

Testimony in support of H.R. 10567
Congressman Les AuCoin
Subcommittee on Compensation, Pension, and Insurance
March 22, 1978

Mr. Chairman:

I am here today to urge you to pass H.R. 10567, a bill which I introduced to correct a small but -- to those veterans who are affected -- a very serious injustice in the veterans disability rating system.

The bill would do this by striking the word "continuously" from that section of Title 38 USC which says that a veteran's disability rating of "total" or "permanent" disability must be in force continuously -- for 20 years -- in order to be preserved at that level.

Right now a veteran could be 100% disabled for 25, 30, or even 40 years -- but if that rating is reduced for even one year in any 20 year period, the veteran loses his protection against future reductions.

In other words, if by sheer happenstance, a veteran's total disability lasts for 20 straight years, the law actually allows better treatment than for some veterans who have been just as severely disabled -- but not continuously -- for twice as many years or more!

Mr. Chairman, this problem came to me from a constituent who, after becoming disabled in World War II, has been fighting a war of his own to survive economically for the past thirty some years.

It's a war on two fronts: He is fighting the tuberculosis which he contracted during the war and he is fighting a law which refuses to recognize his case of tuberculosis as the permanent, total, and devastating disability which it is.

His story is this: From the time he contracted tuberculosis in the 1940's until 1961 his disability was rated at 100%. His health improved briefly -- during which time his rating was reduced -- but then worsened. Despite this brief recovery, he has not been able to work all these years.

In short, my constituent has been totally disabled for 27 out of the past 32 years but never continuously for 20 years. For this reason the Veterans Administration can and has reduced his rating.

The Veterans Administration tells me the current law dealing with continuous disability is intended to "provide income protection....to those who had come to rely upon the benefits they had become accustomed to over the course of 20 years." I cannot argue with this.

What I fail to understand is how an individual who has become accustomed to a certain income level over 30 years, with, perhaps, the exception of one or two years in between, should not benefit from this same logic. Indeed, it could be argued that they may be more reliant!

In my constituent's case, for example, his income dropped down to \$276 from an \$874 per month level when his rating was briefly reduced from 100% to 50%. That meant his daughter had to drop out of college to help with family expenses, and that

her younger brother probably would not make it that far. But it's not only the money that's important. There are intangible things like dignity, self respect, and the knowledge that despite your handicap you can still help your family lead a normal life.

Constant fluctuations in income which the current rating system allows have had devastating impacts on other veterans as well. Their stories are heartbreaking.

One veteran with tuberculosis, like my constituent, was forced after several unemployed years to take a job as a fry cook when his TB receded and his rating was cut. He had to conceal his disability from his employer since most will not hire a person disabled for many years, let alone someone that had TB. After a while, his TB became active again and he was forced to quit his job. How many customers of his restaurant had been exposed is anyone's guess.

A similar case followed a fellow who took a job as a bartender in Portland. A third man lost his small farm and, in common with the other two, started drinking when his rating was cut.

Yes, their compensation was restored to 100 percent when their disabilities became so severe the VA felt their cases warranted it. But the damage to their lives, their families and the public had been done.

I'm sure there would be disagreement among observers as to whether these men's lives would have been any different had their compensation not been cut. But I don't think anyone can reasonably

deny the fear or the instability which is created by a policy which allows a man's compensation to be cut, and reinstated, cut, and reinstated, ad infinitum through the years.

Mr. Chairman, my constituent is not the only veteran in this situation. There are others. And whenever there are others, I submit that they deserve better. This bill simply says that if a veteran suffers a total disability for 20 years, consecutive or not, he has suffered enough.

Mr. Chairman, I urge you and the members of the committee to pass this legislation.