how should it be spent, how much should be spent?

Gene Murphy reported on federal legislation. That report came from the DAV Department of SD Bulletin, which is attached.

Paul Evenson posed a question about any safety net for Guard Persons who have their own business—to protect them from financial hardship due to business loans, etc., that are still due in spite of deployment of Guard Personnel. This is also an issue for persons working on contracts, services specifically.

There was a Small Business Improvement Act passed in December of 2006.

The “Supplemental” bill is not being passed, what are the ramifications for South Dakota? \$21 Billion is earmarked for the Guard—but how much for SD? NGB determines that breakout so the effect on SD is unknown. What equipment it would provide would probably be leased if needed. Only possibly with a pandemic flu epidemic could the Guard be under-equipped.

Murphy also presented a petition to repeal section 101 re: Attorneys involvement in Veteran Appeals in a recently passed piece of legislation. All were invited to read and sign.

Larry Person and George Summerside had reports on the Veteran Preference/Veteran Definition and Salary Supplement Issues. Roy Farabee took Todd Kolden's place on the committee. As a whole the committee felt the laws concerning "definition of a veteran" are sound as written and no change is recommended by the study committee. The laws concerning "veteran's preference" were also sound as written with the exception of 3-3-3. This specific statute will require additional research and findings will be reported when completed. The committee polled the counties and cities concerning the application for employment being used. About 97% responded, 67 % were not in compliance—that is they did not ask, "Are you a veteran?" on the application. A second survey is in progress concerning the written hiring policies for each of the counties/cities that were a part of the original survey. It was the consensus of the committee that these counties and cities, would adhere to the correct hiring policies, if they were in place. The Committee felt education and outreach were the way to reach the counties and cities to encourage adherence to "veteran's preference". The consensus was any change in the statutes may not come through the Legislative process the way it was intended, and any proposed changes should be well-studied before a recommendation would be made.

For the question of "war" versus "peacetime" veteran, Gerlach suggested polling C/TVSO's, directors, superintendents, etc. to see if that would make a difference. A change in State Law would mean every reference to veteran would have to be isolated and designated either wartime only or wartime and peacetime veteran.

The Supplemental Salary Task Force, which was a result of the Summer Legislative Review Study Committee, has met twice and at this time have no recommendations. The whole objective though is consistency in professional level of service.

Murphy then reported on the meeting with Clarence Slaughter from the St. Louis, Missouri, Veterans Benefits Office on January 25, 2007. There were representatives from the American Indian Veterans, American Legion, DAV, and the offices of Senator Thune and Representative Herseeth. The concern was for a poorly staffed Vet Center in Sioux Falls specifically. Some progress has been made in hiring, but he is a "politician" and has some different ideas.

Earl Schultz, Director of VETS reported that as a result of the Congressional Oversight Hearing at Ellsworth last summer, the transition services in South Dakota are far better than in any other state visited. Schultz and Todd Kolden of SD DOL both received very pointed questions concerning how they work with disabled veterans. They felt many South Dakota practices will likely be implemented in other States and/or nationally.

Todd Kolden reported 3.4% is the SD Unemployment rate. Veterans Unemployment rate is lower everywhere than non-veteran. This would indicate that unemployment training practices are working.

The Dakota Roots Program has been gaining momentum and veterans overseas have heard of this and have made contact. DOL is helping them make employment plans and preparations.

For the Homeless Veteran Initiative, another grant has been announced. The unofficial response is South Dakota doesn't have enough homeless veterans to warrant this amount—however we have requested less. No rural states have received this grant, all have been urban recipients.

Kolden said the 2007 level of funding would be there because VETS sets funds aside for “rainy day” so SD funding stays the same.

The federal minimum wage bill is anticipated in the 2008 budget—a “clean bill” will be submitted to Congress with no extraneous additions by which a bill is usually stalled. VET has submitted a request for a small increase.

Helmets to Hardhats, Troops to Teachers, Hire a Hero—many of these programs are contractors, looking for money. Troops to Teachers is a tried and true, good program for veterans.

Larry Wilcox, Superintendent of the Michael J. Fitzmaurice South Dakota Veterans' Home had a report. The SD Veterans' Home is within guidelines for their budget. He is still asking everyone to promote the Home and visit it with the prospective residents if possible. When veterans see the facility, new residents are picked up. The food report stays the same, although Wilcox does have a goal of 85% satisfied. May was the bid date for the new boiler. The start up of it will be January, and it should save from \$20,000-\$30,000 with the change. He is working on two administrative rule changes. With Federal Grants 35% is received for the architectural draft which is now due. That is 35% of the money is received and the draft is done and then the federal entity determines if the project will get 100% of the grant money. They are checking for life-safety items: fire doors, fire walls, stairs to meet safety code, etc.

VHI or Veterans Honored Interment is growing. They are working to place 100 units in Sioux Falls, so veterans are picking this project up to assist and store. The goal is to get caskets and urns built ahead so they can offer caskets to veterans' widows as well.

The Policy of the Home is to reserve the nursing care beds for the residents, but with four empty beds, he can make decisions to take others “off the street”.

There was a break of ten minutes until reconvening at 4:47.

The Claims Office Supervisor David Wherry had his report, a copy is attached. Shanna Purcell is the State Women's Veteran Coordinator and she will be going to National Conference, Annual National Association of State Women Veteran Coordinators in Branson, Missouri. It is requested that she be on the agenda for a report at the July Veteran Commission Meeting.

The VFW District Meetings have been attended by VSO's who brief about the SD Division of Veterans Affairs. Training continues to maintain the level we provide in the Division. Some have attended the American Legion training and others leave this week for VFW training programs. Wherry explained TRIP Training. Service officers once accredited may get access to look at VA records—not to change them. This training is going to be carried on the internet soon for VSO's who would like to train for access. It is remote access to VA computer records. The New VSO Orientation Training is scheduled for 21-23 May in Sioux Falls. The emphasis is

on “rating-ready claims” on the local level to assist with the national backlog. COW’s are Committee on Waivers—this has now been moved (centralized), so it makes working a claim more difficult, esp. if it has gone to debt management.

Larry Person, Field Office Supervisor reported on the Bonus Program: at the end of March approximately 5,300 had been paid; \$2.3 million had been expended in bonus payments. Usually it is about 10 days from receipt of a complete application until receipt of check.

An updated VSO Monthly Activity Report sheet has been re-instated for the local persons to document “what they do”. This will be a way of educating the County Commissioners and Tribal Council Members on what they do and how it benefits the County or Tribe. The respective Field Officer will also accompany the VSO when this report is presented.

Veterans Education was reported by George Summerside.

- The number of training facilities has stayed steady.
- The ELR issue remains a challenge.
- He will testify before a subcommittee on Economic Opportunity on April 19, 2007, in Washington, D.C.
- On the national level, SAAs are working on promotional issues, i.e. a video to be made for promotion of OJT and Apprenticeship programs on the State level.

As Acting Director Summerside will stress (1) teamwork within the Division and among the network, and updating the C/TVSO handbook or manual to include an electronic version. (2) Accountability of each person in Division to interview “the veteran” as though he were the last one. Be sure all questions are asked, and then it will filter down into the network. (3) Goals—make any suggestion to him and it will be assigned to Division Staff to be researched.

Within the next 30 days the Division will be part of Capitol For A Day in Redfield; assist with the Veterans Fair for Sisseton-Wahpeton Sioux Tribe, including an on-site adjudication of claims team; and two Task Force Meetings.

The next order of business is greetings and comments from the several veteran service organizations representatives. State Commander Russel Dramstad of VFW led off and introduced Marv Czerwonka, the next State Commander. He reported the Voice of Democracy winner went to national competition in Washington, DC; and 8<sup>th</sup> grader Slade Hansen of Spearfish was the Patriot of America award recipient on the State Level. They had made numerous awards to EMT/firefighter/scout/teacher/etc. of the Year and the 2007 Baseball Season had begun. There were roughly 2,700 involved in the 2006 baseball season.

Commissioner Birnbaum had a question for him and the other organizations; are the membership numbers including the “new veterans”? The answer Yes and No, there are perhaps 5-6% who are new veterans but traditionally, they (this age group) are not the ones who join any organizations.

State President Carol Gross had greetings from the VFW Auxiliary. Her goal and project are “helping the Veterans”. There were five members from South Dakota who toured the Walter

Reed Army Hospital, where they heard nothing but praise for the DOD hospital from patients and families. Members will also help to cover the VFWA table at the Veterans Building at the SD State Fair in Huron.

Gene Murphy had greetings from the DAV State Commander Loren Murren and an invitation to the State Conference in Mitchell, 10-12 May, 2007. He reported that there are seven (7) new transportation vans being purchased this spring. They will go to Belle Fourche, McLaughlin, Mobridge, and Madison with replacement vans set for Rapid City, Watertown and Webster. There are now 25 vans on the road. Someone pointed out the "DAV Transportation Program" was the idea of Gene Murphy—to haul any and every veteran to medical facilities. Gene also mentioned a Roger Andal Appreciation Day which will be an annual occasion.

PVA was represented by Jim Foster. April is Salute and Appreciation to Veterans" month. They arranged for 80 large pizzas for veterans, veteran volunteers, and employees at the VA Medical Center. The 5<sup>th</sup> annual Walleye Tournament with Firefighters of SD will take place at Cedar Shores on the Missouri River. He invited everyone to attend the Veterans Council Meeting to be held in this same room on Tuesday, April 14, at 1:00.

The American Legion representatives had a District Meeting in Martin and would be back on Tuesday morning.

Don Loudner represented the American Indian Veterans Association. He is still concerned that there is a problem at IHS Facilities—they (some) will not serve a veteran, because as a veteran he must be transported to a VA Medical Facility for medical care. The other issue he reported on was the Code Talkers Bill which is to provide for a gold medal or coin to each of the Code Talkers (now their heirs). Someone has substituted silver for gold which is "unacceptable to the 19 tribes who had Code Talkers." He is still hoping to get this passed soon, before the last of the Code Talkers is deceased.

Todd Otterberg serves as the Transition Assistance Advisor to the SD National Guard. He had been able to serve on the transition assistance teams to greet the 235<sup>th</sup> Public Affairs Unit, 16 members of the 147<sup>th</sup>, and 149 others coming back into Ft. McCoy in June. The Military Police Unit will return in late fall. Bravo Battery of the 147<sup>th</sup> has been alerted with deployment of 153 scheduled. With the Air Guard there have been three briefings over the last five months. The Demob teams are working with enrollment forms, which is a big help for the OIF/OEF coordinators, who then are able to follow-up on appointments at Sioux Falls or Ft. Meade and Hot Springs. He mentioned the Depleted Uranium (DU) test is part of the check list on "Welcome Home" booklets.

Locken asked Otterberg to be sure to stress or "get the word out" to **NOT** ignore any correspondence from the VA. Should it deal with overpayment, it can be tough to handle unless the **VSO is notified** right away, and it is addressed **before** it goes to the National Collection Agency.

The meeting was recessed until 8:15 AM, Tuesday, April 17, 2007.

Chairman Don Loudner reconvened the meeting at 8:15 am and Vice Chairman Birnbaum led the Pledge of Allegiance.

The American Legion State Commander Gunner Baatrup was invited to speak, reporting on the spring district meeting round. It has been a good year and they are third in the nation for membership. The American Legion has sponsored and outfitted the Barber Shop at the SD Veterans Home.

The organization has begun collecting demographic information with a push toward a state cemetery in mind. When asked about membership specifically of the newer veterans, Ron Boyd explained there is a 10-12 year lag between a discharge and joining any veteran organization. There may be an increased sign-up, but retention is a problem. Retirees especially within the Guard were not aware of eligibility—but they do not belong to any organizations. Locken as a Service Officer really encourages membership and the Guard is also encouraging membership so these persons are exposed to new “benefit” information. Membership in one or more veteran organization and Auxiliary membership is also vital. This is a way to let your voice be heard.

Doris Ann Werlinger is State President of AL Auxiliary and she reported on Children and Youth work as their goal. A heroism award was presented to Chadwick Adams in Sisseton for coming to the aid of a young person attacked by a dog.

Don Loudner mentioned that the Sisseton-Wahpeton Sioux Tribe was still working on the Medal of Honor for Woodrow Keeble. He was recommended for the award in World War II and in Korea. This has gone through Congress, the DOD, and is in the President’s office now.

For the Code Talkers Bill, it is anticipated this will go through. There are Code Talkers from seven of the nine tribes of South Dakota.

The representatives from our Congressional Delegates had reports. Darrell Shoemaker from Senator Johnson’s office reported first that Senator Johnson’s health continues to improve. The office has been retrofitted for his return. Right now he has from four to six hours daily of rehabilitation training especially for his right side. He is learning to write left handed. He is not introducing any bills but has co-sponsored bills including Retired Pay Restoration Act; Full Concurrent Receipt; Survivor Benefit Plan to eliminate offset for survivors; DOD increase to fund TriCare increases in the budget package. Johnson’s office is grateful to Senator Lautenberg who has helped within the budget committee Johnson’s views or feelings.

The VA Budget is at \$43.1 billion which is 98% of requested budget.

Johnson was appointed to the MilCon subcommittee, a plum assignment, where he’ll push for a robust VA budget. He will also push for mandatory funding, personally as soon as he’s back.

His offices in Washington and in South Dakota are often working individual Guard member’s pay issues, etc. Johnson’s office promoted a Vote of Confidence for the quality of care at the SD VA Medical Centers. His Staff recognizes and applauds the level of response, timeliness of response and the level of care—this is not always the case.

Comments to Mr. Shoemaker's report:

Request was put to all the representatives to combine efforts and determine the possibilities of a veterans' cemetery. Federal assistance is almost required as our South Dakota resources must go toward the living veterans. The Commission supports the concept, but a study must be done to determine feasibility.

On the issue of Mandatory Funding, it must be comprehensive. Will there be an up or down vote? The support for this has been building. The VA is always behind with budgets passed 3-4 months late. This tug-of-war with numbers has probably caused increased fees, co-payments, etc.

The backlog of adjudication of claims is a major problem. Regionalization has not proven an effective way of dealing with this issue, it simply removes the case from those within the "caring" area, where patient satisfaction is high, and it is because these are local people in the care-giving positions.

Third party collections should not be counted against the budget of a VA medical facility. It is about 14% in South Dakota and this should not be part of the budget, rather an extra.

The CARES Budget process has not provided SD with any return. CBOC's would be evidence of this. Closer proximity, centrally located medical care to the veteran in rural areas, the aging veteran, as well as the new, returning veterans.

Sandy Massey was representing Senator Thune's office. Specifically related to Veterans Affairs, Senator Thune is working for the \$84.4 Billion budget request for Veterans Affairs. This is the largest increase ever including DOD in time of war. Thune opposes any increases in co-pays or the cost of medications. He is no longer on the Veterans Affairs Committee, but he is still committed to mandatory funding and is working for rural veteran and rural health care which is accessible to all; this would include working for CBOC's. He has worked on the Keeble Medal of Honor award, and he has also proposed a National Cemetery for Native American Veterans to the Congressional Delegates.

Erin McCarrick is with Congresswoman Herseth Sandlin's office. A printed summary is attached. Her primary focus on the Montgomery GI Bill is to revamp the program to ensure education benefits and guidelines which will also cover the Guard personnel especially. Would also like to expand the Bill to include coverage for wounded members of OEF/OIF not now eligible, but who should be. Herseth Sandlin has also co-signed on a bill to reduce the backlog of claims. She will continue to work for CBOCs.

Jerry Lolley, Meade County Veteran Service Officer, had comments for the Congressional Delegates. He is vehemently opposed to any regionalization—for all programs that have been regionalized the process has slowed, it has been taken away from the local or the State level. He suggested a Congressional Delegation letter to the Secretary of the VA opposing any regionalization. Students in particular need their payments before the end of the first semester in order to continue in the education system. The Congressional Delegates must stop this regionalization at the funding level. Letters from veterans and veteran advocates are not enough

for the VA leadership. VA Accountability must be held up—10 years are enough to know it didn't/doesn't work.

Joe Dalpiaz, Director of the Sioux Falls VA Medical Center will soon be transferring to Dallas, Texas, to a much larger VA Medical Facility. Steve DiStassio will be the acting director. His report is attached.

One highlight included was Sioux Falls is certified as a Clinical Polytrauma Support Center. This is a growing area of care for the TBI (Traumatic Brain Injury).

Loudner requested activity reports of the Minority Coordinators in VISN 23 or at least from South Dakota.

There was a ten minute recess and then Peter Henry from the VA Black Hills Health Care System had a report. First he introduced the new business office manager, Robert “Bob” Downs, who is taking the place of Sue Haden. He also introduced Cynthia Breyfogle, Deputy Director of VISN 23, who has the next report.

Henry mentioned the training for the Polytrauma Support Center is very thorough and it is rigorous. He also wanted everyone to be aware of the Centennial of the Hot Springs campus of the VA. There will be two days of celebration of 100 years of service to veterans, September 14-15, 2007.

Cynthia Breyfogle’s report summary is attached. There is some concern that there is enrollment but these enrollees are not requesting care—the whole body of veterans needs to be educated to utilize the system. The worst case scenario, is they will be dropped if they are not using the facility, then they must reapply and may not be able to qualify under new criteria. The Mental Health, Suicide Prevention area has gotten much emphasis in order to serve the present returning veterans.

John Smith of the VA Dakotas Regional Office has his report attached. They are fully funded. They have roughly 200 EOF/OIF claims pending. There is a high level of commitment and care on the part of the SD VBA staff in Sioux Falls. The national Secretary of the VA has already said they are looking at staff hiring in the next year in order to deal with the backlog. Chances are it will not be in South and North Dakota, but rather in the resource centers. The claims will need to be “rater-ready!”

Vanette Lopez was called away before making a report on the Black Hills National Cemetery by a family emergency. Information from her is attached.

Wayne Vetter is President of the VSO Association. He had a wheel chair/handicap access survey to present. This is the accessibility of the VSO. Survey is attached. He would request a letter from the Veterans Commission to the affected counties to encourage them to provide an office which is handicap accessible. The Division will do some further research on specifics for each case. Summerside felt this issue is being addressed by the Task Force Committee, because they are asking about office area, building accessibility, computer access, etc.

Vetter also reported that six VSO's are presently planning to attend the National Service Officer Training in Wisconsin.

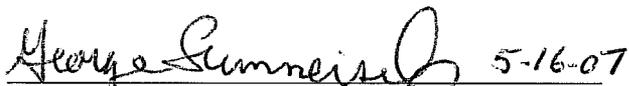
Question was raised, "Does a Field Officer visit every Veteran Service Officer each month? Summerside will have an answer at the next Commission Meeting.

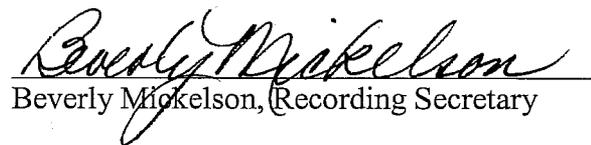
Dave Jungemann from TREA in Rapid City said they are still working on their "usual" projects.

Future Meeting dates was the next order of business. Don Loudner announced the next meeting would be June 22 and 23, 2007, at Dakota Sioux Casino in Watertown. A block of rooms has been reserved there for Friday. The agenda items must be forwarded to Summerside. It will be a different format than this meeting, and it is in conjunction with a Town Hall Meeting which will be held on June 23<sup>rd</sup> (Saturday). There will be an executive session for the Commission Members and General Gorman. Possible agenda items include an in-house report on the Task Force and legislation.

Motion to adjourn by Murphy, second by Evenson at 12:55. Motion carried.

Respectfully submitted:

  
George Summerside, Acting Director  
SD Division of Veterans Affairs

  
Beverly Mickelson, Recording Secretary