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NOMINATIONS OF THE 112TH CONGRESS, SECOND SESSION

HEARINGS

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

MARCH 28 AND JULY 18, 2012

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MARCH 28, 2012

NOMINATIONS OF BG (RET.) CORAL WONG PIETSCH AND MARGARET BARTLEY, EACH TO BE JUDGE OF U.S. COURT OF APPEALS FOR VETERANS CLAIMS

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NOMINATION OF CORAL WONG PIETSCH, BG (RET.) AND MARGARET BARTLEY NOMINEES TO BE JUDGES, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

WEDNESDAY, MARCH 28, 2012

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9:45 a.m., in room 418, Russell Senate Office Building, Hon. Patty Murray, Chairman of the Committee, presiding.

Present: Senators Murray, Akaka, Begich, Burr, Isakson, and Boozman.

STATEMENT OF HON. PATTY MURRAY, CHAIRMAN, U.S. SENATOR FROM WASHINGTON

Chairman MURRAY. Good morning. Welcome to today's hearing. We are here today to consider the nominations of Ms. Margaret Bartley and General Coral Wong Pietsch to be judges of the U.S. Court of Appeals for Veterans Claims. I am pleased to welcome the nominees and their families who are here today, and I congratulate each one of you on your nomination.

The nominees sitting before us have impressive resumes, strong credentials, and a long history of service. We will learn more about their qualifications during their introductions so I will not spend time repeating what we will hear very shortly.

But as we begin today's hearing, I think it is really important to recognize some of the realities facing the larger disability claims system and, as a result, the Court.

It is no secret there are severe problems with the claims system and some continuing trends that cannot be ignored. We know it takes VA too long to issue decisions. We know VA's error rate remains far too high. We also know the number and complexity of claims being filed continues to grow.

These are the facts: given the increasing number of claims, VA's error rate, and that every veteran has an absolute right to appeal an adverse decision of the Board, there is no shortage of potential cases that may reach the court in the very near future. So, the problems with the larger disability claims system become the problems of the Court.

As our nominees know, the Court of Appeals for Veterans Claims holds the special responsibility as the only national court that re-

views veterans benefits decisions. The importance and impact of this mandate are clear.

For many veterans, the Court is seen as their last hope after fighting for months, years, and in some cases decades to obtain the benefits they earned. They look to the court for fair and equitable resolution of their claims.

These nominations are of such great importance because of the vital role the Court plays in service to our Nation's veterans.

The Court has been asked to meet its unique obligations under the pressure of an increasing workload. As the number of claims decided by the Board has increased, so has the number of appeals being filed with the Court.

Given the substantial workload that each judge carries, these vacancies have to be filled by qualified, competent, and motivated individuals; and given the size of the backlog and the number of claims being filed, we will no doubt continue to see a growth in the number of appeals over time.

This is why we owe it to our veterans to proceed with these nominations in a timely manner.

In closing, I would note the nominees have each completed the Committee's extensive judicial questionnaires, all of which will appear in the record of today's hearing.

There will also be an opportunity for Committee Members to submit post-hearing questions, and I would ask the nominees to answer and respond to any of those as quickly as possible so the Committee will be able to move forward with your confirmations.

Thank you again for appearing before us today, and with that, I will turn it over to my Ranking Member, Senator Burr.

STATEMENT OF HON. RICHARD BURR, RANKING MEMBER, U.S. SENATOR FROM NORTH CAROLINA

Senator BURR. Good morning, Madam Chairman, and I want to thank you for holding this hearing to consider the qualifications of Ms. Bartley and General Pietsch to serve as judges of the U.S. Court of Appeals for Veterans Claims.

I also want to welcome the nominees, their families and friends that are here. I thank you all for being here today.

This hearing gives us an opportunity to fulfill the Senate's role of reviewing judicial nominations to ensure that our Nation is served as well as possible.

As with the Federal court, we should consider whether candidates to serve on the Veterans Court are impartial, well-qualified, and have a sound judicial philosophy and temperament.

We should also consider whether a nominee will live up to the high standards expected of the judges, which include making decisions fairly, promptly, and efficiently.

The obligation to promptly decide cases is particularly important for individuals who come before the Veterans Court. By the time an appeal is filed, a sick or injured veteran may have faced many years of delays, errors and frustrations while going through the VA's claim process.

When they finally reach the Court, veterans and their families should rightfully expect a quick response from an entity that was created to provide them the fundamental justice, but living up to

that expectation has been a real challenge for the Court in recent years.

Since 2007, the Court has received more than 4,000 new cases each year, a 53-percent increase over the incoming cases in the prior 5 years. Although the Court has made progress in handling this work, some veterans are still waiting far too long for a decision.

In fact, it takes an average of 19 months for the court to issue a decision by a single judge and over 2 years to issue an opinion by a panel of judges.

With more than 4,400 cases pending at the Court, including hundreds waiting on action by a judge, it must be a priority to quickly get decisions to everyone who is waiting.

To that end, any judge confirmed to serve on the Veterans Court must be ready to hit the ground running and immediately begin to help the Court deal with its caseload. Perhaps more importantly, a nominee must be committed to spending each year on the bench handling cases with the diligence and sense of urgency our Nation's veterans deserve.

Madam Chairman, before I yield back to you, I want to also talk briefly about the expectation that Federal judges will be efficient in handling their judicial duties.

In my view, organizations tend to function at their best when most integral to the operation like judges are personally engage on a daily basis. If judges have to travel across the country to get to Court, it could make it more difficult to manage staff, work with other judges, or stay on top of caseloads.

I think the Chairman knows that is why I introduced S. 2045. It would require judges of the Veterans Court to live within 50 miles of the Court's office which is located here in Washington, DC. A similar residency requirement already applies to other Federal judges.

Also I would point out that the duties of a judge are supposed to take priority over any other judge's other activities. So, it is hard to imagine a reason for a judge to live far away from where the court facilities, personnel, and other judges are located.

Madam Chairman, I think this bill is a common sense step to increase the efficiency and effectiveness of the Court and emphasize, if confirmed, a judge must be 100-percent committed to the Court's important work. Our Nation's veterans and their families deserve no less.

So, I look forward to working with the Chairman and my colleagues to as expeditiously as we can pass as therein S. 2045, and I thank the Chair for this opportunity.

Chairman MURRAY. Thank you very much.

I will now turn to our Committee Members if they have an opening statement. Senator Akaka I will begin with you.

STATEMENT OF HON. DANIEL K. AKAKA,
U.S. SENATOR FROM HAWAII

Senator AKAKA. Thank you very much, Chairman Murray.

I would like to join you and Ranking Member Burr in welcoming our distinguished nominees as well as their lovely families who are here today, and I want to say to our nominees and their families,

aloha, welcome to this hearing this morning. It is so good to see all of you, and I want to say mahalo, thank you for spending briefly some time to chat about your nominations.

Of course, the Chairman and I and the Committee would like to move as quickly as we can so you can get to work as quickly as you can too.

You are extraordinary public servants, and I appreciate your desire and commitment to continue to serve our country. So, I look forward to hearing your testimonies as well.

Thank you, Madam Chairman.

Chairman MURRAY. Thank you, Senator Akaka.

Senator Boozman, do you have an opening statement?

STATEMENT OF HON. JOHN BOOZMAN,
U.S. SENATOR FROM ARKANSAS

Senator BOOZMAN. No. Again we appreciate your service. We appreciate you being here and all you have done for veterans in the past.

Chairman MURRAY. Thank you very much.

With that, I am going to turn to Senator Akaka who will introduce General Pietsch.

Senator AKAKA. Thank you, Chairman Murray and Ranking Member Burr, for this opportunity and for the leadership here in having this hearing and allowing me the opportunity to say a few words about General Coral Pietsch.

My wife Millie and I have known Coral and her husband Jim for many years. We also have many mutual friends.

I have followed her career over the years and have been very impressed with her accomplishments, work ethic, and her continued desire to serve our country, and she will still continue to do that.

General Pietsch has been involved with the military and veterans from the beginning of her professional career. She served for 6 years as an active-duty Army JAG officer in Korea and at Fort Shafter in Hawaii.

She is highly competent, and there is one area where I would certainly never question her judgment when she decided to make Hawaii her permanent home when she left active duty and joined the Army reserve. A great decision to call Hawaii home. She has adopted what we call the aloha spirit.

She served in a variety of key Army positions, culminating in the assignments as staff advocate. She also served a 4-year IMA assignment as the Chief Judge of the U.S. Army Court of Criminal Appeals.

Along the way she has broken some barriers, and I understand that she was the first woman general in the U.S. Army JAG Corps. I think that was mentioned. She was also the Army's first female Asian-American flag officer.

She volunteered for a year-long deployment in Iraq, where she served as the Deputy Rule of Law Coordinator for the Baghdad Provincial Reconstruction Team.

In her civilian life, Coral has worked as an advocate for individuals with disabilities. She also served as Deputy Attorney General for the State of Hawaii.

Later Coral moved to the Federal Government, becoming a civilian attorney for the Army where she currently serves as special assistant and senior civilian counsel to the commanding general of the U.S. Army Pacific today.

Without a doubt, if confirmed, General Pietsch's military and civilian legal experience, education, and judgment would be a tremendous asset to this Court. I am glad that I am able to support President Obama's appointment.

I was pleasantly surprised to hear that appointment. So I am glad to say what I did about you, Coral. Welcome and best wishes.

Thank you, Chairman Murray.

Chairman MURRAY. Thank you very much, Senator Akaka.

I have the pleasure of introducing Ms. Bartley, who is currently a senior staff attorney with the National Veterans' Legal Services program.

Ms. Bartley holds a BA from Pennsylvania State University and a JD from the American University Washington College of Law.

Ms. Bartley has an extensive record of service to our Nation's veterans and their families. Her introduction to the Court and veterans' advocacy came while serving in a clinical program during law school and continued after graduation with service as a judicial law clerk for the Honorable Jonathan Steinberg.

She has represented countless veterans, their independence, and survivors before the Board of Veterans' Appeals and the Court of Appeals for Veterans Claims over the course of her career.

In addition, to direct representation, a significant portion of Ms. Bartley's career has been spent sharing her knowledge and experience with other veterans advocates. She continues to serve as the director of outreach and education for the Veterans' Consortium pro bono program and has also written extensively and serves as editor of the Veterans' Advocate, a veteran law advocacy journal.

Given his record of service, clearly Ms. Bartley is no stranger to the Court and the issues it faces.

So thank you very much for your service to veterans to both of you, and we look forward to your testimony today.

Before I swear you in and move to hear your opening statements, I know that both of you have families here. So I want you each to take a moment to present your guests to the Committee. General Wong, we will begin with you.

General PIETSCH. I would like to introduce my husband, Professor James H. Peach; my sister, Crystal, and her husband, Dave Maddy, and their two children; my nephew, Andy; my niece, Christine, with her husband, Rob Wagner, and their two children, Bella and Robbie; my sister-in-law, Sandra, and her husband, Al Fletcher; my brother-in-law, Bill, and his friend, Maxine Rogers; my colleague and friend from the U.S. Army Pacific, Janice Neilson; and my Provincial Reconstruction teammates, Lieutenant Colonel Arthurine Jones and Mr. Rob Merchant.

Chairman MURRAY. Very good.

Ms. Bartley.

Ms. BARTLEY. Yes, I would like to introduce my husband Charlie, and my two daughters, Eve and Muriel. And I have many extended family members here in spirit. I am from a very large family.

Chairman MURRAY. Very good. Well thank you and welcome and our appreciation to all the families of these two amazing women and the willingness of both nominees to do this job. So thank you very much.

Under the rules of the Committee, the testimony of all Presidential nominees that appear before our Committee have to be done under oath. So, I would ask that both of you stand and raise your right hand.

Do you solemnly swear or affirm that the testimony you are about to give before the Senate Committee on Veterans' Affairs will be the truth, the whole truth, and nothing but the truth so help you God?

General PIETSCH. I do.

Ms. BARTLEY. I do.

Chairman MURRAY. Thank you very much.

With that, General Pietsch, we will begin with your testimony.

STATEMENT OF CORAL WONG PIETSCH, BG (RET.), NOMINEE TO BE JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

General PIETSCH. Thank you, Madam Chairman.

Chairman Murray, Ranking Member Burr, and distinguished Members of the Committee, thank you for the opportunity to appear before you today.

It is an honor to be a nominee to serve as a judge on the U.S. Court of Appeals for Veterans Claims. I want to thank President Obama for the confidence he has shown in me by nominating me.

I want to thank you, Senator Akaka, for the very kind words of introduction.

I would like to thank my husband, Professor James H. Pietsch, for his unconditional support and love. He has been a wonderful partner and advisor in our lifetime of public service together.

I would like to recognize other members of my family and my friends in this room today, several of whom traveled far to be with us.

My entire legal career has been in public service in a variety of positions, Federal Government and State government, military and civilian. I am extremely proud to be a veteran having served in the military on active duty and in the Reserves.

As a Deputy Attorney General for the State of Hawaii, I learned the depth to which State decisions had on the public at large, the consequences, intended or otherwise, of such decisions and the privilege of witnessing the democratic process at work.

I believe that this experience will serve me well as a judge and remind me to consider the impact of each decision not only on the individual but for its precedential value.

As A former Chair of the Hawaii Civil Rights Commission, I know and appreciate the importance of making sure that the processes and procedures in place are thorough, timely, and responsive. This serves and benefits all parties to the process. This too will serve me well if confirmed to the Court.

As an Army civilian, I have had the opportunity to work closely with the military ensuring that our military is trained and equipped to accomplish the missions assigned to them.

This, along with my military service and close affiliation with other veterans, including my husband, my brothers and my father-in-law, gives me the additional background helpful to understand many of the circumstances involving our veterans.

I am most proud of my service as a member of the U.S. Army, from my service in Korea as a young Captain on active duty to my service in the Army Reserve as a general officer in the U.S. Army Judge Advocate General's Corps.

Over those years, I had the opportunity and the honor to observe and to work with thousands of my fellow American citizens in uniform. I know what it is like to serve in a combat zone, and I know what it is like to have a family member in harm's way.

In 2007 at the height of the surge, I volunteered to serve, as a Department of Defense civilian in Iraq. I was seconded to the State Department and served for 1 year on a Provincial Reconstruction Team. I served side by side with members of the military, sharing experiences, hardships, and accomplishments.

I saw firsthand what conflict is like, how individuals react under extreme stress, and the lasting effects service in a combat zone can have on individuals.

My husband, himself a military veteran and an Army retiree, also volunteered to serve during the surge in Iraq in his capacity as a professor of law. He was invited to serve as a special advisor to the Multi National Force-Iraq Law and Order Task Force and was stationed at a forward operating base where he served with members of all branches of the U.S. military.

This experience has given me a much deeper appreciation for the sacrifices made by those serving our country and for the need to address the needs of those who are experiencing difficulties due to their service.

It has been a great honor and a privilege for me to serve our country, and it will be a great honor and a privilege for me to continue my service as a judge on the U.S. Court of Appeals for Veterans Claims.

In closing, I want to thank the Committee for the attention it has given to my nomination; and if confirmed, I pledge my very best efforts in executing the duties of a judge on the Court of Appeals for Veterans Claims.

Thank you very much.

[The prepared statement of General Pietsch follows:]

PREPARED STATEMENT OF CORAL WONG PIETSCH, NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Chairman Murray, Ranking Member Burr, and distinguished Members of this Committee: Thank you for the opportunity to appear before you today. It is an honor to be a nominee to serve as a Judge on the United States Court of Appeals for Veterans Claims. I want to thank President Obama for the confidence he has shown in me by nominating me.

I would like to thank my husband, Professor James H. Pietsch, for his unconditional support and love. He has been a wonderful partner and advisor in our lifetime of public service together. I would also like to recognize other members of my family and my friends in this room today, several of whom travelled far to be with us.

My entire legal career has been in public service—in a variety of positions—Federal Government and state government, military and civilian. I am extremely proud to be a veteran having served in the military on active duty and in the Reserves.

As a Deputy Attorney General for the State of Hawaii, I learned the depth to which State decisions had on the public at large, the consequences, intended or otherwise, of such decisions and the privilege of witnessing the democratic process at work. I believe that this experience will serve me well as a Judge and remind me to consider the impact of each decision not only on the individual but for its precedential value.

As former Chair of the Hawaii Civil Rights Commission, I know and appreciate the importance of making sure that the processes and procedures in place are thorough, timely, and responsive. This serves and benefits all parties to the process. This too will serve me well if confirmed to the Court.

As an Army civilian attorney I have had the opportunity to work closely with the Military ensuring that our Military is trained and equipped to accomplish the missions assigned to them. This, along with my military service and close affiliation with other veterans, including my husband, my brothers and my father-in law, gives me the additional background helpful to understand many of the circumstances involving our veterans.

I am most proud of my service as a member of the United States Army—from my service in Korea as a young Captain on active duty to my service in the Army Reserve as a General Officer in the United States Army Judge Advocate General's Corps. Over those years, I had the opportunity and the honor to observe and to work with thousands of my fellow American citizens in uniform.

I know what it is like to serve in a combat zone and I know what it is like to have a family member in harm's way. In 2007 at the height of the Surge, I volunteered to serve, as a Department of Defense civilian in Iraq. I was seconded to the State Department and served for one year on a Provincial Reconstruction Team. I served side by side with members of the military, sharing experiences, hardships, and accomplishments. I saw firsthand what conflict is like, how individuals react under extreme stress, and the lasting effects service in a combat zone can have on individuals. My husband, himself a military veteran and an Army retiree, also volunteered to serve during the surge in Iraq in his capacity as a professor of law. He was invited to serve as a Special Advisor to the Multi National Force-Iraq Law and Order Task Force and was stationed at a Forward Operating Base where he served with members of all branches of the U.S. military. This experience has given me a much deeper appreciation for the sacrifices made by those serving our country and for the need to address the needs of those who are experiencing difficulty due to their service.

It has been a great honor and a privilege for me to serve our country and it would be a great honor and a privilege for me to continue my service as a Judge on the United States Court of Appeals for Veterans Claims.

In closing, I want to thank the Committee for the attention it has given to my nomination. If confirmed, I pledge my very best efforts in executing the duties of a Judge on the Court of Appeals for Veterans Claims.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. MARK BEGICH TO CORAL WONG PIETSCH, BG (RET.), NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

1. As you know Alaska is a very remote rural state, when I first was elected to the Senate, Alaskans called me about the hearing process for Social Security and the problem with the Hearing Officer only available in Anchorage We have been trying to get these hearings on video teleconferencing.

As far as know I have not seen much movement to try to do videoconference hearing for the Veterans Appeals Court. Will you comment on your opinion of videoconferencing and would you be amendable to using it?

RESPONSE:

Videoconferencing is becoming a routine way of doing business, especially where parties are geographically separated. It has proven to be an effective and efficient method of conducting meetings, interviewing witnesses, and holding hearings. I have participated in many videoconferences and have experienced most satisfactory results. I would be amenable to using videoconferencing and, if confirmed, would examine and pursue its use at the Court of Appeals for Veterans Claims.

2. Your service is to be commended. As you may know, the majority of constituent mail for most of the Senate offices is from veterans; claims backlog, I hear that the process is so slow that veterans get letters referring to it as "years" before they can get a ruling. I am concerned about the Courts ability to produce timely and accurate decisions with many more veterans entering system. My question is how do you see the court improving the time it takes for the appeal process?

RESPONSE:

I too, have heard and read about this backlog. Hopefully, by filling vacancies on the court, this will help alleviate some of the backlog. If confirmed, one of the things I would like to do is to see firsthand the internal procedures used to docket and move along the cases, how priorities are set, and what resources are currently in place.

3. I would like to know more about how you would use the mediation process for expediting claims, as mentioned in your testimony. How do you see this working and at what part of the claims appeal?

RESPONSE:

Mediation is fairly well-established in the judicial arena. Many state courts use mediation as an alternative to a hearing/trial, as do a number of federal courts. The advantages of mediation are many - mediation can be less costly than litigation, it is not adversarial, it provides the parties with a less restrictive forum, it relieves the Court's docket, and, very often, results are a "win/win" for both parties. As to how mediation could work at the Court of Appeals for Veterans Claims and at what stage mediation would be recommended or required, again, I would like to take the time, if confirmed, to assess and evaluate the current conditions under which the court operates.

4. How do you prioritize the claims to hear? Do you sort by the time they have been in the system; do you see any solutions to hearing by time waiting?

RESPONSE:

Generally entities process claims in the order they are filed. However, there may be internal standard operating procedures that are used to prioritize and categorize claims. With respect to how the Court of Appeals for Veterans Claims prioritizes, if confirmed, it would be my own priority to see how this is done and to determine where improvements can be made and whether the Court has sufficient resources to deal with this issue.

[The Committee questionnaire for Presidential nominees follows:]

UNITED STATES SENATE

COMMITTEE ON VETERANS' AFFAIRS

ROOM 412 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510
Telephone: (202) 224-9126

QUESTIONNAIRE
FOR PRESIDENTIAL NOMINEES

The Rules of the U.S. Senate Committee on Veterans' Affairs require that a Presidential nominee whose nomination is referred to the Committee submit, on a form approved by the Committee, a sworn statement concerning his or her background and financial interests, including the financial interests of the nominee's spouse and children living in the nominee's household. The Committee form is in two parts:

(A) Information concerning the employment, education, and relevant background of the nominee, which is made public; and

(B) Information concerning the financial and other background of the nominee, which is made public only when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least 5 days after the nominee submits this form unless the Chairman, with the concurrence of the Ranking Minority Member, waives the waiting period.

In order to assist the Committee in its consideration of nominations, the Committee requests that each nominee complete the attached Questionnaire for Presidential Nominees. The notarized original (plus 25 copies of Part I) should be delivered to:

Committee on Veterans' Affairs
United States Senate
Room 412, Russell Senate Office Building
Washington, D.C. 20510

Attention: Chief Clerk

Revised January 2011

QUESTIONNAIRE FOR PRESIDENTIAL NOMINEES

PART I: ALL OF THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

1. **Name** (Including any former names used). Coral Wong Pietsch, Coral Dee Wong, Coral Dee Conway

2. **Address** (List current residence, office and mailing addresses). 3275 Pacific Heights Road, Honolulu, HI 96813

3. **Position to which nominated.** Judge, United States Court of Appeals for Veterans Claims

4. **Date of nomination.** November 1, 2011

5. **Date of birth** (Month, day, year). November 11, 1947

6. **Place of birth** (City, state, country). Waterloo, Iowa

7. **Marital status.** Married

8. **Full name of spouse** (including maiden name). James Harvey Pietsch

9. **Names and ages of children** None

10. **Education** (List all post-secondary institutions of higher learning, dates attended, degree(s) received, and date degree(s) granted).

College of St. Teresa, Winona, Minnesota 1965-1969 BA (1969)

Marquette University, Milwaukee, Wisconsin 1969-1971 MA (1971)

Columbus School of Law, The Catholic University of America 1971-1974 JD (1974)

11. **Honors and Awards** (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition for outstanding service or achievement).

Senior Executive Fellow, John F. Kennedy School of Government, Harvard University

Pioneer Award, Organization of Chinese Americans

Woman Attorney of the Year, Hawaii Women Lawyers Association

YWCA Women's Leadership Award, Hawaii YWCA

Community Service Award, US Army Pacific

Outstanding Alumni Award, Columbus School of Law, The Catholic University of America

United States Army Pacific Community Service Award

Global War On Terrorism Medal for Service in Iraq

Meritorious Award for Civilian Service

Commander's Award for Civilian Service

Achievement Award for Civilian Service

12. **Memberships** (List all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable, and other organizations for the last ten years. Include the dates of any such memberships or offices).

International Women's Forum Hawaii Chapter Member 2010 to present

Reserve Officers Association 1974 to present

Veterans of Foreign Wars 2000 to present

Commissioner, Hawaii Civil Rights Commission June 2002 to June 2003

Chair, Hawaii Civil Rights Commission June 2003 to June 2010

13. **Employment record** (List all employment (except military service) since your twenty-first birthday, including the title, description of job, name of employer, location of work, and inclusive dates of employment).

--Association of Individuals with Disabilities, Honolulu, Hawaii Attorney (November 1980- August 1981). Advocating for individuals who had disabilities.

--Department of the Attorney General, State of Hawaii, Honolulu, Hawaii, Deputy Attorney General (September 1981-September 1986). Served as legal counsel to Department of Health, Department of Agriculture, Antitrust Division.

--US Army Support Command, Fort Shafter, Hawaii September 1986-December 1991. Attorney. Handled all personnel and labor cases, provided advice and guidance to command on various aspects of operating an installation.

--US Army Pacific, Fort Shafter, Hawaii December 1991 to Present. Attorney. Serve as Special Assistant and Senior Civilian Counsel; supervise Civil and Administrative Law Divisions, provide advice to the Commanding General.

14. **Military service** (List all military service (including reserve components and National Guard or Air National Guard) with inclusive dates of service, rank, titles, permanent duty stations and units of assignment, descriptions of assignments, any military medals, and type of discharge).

July 1974 to October 1980 Active Duty US Army.

--August 1974-October 1974 Captain Judge Advocate. Basic Course Charlottesville, VA Student

--October 1974-January 1976 Captain Judge Advocate. Korea (EUSA/USFK/UNC) Administrative Law

--January 1976 - November 1980 Captain Judge Advocate. US Army Fort Shafter, Hawaii Civil Law

--November 1980 - June 2000 US Army Reserve includes numerous assignments in the 9th Corps (Aug), Office of the Staff Judge Advocate and its subordinate units, Fort DeRussy, Hawaii. I rose in the rank from Major, Lieutenant Colonel, Colonel with various legal duty assignments culminating in assignments as Staff Judge Advocate.

--February 1996 to July 1996 activated for six months to assume the duties of Staff Judge Advocate, US Army Pacific, Fort Shafter, HI

--2000-2004 Chief Judge (IMA) US Army Court of Criminal Appeals, Washington, DC

--2004- 2006 Individual Ready Reserves

Medals

--Distinguished Service Medal

--Legion of Merit

--Meritorious Service Medal w/OLC

--Joint Service Commendation Medal

--Army Commendation Medal w/OLC

--Army Achievement Medal w/OLC

15. **Government service record** (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments other than those listed under Employment record, above).

Chair, Hawaii Civil Rights Commission June 2002 to June 2010

16. **Published writings and public statements (in last 10 years)**

(a) List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials appearing only on the Internet. (Copies of any such materials may be requested by the Committee.)

NONE

(b) List any reports, memoranda, or policy statements you prepared or contributed in the preparation of on behalf of any association, committee, conference, or organization of which you were or are a member.

NONE

(c) List any testimony official statements or other communications relating to matters of public policy that you have issued or provided or that others presented on your behalf to public bodies or officials.

As the Chair of the Hawaii Civil Rights Commission, I submitted testimony to the Hawaii state legislature on various bills either in support of or in opposition of bills.

(d) List any speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the dates and places where such speeches or talks were given.

Various presentations for US Army Special Emphasis Programs

--Asia Pacific Islander Observance - Schofield Barracks, Hi May 2002

--Asia Pacific American Heritage - Fort Meade MD May 2002

--Asia Pacific American Heritage - Fort Drum, NY May 2002

--Asia Pacific Heritage - National Guard Bureau, Washington, DC May 2002

--Asia Pacific Heritage - Fort Gordon, GA May 2005

--Asia Pacific Heritage - Fort Buchanan, Puerto Rico May 2006

-- Warrant Officers Basic Course Graduation, The Judge Advocate General's School, Charlottesville, VA June 2002

--National Asian Pacific Bar Association Honolulu, HI 2003 (approx)

--Junior League of Hawaii April 2004

--International Women's Leadership Conference Honolulu, HI 2004

Various presentations on my experience as a Rule of Law Advisor in Iraq

--The Columbus School of Law Brendan Brown Lecture, Washington, DC April 2009

--Hawaii Bar Association Government Lawyers June 2010

--The Social Science Club December 2010

--Goodsill, Anderson, Quinn Law Firm November 2009

--University of Hawaii Richardson School of Law Alumni Association March 2010

(e) List all interviews you have given to newspapers, magazines or other publications, and radio or television stations (including the dates of such interviews).

Hawaii MidWeek April 2004

Short television interview with Marvin Buenconsejo Hawaii KGMB 2000 (approx)

Interview with Emme Tomimbang 2005

Each of these interviews concerned my promotion to Brigadier General.

17. **Political affiliations and activities**

(a) List all financial contributions to any political party or election committee during the last 10 years. NONE

(b) List all elective public offices for which you have been a candidate and the month and year of each election involved. NONE

(c) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. NONE

18. **Future employment relationships**

(a) State whether you will sever all connections with your present employer, business firm, association, or organization if you are confirmed by the Senate. YES

(b) State whether you have any plans after completing Government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization. NONE

(c) What commitments, if any, have been made to you for employment after you leave Federal service? NONE

(d) (If appointed for a term of specified duration) Do you intend to serve the full term for which you have been appointed? YES

(e) (If appointed for an indefinite period) Do you intend to serve until the next Presidential election? N/A

19. **Potential conflicts of interest**

(a) Describe any financial arrangements, deferred compensation agreements, or other continuing financial, business, or professional dealings which you have with business associates, clients, or customers who will be affected by policies which you will influence in the position to which you have been nominated. NONE

(b) List any investments, obligations, liabilities, or other financial relationships which could be affected by policies which you will influence in the position to which you have been nominated. NONE

(c) Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated. NONE

(d) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal government need not be listed.

As the Chair of the Hawaii Civil Rights Commission, I submitted testimony to the Hawaii state legislature on various bills either in support of or in opposition of bills.

(e) Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements involved in Part II.) N/A

20. **Testifying before the Congress**

(a) Do you agree to appear and testify before any duly constituted committee of the Congress upon the request of such committee? YES

(b) Do you agree to provide such information as is requested by such a committee? YES

[Supplemental questionnaire for Presidential nominees follows:]

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

SUPPLEMENTAL QUESTIONNAIRE FOR NOMINEES
TO THE U.S. COURT OF APPEALS FOR VETERANS CLAIMS

PUBLIC

1. Bar Associations: List all bar associations or legal or judicial-related committees, selection panels, or conferences of which you are or have been a member, and provide the titles and dates of any offices which you have held in such groups. **Iowa Bar Association, 1974, Hawaii Bar Association, 1979**

2. Bar and Court Admission:

   a. Are you currently a member in good standing of the bar of a Federal court or of the highest court of a state? **Yes**

   b. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership. **Iowa Bar 1974, Hawaii Bar 1979. No lapses in membership.**

   c. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Provide the same information for administrative bodies that require special admission to practice. **Iowa Supreme Court 1974; Hawaii Supreme Court 1979; US District Court, District of Hawaii 1979; US Supreme Court 1995; 9th Circuit Court of Appeals 1983. No lapses in membership.**

3. Memberships:

   a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Question 12 on the Committee's initial questionnaire, to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, or conferences. **National trust for Historic Preservation 1989-1992 (approx); Employer Support to Guard and Reserves (1990s served as an Ombudsman).**

   b. Indicate whether any of these organizations of which you are a member currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe what efforts, if any, you

made to try to change the organization's discriminatory policies or practices. **The organizations do not discriminate.**

4. **Published Writings and Public Statements**:

   a. If you have published any written materials (letters to the editor, articles, reports, memoranda, policy statements, friend of the court briefs, testimony or other official statements or communications) relating in whole or in part to matters of public policy or legal interpretation related to veterans issues, please supply those materials to the Committee. **NONE**

   b. Supply transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions that related in whole or in part to veterans issues. If you do not have a copy of the speech or a transcript or recording of your remarks, provide the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke. **N/A**

   (Note: As to any materials requested in this question, please omit any confidential materials or materials protected by the attorney-client privilege.)

5. **Legal Career:** Answer each part separately.

   a. Describe chronologically your law practice and legal experience after graduation from law school including:

      i. whether you served as clerk to a judge and, if so, the name of the judge, the court, and the dates of the period you were a clerk; **I have not served as a clerk to a judge.**

      ii. whether you practiced alone and, if so, the addresses and dates; **I have not practiced alone.**

      iii. the dates, names, and addresses of law firms or offices, companies, or governmental agencies with which you have been affiliated, and the nature of your affiliation with each; **See Attached**

      iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the ten most significant matters with which you were involved in that capacity. **I served as a arbitrator under the Hawaii Lemon Law for approximately two years (1998-1999) and had three arbitrations during this period. To the best of my recollection these arbitrations concerned the "run of the mill " defects in automobiles.**

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years; **My entire legal career has been with the government, both state and federal, serving in a general counsel capacity.**

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized; **My typical clients, as a government lawyer, included department heads such as the Hawaii State Department of Health, Department of Agriculture, and Commanders and Staff.**

iii. any law practice or legal experience that involved veterans' law. **Generally the practice of law in the government sector did not deal with Veterans' law with the exception of occasional interpretation of the Uniform Service Employment and Reemployment Rights Act. As an Ombudsman with the Employer Support to Guard and Reserve, I was occasionally called upon to interpret the Uniform Services Employment and Reemployment Rights Act.**

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates. **As an attorney for the State of Hawaii, I handled civil commitment cases on a rotating basis. This litigation was about 1% of my workload. As an attorney with the US Army, I did not directly handle any litigation as the Department of Justice was responsible for representing the government in matters of litigation. When required, I provided support in the form of assistance with discovery requests and review of documents such as Memorada in support of motions and statements of facts. This constituted no more than 5% of my workload. I also represented management before administrative agencies such as the Merit Systems Protection Board and the Equal Employment Opportunity Commission. For a three year period from approximately 1987-1990 as the Command Labor Counselor, I spent some 50-60 percent of my time preparing for litigation. However, the majority of cases were settled prior to hearing. In my position as Labor Counselor, there were about 10-12 cases before theMSPB that went to hearing before an Administrative Law Judge with a judgment being rendered. These cases involved suspensions of over 14 days or removals.**

i. Indicate the percentage of your practice in:
   1. federal courts: **less than 1%**
   2. state courts of record: **less than 1%**
   3. other courts: **less than 1%**

4. administrative agencies. **approximately 10%**

ii. Indicate the percentage of your practice in:
1. civil proceedings; **less than 1%**
2. criminal proceedings. **None**

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel. **10-12 cases before the MSPB. I was sole counsel. These cases were heard before a single Administrative Judge**

e. Describe your practice, if any, before the Supreme Court of the United States. Supply any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice. **None**

6. Litigation: Describe the ten most significant litigated matters that you personally handled, whether or not you were the attorney of record. Provide the citations, if the cases were reported, and the docket number and date if unreported. Provide a summary of the substance of each case. Identify the party or parties whom you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;
b. the name of the court and the name of the judge or judges before whom the case was litigated; and
c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

My litigation experience is limited as I served in positions requiring me to provide advice and counsel to my clients. However, I was personally involved in the case described below.

As a Deputy Attorney General for the State of Hawaii, I was one of several attorneys representing the Board of Agriculture, State of Hawaii in Safeway Stores, Inc. v. Board of Agriculture of the State of Hawaii, 590 F.Supp 778 (1984) (District of Hawaii). This case involved the Hawaii Board of Agriculture's intent to deny Safeway Stores a license under the Hawaii Milk Control Act to bring milk into its Hawaii stores which was produced on the Mainland. The Court denied the State's Motion to Dismiss and held that, as applied to deny Safeway Stores a permit, the Milk Control Act violated the commerce clause. Counsel were:

For the Defendant State of Hawaii

John Peter Uehara	**Gerald Y.Y. Chang**
KJL Associates	**500 University Avenue Suite 1436**

45 North King Street
Honolulu, HI 96817
808-524-0680

Honolulu, HI 96826

For Defendant Gertrude K. Toledo, Special Administratrix of the Estate of Robert Toledo

Walter G. Chuck
PO Box 61249
Honolulu, HI 96839

Steven K.S. Chung
Steven Chong & Associates
Davies Pacific Center
841 Bishops Street Suite 410
Honolulu, HI 96813
808-539-0699

For Defendants 50th State Dairy Farmers' Co-op, George Freitas Dairy, Inc. Clifford Freitas, Maunawili Dairy, Ltd., Antonio Salcedo, Steven Albrich and Janice Olbrich, co-partners doing business under the trade name and style of Huanui Dairy, Louis G. Costa, dba Louis Costa Dairy, Bruce Costa, dba Five Star Dairy, Wayne Salcedo, dba 780 Kaimi Farm, Ernest Souza, dba Lucky S. Dairy, Wayne Costa, dba Wayne's Dairy, Oahu Dairy Co-op, Ferreira Dairy, Inc., John S. Toledo, dba Keoua Dairy, Carl Meier, dba Carl Meier Dairy, Mountain View Dairy Inc., David Wong, Jr., Richard Brazil, Fresh Milk Industry of Hawaii and James H. Koshi

Paul Devens
Suite 1600 Central Pacific Plaza
220 South King Street
Honolulu, HI 96813
808-521-1456

Ann Kurihara
Calsmith Ball LL.P
1001 Bishop Street Suite 2200
Honolulu, HI 96813
88-523-0842

For Plaintiff Safeway Stores

Wendell H. Marumoto
1400 Hawaii Building
745 Fort Street
Honolulu, HI 96813
808-235-1954

Cooper, Kirkham & McKinney, P.C.
Josef D. Cooper
Kirk McKinney
Martin J. O'Leary
357 Tehama St, Second Floor
San Francisco, CA 94103
415-788-3030

7. <u>Judicial Opinions/Offices:</u>

a. If you are or have ever been a judge, attach a statement providing (1) citations for the ten most significant opinions you have written, (2) a short summary of and citations for all appellate opinions either reversing your decision or confirming it with significant criticism of your substantive or procedural rulings, and (3) citations for significant opinions on federal or state constitutional issues, together with citations for any appellate court rulings on your decisions in those cases. (If any of the opinions were not officially reported, please provide a copy of the opinions.) **As Chief Judge (Individual Mobilization Augmentee, US Army Reserves) for the US Army Court of Criminal Appeals. I did not have the occasion to hear cases.**

b. State (chronologically) any judicial office you have held and whether you were elected or appointed. Please provide a description of the jurisdiction of each such court. **As a Brigadier General in the US Army Reserves, I held the position of Chief Judge (Individual Mobilization Augmentee) for the US Army Court of Criminal Appeals from July 2000-2004. This Court had jurisdiction over court martial cases where the sentence was death, a bad-conduct discharge, a dishonorable discharge, dismissal of an officer, or confinement for one year or more. As a Reservist Augmentee Judge, my duties were primarily concerned with the general mission needs of the Judge Advocate General's Corps as a whole.**

8. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities.

As a Deputy Attorney General for the State of Hawaii, I was one of several attorneys representing the State of Hawaii in Safeway Stores, Inc. v. Board of Agriculture of the State of Hawaii, 590 F. Supp 778 (1984). This case involved the Hawaii Board of Agriculture's intent to deny Safeway Stores a license under the Hawaii Milk Control Act to bring milk into its Hawaii stores which was produced on the Mainland. The Court denied the State's Motion to Dismiss and held that, as applied deny Safeway Stores, the Milk Control Act violated the commerce clause.

As a staff attorney for the US Army in Hawaii, I have been involved in issues involving the National Environmental Policy Act (NEPA). While the Department of Justice provides representation of the US Army in litigation, I was one of many attorneys who provided advice on and reviewed the environmental impact statements and environmental assessments that were the subject of litigation. The US Army in Hawaii has produced environmental impact statements and environmental assessments for building and operating training ranges in Hawaii, specifically Makua Military Reservation and Pohakuloa Training Area (PTA). After completion of these documents, the Army was sued by the Sierra Legal Defense alleging that the documentation was inadequate. The litigation on Makua Military Range has been ongoing since the early 1990s. The PTA Multi Purpose

Range Complex litigation was settled in 1990. My involvement consisted of working with staff on their drafting of the environmental documentation, reviewing the documentation in draft and final form, briefing the leadership on the status of the environmental process, and during litigation, providing updates to the Commanding General and staff on the status of the litigation.

Recently (August/September 2011) the Combat Aviation Brigade of the 25th ID desired to conduct High Altitude Mountainous Environment Training on the slopes of Mauna Loa and Mauna Kea on the Big Island of Hawaii in preparation for their deployment to Afghanistan. This involved obtaining a permit from the State of Hawaii Department of Land and Natural Resources. In order to obtain this permit, the Army was required to conduct environmental assessments of this training. This training was adamantly opposed by a number of environmental and activist groups. As the Special Assistant to the Staff Judge Advocate, I monitored and oversaw all aspects of this process, coordinated the process with the State of Hawaii Attorney General's Office, the Office of Environmental Quality Control, and the Department of Land and Natural Resources. In coordination with the Army stakeholders, I reviewed the environmental documentation and permit application and developed a blue print of the process. In the end, the Department of Land and Natural Resources granted the permit, no appeals were lodged and the training was competed.

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

9. **Lobbying Activities:** List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). **NONE**

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

10. **Teaching**: What, if any, courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee. **NONE**

11. **Outside Commitments During Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain. **NO**

12. **Principal Office of the U.S. Court of Appeals:** By statute, the principal office of the U.S. Court of Appeals for Veterans Claims is in the Washington, D.C., metropolitan area. If confirmed, would you maintain your permanent residence within commuting distance of the Court while in active service? **Yes, however, I do plan on traveling back and forth to Hawaii to the extent that I can. My spouse will continue to work in Hawaii and we have no plans to sell our Hawaii home.**

13. **Charitable or Volunteer Work:** Please describe any charitable or volunteer work, including pro bono work, you have performed, particularly any work involving military personnel, veterans, or their families. **In the mid 1990 (approximately 1994-1999) I was an Ombudsman with the Employer Support to Guard and Reserves (ESGR) and was asked to provide guidance on issues related to employment and return rights for Veterans.**

Legal Career Attachment

the dates, names, and addresses of law firms or offices, companies, or governmental agencies with which you have been affiliated, and the nature of your affiliation with each

Military/Practice Service as Judge Advocate

--August 1974-October 1974 Captain Judge Advocate . Basic Course Charlottesville, VA Student

--October 1974-January 1976 Captain Judge Advocate. Korea (EUSA/USFK/UNC) Administrative Law

--January 1976 - November 1980 Captain Judge Advocate. US Army Fort Shafter, Hawaii Civil Law

--November 1980 - June 2000 US Army Reserve includes numerous assignments in the 9th Corps (Aug), Office of the Staff Judge Advocate and its subordinate units, Fort DeRussy, Hawaii. I rose in the rank from Major, Lieutenant Colonel, Colonel with various legal duty assignments culminating in assignments as Staff Judge Advocate.

--February 1996 to July 1996 activated for six months to assume the duties of Staff Judge Advocate, US Army Pacific, Fort Shafter, HI

--2000-2004 Chief Judge (IMA) US Army Court of Criminal Appeals, Washington, DC

--2004- 2006 Individual Ready Reserves

Civilian Practice

--Association of Individuals with Disabilities, Honolulu, Hawaii Attorney (November 1980- August 1981) Advocating for individuals who had disabilities.

--Department of the Attorney General, State of Hawaii, Honolulu, Hawaii, Deputy Attorney General (September 1981-September 1986) Served as legal counsel to Department of Health, Department of Agriculture, Antitrust Division

--US Army Support Command, Fort Shafter, Hawaii September 1986-December 1991. Attorney. Handled all personnel and labor cases, provided advice and guidance to command on various aspects of operating an installation (environmental law, fiscal law, administrative law)

--US Army Pacific, Fort Shafter, Hawaii December 1991to Present. Attorney. Serve as Special Assistant and Senior Civilian Counsel; supervise Civil and Administrative Law Divisions, provide advice to the Commanding General

[A letter from the Judicial Conference of the United States follows:]

JUDICIAL CONFERENCE OF THE UNITED STATES

COMMITTEE ON FINANCIAL DISCLOSURE

George D. Reynolds, Staff Counsel
One Columbus Circle, N.E.
Washington, DC 20544

Telephone: (202) 502-1850
Facsimile: (202) 502-1899

March 27, 2012

Mr. Matthew T. Lawrence
Clerk
Senate Committee on Veterans Affairs
412 Russell Senate Building
Washington, D.C. 20510

Dear Mr. Lawrence:

The nomination financial disclosure reports of Margaret M. Bartley and Coral W. Pietsch have been reviewed by the Judicial Conference of the United States Committee on Financial Disclosure and found, based on information contained in each report, to have been submitted in accordance with applicable laws and regulations as required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111).

Sincerely,

George D. Reynolds
Staff Counsel

Enclosures

Chairman MURRAY. Thank you, General Pietsch.
Ms. Bartley.

STATEMENT OF MARGARET BARTLEY, NOMINEE TO BE JUDGE, UNITED STATE COURT OF APPEALS FOR VETERANS CLAIMS

Ms. BARTLEY. Thank you, Chairman Murray, Ranking Member Burr, and distinguished Members of the Committee. I am honored to have been nominated by the President to be a judge on the U.S. Court of Appeals for Veterans Claims, and I am thankful for the opportunity to appear before you as you consider me for that position.

With me today is my husband Charlie, who served as a Marine Corps Reservist, and my daughters Eve and Muriel. I am indebted to them for their support, patience, and love. I also want to thank my large extended family for their support and enthusiasm about my nomination.

I especially thank those who have taken time to mentor me over the years, in particular, Ron Abrams and Bart Stichman of National Veterans Legal Services Program, and retired Judge Jonathan Steinberg.

Also, I want to thank all of my co-workers and friends who are here today to support me. And I thank you, Chairman Murray, for your kind introduction.

While my father, godfather, and many other family members served in the Armed Forces, I never considered veterans benefits law as a career until my third year of law school. During that year, I participated in a public interest clinical program that focused on providing representation to veterans who were appealing their denial of benefits.

At the time—this was 1991 and 1992—it was the only veterans benefits law school clinic in the country. I handled two appeals, one before the Board of Veterans Appeals and one before the newly formed Court of Veterans' Appeals. Both of the veterans I represented obtained relief. They were rewarded for pursuing their appeals and, likewise, I found the experience greatly rewarding.

It was a privilege to use my skills to help these honorable men who had contributed several years of their lives to protecting our Nation.

My experiences in the clinic determined my career path. Since that time, I have worked to help veterans obtain entitlement to benefits and have endeavored to fulfill the final wish of so many veterans, which is to ensure that their surviving spouse receives death benefits.

Much of my focus has been on helping service officers, the lay representatives who work for veterans service organizations and State departments of veterans' affairs, handle claims and appeals.

I develop advocacy strategies based on Veterans Court decisions and provide advice to service officers working in VA regional offices. In addition, as the Director of Outreach and Education for the Veterans' Consortium Pro Bono Program, I train and advise lawyers who provide free representation to veterans and survivors at the Court.

The Program helps to reduce the Court's pro se rate while giving individual veterans the tremendous benefit of free skilled legal assistance.

During my 18½ years working in veterans law, it has been an honor to exchange ideas with and work with veterans, veterans' service organizations, veterans' service officers, lawyers who represent veterans, and VA and other government employees.

I understand the great significance of the role of a judge on the Court of Appeals for Veterans Claims. It is significant to individual veterans who lodge appeals with the Court expecting to receive a just decision, and to thousands of servicemembers and veterans and their families, who may eventually be impacted by a precedent decision of the Court.

Similarly, the Court's work is of significance to all in the U.S. who support the veterans' benefits system with their tax dollars. I hope and believe that my professional experience and my personal commitment to and understanding of veterans law will prepare me to meet the challenges and responsibilities inherent in the role of Veterans Court judge.

In my career thus far, I have been a vigorous advocate for veterans on a variety of issues. If confirmed, I would apply the same vigor that I have used as an advocate to providing fair-minded and

impartial review of Board of Veterans' Appeals decisions concerning entitlement to VA benefits.

I thank the Committee for the consideration it is giving to my nomination. If confirmed, I would do my utmost to work with other judges and with Court staff to provide prompt and judicious review of board decisions.

Chairman Murray, I would be pleased to respond to any questions that you or Members of the Committee may have.

[The prepared statement of Ms. Bartley follows:]

PREPARED STATEMENT OF MARGARET BARTLEY, NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Thank you Chairman Murray, Ranking Member Burr, and distinguished Members of the Committee. I am honored to have been nominated by the President to be a judge on the U.S. Court of Appeals for Veterans Claims and I'm thankful for the opportunity to appear before you as you consider me for that position.

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While my father, godfather and many other family members served in the Armed Forces, I never considered veterans benefits law as a career until my third year of law school. During that year I participated in a public interest clinical program that focused on providing representation to veterans who were appealing their denial of benefits. At the time, this was 1991–1992, it was the only veterans benefits law school clinic in the country. I handled two appeals while in law school, one before the Board of Veterans' Appeals and one before the newly formed Court of Veterans Appeals. Both of the veterans I represented obtained relief on appeal. They were rewarded for pursuing their appeals and, likewise, I found the experience greatly rewarding. It was a privilege to use my skills to help these honorable men who had contributed several years of their lives to protecting our Nation.

My experiences in the clinic determined my career path. Since that time, I have worked to help veterans obtain entitlement to benefits and have endeavored to fulfill the final wish of so many veterans, which is to ensure that their surviving spouse receives death benefits. Much of my focus has been on helping service officers, the lay representatives who work for veterans service organizations and state departments of veterans affairs, handle claims and appeals. I develop advocacy strategies based on Veterans Court decisions and provide advice to service officers working in VA regional offices.

In addition, as the Director of Outreach & Education for the Veterans Consortium Pro Bono Program, I train and advise lawyers who provide free representation to veterans and survivors at the Court. The Program helps to reduce the Court's pro se rate while giving individual veterans the tremendous benefit of free skilled legal assistance.

During my 18½ years working in veterans law, it has been an honor to exchange ideas with and work with veterans, veterans service organizations, veterans service officers, lawyers who represent veterans, and VA and other government employees.

I understand the great significance of the role of a judge on the Court of Appeals for Veterans Claims. It is significant to individual veterans who lodge appeals with the Court expecting to receive a just decision, and to thousands of servicemembers and veterans and their families, who may eventually be impacted by a precedent decision of the Court. Similarly, the Court's work is of significance to all in the U.S. who support the veterans benefits system with their tax dollars. I hope and believe that my professional experience and my personal commitment to and understanding of veterans law will prepare me to meet the challenges and responsibilities inherent in the role of Veterans Court judge.

In my career thus far, I have been a vigorous advocate for veterans on a variety of issues. If confirmed, I would apply the same vigor that I have used as an advocate to providing fair-minded and impartial review of Board of Veterans'Appeals decisions concerning entitlement to VA benefits.

I thank the Committee for the consideration it is giving to my nomination. If confirmed, I would do my utmost to work with other judges and with Court staff to provide prompt and judicious review of Board decisions.

Chairman Murray, I would be pleased to respond to any questions that you or Members of the Committee may have.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. MARK BEGICH TO MARGARET BARTLEY, NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

1. As you know Alaska is a very remote rural state, when I first was elected to the Senate, Alaskans called me about the hearing process for Social Security and the problem with the Hearing Officer only available in Anchorage. We have been trying to get these hearings on video teleconferencing.
   As far as I know I have not seen much movement to try to do videoconference hearings for the Veterans Appeals Court. Will you comment on your opinion of videoconferencing and would you be amendable to using it?

I had the opportunity to visit the Anchorage VA Regional Office and VA Medical Center in 2000 and at that time, as now, ease of access to proceedings and services was of concern. The Court's scope of review statute, 38 U.S.C. § 7261(b), states that the Court is to make decisions based on review of the record that was before the Board of Veterans' Appeals. Therefore, the Court, unlike the VA, does not hold any hearings for the veteran to present testimony and evidence. Although it does not hold hearings, the Veterans Court orders oral argument in some cases (less than 1%), and these oral arguments require the presence of the attorney or non-attorney practitioner to make arguments on behalf of the veteran/appellant. In order to increase efficiency, promote ease of practice before the Court, and reduce the total cost of appeal, I would, if confirmed, be amenable to using videoconference technology for oral arguments.

2. Your service is to be commended. As you may know, the majority of constituent mail for most of the Senate offices is from veterans; claims backlog, I hear that the process is so slow that veterans get letters referring to it as "years" before they can get an ruling. I am concerned about the Courts ability to produce timely and accurate decisions with many more veterans entering system. My question is how do you see the court improving the time it takes for the appeal process?

Veterans certainly have a right to expect prompt and accurate decisions from the Veterans Court. There is likely no single silver bullet that will improve the time it takes for resolution of appeals at the Court. Instead, many small steps in combination might improve the timeliness of the Court's review process. As a first step, I am hopeful that the addition of new judges to the Court might lessen the time that veterans spend pursuing their Veterans Court appeals. Other potential steps that might hasten the CAVC appeal process might include providing a faster mediation track earlier in the process, and possibly speeding or eliminating certain steps in the mediation process and/or in the overall CAVC review process. In order to achieve better and faster results, if confirmed I would work with others to ensure that these and other steps be considered.

3. I would like to know more about how you would use the mediation process for expediating claims, as mentioned in your testimony. How do you see this working and at what part of the claims appeal?

Rule 33 of the Veterans Court's Rules of Practice and Procedure currently provides for mediation of veterans' appeals. I believe that all CAVC appeals are subject to the mediation process and at least one-half of CAVC appeals are resolved via mediation. Mediation normally occurs after the record is agreed on, prior to briefing, and before the appeal is assigned to a judge. It allows easily-resolved appeals to leave the Court fairly quickly via a joint motion to remand or settlement agreement, without draining judicial time and resources. This process has helped hasten resolution of many appeals and is generally well regarded. However, it is certainly possible to improve the current process. If confirmed, I would work with other Judges, Court staff, appellant's counsel, Secretary's counsel, and members of the Court's bar to try to improve the mediation structure, with the goal of allowing more appeals to reach earlier resolution. As noted in my response to an earlier question, it is possible that beginning mediation earlier and speeding or eliminating certain steps in the mediation process might reduce the appeal time at the Court.

4. How do you prioritize the claims to hear? Do you sort by the time they have been in the system; do you see any solutions to hearing by time waiting?

The Court's Internal Operating Procedures, at http://www.uscourts.cavc.gov/court_procedures/IOPScreeningProcess.cfm, provide information concerning how an appeal proceeds from the time of filing at the Court through assignment to an individual judge. If the parties do not reach a joint resolution using the Court's mediation process, the case is normally assigned by the Public Office on a rotational basis to an individual judge for screening and decision making. Once the appeal is assigned to a judge, he or she has discretion in deciding how to prioritize the appeals that are in chambers. Prioritizing based on Court docket number (the time that the appeal has been waiting at the Court) appears fair and I believe that many judges currently use this approach. Other factors that may be relevant include, among other things, the overall difficulty of the issues in the case and the length of time since the initial filing of the claim with the VA. Some appeals must of course be expedited due to serious health conditions, advanced age, or other extraordinary circumstances. If confirmed, I would explore the best way to efficiently handle the appeals within my chambers so that veterans receive timely and accurate decisions. I also believe it is important to seek guidance from experienced judges concerning strategies and procedures they use to prioritize cases, and that have been beneficial to sustaining prompt decision making.

[The Committee questionnaire for Presidential nominees follows:]

QUESTIONNAIRE FOR PRESIDENTIAL NOMINEES

PART I: ALL OF THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

1. **Name** (Including any former names used).

Margaret Bartley, Meg Bartley, Margaret Ciszek, Meg Ciszek

2. **Address** (List current residence, office and mailing addresses).

Current Residence & Mailing Address:
1818 Arnoldstown Road
Jefferson, MD 21755

Current Office Address:
National Veterans Legal Services Program
1600 K Street, NW, Suite 500
Washington, DC 20006

3. **Position to which nominated.**

Judge, U.S. Court of Appeals for Veterans Claims

4. **Date of nomination.** June 22, 2011

5. **Date of birth** (Month, day, year). December 21, 1959

6. **Place of birth** (City, state, country). Pittsburgh, Pennsylvania, U.S.A.

7. **Marital status.** Married

8. **Full name of spouse** (including maiden name). Charles Joseph Bartley

9. **Names and ages of children** Eve Shafi, age 25
Muriel Bartley, age 14

10. **Education** (List all post-secondary institutions of higher learning, dates attended, degree(s) received, and date degree(s) granted).

Pennsylvania State University 9/1977 to 5/1981 B.A. Political Science 5/1981
University of Maryland, University College 1/1988 to 12/1988 Paralegal Studies (no degree recv'd)
Washington College of Law (American University) 8/1989 to 5/1993 J.D. 5/1993

11. **Honors and Awards** (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition for outstanding service or achievement).

Military Order of the Purple Heart Honorary Service Award	2007
Leonard and Miriam Melrod Scholarship, Washington College of Law	1992-93
Penn State Alumni Christian Scholarship	1980-81

12. **Memberships** (List all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable, and other organizations for the last ten years. Include the dates of any such memberships or offices).

U.S. Court of Appeals for Veterans Claims Bar Association	Member 2003 - present
U.S. Court of Appeals for Veterans Claims 11th Judicial Conference	Program Committee Member 2010
Task Force for Veterans Preference	Member/Representative from NVLSP 2003-2005
Citizens for the Preservation of Middletown Valley	Member 2009 – present
United Democrats of Frederick County	Member 2008-present

13. **Employment record** (List all employment (except military service) since your twenty-first birthday, including the title, description of job, name of employer, location of work, and inclusive dates of employment).

Employer: National Veterans Legal Services Program
Dates of Employment: 1994-present

Title: Senior Staff Attorney (2003-present)
Staff Attorney (1994-2003)
Location: 1600 K Street, N.W.
Suite 500
Washington, DC 20006
Description of job: Plan and conduct training seminars to train lay veterans service officers in veterans law and practice and draft training materials that provide substantive legal information and advice. Advise veterans service officers and numerous veterans service organizations regarding entitlement to VA benefits and veterans law. Represent veterans and survivors before the U.S. Court of Appeals for Veterans Claims (CAVC), the U.S. Court of Appeals for the Federal Circuit and the Board of Veterans' Appeals (BVA). Screen BVA decisions for possible appeal to the CAVC.

Title: Director, Outreach & Education, Veterans Consortium Pro Bono Program (2005 - present)
Training Faculty (1996 – present)
Mentor (1998 – present)
Location: 1600 K Street, N.W.
Suite 500
Washington, DC 20006
Description of Job: My work at National Veterans Legal Services Program includes directing the Outreach and Education component of the Veterans Consortium Pro Bono Program. In that capacity, I plan, coordinate and supervise local, regional and national training seminars for volunteer attorneys representing veterans and their family members before the U.S. Court of Appeals for Veterans Claims. I prepare and continually update most of the training materials used by the Pro Bono Program to train lawyer in substantive principles of veterans law and practice. I also mentor

individual volunteer attorneys who participate in the program, giving them advice as to their individual case.

Title: Editor, The Veterans Advocate® (2004-present)
Assistant Editor, The Veterans Advocate® (2000-2003)
Location: 1600 K Street, N.W.
Suite 500
Washington, DC 20006
Description of Job: My work at National Veterans Legal Services Program includes the editorship of The Veterans Advocate®, an NVLSP publication concerning veterans law that is widely distributed to both lawyers and lay veterans service officers. I plan and oversee the content of each issue, determining which current topics in veterans law should be addressed. I edit the copy of other attorney writers and also draft many articles for inclusion in each issue. I planned and supervised the move to online publication and distribution.

Employer: U.S. Court of Veterans Appeals (now the U.S. Court of Appeals for Veterans Claims)
Dates of Employment: 8/1993-9/1994
Title: Judicial law Clerk, The Honorable Jonathan R. Steinberg
Location: 625 Indiana Avenue, N.W.
9th Floor
Washington, D.C. 20004
Description of job: Drafted and edited panel opinions, memorandum decisions, and orders pertaining to appeals of VA benefits decisions. Performed legal research and provided Judge with recommendations in a variety of cases involving entitlement to VA benefits and attorneys' fees and expenses.

Employer: Washington College of Law, American University
Dates of Employment: 5/1991-5/1993
Title: Dean's Fellow, Professor Nancy Polikoff
Location: Washington College of Law, American University
4801 Massachusetts Ave., N.W.
Washington, D.C. 20016
Description of job: Served as professor's main research assistant, working on projects related to family law classes, special seminars and law review articles.

Employer: Kelly Temporary Services
Dates of Employment: 1988-1989 (est.)
Title: Temporary administrative assistant and secretary.
Location: 1667 K Street, N.W.
Suite 105
Washington D.C. 20006
(the above is the current address of the business)
Description of job: Performed a variety of administrative tasks for various law firms, colleges, and organizations in the D.C. area.

Employer:	Committee in Solidarity with the People of El Salvador (CISPES)
Dates of Employment:	late 1987-1988 (est.)
Title:	Data Entry for Fundraising Department
Location:	1525 Newton Street, N.W. Washington, D.C. 20010 (the above is the current address of the organization)
Description of job:	Responsible for entering and keeping track of data related to fundraising and marketing, including direct mail campaigns.

Employer:	Stanley Kaplan, O.D. (Optometrist)
Dates of Employment:	1985-early 1986 (est.)
Title:	Receptionist, Administrative Assistant
Location:	5415 Connecticut Ave., N.W. Washington, D.C. 20015
Description of job:	Performed a variety of duties, including assisting with exams, greeting customers, filing, typing, answering phones, assisting with billing and other support duties.

Employer:	Homespun, Inc.
Dates of Employment:	1984
Title:	Kitchen Manager/Cook
Location:	No longer in business—formerly at 18th & California Streets, N.W., Washington, DC
Description of job:	Kitchen manager and cook for small gourmet kitchen.

Employer:	Debonair Cleaners
Dates of Employment:	late 1981, late 1983 (est.)
Title:	Morning Manager/Counter Clerk
Location:	2612 Connecticut Avenue, N.W. Washington, DC 20008
Description of job:	Opened shop, greeted customers, took orders, performed various management tasks and operations.

Employer:	CIMA (Corporate Insurance Management) (now The CIMA Companies)
Dates of Employment:	1982-1983 (est.)
Title:	Assistant to Account Executive (est. mid-1982-1983), Receptionist (est. early 1982)
Location:	2750 Killarney Drive #202 Woodbridge, VA 22192 (above is the current address of the company—I worked at 4200 Wisconsin Avenue, N.W., Washington, D.C.,-- this office closed)
Description of job:	Assisted Account Executive with a large corporate health care policy and various claims issues. As receptionist, greeted clients, answered phones, and performed other administrative tasks.

14. **Military service** (List all military service (including reserve components and National Guard or Air National Guard) with inclusive dates of service, rank, titles, permanent duty stations and units of assignment, descriptions of assignments, any military medals, and type of discharge).

None

15. **Government service record** (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments other than those listed under Employment record, above).

None (see 13 above)

16. **Published writings and public statements (in last 10 years)**

(a) List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials appearing only on the Internet. (Copies of any such materials may be requested by the Committee.)

I've served as editor of The Veterans Advocate® since 2004 and Assistant Editor from 2000 to 2004. Therefore, I have edited most of the articles that have appeared in that journal since 2004 and many that have appeared since 2000. Below is a list of articles or books that I authored or co-authored during the last 10 years. I did not include articles that I merely edited. I would be happy to provide copies of each issue of the publication for the last 10 years, if necessary, but have not done so here due to space considerations.

Books:

Veterans Benefits Manual: An Advocate's Guide to Representing Veterans and their Dependents, LexisNexis Matthew Bender & Co., 2011 edition (co-editor with Barton F. Stichman, Ronald B. Abrams and Louis George).

Veterans Benefits Manual: An Advocate's Guide to Representing Veterans and their Dependents, LexisNexis Matthew Bender & Co. (eds. Barton F. Stichman and Ronald B. Abrams) 1999 - 2010 editions (co-author with NVLSP attorneys).

The American Veterans and Servicemembers Survival Guide: How to Cut through the Bureaucracy and Get What You Need—and are Entitled To, Veterans for America, online publication *available at* http://www.nvlsp.org/images/Survival%20Guide-102309.pdf (chapters 3, 4, 5, 6 and 9 with co-authors Charlene Stoker Jones and Ronald B. Abrams).

Articles:

Credibility Issues: When VA Doesn't Believe the Veteran, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 21, No. 7-12, July-Dec. 2010, p. 1 (co-author Jonathan Gaffney).

Cushman v. Shinseki: Due Process for Veterans, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 21, No. 1-6, Jan.-June 2010, p. 10 (co-author Andrew Harding).

Common VA Errors—Don't Let Them Happen to You, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 20, No. 7-12, July-Dec. 2009, p. 10.

VA Revises TBI Rating Criteria, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 20, No. 1-6, Jan.-June 2009, p. 1 (co-author Ronald B. Abrams).

Inadequate VA Exams: How to Identify Them and what to do about Them, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 20, No. 1-6, Jan.-June 2009, p. 16.

Get an Earlier Date of Benefits under a Little-Used Rule, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 19, No. 7-12, July-Dec. 2008, p. 8.

Applying a New Law to a Pending Claim, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 19, No. 1-6, Jan.-June 2008, p. 15.

Avoiding Common VA Errors in Record Development, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 18, No. 10-12, Oct.-Dec. 2007, p. 73.

Evaluation of Diabetes Mellitus: Camacho v. Nicholson, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 18, No. 10-12, Oct.-Dec. 2007, p. 86.

Continuity of Symptoms: Key to an Award of Service Connection, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 18, No. 7-9, July-Sept. 2007, p. 45.

Surviving Spouse Rules: Advocacy, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 18, No. 7-9, July-Sept. 2007, p. 56.

Sixty-Five or Older Rule and Special Monthly Pension Entitlement, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 17, No. 10-12, Oct.-Dec. 2006, p. 77.

PTSD from Physical Assault: Bradford v. Nicholson, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 17, No. 10-12, Oct.-Dec. 2006, p. 87.

Less Traditional Paths to an Increased Rating, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 17, No. 1-6, Jan.-June 2006, p. 1.

Exposing Errors in VA's Use of Medical Evidence, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 17, No. 1-6, Jan.-June 2006, p. 21.

VA Benefits for Low-Income Veterans, Clearinghouse Review, Sept-Oct 2006 (co-authors Ronald B. Abrams and Bill Rapp).

The Impact of Andrews v. Nicholson, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 16, No. 7-9, July-Sept. 2005, p. 33 (co-author Ronald B. Abrams).

Evaluation of Joint Disabilities: Separate Evaluations for Limited Flexion and Extension of Knees, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 15, No. 10-12, & Vol. 16, No. 1-3, Oct. 2004 – Mar. 2005, p. 96.

A Closer Look: The Evaluation of Arthritis, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 15, No. 10-12, & Vol. 16, No. 1-3, Oct. 2004 – Mar. 2005, p. 110.

Rebutting the Presumption of Sound Condition: Two Burdens on VA, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 15, No. 4-6, Apr.-June 2004, p. 29 (co-author Ronald B. Abrams).

Mariano v. Principi: VA's Interpretation of Diagnostic Code Invalid, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 14, No. 10-12, Oct.-Dec. 2003 (co-author Ronald B. Abrams).

Rating Cardiovascular Disabilities, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 14, No. 1-3, Jan.-Mar. 2003, p. 12.

Bonny v. Principi: Survivor Receives Full Amount of Benefits to which Veteran was Entitled at Death, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 13, No. 10-12, Oct.-Dec. 2002, p. 91.

Sanchez-Benitez: 'Pain Alone' Question Avoided, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 13, No. 7-9, July-Sept. 2002, p. 69.

Gordon v. Principi: VA Debtor Has a Change in Financial Circumstances, The Veterans Advocate: A Veterans Law and Advocacy Journal, Vol. 13, No. 4-6, Apr.-June 2002, p. 47.

VA's Obligations toward Claimants: Analysis of the Veterans Claims Assistance Act of 2000, Clearinghouse Review, July-Aug. 2001 (co-authors Barton Stichman and Ronald B. Abrams)

(b) List any reports, memoranda, or policy statements you prepared or contributed in the preparation of on behalf of any association, committee, conference, or organization of which you were or are a member.

Task Force for Veterans Preference contributed to drafting Mission Statement 2003

(c) List any testimony, official statements or other communications relating to matters of public policy that you have issued or provided or that others presented on your behalf to public bodies or officials.

Witness testimony before the House Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, Sept. 30, 2010. The topic was "Examining Training Requirements of Veterans Benefits Administration Claims Processing Personnel."

Witness testimony before the House Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, Sept. 6, 2007. The topic was "Veterans Preference."

(d) List any speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the dates and places where such speeches or talks were given.

In my official capacity as Director of Outreach and Education for the Veterans Consortium Pro Bono Program (VCPBP), I have participated in VCPBP training seminars approximately 4 times per year since 1996. At these training seminars I typically present on the topics of the VA Claims Process (VA Rules of Practice and Procedure), Judicial Review of BVA Decisions, and Practice at the CAVC.

In my official capacity as a staff attorney in NVLSP's training department, I participate in a variety of training classes for veterans service officers, covering a wide range of veterans law issues.

"Basic VA Benefits with an Emphasis on Elderly Veterans and Survivors of Veterans," Estate & Trust Law Section of the Bar Association of Montgomery County, Maryland, Rockville, MD, February 2011.

"Avoiding Negative Credibility Determinations and Challenging them at the Board and the Court," National Organization of Veterans' Advocates, Inc., Fall Conference, Washington, DC, October 2010.

"An Overview of VA Disability Benefits," Maryland Assoc. for Justice, Disability Benefits Seminar, Columbia, MD, June 2010.

"How to Identify Inadequate VA Examinations," National Organization of Veterans' Advocates, Inc., Spring Conference, Chicago, IL, May 2009.

"Common VA Errors in Developing Records and Evidence," National Organization of Veterans' Advocates, Inc., Fall Conference, Crystal City, VA, October 2007.

"BVA Errors in Analyzing What Medical Experts Say," National Organization of Veterans' Advocates, Inc., Spring Conference, Crystal City, VA, April 2006.

"VA Benefits and Disability Law," National Organization of Social Security Claimants' Representatives, Washington, DC, May 2005.

"Overview of VA Benefits," Legal Support Unit/Legal Services for New York City, New York City, November 2004.

"Teleconference on Homeless Veterans Access to Mainstream Programs," National Coalition for Homeless Veterans, Washington, DC, October 2004.

"Veterans Benefits," Congressional Caseworkers training sponsored by Rep. Lane Evans, House Committee on Veterans' Affairs, Washington, DC, Spring 1996 – 2006 (co-presenter).

(e) List all interviews you have given to newspapers, magazines or other publications, and radio or television stations (including the dates of such interviews).

I recall giving a brief telephone interview regarding veterans preference to an online publication dealing with federal employment. I believe that this took place between 2005-2007. I did not retain any notes concerning this interview and so am unable to provide any further information.

17. **Political affiliations and activities**

(a) List all financial contributions to any political party or election committee during the last 10 years.

Andrew Duck for U.S. Congress	(MD, 6th District)	$168	10-2-10
Andrew Duck for U.S. Congress	(MD, 6th District)	$34	9-3-10
Andrew Duck for U.S. Congress	(MD, 6th District)	$96	7-27-10
Andrew Duck for U.S. Congress	(MD, 6th District)	$150	5-23-10
Andrew Duck for U.S. Congress	(MD, 6th District)	$100	3-23-10

(b) List all elective public offices for which you have been a candidate and the month and year of each election involved.

None

(c) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee.

Volunteer	Andrew Duck for U.S. Congress (2008 & 2010 Campaigns)
Member	United Democrats of Frederick County (MD)

18. **Future employment relationships**

(a) State whether you will sever all connections with your present employer, business firm, association, or organization if you are confirmed by the Senate.

Yes

(b) State whether you have any plans after completing Government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization.

No

(c) What commitments, if any, have been made to you for employment after you leave Federal service?

None

(d) (If appointed for a term of specified duration) Do you intend to serve the full term for which you have been appointed?

Yes

(e) (If appointed for an indefinite period) Do you intend to serve until the next Presidential election?

N/A

19. **Potential conflicts of interest**

(a) Describe any financial arrangements, deferred compensation agreements, or other continuing financial, business, or professional dealings which you have with business associates,

clients, or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

(b) List any investments, obligations, liabilities, or other financial relationships which could be affected by policies which you will influence in the position to which you have been nominated.

None

(c) Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

None

(d) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal government need not be listed.

In my capacity as a staff attorney with National Veterans Legal Services Program (NVLSP), on occasion I assisted in advising NVLSP and other veterans service organizations on the impact of various pieces of legislation.

(e) Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements involved in Part II.)

N/A

20. **Testifying before the Congress**

(a) Do you agree to appear and testify before any duly constituted committee of the Congress upon the request of such committee?

Yes

(b) Do you agree to provide such information as is requested by such a committee?

Yes

[Supplemental questionnaire for Presidential nominees follows:]

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

SUPPLEMENTAL QUESTIONNAIRE FOR NOMINEES
TO THE U.S. COURT OF APPEALS FOR VETERANS CLAIMS

PUBLIC

1. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels, or conferences of which you are or have been a member, and provide the titles and dates of any offices which you have held in such groups.

Maryland State Bar Assn.	Member 1995 – 2003
Court of Appeals for Veterans Claims Bar Assn.	Member 2003 - present
CAVC 11th Judicial Conference	Program Cmte. Member 2010

2. **Bar and Court Admission**:

   a. Are you currently a member in good standing of the bar of a Federal court or of the highest court of a state?

   Yes.

   b. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

   Maryland Bar (Court of Appeals of Maryland) 6/1995 to present (no lapse)

   c. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Provide the same information for administrative bodies that require special admission to practice.

Courts:

Maryland Bar (Court of Appeals of Maryland)	6/1995 to present (no lapse)
US Court of Appeals for Veterans Claims	7/1995 to present (no lapse)
US Court of Appeals for the Federal Circuit	2006 to present (no lapse)

Administrative Bodies:

VA Accredited Attorney Representative	2008 to present (no lapse)
VA Accredited Veterans Service Officer (American Legion)	2004 to present (no lapse)
VA Accredited Veterans Service Officer (Military Order of the Purple Heart)	2002 to present (no lapse)
VA Accredited Veterans Service Officer (NVLSP)	1995 to present (no lapse)

Since 2001 I have also practiced before the Merit Systems Protection Board, a body that does not require special admission to practice.

3. **Memberships**:

   a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Question 12 on the Committee's initial questionnaire, to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, or conferences.

   None.

   b. Indicate whether any of these organizations of which you are a member currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe what efforts, if any, you made to try to change the organization's discriminatory policies or practices.

   I do not currently belong to and have never belonged to an organization that discriminates on the basis of race, sex, religion or national origin.

4. **Published Writings and Public Statements**:

   a. If you have published any written materials (letters to the editor, articles, reports, memoranda, policy statements, friend of the court briefs, testimony or other official statements or communications) relating in whole or in part to matters of public policy or legal interpretation related to veterans issues, please supply those materials to the Committee.

   See attached.

   b. Supply transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions that related in whole or in part to veterans issues. If you do not have a copy of the speech or a transcript or recording of your remarks, provide the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

   See attached.

   (Note: As to any materials requested in this question, please omit any confidential materials or materials protected by the attorney-client privilege.)

5. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge and, if so, the name of the judge, the court, and the dates of the period you were a clerk;

Following graduation from law school, from August 1993 to September 1994, I served as a judicial clerk to the Honorable Jonathan R. Steinberg (now retired) of the U.S. Court of Appeals for Veterans Claims. I drafted panel opinions, memorandum decisions, and orders pertaining to appeals of VA benefits decisions. I performed legal research and provided recommendations in a variety of veterans' benefits and attorneys' fees cases.

ii. whether you practiced alone and, if so, the addresses and dates;

I did not practice alone at any time after my graduation from law school.

iii. the dates, names, and addresses of law firms or offices, companies, or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

National Veterans Legal Services Program, Washington, DC Oct. 1994 - present
Senior Staff Attorney 2003 – present
Staff Attorney 1994 – 2003
I provide training and advice to service officers employed by national, state, and county veterans service organizations, including The American Legion and the Military Order of the Purple Heart. I represent veterans and their family members before the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit and also have represented claimants in administrative appellate proceedings before the Board of Veterans' Appeals. I draft appellate briefs, joint motions to remand, and legal memoranda on a variety of legal issues related to entitlement to veterans benefits. I have drafted amicus briefs concerning strategic cases on veterans preference in federal hiring and employment. I occasionally speak on veterans benefits law for organizations such as the National Organization of Veterans' Advocates, Inc.

Veterans Consortium Pro Bono Program
Director, Outreach & Education 2005 – present
Training Faculty 1996 – present
Mentor 1998 – present
My work at National Veterans Legal Services Program includes directing the Outreach and Education component of the Veterans Consortium Pro Bono Program. In that capacity, I plan, coordinate and supervise local, regional and national training seminars for volunteer attorneys representing veterans and their family members before the U.S. Court of Appeals for Veterans Claims. I prepare and continually update most of the training materials used by the Pro Bono Program to train lawyer in substantive principles of veterans law and practice. I created and introduced a Practice Guide as a key component of training and developed a brief bank for the

Program. I mentor volunteer lawyers, giving advice as to their individual cases.

The Veterans Advocate: A Veterans Law and Advocacy Journal

Editor	2004 – present
Assistant Editor	2000 – 2003
Contributing writer	1996 - 1999

My work at National Veterans Legal Services Program includes the editorship of The Veterans Advocate®, an NVLSP publication concerning veterans law that is widely distributed to both lawyers and lay veterans service officers. I plan and oversee the content of each issue, determining which current topics in veterans law should be addressed. I edit the copy of other attorney writers and also draft many articles for inclusion in each issue. I planned and supervised the move to online publication and distribution.

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the ten most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years;

I have practiced veterans benefits law and veterans employment law my entire legal career, with a focus on the following: advising veterans service organizations, lawyers and lay veterans advocates; planning and conducting training seminars for lawyers and lay advocates; and litigating on behalf of individual veterans and their surviving family members.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized;

Typical individual clients are appellants before the US Court of Appeals for Veterans Claims seeking entitlement to VA benefits. Typical organizational clients have been veterans service organizations and other organizations or state entities (such as state departments of veterans affairs) seeking advice and training concerning legal issues affecting veterans' entitlement to VA benefits.

iii. any law practice or legal experience that involved veterans' law.

Please see the above descriptions of my legal experience that involved veterans' law.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I estimate that since 2001 about 20 to 25% of my practice has involved litigation before courts and/or administrative agencies and bodies. I appear in court occasionally.

i. Indicate the percentage of your practice in:
   1. federal courts;
   2. state courts of record;
   3. other courts;
   4. administrative agencies.

I estimate that of the 20 to 25% of my practice that involves litigation, seventy-five percent (75%) has been before federal courts, zero percent (0%) has been before state courts; zero percent (0%) has been before other courts, and twenty-five percent (25%) has been before administrative agencies.

ii. Indicate the percentage of your practice in:
   1. civil proceedings;
   2. criminal proceedings.

One hundred percent (100%) of my litigation practice has involved administrative and civil proceedings. Zero percent (0%) has involved criminal proceedings.

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

US Court of Appeals for Veterans Claims	23 cases chief counsel 1 case assoc. counsel 1 case assoc. counsel for amicus curiae
US Court of Appeals for the Federal Circuit	1 case chief counsel 2 cases assoc. counsel 1 case lead counsel for amicus curiae

e. Describe your practice, if any, before the Supreme Court of the United States. Supply any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the US Supreme Court.

6. **Litigation**: Describe the ten most significant litigated matters that you personally handled, whether or not you were the attorney of record. Provide the citations, if the cases were reported, and the docket number and date if unreported. Provide a summary

of the substance of each case. Identify the party or parties whom you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;
b. the name of the court and the name of the judge or judges before whom the case was litigated; and
c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Chandler v. Shinseki*, 24 Vet. App. 23 (2010) (en banc).

The issue in this case was whether a veteran awarded a VA non-service-connected pension prior to turning age 65 was entitled to special monthly pension due to a combination of age and disability after having turned age 65. In an en banc decision, the Veterans Court ruled in favor of the veteran and ordered an award of special monthly pension under 38 U.S.C.S. § 1521(e). The CAVC determined that its interpretation of 38 U.S.C.S § 1513, which allows veterans age 65 or older to receive a VA pension without regard to the usual permanent and total disability requirement, required this result.

(a) I screened this case for appeal to the Veterans Court, identifying the legal issue, and represented the veteran as lead counsel from 3/2008 until 12/2008, when I became co-counsel. I served as second chair at oral argument.

(b) This case was decided by the U.S. Court of Appeals for Veterans Claims. The following judges decided the case: Chief Judge Kasold, Senior Judge Greene, Judge Hagel, Judge Moorman, Judge Lance, Judge Davis, and Judge Schoelen. (The case was argued before then Chief Judge Greene, Judge Kasold (now Chief Judge), and Judge Davis.)

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Opposing Counsel at CAVC:
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Department of Veterans Affairs
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Washington, DC 20420

2. *Chandler v. Shinseki*, No. 2011-7030 (Fed. Cir., appeal filed Nov. 16, 2010).
The government appealed the CAVC decision in *Chandler* (see #1 above) and it is currently before the U.S. Court of Appeals for the Federal Circuit. The issue in this case is the same as stated above in #1. Briefing at the Federal Circuit was completed on May 26, 2011 and oral argument took place on October 4, 2011. I was second chair at the oral argument.

(a) I serve as co-counsel and worked with other counsel of record on respondent's brief and the preparation for oral argument.
(b) The case is currently pending before the U.S. Court of Appeals for the Federal Circuit; the panel that will hear the case is unknown at this time.
(c) Lead Counsel:
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3. *Rivera v. Shinseki*, No. 2010-7097, 2011 U.S. App. LEXIS 17223 (Fed. Cir. Aug. 19, 2011).
The issue in *Rivera* was whether the U.S. Court of Appeals for Veterans Claims erred in holding that 38 U.S.C. 4005(d)(3) (1980) required claimants to set forth theories of error and arguments or reasons when filing a Substantive Appeal to the Board of Veterans' Appeals. A subsidiary

issue was whether appellant/movant could be substituted for the veteran, who had died prior to issuance of the CAVC decision.

(a) I served as lead counsel from 6/29/2010 until 10/6/2010 and thereafter as co-counsel on behalf of appellant, the veteran's surviving spouse.
(b) The case was heard and decided by Judges Bryson, Dyk and O'Malley.
(c) Lead Counsel from 10/6/2010:
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Note as to cases 4, 5 and 6: I was lead counsel for amicus curiae The American Legion and National Veterans Legal Services Program in three cases involving whether federal veterans preference laws were violated during federal hiring procedures. In two of these cases the veteran/appellant was pro se and therefore amicus involvement, arguing for the application of veterans preference in all federal hiring for competitive positions, was significant.

4. *Dean v. Dept. of Agric.*, 99 M.S.P.R. 533 (2005), *reconsideration denied*, 2006 M.S.P.B. 318, 104 M.S.P.R. 1, 2006 MSPB LEXIS 6153 (2006).

The issue in this case was whether the agency violated veterans preference laws when it used the Outstanding Scholar Program to select a nonpreference eligible who had not taken a competitive examination rather than the qualified veteran. The veteran was successful in arguing, inter alia, that any conflict between the Outstanding Scholar Program and veterans preference laws must be resolved in favor of veterans preference because civil rights provisions say that nothing in civil rights law shall be construed to repeal or modify veterans preference. The Merit Systems Protection Board (MSPB) found that the veteran had proven a violation of his veterans

preference rights and that the *Leuvano* consent decree did not purport to create an exception that supersedes veterans preference rights under the competitive examining hiring process. As amicus curiae on behalf of The American Legion and National Veterans Legal Services Program, I filed a memorandum in opposition to the agency's petition for reconsideration. (This case was consolidated with a like case that challenged similar hiring practices used by the Department of Veterans Affairs.)

(a) I served as lead counsel for amici curiae The American Legion and National Veterans Legal Services Program from 11/2005 to 10/2006.
(b) This case was before the Merit Systems Protection Board. The case was heard by Neil A. G. McPhie, Chairman of the MSPB, Mary M. Rose, Vice Chairman of the MSPB, and Barbara J. Sapin, Member, MSPB.
(c) Appellant was pro se.

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Earl E. Parsons, Esq.
Nancy C. Johnson, Esq.
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5. *Abrahamson v. Dept. of Veterans Affairs*, 94 M.S.P.R. 377 (2003).
The issue in this case was whether the agency violated veterans preference laws and improperly used the Outstanding Scholar program to hire a non-preference eligible over a qualified preference eligible veteran. The Board remanded the case back to the administrative judge for further development of the record.

(a) I served as lead counsel for amici curiae The American Legion and National Veterans Legal Services Program, from 7/2002 until 9/2003, arguing that the agency's use of the Outstanding Scholar Program violated veterans preference.
(b) This case was before the Merit Systems Protection Board. It was heard by Susanne T. Marshall, Chairman and Neil A. G. McPhie, Member.
(c) Appellant was pro se.

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6. *Augustine v. Dept. of Veterans Affairs*, 95 M.S.P.R. 293 (Sept. 22, 2003).
The issue in this case was whether the agency violated veterans preference laws and improperly used the Outstanding Scholar program to hire a non-preference eligible over a qualified preference eligible veteran.

(a) I served as co- counsel for amici curiae The American Legion and National Veterans Legal Services Program from 6/2001 through 9/2003, when the Board in the decision

cited above dismissed the Agency's petition for review, reinstating the initial decision that found that the agency violated petitioner's veterans preference rights.

(b) This case was before the Merit Systems Protection Board. It was heard by Susanne T. Marshall, Chairman and Neil McPhie, Member.

(c) Co-counsel for Amici:

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7. *Vincent v. Nicholson*, Vet. App. No. 04-152, 2006 U.S. App. Vet. Claims LEXIS 114 (Jan. 11, 2006).

This case concerned whether the Board of Veterans' Appeals impermissibly retroactively applied the new version of a VA regulation in denying appellant dependency and indemnity compensation (DIC) benefits when a prior more favorable version was in effect when she filed her claim.

(a) I served as lead counsel, representing the appellant at the CAVC from February 2004 until February 2006. We were successful in obtaining a reversal of the Board decision and a remand of the case in order for the Board to apply the version of the regulation that was in effect when she filed her claim. The government then appealed this favorable decision to the U.S. Court of Appeals for the Federal Circuit.

(b) This case was decided by Judge Hagel.

(c) Co-counsel:
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8. *Vincent v. Nicholson*, No. 2006-7166 (dismissed Fed. Cir. July 18, 2007).

The government appealed the CAVC decision in *Vincent* (see #7 above) to the Federal Circuit. The issue at the Federal Circuit was essentially the same as described above.

(a) I served as lead counsel, representing appellant from September 2006 until July 2007. I filed a brief and argued the case orally before the Federal Circuit. In July 2007 the appeal was dismissed upon Appellant's request because we were successful in obtaining a grant of benefits at the VA regional office under another theory of entitlement.
(b) This case was heard by Judges Rader (now Chief Judge), Friedman, and Newman.
(c) Co-Counsel
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(He is no longer with the Dept. of Justice. This was his address and telephone at the time of this litigation.)

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9. *Crecco v. Nicholson*, 21 Vet. App. 46 (2007) (per curiam order).
The issues addressed by amici included whether a claimant who is represented by a veterans service organization representative should be considered "pro se" or "represented by counsel," and whether the VA complied with its duty to sympathetically read appellant's pleadings.

(a) I served as co-counsel for amici curiae The American Legion, Military Order of the Purple Heart, National Veterans Legal Services Program, and United Spinal Association and Vietnam Veterans of America from November 2006 to March 2007, at which time the CAVC approved the parties joint motion for remand and sent the case back to the Board of Veterans' Appeals for consideration of the veteran's injury to additional muscle groups.
(b) This case was heard by Judges Kasold (now Chief Judge), Hagel and Davis of the CAVC.

(c) Appellant's Counsel:
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10. *DeJohn v. Dept. of the Army*, 298 Fed. Appx. 991; 2008 U.S. App. LEXIS 24853 (Fed. Cir. Nov. 10, 2008).

The issue in *DeJohn* was the impact of the Veterans Employment Opportunity Act of 1998 and the passover protection rules on the federal government's competitive and merit promotion hiring processes. Specifically, whether the 5 U.S.C. § 3318(b) passover protection should apply when an agency, using both an open competitive list and a merit promotion list, chooses from the merit promotion list a lower-ranked non-preference eligible over a higher-ranked preference. A second issue was whether choosing the lower-ranked non-preference eligible under these circumstances violates the 5 U.S.C. § 3304(f)(1) VEOA right to compete clause.

(a) I served as co-counsel for amici curiae The American Legion and National Veterans Legal Services Program in support of petitioner DeJohn in his appeal of the Merit Systems Protection Board denial of his petition for review.

(b) *DeJohn* was decided by Judges Lourie, Rader and Prost of the U.S. Court of Appeals for the Federal Circuit.

(c) Chief Counsel for Petitioner:
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7. **Judicial Opinions/Offices:**

a. If you are or have ever been a judge, attach a statement providing (1) citations for the ten most significant opinions you have written, (2) a short summary of and citations for all appellate opinions either reversing your decision or confirming it with significant criticism of your substantive or procedural rulings, and (3) citations for significant opinions on federal or state constitutional issues, together with citations for any appellate court rulings on your decisions in those cases. (If any of the opinions were not officially reported, please provide a copy of the opinions.)

I am not and have never served as a judge.

b. State (chronologically) any judicial office you have held and whether you were elected or appointed. Please provide a description of the jurisdiction of each such court.

I have not held any judicial office.

8. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities.

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have assisted many veterans through my involvement in the Veterans Consortium Pro Bono Program. My training and mentoring responsibilities for the Program allowed me to leverage my knowledge of veterans law to help veterans and survivors who otherwise may not have been able to obtain counsel and advice.

My role as a trainer and mentor with the Veterans Consortium Pro Bono Program has also allowed me to share my knowledge of veterans law with many lawyers and in some degree shape their view of their pro bono case.

I have trained many lay advocates, such as veterans service officers, who provide representation in the vast majority of cases that come before VA Regional Offices and the Board of Veterans' Appeals. Teaching them about precedent case law and interpretation of statutes and regulations has allowed me to indirectly impact many VA claims in a positive way.

As editor of a publication that many practicing veterans lawyers and veterans service officers rely on for information and advocacy advice, I have been able to draw attention to issues in the VA claims and appeal process that might otherwise have remained unnoticed.

Through my oversight of the David Isbell Summer Internship, a summer internship program for the Veterans Consortium Pro Bono Program, I have been able to mentor a number of law students who have an interest in pursuing a career in veterans law. One former intern is

now the benefits director of a veterans service organization, another practices veterans law, and still another intends to practice veterans law upon graduation.

My position at NVLSP has allowed me to directly represent low income and financially disadvantaged veterans and their survivors or to ensure that they receive representation from another attorney. I have had clients who were homeless or undergoing home foreclosure. Many of these veterans and survivors spent years attempting to show their entitlement to benefits. Given their financial difficulties, it was very rewarding to ensure that an experienced attorney represented them in the appeal process.

I helped a "new" veterans service organization get started and obtain 501(c)(3) status. I strongly believe in the benefit of veterans service organizations to veterans and helping this organization start up was a valuable experience.

I have participated in quality reviews of VA regional offices (VAROs). Participating in quality reviews has allowed me to become familiar first-hand with the way that VAROs work. This has been beneficial to my understanding of the VA as a whole and has enabled me to be a better trainer and advocate for veterans.

My work with Veterans Consortium Pro Bono Program training seminars and my participation in Pro Bono Institute seminars has allowed me to introduce veterans benefits law to many large law firms that continue to help veterans and provide legal assistance on many levels. I have helped these firms meet their pro bono goals by providing their lawyers the opportunity to provide legal representation to disabled veterans.

9. **Lobbying Activities:** List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s).

   (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have not performed lobbying activities.

10. **Teaching**: What, if any, courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

    I have not taught at any educational institutions. However, to the extent it is responsive, I have taught at a "school" for American Legion service officers since 1996, at yearly training seminars for Military Order of the Purple Heart service officers, and lectured on various topics in veterans law for a variety of other veterans service organizations and state departments of veterans affairs.

11. **Outside Commitments During Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

    I have no plans, commitments or agreements to pursue any outside employment during my service if confirmed.

12. **Principal Office of the U.S. Court of Appeals:** By statute, the principal office of the U.S. Court of Appeals for Veterans Claims is in the Washington, D.C., metropolitan area. If confirmed, would you maintain your permanent residence within commuting distance of the Court while in active service?

    If confirmed, I would maintain a permanent residence within commuting distance of the Court while in active service.

13. **Charitable or Volunteer Work:** Please describe any charitable or volunteer work, including pro bono work, you have performed, particularly any work involving military personnel, veterans, or their families.

    I have volunteered with the Tragedy Assistance Program for Survivors (TAPS), assisting with clean-up after their Memorial Day Good Grief Camp. I volunteered as a moot court judge for the preliminary rounds of the 2010 Veterans Law Appellate Advocacy Competition (VLAAC), sponsored by the U.S. Court of Appeals for Veterans Claims and the CAVC Bar Association. I have volunteered doing roadside clean-up for the Marine Corps League Shangri-La Detachment in Frederick, Maryland. I have volunteered with Volunteer Frederick's Big Sweep Program, doing roadside clean-up. A large part of my occupation as a lawyer has involved providing pro bono services for veterans and survivors of veterans.

[A letter from the Judicial Conference of the United States follows:]

JUDICIAL CONFERENCE OF THE UNITED STATES

COMMITTEE ON FINANCIAL DISCLOSURE

George D. Reynolds, Staff Counsel
One Columbus Circle, N.E.
Washington, DC 20544

Telephone: (202) 502-1850
Facsimile: (202) 502-1899

March 27, 2012

Mr. Matthew T. Lawrence
Clerk
Senate Committee on Veterans Affairs
412 Russell Senate Building
Washington, D.C. 20510

Dear Mr. Lawrence:

The nomination financial disclosure reports of Margaret M. Bartley and Coral W. Pietsch have been reviewed by the Judicial Conference of the United States Committee on Financial Disclosure and found, based on information contained in each report, to have been submitted in accordance with applicable laws and regulations as required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111).

Sincerely,

George D. Reynolds
Staff Counsel

Enclosures

Chairman MURRAY. Thank you very much to both of you. Let me just begin, I alluded in my opening statement that there is no shortage of potential work for this Court. The claims backlog continues to grow. VA's error rate is too high, and the number and complexity of the claims that are being filed today continue to increase.

Each of those realities as an impact on the Court and its work. Yet, the Court has to ensure that veterans do have access to meaningful judicial review of VA decisions. There has been some debate about how Congress and stakeholders should measure the Court's progress. I want to start by asking each of you in your opinion how should Court efficiency be measured.

General Pietsch, I will begin with you.

General PIETSCH. Thank you, Senator Murray.

First of all, if confirmed, I want to assure the Senators that I will do everything in my power to move along the cases in an expeditious and a timely manner.

In terms of what the Court would need to do, at this point I would probably like to assess and evaluate the Court's processes and procedures and perhaps within that there are ways to improve the situation, maybe leveraging, different ways of streamlining pro-

cedures, maybe leveraging mediation and seeing what can be done. Clearly, there would be room for improvement and it is something that would be on my top priority list.

Chairman MURRAY. Ms. Bartley.

Ms. BARTLEY. The Court has had a big problem as both of you mentioned earlier, Senators. They have suffered from several deficiencies. One is that they have had an increased work load, and they have been kind of down one judge for a few years now since the last chief judge retired.

I think that the infusion or injection of additional judges would certainly help the situation. As far as how to measure efficiency, obviously numbers and the length of time that it takes to decide a case, for a case to go through the process at the Court, is an issue. So, efficiency can be measured in numbers and length of time that it takes.

Efficiency also, though, we have to keep in mind that the quality of the decision, the thoughtfulness of the decision and those issues that go to quality are also elements in the whole issue of efficiency.

So, I would say that those are characters or elements that I would look to as the numbers, the length of time it is taking and also the quality of the decisionmaking.

Chairman MURRAY. Thank you very much. I want to ask both of you. Each of your careers has been centered on advocacy.

Ms. Bartley, you served as a tireless advocate for veterans.

General Pietsch, you spent a significant portion of your career as a public servant acting as an advocate for the government at the State and Federal level.

Ms. Bartley, let me start with you. How would you respond to those who would question your ability to be impartial given your lengthy career as an advocate for veterans?

Ms. BARTLEY. Thank you, Senator.

I believe as all of us do in this room I am sure in the importance of evenhanded and impartial judges and a judiciary system that is impartial, evenhanded, unbiased.

I have been lucky or blessed maybe to have been able to be an advocate. It has been very satisfying for me. It is very important to me that veterans be able to, as well as get great advocacy, be able to get a final decision that is fair and impartial.

So, I see this as another form of service. It is not advocacy. It is removed from the advocacy position. But being an unbiased arbiter and reviewer of Board of Veterans' Appeals decisions is to me another form of serving the country and serving veterans, and I would welcome the opportunity to do that and to step into those shoes because I believe that those shoes, that of an unbiased judge, that is just as important service as being an advocate for veterans on their behalf, a biased advocate.

Chairman MURRAY. General Pietsch, you have been an advocate for State and Federal Government. How would you be impartial?

General PIETSCH. And I have been an advocate for the State and for other administrative agencies. I have also been an advocate for individuals. During my service as a judge advocate, I represented or assisted a number of soldiers with their issues and their problems.

I believe that with both perspectives, as an advocate for government and as an advocate for individuals, that I can be impartial and definitely unbiased.

I think that the analytical skills that one develops over the years focus you on what the issue is and not necessarily to be able to shed or that you should be able to shed what you had in the past in terms of your experience.

But I definitely will bring to the Court a sense of being unbiased and impartial and making sure that we look at the facts and apply the law accordingly.

Chairman MURRAY. Senator Burr.

Senator BURR. It is clear that the Chairman and I are headed in the same direction. So, if you will bear with me as I cover ground that she has already covered but maybe with a little more specifics.

During fiscal year 2011, it took 584 days for an appellant to receive a single judge decision and 763 for a panel decision. Let me ask both of you, what do you believe is a reasonable timeframe for the Court to make a decision, general?

General PIETSCH. I am not sure I can answer the question with any granularity in terms of the numbers of days. But clearly, I believe that both of those figures that you have stated can be improved on definitely.

How to do that is something that I would like to be able to access as time goes by. But clearly that is not an acceptable rate. We may have to leverage, as was indicated by Ms. Bartley, by adding more judges. That will help the process.

Streamlining. I am not sure where that would happen but clearly some sort of streamlining would do. But in terms of the numbers of days, clearly that can be improved.

Senator BURR. Ms. Bartley.

Ms. BARTLEY. Well, like General Pietsch, I am reluctant to give you an exact number, and I do agree with her that the 584-day period seems, it is very long.

Many veterans, I have experienced in my own advocacy career, veterans die, they pass away while their case is that the Court. It happens before the VA as well. It is not acceptable, and I would definitely work to reduce the number of days it currently takes.

Senator BURR. I hope you will remember those advocacy days when you take the seat on the bench.

Ms. Bartley, I have to get into a little more specifics about your advocacy work if I can. In 2010 you said, and I quote, "The Board is almost sure to pounce on any inconsistencies and find that the lay evidence, that evidence in support of the veterans claim, is not credible."

In that same speech you said, and I quote, "The Board often avoids unpleasant tasks. As a result, it often fails completely to address the lay evidence of record."

Before that, in 2009, you suggested that the VA, and I quote, "* * * was overzealous in applying the anti-pyramiding rule, thus unfairly denying veterans an appropriate evaluation."

In a 2009 speech you said this. "It seems that when the VA thinks of inadequate medical exams, they envision a veteran receiving an unjustifiably high evaluation because the examiner

failed to perform a test that could have resulted in a lower evaluation."

Again in 2006, you wrote, "Without doubt, advocate view with distrust and cynicism VA decisions concerning the credibility of probative value and weight assigned to medical linkage options."

In light of those comments, how would you characterize your opinion of the VA in general and the Board of Appeals specifically?

Ms. BARTLEY. Thank you, Senator.

How would I characterize my opinion of the VA? I do think that perspective matters immensely when that question is asked. When I wrote those statements, I was acting as a vigorous advocate for veterans, and I believe that there would be many veterans, many veterans' advocates, service officers, and lawyers who practice in the field who would agree with me on those statements as an advocate.

I understand that there are, as I said, perspective matters and that if when VA testifies at their hearings et cetera, about the progress that has been made in helping veterans in achieving better decisions, I believe that from their perspective, they are accurate as well.

I believe that some progress has been made and that they faithfully say that to you. So, I do believe it is a matter of perspective. If you are a veteran who has been denied multiple times and has had a bad experience with the VA, then your perspective would be one similar to the comments that I made about VA.

Senator BURR. Let me ask you about one area if I could.

As you know, the VA offers need-based pension benefits to certain disabled veterans with little income or assets. Last year you gave a speech in which you suggested that veterans could transfer their assets to others in order to qualify for VA pensions.

In fact, you gave an example of how a veteran with $400,000 in stock and $50,000 in annual income could qualify for a VA pension by setting up a trust.

Do you believe it could undermine the integrity of the pension program if veterans intentionally transfer their assets to friends and families in order to qualify for benefits that are supposed to be need based?

Ms. BARTLEY. Thank you, Senator.

I should make one clarification and that is that example of how a veteran might become entitled to a pension or a pension with "A" and "A" was made based on a VA General Counsel precedent opinion that directly addresses that issue.

It was not something that I came up with on my own. I can cite to you at a later date, possibly in writing, the VA General Counsel's opinion where they talk about moving assets into revocable trusts, and that if the veteran did not have control over the funds that would be sufficient in VA's view to make him or her so that that income or that net worth would not be accountable for VA pensions.

Senator BURR. You would agree that veterans should not intentionally divest themselves for the purposes of becoming eligible for a need-based pension?

Ms. BARTLEY. Well, Senator, in my role as an advocate, I try to let veterans and their advisers know the rules, and VA has established this rule.

I think it could have been—I am not saying for certain—an ethical lapse on my part. I was talking to attorneys in Montgomery County, the Montgomery County Bar Association, dealing with wills and trusts and estates; and I was pointing out that this was, indeed, a rule established by VA in their VA General Counsel opinion.

It could well be an ethical lapse if I did not advise them of the rule or if they, likewise, had been trained by me, had a client who might be able to use that rule and they neglected to inform the client of that ruling.

Senator BURR. I thank you for that answer. I appreciate the fact that you understand that we need to be as thorough in where we explore and what we ask; and I raise those issues just to point out how significant the many hats that you are putting on.

Ms. BARTLEY. Yes.

Senator BURR. Both having been advocates, both now sitting on the bench with the responsibility of decisions—decisions to be made based upon the facts in an impartial way—basically discarding your prior work lives, other than the influence for the passion of the individuals that you hear from.

Madam Chairman, thank you. And I also want to thank both of you for your willingness to respond to the President's request to serve and with the genuine understanding of the importance, which I sense from both of you, about serving on the court.

Thank you.

Chairman MURRAY. Thank you very much.

Senator Akaka.

Senator AKAKA. Thank you, Chairman Murray.

General Pietsch, opponents of the Expedited Claims Adjudication Initiative suggest that veterans are forfeiting their due process rights in an attempt to have their disability claims processed in a more timely fashion.

My question to you is, what are your thoughts on this initiative?

General PIETSCH. Thank you, Senator Akaka.

I think generally speaking an expedite claims procedure has its place and can be helpful. However, at the same time, I believe that the due process protections need to be there, especially when you have a process and a program, shall we say, where there may be future claims.

So definitely, I think that there is a place for expedited procedures, but there is also a very important place for due process. That should be made available and ensured for each claimant.

Senator AKAKA. Thank you.

Ms. Bartley, pro bono attorneys and non-attorney advocates play an important role in providing representation to appellants who may otherwise have to navigate through the process without representation.

What are your views on the importance of attorney or advocate representation, and what role should the Court play in addressing this issue?

Ms. BARTLEY. Well, I do believe that at the Veterans Court level, if not even before the VA, representation by an experienced non-attorney practitioner or by a lawyer, whether he or she be pro bono or for a fee, is extremely important.

Certainly, when I sometimes get cold calls from veterans asking about that very question, whether it is important to have a lawyer or whether they can go without one, and I would certainly always counsel that the VA has lawyers representing the Secretary's position and that the veteran needs to have an advocate especially as the Court level.

It also helps the Court out immensely to have an advocate representation because then the Court does not have to look for the issues on its own and come up with arguments on its own. It can merely read well-written briefs, and that is extremely important.

Senator AKAKA. Thank you very much.

To both of you, as we discussed, Veterans Claims judges review a high volume of cases and must be able to prioritize and delegate certain tasks. Will you please describe each of your individual management styles, including the role you envision for law clerks in your chambers, for instance, but more important your style and how you would handle this?

General Pietsch.

General PIETSCH. Thank you, sir.

My management style is one of inclusion. I like to include people in my decisionmaking. I like to get all the information possible because that is the only way you can make an informed decision.

I would like to lead by example with respect to my law clerks. I would want them to feel that they could come to me for advice, and I would want them to not be reluctant to come and discuss with me perhaps a differing opinion or something that might be controversial.

So, my management style is to be inclusive of everybody.

Senator AKAKA. Thank you.

Ms. Bartley.

Ms. BARTLEY. Thank you, Senator.

My management style I guess I would call it collaborative. It might be called inclusive, participatory. I find that I enjoy talking to people about their perspective. It is actually difficult for me to make a decision sometimes without talking it out either in my own head, you know, presenting each side of the issue or preferably with other people.

I have some former law clerks here in the audience. I hope they would back me up when I say that I do like to get opinions from other people on what they are thinking.

Of course, I would be the ultimate decisionmaker but some kind of collaboration and participation from them would be extremely important. At least, it always has been in the past.

If confirmed and if I would direct a chambers, I am sure that my management style might change somewhat but that is what has worked for me in the past.

Senator AKAKA. Thank you very much to each of you. I want to wish you well.

My time has expired.

Chairman MURRAY. Thank you very much.

Senator Isakson.

STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM GEORGIA

Senator ISAKSON. Thank you, Madam Chairman.

I should know the answer. I think I do know the answer to the question, General Pietsch, but let me ask it. You are the last arbiter at the Court of Appeals on a decision, is that not correct?

General PIETSCH. The decision—if it is not acceptable, the veteran may appeal the case to the Federal Circuit Court.

Senator ISAKSON. But you are the last one within the veteran system?

General PIETSCH. Yes.

Senator ISAKSON. It then goes to civilian courts?

General PIETSCH. Well, actually the Court of Veterans Claims is independent from the VA.

Senator ISAKSON. But you are at the point where you have exercised tremendous influence on the process in terms of claims?

General PIETSCH. Yes, including making precedential decisions.

Senator ISAKSON. I am going to make remarks rather than ask questions specifically.

I really appreciated your answer about expedited process while never abdicating the rule of justice and due process to the veteran. Sometimes the protracted time actually is to the benefit of the veteran. We need to remember that. I thought your comment was very balanced.

I appreciate your advocacy, Ms. Bartley, as far as veterans were concerned. You are going to be in a position, if confirmed, on the Court of Appeals, to help correct some of the things that you referred to in some of those comments that Senator Burr made earlier.

I hope you will take the position to do that in those cases where you think it is appropriate.

Ms. BARTLEY. Thank you, Senator.

Yes, I would not hesitate where the law required that.

Senator ISAKSON. I think on behalf of the Committee expedited process but never abdicating due process is the ultimate goal for all of us so our veterans get a response in a timely fashion under very difficult circumstances.

I appreciate both your willingness to serve.

Thank you, Madam Chairman.

Chairman MURRAY. Thank you very much.

I want to thank both of our nominees for being here today and for answering our questions. Most importantly, thank you for your desire to serve our Nation's veterans.

The dysfunction of the claims system, the volume of work at the Court and the valuable role that it does play in the lives of veterans makes clear the importance of these nominations.

So, I look forward to working with my Ranking Member Burr and my Committee to schedule a markup and move forward with these nominations as quickly as possible, and I also will continue to press the administration to send us an additional nomination for the Court to help address the timeliness problems that both the Ranking Member and I talked about this morning.

With that, again thank you to both of you and your families and support groups who are here.

We look forward to moving these as quickly as possible. Thank you.

[Whereupon, at 10:35 a.m., the Committee was adjourned.]

A P P E N D I X

[Letter from Helene L. Allen, Honolulu, HI, in support of Coral Wong Pietsch:]

HELENE L. ALLEN
3105 KAIMUKI AVE
HONOLULU, HI 96816-1420
808-295-0925
helenehi@juno.com

March 2, 2012

Senate Committee on Veterans Affairs
Mr. Matt Lawrence, Chief Clerk

Dear Senate Committee on Veterans Affairs:

I am writing in support of the nomination of Coral Pietsch to be a Judge on the US Court of Appeals for Veterans Claims. Ms. Pietsch is a fantastic candidate for this position. She has the right stuff, both past and present, to be an asset.

Ms. Pietsch was my first mentor and supervisor when I began my Army career as a civilian employee in February 1987 at the Judge Advocate's Office at Fort Shafter, Hawaii, retiring in July 2010 . At that time we worked on issues involving contract law, environmental law, labor law, military personnel law, regulatory law, and administrative law issues. She taught me all the issues regarding these areas of law, which I used the rest of my career in the JAG offices I worked at, including Legal Assistance, Trial Defense Service (military criminal defense), and Tripler Army Medical Center, HI. It has been a pleasure watching her career. She still is as she was when I worked for her and with her. She is a very hard working attorney, very humble, a happy person who radiates sunshine, very knowledgeable, deeply thoughtful and serious. Most of all, she is fair. She looks at all sides of an issue, does any and all research, to come to a conclusion. She will be a great asset as a Judge on the US Court of Appeals for Veterans Claims. I heartily recommend her and support her nomination to this position.

Sincerely,

Helene L. Allen

HELENE L. ALLEN

[Letter from Stephen D. Andersson in support of Coral Wong Pietsch:]

CRIMINAL JUSTICE OPERATIONS,
DEPARTMENT OF JUSTICE,
Washington, DC, February 10, 2012.

Mr. MATT LAWRENCE,
Chief Clerk,
Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR MR. LAWRENCE: I write in support of the nomination of Coral Pietsch to the U.S. Court of Appeals for Veterans Claims. I had the privilege of working with BG Coral Pietsch during the time I served in the Baghdad Provincial Reconstruction Team (PRT) during 2007. During that time, I took a sojourn from my longtime career within the United States Department of Justice to serve as the Rule of Law Coordinator for the PRT's Rule of Law section. The Rule of Law section was fortunate to have BG Pietsch assigned to work with us.

It was an honor to work with BG Pietsch. Rarely does one have the opportunity to be professionally associated someone with such a broad and rich legal background. BG Pietsch's background includes time in the U.S. Army, the Hawaii Attorney General's Office, and the Hawaii Civil Rights Commission. Based upon this experience, it was quite understandable why she become the first female General officer in the Judge Advocate General's Corps as well as the first female Asian-American General officer in the U.S. Army.

Within the PRT, BG Pietsch was an amazingly valuable asset. The section's responsibilities included working with rule of law stakeholders including, but not limited to, Iraqi judges, prosecutors, police, private bar attorneys, and bar associations. We traveled out of the Baghdad International Zone on a regular basis to meet with these stakeholders at their offices, assess their rule of law capacity, and develop programs to further their work. Ours was not easy work, but as her supervisor, I could always count on BG Pietsch to provide the Rule of Law section with helpful and informative reports of her meetings with Iraqi stakeholders and insightful suggestions for the way forward. It was a pleasure to work with someone possessing such competence and ability to execute.

Having worked in front of trial and appellate judges for over 30 years, I have a certain understanding and appreciation of characteristics essential in good judges. Three of those characteristics are intelligence, the ability to write, and a steady disposition. Having firsthand observed BG Pietsch's work, I can say without question that she possesses all three of these characteristics. BG Pietsch's excellent work is made possible, in part, by her sharp legal mind, her ability to communicate, and her ability to get along with others. These are traits that have served her well throughout her legal career, and would serve her, the U.S. Court of Appeals for Veterans Claims, and the United States well should she be confirmed.

I could go on, but I am confident that you will hear from many others in even greater detail in support of BG Pietsch's nomination. BG Pietsch has dedicated a lifetime of service both to her state and the United States. I am confident that the abilities and characteristics I saw her demonstrate in Baghdad would make her an outstanding jurist, and I respectfully recommend her confirmation.

I would be happy to respond to any other questions the Committee may have.

Respectfully yours,

STEPHEN D. ANDERSSON,
Director.

[Letter from Sara K'imipono Banks, Jr., Specialist and Videographer, University of Hawaii at Manoa, in support of Coral Wong Pietsch:]

UNIVERSITY OF HAWAI'I AT MĀNOA

Center on Disability Studies

University Center on Excellence in Education, Research and Service

February 23, 2012

Senate Committee on Veteran Affairs
Mr. Matt Lawrence

Aloha Matt Lawrence,

I am writing this letter of recommendation on behalf of Coral Wong Pietsch who has been nominated by President Obama to be a Judge on the US Court of Appeals for Veteran Claims. Coral Pietsch was the Chairperson of Hawai'i Civil Rights Commission during my term as Commissioner, from 2004 – 2008.

I had the wonderful opportunity to work with Chairperson Pietsch during those years and valued her leadership and skill facilitating our discussions. The Commissioners had tough decisions to make regarding civil rights claims and proposed legislative bills that pertained to Hawaii's civil rights laws. These issues ranged from amending Administrative Rules reducing an Employer's accountability regarding sexual harassment in the workplace, expanding civil rights protection in Employment to include gender expression and identification, housing disability claims and a few cases dealing with Native Hawaiian Indigenous rights. During those years we had a diverse group of Commissioners that had opposing viewpoints. She was able to conduct Commissioner meetings that kept the discussions engaging, respectful and lead us to a well-deliberated Civil Rights Commissioners decision.

Coral Pietsch is an excellent listener, she's ethical, compassionate, has strong facilitation skills and is knowledgeable about law. I was the only educator on the Commission at that time, the rest of the Commissioners lawyers, so Coral could and would explain legal issues that made sense to me. Although I didn't always agree with Coral on various issues, I felt she was fair, honest and allowed everyone's voice be heard.

I concur with President Obama and highly recommend Coral Wong Pietsch to be our next Judge on the US Court of Appeals for Veteran Claims. Mahalo nui loa for giving me an opportunity to recommend Coral Wong Pietsch.

aloha no,

Sara Ka'imipono Banks

Sara Ka'imipono Banks,
Jr. Specialist and Videographer
University of Hawai'i at Manoa

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An Equal Opportunity/Affirmative Action Institution

[Letter from LTG Scott C. Black, U.S. Army (Ret.), in support of Coral Wong Pietsch:]

Rockville, MD, March 19, 2012.

HON. Patty Murray,
Chairman,
Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN, I am writing in support of Ms. Coral Wong Pietsch's appointment to serve as a Judge on the U.S. Court of Appeals for Veterans Claims.

I retired from the United States Army in late 2009, after 35 years of active duty service. In my final tour, I served as The Judge Advocate General of the United States Army (Lieutenant General), and was stationed in the Pentagon. I am now employed as a Vice President & General Manager with BAE Systems, Inc. in Rockville, Maryland.

I have known Ms. Pietsch for over ten years, as a result of our service together in the Army's Judge Advocate General's Corps. Over the years, I have been fortunate to have the opportunity to interact with Coral in professional and social settings, and to assess her character, intellect, and legal abilities. In short, she is an impressive individual in every respect, and an absolutely superb candidate for service as a Judge on the Court of Appeals for Veterans Claims.

In my last position as the Army Judge Advocate General, I managed a legal organization of over 9,500 lawyers, paralegals, and support staff, stationed in over 650 offices in 19 countries. I selected and supervised trial and appellate level judges, as well as attorneys who practice and supervise the delivery of trial and appellate legal services around the Army. As such, I am fairly familiar with the attributes necessary to succeed in positions of significant responsibility in the judicial arena.

Coral Pietsch has everything you could hope to find in your very best candidate for selection for this position. She is extremely intelligent, technically proficient, a superb communicator, and a natural leader who possesses the balanced temperament one would expect to find in the finest member of the judiciary. Her resume is replete with challenges met and conquered; she is energetic, dependable, and extraordinarily hard working. Coral is literally brimming with enthusiasm for life and committed to the pursuit of excellence in everything she undertakes.

I know from my contacts with Coral and others that she is well prepared for service as an Appellate Judge. In particular, she brings a wealth of long-term experience and success as an active duty and Reserve Soldier, experience that is further enhanced by her deployment to Iraq in support of Rule of Law Operations, and her continuing service as a senior civilian attorney on the staff of U.S. Army Pacific. Moreover, she would bring to the Appellate bench a plethora of other related professional affiliations that will give her a level of experience and understanding that would be very difficult to match.

In sum, Coral Pietsch is aggressive, sharp, confident, and dedicated to service to the legal profession and the citizens of our country who rely on the protections afforded by our system of laws. She has the personality, intellect, background, analytical skills, and capability to instinctively understand and respond to the "greater good," without ever losing sight of the small details. I simply cannot think of enough words to adequately capture her qualities or potential for service at the highest levels of responsibility. She has my strongest recommendation for selection.

If you have questions, I would be pleased to assist, and can be reached by phone at (301) 838–6820.

Respectfully,

SCOTT C. BLACK,
Lieutenant General, U.S. Army (Ret.).

[Letter from GEN David A. Bramlett, U.S. Army (Ret.), in support of Coral Wong Pietsch:]

February 19, 2012.

HON. Patty Murray, Chairman,
Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURRAY: I have known Coral Pietsch for over 25 years and have worked with her on several occasions. I have sought her counsel on environmental matters, operational concerns, and during many other times when I needed thoughtful input and balanced perspective. Her skills and abilities transcend the legal profession and encompass a greater understanding of human nature and a profound appreciation for doing what is right.

She is a lawyer of surpassing humanity and unerring judgment. I profoundly share the President's confidence in his nominating her for this most important position. With her confirmation, the nation will be assured of a Judge who understands veterans, their myriad of challenges, and the complexities of honoring our commitments to veterans consistent with circumstances and regulatory guidance.

Her considerable experience in the Army, to include her operational and administrative work; her efforts with the Hawaii Civil Rights Commission; and her stint as the State's Deputy Attorney General reflect her extraordinary background and preparation.

Without a doubt, her Army experience of decades of dedicated service is the preeminent qualification. She has seen and assimilated the ethos, the sacrifice, and distinguishing nature of military service. This qualification will validate her presence in the Appeals process and will reassure the veteran that his/her claim will be heard by one who understands.

I ask the Senate to confirm this outstanding American, Coral Pietsch, for the position of Judge on the U.S. Court of Appeals for Veterans Claims.

Sincerely,

DAVID A. BRAMLETT,
General, US Army (Ret.).

[Letter from Brian X. Bush, Chief, Environmental and Labor Law, U.S. Air Force Academy; COL, U.S. Army JAG Corps (Ret.), in support of Coral Wong Pietsch:]

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE ACADEMY

27 February 2012

Senate Committee on Veterans Affairs
Attn: Chief Clerk of the Committee

SUBJECT: Letter of Recommendation – Ms. Coral Pietsch

I have known Ms. Coral Pietsch on both a personal and professional basis since 1994. From 1998-2002, she was my direct subordinate in the Office of the Staff Judge Advocate, United States Army Pacific at Fort Shafter, Hawaii. I also served as Coral's personal mentor in the DLAMP program during the time Coral was also promoted to Brigadier General in the Army Judge Advocate Corps – thus in a sense I worked for her while she worked for me and I mentored her.

Coral Pietsch is an exceptional lawyer and person. She is one of the most dedicated professionals I have ever known. I can personally vouch for her integrity, honesty and trustworthiness. Her ability to analyze complex legal issues, orally express sound legal positions and craft masterful written legal work of all types is unmatched in my experience. Her work was always truly brilliant.

Just as importantly, Coral is a genuinely caring person who was always willing to give of herself to mentor younger counsel, engage with outside constituencies and work on a host of outside endeavors to make USARPAC and Hawaii in general a better place to live and work. Coral is an extraordinarily nice person. Everyone that I knew, including myself, just loved working with her.

I can think of no finer person to be appointed as a Judge on the US Court of Appeals for Veterans Claims. Coral will make a truly outstanding judge because she has the legal scholarship, brilliant analytical capabilities and judicial temperament necessary for such a distinguished position. I recommend you approve her nomination without any reservation whatsoever. I can personally think of no finer candidate.

BRIAN X. BUSH
Chief, Environmental and Labor Law
U.S. Air Force Academy
Colonel (Ret), US Army JAG Corps
Colorado #28534, Utah #00522

Developing Leaders of Character

[Letter from Rai Saint Chu, Attorney, in support of Coral Wong Pietsch:]

TURBIN • CHU
ATTORNEYS AT LAW

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February 27, 2012

Veteran's Affairs Committee
U. S. Senate
Washington, D. C.

Email to: Matt_Lawrence@vetaff.senate.gov

Re: Support for Coral Pietsch for Judge, United States Court of Appeals for Veteran's Claims

Dear Members of the Veteran's Affairs Committee,

It is my greatest pleasure to urge the confirmation of Coral Pietsch for Judge of the U. S. Court of Appeals for Veteran's Claims. Brigadier General Pietsch, "Coral" is highly qualified and has a great temperament to be a Judge on this body.

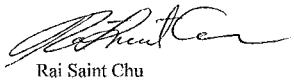
I have known her for about 30 years first as an attorney in Hawaii. She was highly regarded by her peers at the State Attorney General's Office. I met with her when she volunteered for activities of the Hawaii State Bar Association. She was a guest speaker at several community events, where her sparkling personality captivated her audience as well as with her insights and her humor. I then knew her as the appointee of our former Republican governor as Chair of the Hawaii Civil Rights Commission. It did not seem to matter to Coral whether she was appointed by someone from the Republican or the Democratic party. I do not even know what party Coral affiliates herself with, although I do know that she is passionate and committed to due process, fairness and that she would be inquisitive on all aspects of an issue before she makes a decision.

No doubt she has served the Army JAG well when she was given the rank of Brigadier General. I was proud to know the highest ranking Asian American woman in the military. She has certainly lived up to expectations in her position in JAG and other community activities.

As Judge of the Court of Appeals for Veteran's Claims, she would be studious in reading and understanding all of the issues and the law, collaborate with her colleagues and insure that justice was done and give the parties that sense that they had a fair shake with the system.

Thank you very much for your consideration. Feel free to call me if you need any further information.

Sincerely yours,



Rai Saint Chu

[Letter from COL James M. Coyne, U.S. Army (Ret.), in support of Coral Wong Pietsch:]

March 12, 2012

United States Senate
Committee on Veterans Affairs
Washington, DC 20510

SUBJECT: Recommendation for Coral Wong Pietsch, Brigadier General, USA (Ret)

Dear Committee on Veterans' Affairs,

It is with the upmost honor and pleasure that I provide my highest and unqualified support and recommendation for the nomination of Coral Wong Pietsch, Brigadier General, USA (Ret) as a Judge on the United States Court of Appeals for Veterans Claims.

I knew Ms. Pietsch by reputation for over 20 years prior to 2006. Adjectives such as intelligent, unsurpassed legal acumen, objective and logical in solving tough legal issues are but a few of the words describing her. In 2006 I became Staff Judge Advocate for the U.S. Army Pacific and Ms. Pietsch was my Senior Civilian Attorney and Special Assistant. I am a disabled veteran, retiring from the U.S. Army in 2008 as a Colonel after almost 28 years as a Judge Advocate. During my career I deployed five times and was a Staff Judge Advocate seven times, three of them in deployed environments. After retirement I was the civilian Deputy Legal Counsel for U.S. Africa Command prior to becoming the Associate Counsel for Operations and Chief Counsel for Overseas Operations with the Defense Logistics Agency.

I have been privileged and humbled to serve with the most honorable men and women of our Services who have done extraordinary things, some making the ultimate sacrifice. Of the over hundreds of military and civilian attorneys I worked with in 32 years, Coral W. Pietsch is without doubt the best of the best. A skilled legal advocate and practitioner in both the art and science of the law, she is most persuasive in both oral and written communications. She possesses the tangible and intangible traits this country needs and demands from members of its judiciary. Ms. Pietsch always demonstrated the highest degree of technical and professional competence with unwavering integrity in approaching legal issues. She displayed the utmost care, compassion and zealous advocacy for her clients on a daily basis in providing both legal and moral advice demanded by her duties.

Because of her unique abilities and legal acumen, I supported her nomination as Deputy Rule of Law Coordinator for the Department of State's Baghdad Provincial Reconstruction Team (PRT). Having been the Staff Judge Advocate for Multi-National Force-Iraq and senior military attorney in Iraq from May 2005 to June 2006, I knew the legal challenges facing the PRTs and felt Ms. Pietsch was the perfect attorney to assist with the Rule of Law mission. Her legal support, advice and counsel were invaluable to the Department of State and will withstand the test of time.

SUBJECT: Recommendation for Coral Wong Pietsch, Brigadier General, USA (Ret)

I believe I am uniquely qualified to provide a recommendation for Ms. Pietsch's nomination. Her career as an Army Officer, Chair of the Hawaii Civil Rights Commission, Deputy Attorney General for the State of Hawaii, and government attorney, climaxing with serving with the Department of State in Iraq, makes her perfectly suited to serve as a Federal Judge. Her superb legal skills, knowledge of the law and analytical ability, have imbued her with the judicial temperament required of federal judges. In conclusion, there is no one better suited to serve as a Judge on the U.S. Court of Appeals for Veterans Claims.

Sincerely,

James M. Coyne
Colonel, U.S. Army, Retired

James M. Coyne
7205 Duck Court
Springfield, VA 22152
(703) 912-1473

[Letter from BG Raymond Gandy, Jr., U.S. Army (Ret.), in support of Coral Wong Pietsch:]

Post Office Box 38
Hawaii National Park, Hawaii 96718

February 11, 2012

Dear Members of the Senate Committee on Veteran's Affairs,

I am writing in support of the President's nomination of Brigadier General (Ret) Coral Pietsch as Judge for the U. S. Court of Appeals for Veterans Claims. Coral Pietsch is singularly qualified for that position. As a two tour Vietnam Veteran and a father whose son and daughter-in-law are both Active Duty Army Captains with multiple tours in Iraq, I feel I'm well qualified to judge any advocate for my fellow Veterans.

I have known Coral Pietsch for over twenty years and worked closely with her both in Federal Civil Service and the Army Reserve during that time. As the Commanding General of the Pacific Army Reserve (the 9th Regional Support Command) from 1994 to 1998 I observed Coral's performance in many areas of the command. Her ability to empathize and cross cultural lines in serving our soldier's needs was unparalleled. The 9th RSC was the most ethnically diverse Army organization on earth. Our units and Soldiers were located from Alaska to American Samoa and also included members and units in Japan, Korea, Hawaii, Guam, and Saipan. Coral could always be counted on to support and manage these diverse Soldiers and their families in a positive and professional manner.

Of special note she was so good at her profession that we formally requested that the Army Judge Adjutant General (TJAG) detach her temporarily from the JAG Corps so we could assign her for one tour as the Command's Deputy Chief of Staff for Operations and Plans (DCSOPS) which as you are aware is the most critical staff position in any Army unit. Unfortunately for us the TJAG also knew how valuable her services were Army wide and kept her serving in her JAG position. Over my 34 years in active and reserve component service I know of no individual who is more qualified to serve as a Judge Advocate for our Veterans. Thank you for this opportunity to speak in her behalf.

Sincerely,

Raymond E. Gandy, Jr.
Brigadier General, USA
(Retired)

[Letter from Allen K. Hoe, Attorney at Law, in support of Coral Wong Pietsch:]

Allen K. Hoe

Attorney At Law

P.O. Box 3589
Honolulu, Hawaii 96811-3589

Telephone (808) 521-6927

March 12, 2012

U.S. Senate Committee on Veterans Affairs
Senate Russell Building 412
Washington, DC 20510

Aloha Chairman Murray, Ranking Member Burr and Honorable Members:

My name is Allen K. Hoe, my family represents four generations of Army service, beginning with my grandfathers in WW1 my father in WW2, my Vietnam combat service and that of my two sons who served in OIF III. I am also a Gold Star parent; my son 1Lt. Nainoa Hoe, gave his last full measure of devotion for his Country in Mosul, Iraq on January 22, 205.

I have a very close and personal connection with Duty - Honor - Country and in that light I value greatly the importance of public service especially as it relates to honoring the contributions of the millions of men and women who have worn the uniform of our Country in times of peace and war. It is perhaps a greater obligation which we owe to those who have borne the scars of combat both the visible as well as the invisible.

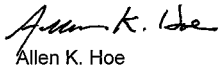
In that light I am honored to support President Obama's nomination of Coral Pietsch to the post of Judge, United States Court of Appeals for Veterans Claims.

Coral Pietsch is a remarkable Patriot whom I have had the privilege to observe for a number of years at all levels. Her reputation within our legal profession here in Hawaii is impeccable. Her scholarship within the realms of academia at the theoretical level as well as at the day to day application of the law is renown. Her work within our local and military community, as well as in Iraq played a significant part in our efforts to achieve a stable "Rule of Law" society which has helped to bring that war to a successful conclusion.

Brigadier General (retired) Pietsch, has not only talked the talk, she has walked the walk, in soldier parlance, which is quite remarkable. She set an example of dedicated service during a time when our Army was in transition. Coral Pietsch, accomplished much in her career as an Army Officer, but perhaps more importantly, her leadership helped many of America's daughters to strive for nothing less than the best.

Coral Pietsch, brings all of the above to the esteemed post as an Appeals Judge for Veterans Claims. Her experience, both in the law as well as the uniform code of military justice combined with her years of practical experience, her steady calm demeanor and excellent judicial temperament, will serve our Nation's Heroes well.

Sincerely,



Allen K. Hoe

AKH/ms

[Letter from LTC Arthurine Jones, U.S. Army, Civil Affairs, in support of Coral Wong Pietsch:]

16 February 2012

MEMORANDUM FOR Senate Committee on Veterans' Affairs

SUBJECT: Letter of Recommendation for Coral Pietsch to Appellate Judge for Veterans Claims Appeals Appointment

1. My name is Arthurine Jones and I am a retired Federal Agent for the United States Postal Inspection Service where I was awarded Chicago Federal Law Enforcement of the Year in 2008. I am currently a Lieutenant Colonel in the United States Army Reserves where I have served for 22 years in military leadership positions to include Mission Chief for 2 deployments in Iraq in support cf OEF and OIF where I earned 3 bronze stars. I am also the Parliamentarian for the National Women Veterans United (NWVU), a 501(c)(3) not for profit organization that advocates, educates, and bonds with women returning from deployments to ensure they are connected to appropriate direct services and resources within federal, state, and local government for readjustment and coping skills with special emphasis on victims of military sexual trauma and assault, post traumatic stress disorder and homelessness.

2. This letter serves as my recommendation without reservation of Coral Pietsch for the Appellate Judge Appointment for Veterans Claims Appeals. It is indeed a pleasure and an honor to recommend the honorable Coral Pietsch for this prestigious and vital position. I had the privilege of working with Coral Pietsch in Iraq on the Baghdad Provincial Reconstruction Team (PRT) Rule of Law (ROL) during 2008. During her tenure, Coral Pietsch received distinct and special award recognition from Iraqi Ambassador Crocker for her exemplary performance and significant contributions to the Iraqi ROL efforts for the Iraqi people. Coral Pietsch served as the charismatic Rule of Law Deputy Leader for the Baghdad PRT where she initiated and facilitated essential and successful ROL projects in access of millions of dollars that continue to provide positive impact on ROL initiatives in Iraq. Coral Pietsch had the vision and foresight to lead curriculum reform and development of computer labs for the Iraqi law schools, courthouse and detention center renovations, women rights initiatives, and fostered positive working relationships in the ROL venues.

3. Coral Pietsch is a humble and selfless servant who served with me as a civilian attorney in Iraq. She never exposed that

she was a general in the military. I later found out that she was the first Asian female General in the United States Army. During our tour, her living accommodations were bombed and we suffered several casualties. Coral Pietsch continued to perform her ROL duties in the mist of surviving mortar rounds and bombings. She mentored the staff, including myself, to enhance our PRT ROL efforts. Coral Pietsch was recognized by the Baghdad ROL Embassy and throughout the Iraqi arena as a highly intelligent ROL subject matter expert. She continued to mentor me and support the ROL initiatives after she re-deployed back to the United States.

4. Coral Pietsch has my full support and recommendation for Appointment of Appellate Court Judge for Veterans Claims Appeals. I am an injured War Veteran and I conduct volunteer work to assist Veterans, many who are homeless, who are returning from deployment in attainment of eligible claims. I cannot think of any other person more qualified than Coral Pietsch to serve in the capacity of Appellate Judge for Veterans Claims Appeals. I know her personally to possess the professionalism, intelligence, vision, commitment, tenacity, and integrity to provide oversight and do the right thing by making correct and ethical decisions to ensure fairness and justice in Veterans Claim Appeals decisions. Coral Pietsch is also a Veteran who can appreciate the sacrifice and service of military personnel. I am hopeful and highly optimistic for fair, equitable and justice in the claims appeal process for my fellow Veterans as a result of the nomination of Coral Pietsch to the position of Appellate Judge. And I have been re-energized in my volunteer efforts to fight for Veterans' rights to know that Coral Pietsch will be a part of the Veterans Claims Appeals process. Her caliber of hard selfless work ethics, leadership, genuine dedication, and honorable demeanor is an invaluable asset to our Nation.

5. Point of contact (POC) for this recommendation is the undersigned at (708) 297-7993 or email at arthurine.jones@us.army.mil or arthurine.jones@yahoo.com. As information, POC will be on military duty in Germany February 26, 2012 through March 26, 2012 and available via email only.

Sincerely,

Arthurine Jones

Arthurine Jones,
Lieutenant Colonel, Civil Affairs,
Team Chief

[Letter from COL Thomas R. Keller, U.S. Army (Ret.), in support of Coral Wong Pietsch:]

Thomas R. Keller
88 Piikoi Street, #1609
Honolulu, HI 96814

March 3, 2012

Committee on Veterans Affairs

To Whom it May Concern:

I write in strong support of the confirmation of Ms. Coral Pietsch as Judge on the US Court of Appeals for Veterans Claims.

I retired from the US Army in December 1994 after serving over 24 years, including infantry combat service in Vietnam. Following my Army service, I served 15 years with the State of Hawaii, both in the Department of the Attorney General and the Judiciary.

I first met Ms. Pietsch in 1977 while we were both serving as active duty Captains in the Judge Advocate Generals Corps; her at Fort Shafter with the US Army Western Command and me with the 25th Infantry Division at Schofield Barracks. During this time I observed on many occasions both official and social, that Ms. Pietsch enjoyed an outstanding reputation for competence and diligence.

After leaving Hawaii in 1980, I returned in 1990 as the Staff Judge Advocate, US Army Support Command Hawaii (USASCH), Fort Shafter. On my return, I was very pleased to find that Ms. Pietsch was working on the USASCH staff as an Administrative Law Attorney and Labor Counselor. From June 1990 through March 1992, I met with Ms. Pietsch almost on a daily basis to review and discuss important legal issues on a variety of administrative law topics affecting the command. Ms. Pietsch always presented well-researched and persuasive arguments supporting her opinions and recommendations. The command was always well served by her commitment and sound legal reasoning.

After retiring from active duty, I have had the pleasure of remaining in touch with Ms. Pietsch and observing her continuing support to the Army and the Hawaii community. Her selection as Brigadier General in the Judge Advocate Generals Corps was appropriate recognition for her outstanding legal career and her potential for increased responsibility.

I am confident that Ms. Pietsch will serve with distinction as a Judge for the US Court of Appeals for Veterans Claims.

Thomas R. Keller
Colonel, US Army (Ret'd)

[Letter from Edward H. Kubo, Jr., Circuit Court Judge, First Circuit, State of Hawaii, in support of Coral Wong Pietsch:]

Circuit Court of the First Circuit — THE JUDICIARY • STATE OF HAWAI'I
CHAMBERS OF THE EIGHTEENTH DIVISION • 777 PUNCHBOWL STREET • KA'AHUMANU HALE • HONOLULU, HAWAI'I 96813-5093
TELEPHONE (808) 539-4133 • FAX (808) 539-4108

Edward H. Kubo Jr.
CIRCUIT JUDGE

February 28, 2012

Senator Patty Murray
Chairperson
Committee on Veterans' Affairs
United States Senate
Washington, D.C. 20510

RE: Letter of Strong Recommendation for BG Coral Pietsch for Judge on the U.S. Court of Appeals for Veterans Claims.

Dear Senator Murray:

Please allow me to voice my strong support for President Obama's nomination of Brigadier General (Ret) Coral Pietsch to be Judge on the U.S. Court of Appeals for Veterans Claims.

I have known Gen. Pietsch for approximately ten (10) years, both in a professional and a in a personal capacity. As a member of our military, I have seen her excel in many ways with her professionalism, training and experience. She has always handled her job with ethical excellence, and also with a compassion which makes her a very down to earth leader. I have seen many go to her for advice and she has always made time for them. This shows that she is not only approachable, but also relied upon for good solid advice.

I have also had the opportunity of seeing Gen. Pietsch in gatherings during community events. She is ever so gracious, and everyone is very impressed with her soft spoken humbleness. She is viewed by many in our community with respect, and she is looked up to as one of our community leaders with a great deal of common sense. Finally, she and her husband, who is a Professor at our University of Hawaii School of Law, truly care for our community and its people, and their dedication and care for others shows with their actions.

It is for these and many more reasons, that I strongly believe that Gen. Pietsch is a wonderful and outstanding nomination for the U.S. Court of Appeals for Veterans' Claims. She definitely has the temperament, knowledge and experience to be an excellent Judge on that Court. Finally, Gen. Pietsch will certainly make this Administration proud of her, and of her accomplishments yet to come.

Thank you for allowing me to voice my strong support for this outstanding woman. If I can be of any further assistance, please call me at (808) 539-4133.

Sincerely yours,

Edward H. Kubo, Jr.
Circuit Court Judge
State of Hawaii

[Letter from COL Mark David Maxwell, U.S. Army, in support of Coral Wong Pietsch:]

Mark David "Max" Maxwell
CMR 467, Box 6417
APO AE 09096

14 March 2012

The Honorable Patty Murray
Senior U.S. Senator from the State of Washington
Chairman, U.S. Senate Committee on Veterans' Affairs
Washington, D.C. 20510

Subject: Letter of Support for Brigadier General Coral Wong Pietsch, U.S. Army (Retired)

Dear Madam Senator:

It is my understanding that the President has nominated General Pietsch to be a Judge on the United States Court of Appeals for Veterans Claims and that your standing committee is considering whether to forward her nomination to the full Senate for confirmation. It gives me the greatest honor to write a letter of support for General Pietsch.

I have known General Pietsch for nearly 16 years. She possesses one of the finest legal minds and exemplifies the best all-around Soldier I have had the honor of serving with and knowing. I know her as both a contemporary – she was the Chief of Administrative Law for U.S. Army, Pacific, when I was the Chief of Operational Law from 1996 to 1998 – and a leader within the U.S. Army Judge Advocate General's Corps – she was selected to be a General officer when I was a major. For me, General Pietsch has been a mentor, role-model, and colleague since we first met in 1996. I simply cannot think of a better nominee.

Even though she was the first female General officer in the U.S. Army Judge Advocate General's Corps, General Pietsch has never made reference to or touted to me her trail-blazing status. Simply put, she is a humble and hardworking patriot. Her success, in my opinion, is a product of her innate abilities and tenacity. As a colleague, she is dependable, dedicated, and smart. She puts our country first, as evidenced by a year-long deployment to Iraq, and always does the right thing. On numerous occasions, she taught me how to be a better attorney. As a young captain, I would seek her advice on how to proceed with cases. Her advice, without fail, was reasoned, strategically sound, and insightful. As a note of reference, I saw these same traits in the

Federal judiciary when I was detailed by the Army to serve in the Department of Justice.

I recognize that I am simply a colonel in the U.S. Army – and currently the Staff Judge Advocate of V Corps in Germany – but I continue to serve, in large measure, because I had the good fortune of having leaders like General Pietsch in my career. I am convinced that there is simply not a mission she could not do and do it better than anyone could envision. Her legal intellect is a gift few possess. But what separates General Pietsch from ever other leader I have had the honor of serving with is her selfless dedication to mission and simultaneously, her profound grace and ability to foster a team. She truly is a model American and it is my sincere honor to write this letter of support for her nomination.

I know you are very busy, but if there are any areas upon which you would like further clarification, please do not hesitate to contact me via telephone—049.162.273.1620 (cell)—or by email—mark.david.maxwell@us.army.mil. Thank you for both your consideration on this important matter and your own personal dedication and service to our country.

Very Respectfully,

Mark David "Max" Maxwell
Colonel, U.S. Army

PREPARED STATEMENT OF ANDY PASSEN, TRANSITION DIRECTOR, AMERICAN EMBASSY, KABUL, AFGHANISTAN

Greetings from Kabul, Afghanistan, where I am serving as Transition Director at the American Embassy here. I am writing to offer my strong support for General (ret) Coral Pietsch, who was recently nominated by President Obama to serve as Judge of the U.S. Court of Appeal for Veterans Claims. Coral let me know that the Senate Committee on Veterans Affairs would consider written statements in support of her nomination. Considering where I am serving, I hope you will forgive me the informal nature of this submission.

This is my second hardship/danger post in the past four years. From July 2007 to July 2008, I was the Team Leader of the Baghdad Provincial Reconstruction Team (PRT), the largest PRT in either Iraq or Afghanistan. During my time as the head of the Baghdad PRT, I came to know General Coral Pietsch, who was serving as the Deputy Rule of Law Coordinator. In this position she interacted with the Embassy, senior leaders in the Multi National Force—Iraq, key members of the Iraqi legal community and the Iraqi judiciary, and various Non-Governmental Organizations on a regular and continuing basis to further the Rule of Law programs that she and her colleagues were implementing under my direction. Coral and I worked closely together coordinating these innovative, high-profile, and very effective projects among the numerous agencies—Iraqi national, provincial, and municipal bodies, international partners, and military units—working with our PRT.

Coral impressed me with her extremely thoughtful, reflective style of engaging with all interlocutors. She earned a well-deserved reputation as a leader who looked at all perspectives prior to making a decision—and in the Iraqi war-time environment, with so many civilian offices and military units contributing to our PRT efforts, this was an especially important skill. Coral is sensitive yet objective; she is extremely thorough and makes sure all opinions are considered. In her leadership position, she guided her staff with sensitivity, and collaborated extremely well with other elements of our large PRT. Coral impressed me with her cultural sensitivities as well; she quickly grasped the interpersonal, cultural, and societal nuances of work in Iraq, and was careful not to impose ideas on others. An effective team player, Coral exhibited calmness and considerable poise during this year-long period of considerable danger (and the concomitant high stress) when the International Zone was experiencing incessant rocket and mortar attacks that affected the PRT staff's ability to discharge our duties.

Demonstrating great personal initiative, Coral developed a number of outstanding proposals that enhanced the Iraqi legal community's professional and human resources capacity to reinvigorate their profession. Examples included a legal clinic for detainees in Iraqi-operated detention facilities, updated legal resources for the Iraqi law schools, and infrastructure improvements for the Iraqi Bar and Judiciary. Ambassador Ryan Crocker once commented that her work on the legal aid clinic for Iraqi detainees was one of the best examples of Department of State and military cooperation in Iraq.

In short, General Coral Pietsch was a congenial and highly effective member of the Baghdad PRT during a year of intense danger and great opportunity. Based on my close collaboration with General Pietsch, I have complete confidence that she will make an excellent Judge on the US Court of Appeals for Veterans Claims and will continue to reflect great credit on the U.S. Military and on our judiciary. I add my voice of support to her nomination, and hope that the Senate Committee will favorably consider her nomination.

With warm regards from Kabul.

[Letter from COL Randy Pullen, U.S. Army (Ret.), in support of Coral Wong Pietsch:]

Alexandria, VA, March 15, 2012.

HON. Patty Murray, Chairman,
Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURRAY: I am delighted to write to you about Brigadier General (Retired) Coral Wong Pietsch, to strongly support confirming her nomination as Judge on the U.S. Court of Appeals for Veterans Claims. I have been privileged to know Coral since 1995 when we both served together at Headquarters, U.S. Army Pacific (USARPAC), in Hawaii. We have been professional colleagues and close

friends. I have the highest regard for her as an attorney, a jurist, a soldier and a person.

When I met Coral, she was then the Senior Civilian Attorney in the USARPAC Staff Judge Advocate office and an Army Reserve Judge Advocate General officer in the 9th Army Reserve Command. As the Assistant Public Affairs Officer for USARPAC and a full-time Army Reserve officer, I got to know her well in both roles. I soon began to rely on her as an essential resource to assist in both legal and Reserve matters affecting our entire Pacific-wide area of responsibility.

I also got to see her in action outside the headquarters, again in both her civilian and military capacities. We both deployed to the Philippines in 1995 for Balikatan 1995, a major exercise between the Armed Forces of the United States and the Philippines. Then-Colonel Pietsch was the senior legal officer for the combined American-Filipino force. Her exercise duties were suddenly expanded to deal with a number of additional legal issues that arose when a super typhoon swept through the exercise area on Luzon. She handled this real-world challenge as expertly as she did the exercise. More than that, however, I observed her concern for the wellbeing and safety of our soldiers in the aftermath of the typhoon, checking to be sure they were personally OK and that their damaged property claims were dealt with swiftly.

I also observed her deploying as a civilian attorney for USARPAC on incident exercises to remote Johnston Atoll. Both the command and the deploying troops could always count on getting the best legal advice from her on these.

Coral's reputation as a lawyer and a soldier was such that in 1996, she was called to active duty to serve for six months as the active duty USARPAC Staff Judge Advocate, the top lawyer for the Army's Pacific Command. In the pre-9/11 Army, it was much less common for Reserve officers to be given such key active duty assignments. Coral's selection at this time demonstrates what an outstanding Judge Advocate General Corps officer she was.

After I was reassigned to the Office of the Chief of the Army Reserve in Washington, DC, in 1998, I continued to stay in touch with Coral. In 2001, our paths crossed professionally again when she was selected for promotion to brigadier general. Naturally, I was very pleased my friend had been chosen for promotion but this was also a proud moment for the Army and especially the Army Reserve. Coral's selection—and subsequent promotion after Senate confirmation—made her both the first woman Asian Pacific American general and the first woman Judge Advocate General Corps general in the history of the U.S. Army. This was a major achievement for both the Army and the Army Reserve and I was delighted that I could do much of the public affairs work to publicize her accomplishment. I have included with this letter one of the many articles I wrote about her, one that was published by the Department of Defense's American Forces Press Service.

In the years since, we have continued to be good friends and I have followed her career closely. Her volunteering to deploy to Iraq as the Deputy Rule of Law Coordinator for the Department of State's Baghdad Provincial Reconstruction Team from 2007 to 2008 came as no surprise to me. It was just one more example of Coral finding a new avenue to share her incredible knowledge with others—as well as a way to help a new group of people.

I have complete confidence in Coral taking up her new responsibilities in exactly the same manner she has tackled every other thing she has done in her life, with determination, with compassion, with skill and with the desire to do what is right, for the country and for those who serve our country. I am convinced that the government and those who come before her court will have their interests equally respected by her.

Coral's life experiences make her an ideal choice for the position for which she has been nominated. As someone who had risen to the heights of the legal profession in both the civilian and military service, she knows and appreciates the perspective of the government. But in rising to those heights, she knows the perspective of the underdog, of those who have to fight to get ahead, of those who may not always expect to get justice but keep striving for it anyway. She knows that viewpoint because she has lived it.

I can think of no better person to serve on the Federal bench, particularly the U.S. Court of Appeals for Veterans Claims, than one who has had the life story of Coral Wong Pietsch.

Respectfully,

RANDY PULLEN

Attachment: News Article

News

American Forces Press Service

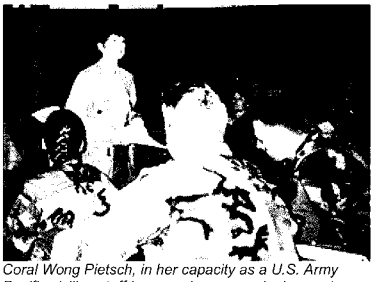
Waterloo to Washington: The Long Journey of Coral Wong Pietsch

By Lt. Col. Randy Pullen
Public Affairs and Liaison Directorate, Office of the Chief, Army Reserve

WASHINGTON, April 24, 2001 – Trivia question: What do James T. Kirk, the captain of the Starship Enterprise, and Coral Wong Pietsch, the Army Reserve colonel selected to become the Army's first Asian Pacific American woman general, have in common?

Answer: They both come from Iowa.

Pietsch's career has not sent her across space like Captain Kirk's but she has been to quite a few places on this planet: Korea, Japan, the Philippines, Hawaii and Johnston Atoll, to name a few. And to stretch the Star Trek analogy a bit further, she sometimes has felt like she beamed onto a new world that did not quite understand where she came from or who she was.



Coral Wong Pietsch, in her capacity as a U.S. Army Pacific civilian staff lawyer, gives a pre-deployment briefing to soldiers of the 25th Infantry Division at Schofield Barracks, Hawaii, prior to them -- and her -- flying out to Johnston Island for a chemical accident/incident response exercise in 1998. Pietsch has been nominated for promotion to brigadier general. If the Senate confirms her, she would be the first Asian Pacific American female general in the Army's history. Photo by Lt. Col. Randy Pullen, USAR.

"I was commissioned as a judge advocate general officer in 1974," Pietsch said. "I was told I was now a member of the largest law firm in the world, with about 1,450 lawyers. I served in Korea and in Hawaii for six years on active duty, then went into the Army Reserve."

On her first annual training with an active duty unit, a snapshot was taken of her with two other Army Reservists. When the picture came back, someone wrote on it, "those Reservists."

"I don't think they meant anything by this, but it did get me to thinking," Pietsch said. "I realized the size of the JAG Corps had really been underestimated. It was a lot bigger than those 1,450 active duty lawyers. There were another 1,600 Reserve JAG officers not being counted."

Things have changed in the Army JAG Corps since 1980. The world's biggest legal firm is close to 5,000 lawyers and legal specialists. It is "one legal team," as the first three words of the JAG Corps vision states. Today, the Army counts -- and counts on -- the legal soldiers of all its components.

Pietsch has been part of those changes and will soon be one. The individual mobilization augmentee is already the first woman chief judge in the history of the Army JAG Corps, and upon Senate confirmation will become its first woman general, too.

Her place of duty is the U.S. Army Legal Services Agency in Falls Church, Va., near Washington, D.C. That is a long commute from her civilian job and home in Hawaii, but Hawaii is quite a distance from where she was born, Waterloo, Iowa.

Her father was an emigrant from Canton, China, who settled in Waterloo to start a Chinese restaurant. "He met my mother there, and that's where I was born," Pietsch said.

After receiving a bachelor's degree in theater and a master's in drama, she went to law school at the Catholic University of America in Washington, D.C. It was there that she met an Army officer working on his law degree, James Pietsch. He became her husband. He also became her colleague.

Both served on active duty and in the Army Reserve. James Pietsch retired as a colonel in 2000. In his civilian career, he is an associate professor of law at the University of Hawaii's William Richardson School of Law and a clinical professor at the university's John Burns School of Medicine.

Following her active duty service at Eighth Army in Korea and at Fort Shafter in Hawaii, Coral Pietsch worked as a deputy attorney general for the State of Hawaii for six years. Then, she became a civilian attorney at Headquarters, U.S. Army Pacific, Fort Shafter.

She is now the senior civilian attorney at USARPAC and chief of the Civil Law Division in the staff judge advocate's office. She supervises a staff of attorneys whose areas of expertise include administrative law, contract law, environmental law, ethics, fiscal law, operational law, and personnel and labor law for a major Army command, whose area of responsibility covers half of the earth's surface.

While rising in her civilian career, Pietsch also rose in her Army Reserve career. She had assignments as the contract law officer and claims officer at Headquarters, IX Corps (Augmentation), Fort DeRussy, Hawaii; contract law officer, chief of legal assistance, and chief of the administrative law division at Headquarters, IX Corps (Reinforcement), Fort DeRussy; and as the staff judge advocate, 9th U.S. Army Reserve Command, Fort DeRussy.

In February 1996, she was recalled to active duty and served for six months as the staff judge advocate for U.S. Army Pacific.

Pietsch's civilian and Army Reserve jobs have sent her often to the far-flung reaches of USARPAC's area of responsibility. As a soldier in the 9th ARCOM, she has gone to Japan for the Yama Sakura exercise. As an Army civilian employee, she has gone to tiny Johnston Atoll, located some 825 miles southwest of Hawaii, to take part in chemical accident/incident response exercises

(Johnston Atoll was the site of the Pacific's chemical munitions demilitarization facility. The U.S. Army Chemical Activity Pacific was located there to store, safeguard and transport the munitions to the on-island destruction facility. The last munitions were destroyed in November, and USACAP held a chemical surety decertification ceremony April 11).

One of her most interesting deployments, she said, occurred in October and November of 1995 when she took part in Exercise Balikatan in the Philippines. The U.S.-Philippine exercise brought together some 600 U.S. and 600 Philippine military members to conduct combined and joint operations and to provide cross-training opportunities for participants. Pietsch was the senior legal officer for the exercise.

Her duties took her away from the headquarters in Manila to check on activities where the numerous exercise events were taking place, such as the medical/dental/veterinary civic action project in western Luzon and infantry training at Camp Magsaysay in north central Luzon. She even managed to accompany a group of U.S. and Philippine Navy SEALS on a rubber boat exercise on Manila Bay.

A less pleasant experience was Super Typhoon Angela, the strongest typhoon to hit the Philippines in a decade, which struck Luzon on Nov. 3, 1995, with 200-mile-an-hour winds. The headquarters staff had just moved to its forward location at Camp Magsaysay, which was directly in the typhoon's path. They evacuated to stronger buildings in Manila, but as luck would have it, the storm shifted and hit Manila instead.

None of the Americans was hurt, and Exercise Balikatan resumed after Angela passed. Pietsch kept busy advising on legal issues resulting from damage claims and other typhoon-related issues.

The big news came to Hawaii and to Pietsch in April 2000 that she had been selected to become chief judge (IMA), a brigadier general's assignment. She took up her new duties a month later. On March 1, 2001, Secretary of Defense Donald H. Rumsfeld announced that the president had nominated Pietsch for promotion to brigadier general. If the Senate confirms her, she would be the first Asian Pacific American female general in the Army's history.

As the daughter of a man who came from China to start a new life, Pietsch knows something about what it means to have the chance to succeed. Her father took the opportunity that America offered; she followed his lead and charted her own course.

That course led her through Washington, D.C., to Korea and to Hawaii, with stops at Johnston Atoll and Japan and the Philippines, and has now brought her back to Washington at the highest levels of the world's biggest legal firm, the U.S. Army JAG Corps.

In her own way, Col. Coral Wong Pietsch has explored as many worlds as Capt. James T. Kirk.

(Lt. Col. Randy Pullen is assigned to the Public Affairs and Liaison Directorate, Office of the Chief, Army Reserve, Washington, D.C.)

Col. Coral Wong Pietsch, chief judge (Individual Mobilization Augmentee) talks with Lt. Col. Lee Stockdale of the 81st Regional Support Command (left) during the on-site legal training conference co-sponsored by the Army Reserve's 12th Legal Support Organization and the South Carolina Bar Association in March 2001. Pietsch has been nominated for promotion to brigadier general. If the Senate confirms her, she would be the first Asian Pacific American female general in the Army's history.

Photo by Lt. Col. Randy Pullen, USAR.

Col. Coral Wong Pietsch talks with Capt. Jeavy Resurreccion of the Philippine army during the planning conference for BALIKATAN 95.

Photo by Lt. Col. Randy Pullen, USAR.

Col. Coral Wong Pietsch, chief judge (IMA) talks with Capt. Dave Whitney of the 12th Legal Support Organization. In her civilian job, Pietsch serves on the staff of Headquarters, U.S. Army Pacific. In his civilian job, Whitney serves on the staff of U.S. Senator Jesse Helms of North Carolina.

Photo by Lt. Col. Randy Pullen, USAR.

Col. Coral Wong Pietsch (center), senior legal officer for the BALIKATAN 95 exercise, gets a briefing from Lt. Col. Dave Lowry, officer in charge of the U.S.-Philippine command post exercise in November 1995. On the left is Maj. Randy Pullen, senior public affairs officer for the combined/joint BALIKATAN exercise. All three officers are Army Reservists.

Photo by Petty Officer 3rd class Kendall Calvin, USN.

Col. Coral Wong Pietsch goes over the map with a Navy SEAL officer before accompanying a combined U.S.-Philippine Navy SEAL team on an exercise on Manila Bay during Exercise BALIKATAN 95 in November 1995.

Photo by Petty Officer 3rd class Kendall Calvin, USN.

[Letter from Gregory Shogren, Assistant U.S. Attorney, U.S. Department of Justice, in support of Coral Wong Pietsch:]

U.S. Department of Justice

United States Attorney

Eastern District of Washington

402 E. Yakima Avenue, Suite 210 *(509) 454-4425*
Yakima, Washington 98901 *Fax (509) 454-4435*

February 15, 2012

The Honorable Senator Patty Murray, Chair
Committee on Veterans' Affairs
Room 418, Russell Senate Office Building
Washington, D.C.

Re: Letter Supporting Nomination of Ms. Coral Wong Pietsch for Judge on U.S. Court of Appeals for Veterans' Claims

Dear Senator Murray:

I was very happy to hear that my good friend Coral Wong Pietsch has been nominated by the President to be a judge on the United States Court of Appeals for Veterans' Claims. I submit this letter to you and the Committee to express my strong support for Coral in the confirmation process.

Coral and I met in Baghdad, Iraq in 2007 where we worked together on the Baghdad Provincial Reconstruction Team (PRT). She was deputy chief of the rule of law section. Our task was to assist in reconstruction of Iraqi rule of law as advisors for the U.S. Department of State. (I was on temporary duty as a resident legal advisor with the Office of Prosecutorial Development, Assistance and Training (OPDAT), United States Department of Justice, during 2007-08.)

Duty in Iraq was not without its perils. Coral was occasionally exposed to enemy fire while there. On one occasion, Thanksgiving Day 2007, the building and vehicle used by Coral at the PRT in Baghdad were damaged by indirect enemy fire. Hostile fire -- and improvised explosive devices -- were a common occurrence, yet Coral was undaunted and continued to travel throughout Baghdad to visit Iraqi officials.

I worked closely with Ms. Pietsch in those years. We spent many long hours together in our reconstruction efforts and got to know one another very well. Having served in the United States Marine Corps in Vietnam during the late 1960s, I am able to fully appreciate

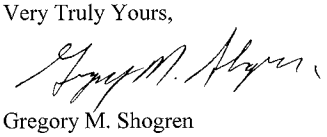
Senator Patty Murray
February 15, 2012
Page 2

her lengthy military service and dedication to our country and her stellar success in the Army, where she was promoted to the rank of brigadier general, the first female general officer in the Army Judge Advocate Corps. Her success was a function of her many amazing talents which I was able to observe first hand in Iraq.

The Committee should understand that Coral Pietsch is not just an experienced lawyer of the highest caliber; more importantly, in my mind, she is a human being of extraordinary quality. Her great depth of character, including: integrity, honesty, fairness and empathy for her fellow man, make her uniquely qualified to hold such an important position as judge on the U.S. Court of Appeals for Veterans' Claims.

Therefore, I urge you to confirm Coral for the judgeship. Please advise the Committee that I would appreciate the opportunity to answer any questions they, or you, might have with regard to Coral Wong Pietsch.

Very Truly Yours,



Gregory M. Shogren
Assistant United States Attorney

PREPARED STATEMENT OF MELVIN K. SOONG, COLONEL, JAG, U.S. ARMY RESERVES (RET.), CIRCUIT COURT JUDGE, FIRST CIRCUIT, STATE OF HAWAII (RET.), IN SUPPORT OF CORAL WONG PIETSCH, BG (RET.)

CHAIRMAN MURRAY AND MEMBERS OF SENATE COMMITTEE ON VETERAN'S AFFAIRS: I write to urge your support in confirming Coral Wong Pietsch as a Judge of the United States Court of Appeals for Veteran's Claims.

I first met Coral when she and her husband Jim joined the Judge Advocate General's section HQ IX Corps(Aug), a section I was in command of here in Honolulu in the early 1980's. The HQ was the unit in charge of all Army reserve units in Hawaii, Guam, American Samoa, and the Marianna Islands. I found Coral to be calm, observant, resourceful, competent, and complete in her work. She has that ability to convey to the parties in a conflict that their position has been heard and considered, and that a fair decision will be reached.

Coral has achieved many "firsts" and other accomplishments in her continuing career. I know such information has been made available to you and I need not elaborate. But I would like to mention that her reputation here in Hawaii is excellent. She is very highly regarded in the legal community, the community itself, and the military community. Her volunteering to serve a year in Iraq was truly patriotic and at great sacrifice to her.

May I respectfully urge your confirmation of Coral for the Judge's position.

Thank you.

[Letter from COL Terry E. Thomason, U.S. Army (Ret.), in support of Coral Wong Pietsch:]

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Terry E. Thomason
E-mail:
TThomason@ahfi.com

March 16, 2012

Via Email: Matt_Lawrence@vetaff.senate.gov

The Honorable Patty Murray
Chair, Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Re: Support of Brigadier General Coral Wong Pietsch's Nomination To Serve As Judge, U.S. Court Of Appeals For Veterans Claims

Dear Chair Murray and Committee Members:

I was pleased to learn the President of the United States nominated Brigadier General Coral Wong Pietsch to serve as a Judge on the United States Court of Appeals for Veterans Claims. Because of her intellect, strong character, and integrity, I urge the Committee to refer Brigadier General Pietsch to the full Senate for prompt confirmation.

I have known Brigadier General Pietsch personally and professionally for more than forty years. She is a superb attorney who will apply the law with skill and impartiality. She also has the patience and judicial demeanor that will assure fair treatment of all litigants. Finally, she has a deep sense of personal honor and integrity. She will conduct herself always in a manner befitting the office she will hold.

As a retired Army officer, I believe Brigadier General Pietsch is exactly the type of person who should decide cases involving veterans' claims. She is a soldier who has lived the soldier's ethical code. Her professional military stature means veterans will accept her as qualified to decide their claims. She is a good, decent, and honorable person who has served her country all of her adult life. The President could not find a better lawyer, soldier, and citizen to fill this position.

The Honorable Patty Murray
Chair, Committee on Veterans' Affairs
March 16, 2012
Page 2

I recommend Brigadier General Pietsch for confirmation without reservation.

Very truly yours,

Terry E. Thomason
COL, USA (Ret)

PREPARED STATEMENT OF LES UEOKA, COMMISSIONER, HAWAII CIVIL RIGHTS COMMISSION; AND BILL HOSHIJO, EXECUTIVE DIRECTOR

DEAR CHAIR MURRAY, RANKING MEMBER BURR, AND MEMBERS OF THE COMMITTEE: I write in strong support of the nomination of Coral Wong Pietsch to serve as a judge on the U.S. Court of Appeals for Veterans Claims. I have known General Pietsch since 2005, when I was appointed to serve as a commissioner on the Hawaii Civil Rights Commission, of which she served as chair. Over the next seven years until her retirement from the Commission in 2012, I had the good fortune and privilege of working closely with General Pietsch. She is a tireless public servant whose greatest attribute, in my opinion, is that she leads by example.

General Pietsch has qualities that will serve her well as a judge. First and foremost, General Pietsch is principled, honest and fair. She listens to all points of view and treats everyone with courtesy and respect. Even when the Commissioners disagreed on an issue, her leadership kept us from being disagreeable. Second, General Pietsch's record of public service speaks volumes. I am certain that she will provide details of her service, so I will simply point out the highlights, including her pioneering career in the U.S. Army, her chairing the Hawaii Civil Rights Commission, and her volunteering to serve in Iraq while on the Commission to help build and establish its judicial and legal system. Finally, General Pietsch is devoted to the law and justice. In every endeavor, she demonstrates a respect for the law that is uncompromising and a focus on justice that remains unwavering.

General Pietsch will be a great judge, and I support her without any reservation.

Thank you for this opportunity to submit written testimony.

[Letter from Arthur Wellman, Attorney, Col., JA, U.S. Army (Ret.), in support of Coral Wong Pietsch:]

ARTHUR DOUGLAS WELLMAN
Attorney at Law
11980 Duchess Ave.
Mokena, Illinois 60448

REAL ESTATE/INSURANCE
INVESTMENTS/TAXES
MORTGAGES

OFFICE: 708-479-1516
FAX: 708-857-1518
CELL: 708-949-0431
Email: arthur.d.wellman@hotmail.com

February 20, 2012

To: Committee on Veterans Affairs, U.S. Senate
% Mr. Matt Lawrence, Chief Clerk of the Committee

Subject : Support Letter – Coral Wong Pietsch

It is my distinct honor to send a letter of support for my friend and colleague, Coral Wong Pietsch who is nominated for consideration as a Judge for the United States Court of Appeals for Veterans Claims. I am a retired Colonel, and Judge Advocate veteran with 33 years of Army active and reserve duty including 3 years were in direct support of Operation Iraqi Freedom. I had the privilege of servicing in Kuwait, Qatar, and in Iraq. It is without reservation that I fully recommend and support her nomination.

I first met Coral when she was a Brigadier General mentoring and training young Army Judge Advocates in her liaison advisor role for the U.S Army's Judge Advocate General. I next had the privilege of serving with her directly while positioned as a Judge Advocate but attached as a Senior Rule of Law Advisor with the U.S. State Department's Provincial Reconstruction Team in Baghdad. We worked with Iraqi's, third country nationals, coalition and various U.S. Military Judge Advocate personnel, as well as U.S. State and Justice Department Attorneys and personnel to enhance and rebuild the Rule of Law in the Iraqi legal system.

Coral is a consummate professional. I was quite impressed how Coral worked with such a variety of people with diverse backgrounds. She has an amazing way of bringing such people together, despite their diversity, always with a positive manner. She continually help lead projects and the mission forward despite difficult government procedures and with ever present dangerous wartime situation. Her organizational skill, distinct professionalism, and temperate, diplomatic guidance helped the Rule of Law team and our Iraqi legal counterparts keep their initiatives working. She continued to follow through to insure the achievement of positive results on all projects she was involved.

Coral is not only an incisive legal scholar, and writer, but she is also an articulate, thoughtful communicator. She brings clarity to the most difficult legal and

philosophical concepts. She has a rare combination of a being a thoughtful professional, while also being a warm,compassionate, human being. She helped move the Iraqi legal system toward responsible conflict resolution, emphasizing a legal opinion and judicial decision instead of the prevalent use of a bomb or a bullet.

Here is an example of what kind of person Coral is. Coral would stop her work and respectfully stand up whenever MEDVAC helicopters delivered casualties to the Combat Support Hospital which was next door to our office, as these wounded were brought for treatment.

I remain friends with Coral and her husband, Jim, who served by her side as a Rule of Law Advisor. Coral is exceptionally well qualified to be an outstanding Judge and jurist for the Court of Appeals Court for Veterans Affairs. Her temperate professionalism and experience will provide the court with a superb Judge upon confirmation.

Thank you for the chance to provide this unqualified letter of support for her nomination for that position.

Sincerely,

Arthur D. Wellman
COL, JA, USAR, Retired.

ADW:laf

[Letter from Lisa Wong, Manager, Human Resources, Training, Health and Safety, Hawaiian and Cultural Programs, Hawaii Convention Center, in support of Coral Wong Pietsch:]

Lisa A. Wong
1404 Kalaniiki Street
Honolulu, Hawai'i 96821

February 27, 2012

Senate Committee on Veterans' Affairs
Russell Senate Office Building, Room 418
Washington, DC 20510

RE: Letter of Support for General Coral Wong Pietsch

Dear Senate Committee on Veterans' Affairs:

I am writing in behalf of General Coral Wong Pietsch to support her nomination for Judge on the U.S. Court of Appeals for Veterans Claims.

I have the pleasure to know and work with General Pietsch while we served as Commissioners on the Hawai'i Civil Rights Commission since 2003. General Pietsch was our Chairperson of which she chaired an outstanding group of commissioners who dedicated their non-compensated time and passion in delivering and preserving civil rights for the people of Hawai'i. During this time, General Pietsch had also taken a year absence to serve in Iraq, to help build the government of Iraq.

Coral is an amazing individual who is the first female General in the 226-year history of the US Army Judge Advocate General Corps, and also the first Asian American female to reach the rank of Brigadier General in the Army.

Coral is fair, ethical and has a passion in delivering justice that would support equality for all individuals and with the strong focus on underprivileged, disadvantaged, and diversity.

Coral and I have continued our friendship and relationship personally and professionally.

I look forward to her appointment.

If you have further questions, please feel free to contact me at (808) 375-9753 or via email at lwong@hccsmg.com.

Sincerely,

3/5/2012

Lisa A. Wong

Lisa A. Wong

NOMINATION OF THOMAS SKERIK SOWERS II, PH.D., TO BE ASSISTANT SECRETARY OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

WEDNESDAY, JULY 18, 2012

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10 a.m., in room 418, Russell Senate Office Building, Hon. Patty Murray, Chairman of the Committee, presiding.

Present: Senators Murray, Webb, Begich, Burr, and Boozman.

OPENING STATEMENT OF HON. PATTY MURRAY, CHAIRMAN, U.S. SENATOR FROM WASHINGTON

Chairman MURRAY. Good morning. The Committee will come to order.

Welcome to today's hearing to consider the nomination of Dr. Tommy Sowers to be Assistant Secretary of Public and Intergovernmental Affairs for the Department of Veterans Affairs. I am very pleased to welcome Dr. Sowers and his apparently numerous family members who are with him today.

And, I also wanted to just take a second and recognize a former colleague, Senator Max Cleland. Dear friend, it is wonderful to see you here today as well.

In a moment, we are going to hear all about the nominee's qualifications. He will be introduced by Senator McCaskill. She will be arriving shortly, and before she comes I am going to spend a minute talking about the office he has been nominated to lead and the issues, if confirmed. As the second-largest department in the Federal Government, VA's outreach extensive.

The Department of Veterans Affairs serves more than eight million veterans' health care needs every year, delivers compensation and pension benefits to more than four million Americans and veterans, provides life insurance to approximately seven million active-duty members and veterans, provides burial honors for nearly 120,000 veterans and eligible family members, and delivers more than 10 billion dollars' worth of education assistance every year.

Dr. Sowers, you have been nominated to lead an office that is charged with providing veterans and their families with the latest information on all of the services, benefits, and programs that VA

offers for an organization that, as the Secretary often says, is the equivalent of a Fortune 15 company.

If confirmed as the Assistant Secretary of Public and Intergovernmental Affairs, you will play a key role in meeting the President's challenge of transforming VA.

One of the key responsibilities of this position is to oversee the Department's outreach efforts. In recent years, the Department has increased its efforts to transform from a reactive to a proactive organization by creating an Outreach Office to make more veterans aware of their benefits. It has also increasingly focused on new social media, like Facebook and Twitter.

However, with nearly 50 percent of eligible Iraq and Afghanistan veterans still not using VA health care, the Department clearly has more work to do if it is going to expand its reach to more veterans, regardless of where they live or how they access information.

As Assistant Secretary of Public and Intergovernmental Affairs, you will be called upon to publicly respond to incidents, both good and bad, that will have a direct impact on the level of trust veterans place in the VA.

Members of this Committee have seen all too often how isolated incidents at local VA facilities, and the failure to respond with sufficient information in response to those incidents, have negatively impacted the perception of VA as a whole.

In addition to serving as a spokesman for VA, you will also have responsibility for overseeing the Department's relationships with the rest of the Federal Government, including the Department of Defense, as well as with State and local governments. These relationships are critical to the Department's ability to deliver the highest quality care and benefits to this country's veterans and cut across issues ranging from homelessness and housing issues to small business and seamless transition issues.

This is an important position and one whose impact will be felt by veterans of all generations in this country.

So, I look forward to hearing your testimony and learning about your plans, if confirmed.

I believe the Ranking Member is on his way. But awaiting his arrival, Senator McCaskill has arrived, and we want to give her the opportunity—the Ranking Member has arrived if you do not mind, Senator, I am going to proceed with Senator McCaskill and then we will go to your opening statement.

Senator McCaskill, thank you so much for coming today and introducing someone you know well.

STATEMENT OF HON. CLAIRE McCASKILL, U.S. SENATOR FROM MISSOURI

Senator MCCASKILL. Thank you, Madam Chairman, and I also want to thank Senator Burr for being here.

You have an extraordinary Missourian in front of you today. This is a special man, and I say that not because he was raised in Rolla, Missouri, which actually is the town I was born in because my parents lived in Houston where there was not a hospital. So, my mom and dad had to drive to Rolla for my birth.

His grandfather was the editor of the local paper in Rolla and he took his lessons that he learned growing up in rural Missouri and completed the ROTC program while he was at Duke.

In the Army, Tommy had an amazing career. He commanded a combat engineer platoon in Kosovo. He excelled in the U.S. Army Special Forces qualification course, graduating first in his class.

As a Green Beret, he served two tours in Iraq and went on to teach the next generation as a professor at West Point. He was decorated for his service, including two bronze stars.

He understands, I think this is really important, he understands today's veteran. I think that sometimes we forget because maybe I am guilty of this because my dad fought in World War II and so many of the veterans that my office interacts with are of the Vietnam era. They are of maybe the Korean War, still many of them from World War II.

I think we forget that today's Veterans Administration really needs to have someone in the highest levels of the Administration that understands today's veteran.

Obviously, Dr. Tommy Sowers brings that to this job. He understands the work that lies ahead. He understands government. He actually has taught government at a university in Missouri.

But, most importantly he has really got great people skills; and for this job, you know, it is called Public and Intergovernmental Affairs, I think we all know that that means you have got to not only be able to communicate well to the public and communicate to veterans about what the Veterans Administration can do for them, but he also has to interact with the rest of government.

And that takes someone who understands not just how to be a leader but also how to be a team player, and you do not get your way in the Federal Government by being hard to get along with. You get your way in the Federal Government by listening and working with others, but also being driven by a passion. Dr. Tommy Sowers has that passion.

He has an extraordinary intellect. He has an amazing resume in terms of his actual experience, and I am so proud that this Administration saw fit to nominate him. I think he may be one of the finest leaders that the Veterans Administration will ever have, and I cannot recommend him to this Committee, the U.S. Senate, or the American people more highly.

Thank you, Madam Chairman.

Chairman MURRAY. Thank you very much, Senator McCaskill. Thank you very much for your very compelling statement. We really appreciate that.

With that, I am going to turn to my Ranking Member, Senator Burr, for his opening statement.

STATEMENT OF HON. RICHARD BURR, RANKING MEMBER, U.S. SENATOR FROM NORTH CAROLINA

Senator BURR. Madam Chairman, thank you. I apologize for my tardiness and thank you to my colleague for a gracious introduction.

Dr. Sowers, welcome to you and more importantly to your family and friends who are here.

I find it a little bit odd to have a Duke graduate that had military service, ROTC at Duke, you are too smart I thought to do that. [Laughter.]

The fact is that I am grateful to you. Duke is a tremendous school. I am a Wake Forest graduate. So, we have learned over the years to put up with Duke graduates. [Laughter.]

Thank you for your service to our country's military, for all of the individuals that commit to serve. This is a Nation that will always be grateful for that service, and I think the nomination that the White House has made is a continuation of that service in a different fashion.

To start with, the office that you have been nominated for is responsible for assessing and coordinating outreach activities that VA carries out agencywide.

Over the years, VA has had many different methods to inform veterans and other stakeholders about VA benefits, services, and activities. But, until recently, little was known about the cost or outcomes of those outreach efforts. Although VA now tracks how much is spent, there is still work to be done to fully understand which outreach methods work the best and to gauge the overall effectiveness of VA's outreach efforts.

In other words, let us make sure that we are getting as much bang for our buck, that those outreach efforts are reaching the people that we are trying to reach.

The Office of Public and Intergovernmental Affairs also oversees sports programs and special events for veterans with disabilities, including VA's Paralympic Program. That program is meant to expand the opportunities for veterans with disabilities to participate in adaptive sports, by providing grants to organizations that sponsor these activities around the country.

To fulfill that purpose, VA must ensure that as much of that funding as possible is directly benefiting disabled veterans who want to participate in these activities.

Madam Chairman, before I turn it back to you, I want to mention one other role of this office, which is to assist in VA's initiative to reduce the number of homeless veterans.

In recent years, there has been a large increase in the funding for homeless programs but there are questions about what results are being achieved and whether certain segments of the veteran population, including women veterans, are being well served.

Moving forward, VA must ensure that these resources are being used as effectively to help struggling veterans reach positive outcomes as we can possibly do.

And, I lay that out to you, Dr. Sowers, as just a few areas that would require your incredible attention on your part, if you are confirmed for this.

I look forward to discussing with you how you carry out these duties and, more importantly, how you would ensure that the efforts of the office are leading to real improvements for veterans, their families, and their survivors.

I thank you. I thank the Chair.

Chairman MURRAY. That you very much, Senator Burr.

Dr. Sowers, thank you, first of all, for your service to our country and now your willingness to serve your fellow veterans in this new

capacity. I know all of us are looking forward to your testimony, but I know you also have a number of people in the audience today, and I would like you to go ahead and take a moment to introduce them to us.

Mr. SOWERS. Chairman Murray, Ranking Member Burr, first off, thank you very much for the opportunity to come here today. I know Senator McCaskill just took off but those were very kind words, and she has been a great friend and a supporter not just to me but to veterans.

Behind every veteran stands their family and their friends and their comrades and a lot of them have showed up today.

First and foremost, I would like to recognize my wife Ericka. She is the daughter of a veteran, and she tolerates me on a day-to-day basis.

My parents are sitting right behind me, Tom and Chris Sowers. They drove out here from Missouri, and my father served in the Army Reserves and the National Guard and my mom is a true Army brat, the daughter of a World War II paratrooper, Korea, Vietnam, and at one point had two brothers in Vietnam. Like so many other parents out there, they prayed and hoped for my return on my three deployments.

They are joined today by two of my sisters and two of my four nephews. Bo and Mac Wallace from Greenville, South Carolina. As promised, boys, your names are now in the official Congressional record. [Laughter.]

In Ranger training, I learned to never leave my battle buddy, and true to that, many of the folks that I served with are here today.

Major Kecia McGriff and Jeremy Gray were there on my first day in uniform in Durham, NC, and they watched me learn how to lead.

Major Rob Hudson and Ed King I also met in North Carolina, down in Fayetteville, during Special Forces training. They know that I do not quit.

Two other currently serving officers, Major Fernando Lujan and Major Paul Patterson were there at the end of my career as a professor at West Point; and finally, I have got to recognize Chief Kevin Wells. Chief was my Deputy Detachment Commander on my ODA in Special Forces. I have not seen him for 5 years. He exemplifies what a quiet professional is and also the type of bond that you form in combat.

For all of those veterans that are currently serving or have served, thank you very much.

Chairman MURRAY. All right. Under the rules of this Committee, the testimony of all of our Presidential nominees appearing before the Committee have to be taken under oath.

So, Dr. Sowers, will you now stand while I administer the oath.

Do you solemnly swear or affirm that the testimony that you are about to give before the Senate Committee on Veterans' Affairs will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SOWERS. I do.

Chairman MURRAY. Very good. With that, Dr. Sowers, you can begin with your opening statement.

STATEMENT OF THOMAS SKERIK SOWERS II, Ph.D., NOMINEE TO BE ASSISTANT SECRETARY OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. SOWERS. Chairman Murray, Ranking Member Burr, I am truly honored to come before you today as the nominee for Assistant Secretary for Public and Intergovernmental Affairs at the VA. I would like to express my deep gratitude to President Obama and Secretary Shinseki for their nomination and their confidence in my ability.

Over the past few days, I had an opportunity to sit down with you and members of your staffs, to listen to you, to understand your priorities and concerns. I appreciate the opportunity now to answer your questions and gain further insight from you on how, if confirmed, I should approach this opportunity.

But, I must begin simply by thanking the Committee, and this is a very personal thank you. As you may know, I am a recipient and a beneficiary of the new GI Bill. Just last Thursday was my Ph.D. graduation ceremony, a program which would not have existed under the old GI Bill. It took your alls' leadership to make it happen. This label would not read Dr. Tommy Sowers without you.

I am just one of hundreds of thousands of veterans out there who have had their lives transformed. They will continue on. They will build businesses. They will pay taxes. You have invested in them, so thank you very much.

My story is similar to the story of many veterans. My time in the service made me strong. My time at war made me stronger and the VA has helped me heal and made me better.

My 11 years in the Army made me strong. In the woods, swamps, and mountains of your States, my ability to lead was tested. I pushed tired legs up Donnelly Dome in Alaska, led troops over optical courses at Fort Lewis, WA, and have done quite a bit of business in North Carolina.

The military instilled in me the duty, honor, teamwork, discipline, these bedrock values that made me strong. My three redeployments made me stronger. During a tour in Kosovo and two tours in Iraq, I found what many veterans find, a true test of my leadership, of my faith, and of my values.

In that trial, I also formed a bond of respect with all those that stepped forward when their country called. And, once I hung up my uniform, VA has made me better.

The veterans' programs championed by you, passed by Congress, and executed by the Department of Veterans Affairs have improved my health and my future.

Three years ago, as I transitioned from soldier to veteran, I went through the claims process and now receive my health care through the VA. I have experienced world-class care at the VA by highly competent professionals.

At my last physical, my physician, Dr. Denise Davis, I asked her why she left private practice to come work at the VA. She said, "It is absolutely simple. We have the best patients in the world, and I get to take care of you for life." I like having a physician that is looking at me for the long haul.

A decade ago I benefited from the VA's home loan program that allowed me to achieve the dream of home ownership; and as I said, I personally know the incredible benefits of the new GI Bill.

Members of the Committee, if you want to know what drives me, what makes me tick, it is very simple. Now that the military and the VA has given so much to me, if confirmed, I intend to give back.

I realize that many veterans have lived a different story, veterans who did not know their benefits and others whose experience has been far less positive than mine.

I do not come to you today with a list of easy policy solutions and quick fixes to the tough problems that our veterans face but I do come to you with this pledge. If confirmed, my mission will be to fight every day on behalf of veterans and their families so that they receive the benefits that I have received for their health, their education, and their future.

This fight is not a skirmish. I know Secretary Shinseki and his team are working day in and day out. It is a long fight, a fight that dedicated employees of the VA have undertaken for many years. I also know that the VA does not fight this fight alone.

With this positions' intergovernmental role, if confirmed, I look forward to working together with other State, local, and Federal agencies and each of you to help promote a unified effort.

Further, I understand the importance of fully engaging and partnering with veteran service organizations, advocacy organizations, the media, for-profits and non-profits. All are critical allies needed in this fight; and if confirmed, I pledge to work together with them and with you.

For our cause, the cause of improving the lives of veterans and their families, is just, it is shared, and it is urgent, And for this cause, if confirmed, it would truly be an honor to serve my fellow veterans and my country again.

Thank you. God bless your work, our veterans, and our country, and I look forward to answering your questions.

[The prepared statement of Mr. Sowers follows:]

PREPARED STATEMENT OF THOMAS SKERIK SOWERS II, PH.D., NOMINEE TO BE ASSISTANT SECRETARY OF VETERANS AFFAIRS FOR PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Chairman Murray, Ranking Member Burr, and Distinguished Members of the Committee, it is an honor to come before you today as President Obama's nominee to serve as the Assistant Secretary for Public and Intergovernmental Affairs at the Department of Veterans Affairs. It is with deep humility and gratitude to President Obama and Secretary Shinseki for their confidence in my ability to fulfill the responsibilities of this office.

Senator McCaskill, thank you for your kind introduction. You have been a great mentor and friend to me, and a strong supporter of veterans.

I would like to first introduce my wife, Ericka. Thank you so much for being by my side, today and always.

I would also like to recognize my parents, Tom and Chris Sowers. My father was in the National Guard and my mom, a true Army brat, at one point had her father and two brothers serving in Vietnam. The example set by both my father and my wife's father taught me what service to one's country means; and what it is to take part in something bigger than one's self. And it was my family that, in turn, supported me during my three deployments.

We can never forget all of the parents, like mine, who have spent countless nights lying awake and hoping with all their strength that their loved ones can come home safely; and soon. Every person who has served in war understands the importance

of family and home. We owe our parents a debt of gratitude that can never be fully paid—Mom, Dad; I am so honored that you could be here today. Thank you.

My parents drove here from my home state of Missouri, bringing with them two of my nephews, Bo and Mac Wallace. Thanks for being here boys; as promised you are now in the official Congressional Record.

Next, some of my fellow brothers and sisters in arms are here. Fernando Lujan and Paul Patterson, thanks for your service and for standing with me today. I am proud and grateful to have had the privilege to serve with you in uniform.

Over the past few days, I've had the privilege to meet with Members of the Committee and your staff, to listen and understand your ideas, priorities and insights. And I appreciate the chance now to explain a bit about my background, and to let you get a sense of how, if confirmed, I would approach this opportunity.

I would like to begin by thanking the Committee for its service to the veterans' community. This is a very personal thank you. Last Thursday was my official graduation ceremony for my Ph.D.—a degree made possible only through the new GI Bill. I am one of the thousands of veterans whose life has been improved because of your legislation.

My 11 years in the military presented many challenges that helped me grow strong in mind and body. From hiking up Donnelly Dome in Alaska, to leading squads over obstacle courses at Fort Lewis, Washington; to Ranger training in Dahlonega and Fort Benning, Georgia, to Special Forces training in North Carolina's Pineland, to night parachuting into Fort Lee, Virginia, my military training forged in me the values, leadership and qualities of our military.

I also quickly learned that the strength I had gained from those challenges would be tested—in ways that I could never have imagined. Through a peacekeeping deployment to Kosovo and two combat deployments to Iraq, I faced challenges that all Veterans encounter—I was able to put to use what the Army had taught me about leadership, integrity and inner-strength. And this was no simple test. I learned that decisions have consequences. And that my fellow soldiers depended upon me, sometimes with their lives.

Upon coming home, I learned that VA was there for me. As a service-connected disabled veteran, I have been through the claims process and receive my health care through VA. I've experienced world class care, by highly competent professionals. At my last physical, I asked my doctor, Denise Davis, why she left private practice to work at VA. She said it was easy—we have the best patients, and she gets to care for me for life.

In addition to taking care of my body, VA has helped take care of my family as well. A decade ago, I was able to realize the dream of home ownership through VA's home loan program. And more recently, I have benefited from the new GI Bill, allowing me to achieve my dream of an advanced degree.

VA has given so much to me, and I intend to give back. This is why I am excited at the opportunity to serve, if confirmed, in the role of Assistant Secretary for Public and Intergovernmental Affairs. You have my commitment that I will advocate every day to ensure more veterans both understand and take advantage of the benefits they have earned—for their health, their education and their future.

I realize there are many organizations already joined in this effort to assist the Nation's veterans. I am thrilled about the intergovernmental aspect of this position and, if confirmed, I look forward to working together with other state, local and Federal agencies to help promote a unified effort. Further, I understand that fully engaging and coordinating with Veterans Service Organizations, the media, and others in the private sector will be critical allies needed to accomplish our common goals. Together, we must ensure our veterans are not forgotten even after our wartime deployments end.

I would like to thank the Committee, President Obama and Secretary Shinseki for providing me with this opportunity to serve my country again. I look forward to answering your questions.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. PATTY MURRAY TO TOMMY SOWERS II, PH.D., NOMINEE TO BE ASSISTANT SECRETARY FOR PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Have you discussed with Secretary Shinseki, and with Deputy Secretary Gould, the duties and the role you would assume as Assistant Secretary for Public and Intergovernmental Affairs if you are confirmed? If so, what specific areas of the job were discussed?

Response. I have discussed with Deputy Secretary Gould the duties and role I would assume, if confirmed as Assistant Secretary for Public and Intergovernmental

Affairs. If confirmed, my primary area of focus will be to represent and communicate the programs and plans of the Department to internal and external stakeholders. As a service-connected disabled veteran I will work every day to ensure my fellow veterans know and understand how to access their benefits.

Question 2. Do you anticipate having a policymaking role if you are confirmed?

Response. If confirmed, central to my role will be to assist and advise the Secretary of Veterans Affairs on all aspects of media and public affairs. As part of that responsibility, I anticipate having an active role in developing, communicating and implementing the Department's initiatives.

Question 3. Have you formulated any thoughts on what your new job responsibilities will be and how you will approach those responsibilities if confirmed?

Response. If confirmed as Assistant Secretary, beyond media and public affairs, I will manage the Department's communications—both internal and external—and oversee programs relating to intergovernmental relations, homeless veterans, consumer affairs, and the Department's six national rehabilitative special event programs. I will also oversee the Office of Tribal Government Relations.

If confirmed, I will approach this position in the same way that I have approached other opportunities—surround myself with the best people possible, have a clear mission and work hard. First, the VA is already staffed with passionate and knowledgeable people, and, if confirmed, I plan to lean heavily on this existing experience within the VA. In addition, I will actively seek input from the leading Veteran Service Organizations (VSOs). Second, if confirmed, I will approach my job responsibilities in accordance with the Department's clearly defined mission in the Strategic Plan Refresh. Finally, I know who our customers are—my fellow veterans. Being a veteran is more than a label or classification; it represents a unique and distinctive experience, and one that I know personally. It is this shared experience that will drive me to work hard every day, if confirmed, to represent veterans' interests.

Question 4. If confirmed, what would you most like to accomplish in your new position? What would you hope your legacy to the Department would be?

Response. Success would be achieved by significantly increasing the number of veterans who know of the VA's benefits and services, understand the path to receive them and move through that path. If confirmed, a major part of my legacy would be to use today's technological advancements and modern communications strategies to maximize the number of veterans the VA reaches.

Question 5. What do you see as the biggest challenge the Office of Public and Intergovernmental Affairs will have to overcome when confronting perceptions about VA?

Response. Perceptions are difficult, but not impossible to change. With my experience with the VA health care system, the New GI Bill and the VA home loan process, I know first-hand how important every interaction is between the department and a veteran. I know the employees of the VA work hard to show veterans of all eras that the VA is here to serve them. But the work is far from over.

Leading my Special Forces team I was responsible for making and meeting a plan. Staying focused on the VA's plan to end veteran homelessness, reducing the claims backlog and increasing access should remain a priority. These are ambitious goals and will require clear and consistent messaging to both internal and external stakeholders. OPIA is just a part of this effort, but a critical part of changing perceptions. This will depend on results but also on the ability to share facts in a way that will build trust with Veterans and the public.

Question 6. How would you describe your management style and how is it suited to this particular position?

Response. My leadership style is a product of my time in the military and my time in the private sector. First, I have learned to plan for everything. Leading my Special Forces team taught me diligence and discipline, and I expect the same from the people on my team. Similarly, the private sector taught me the value of diligence, planning and preparation. I strive to make well thought out, deliberate choices.

Second, my management style involves empowering my team. As a leader, I set the bar high and expect my team to match. High expectations empower both individuals and the team as a whole. This empowerment leads to greater efficiency, better results and greater team satisfaction.

Question 7. How does your previous experience contribute to your qualifications for this new position?

Response. In the military, as a media and politics professor, and through political campaigns, I have had a wide variety of interactions with media. These experiences have helped me understand the benefits of proactive engagement, how to manage

successful media campaigns, and the intricacies of the process. Additionally, my work with the Iraq and Afghanistan Veterans of America taught me how VSOs contribute to both providing services and shaping the Nation's veterans conversation. Most recently, I worked for McKinsey & Company, where I learned hands-on that not all solutions are government solutions. If confirmed, I want to bring the rigor of the business world to this position, and develop collaborative solutions to veterans' issues.

Question 8. As the official who will be responsible in theory for the public face of the Department, you most likely will need to deal with situations where an incident at one VA facility generates substantial negative press and public interest that seems to impact the Department. How would you respond to such an incident?

Response. If confirmed, my response would be simple—tell the truth and strive to keep all stakeholders informed. Veterans and the general public need to continuously hear the facts from VA and the steps we are taking to improve benefits and services generally, but especially when incidents occur in our facilities and programs.

Question 9. There are various means of communicating with different generations of veterans and their families. How can VA best communicate with the broad spectrum of the American public that the Department serves? Please describe specific media outlets and other communication media that you would seek to use if confirmed.

Response. Traditional media outlets—television, newspaper and radio—are still the best way to reach the most veterans across the country. I have extensive experience developing and implementing communication strategies using all three media, and will make it a priority to use all methods to discuss VA services. That said, communication in the modern day is more than just speeches and interviews; it is social media. I have seen the power of Facebook, Twitter, and Google. But the VA has seen this too; I have been very impressed with the VA's efforts in social/new media. If confirmed, I will seek to continue and expand the ongoing work in this area.

Question 10. In a report by the Center for New American Security entitled "Well After Service: Veteran Reintegration and American Communities," the authors argue that "* * * the fact that only 53 percent of eligible veterans of Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn have used VA health services reflects the inadequacies associated with outreach to veterans."

a. Do you share this assessment of VA's outreach efforts?

Response. The Secretary has publicly stated his goal of improving access to the VA. If confirmed, I will work to ensure veterans are aware of the services VA provides and reduce any communications barriers.

b. If confirmed, what will you do to address concerns, like those expressed in this CNAS report, regarding VA's outreach to veterans?

Response. From everything I know about the VA's work in this area, they have a robust outreach program. If confirmed, I will seek to continue this work through further partnerships with state and local veterans organizations, VSOs and the Department of Defense, as well as partnerships with business and the private sector.

Question 11. Although VA has been treating women veterans for many years, I believe that some women veterans are reluctant to seek care at a VA facility, while others don't see themselves as veterans. What thoughts do you have on how to communicate to women veterans that VA is prepared to provide gender-specific care?

Response. This is a strong priority for me. In my many visits and appointments at VA medical facilities, I've rarely seen women in the waiting rooms. This perception—that the VA medical system is geared toward men only—must change. Just like all veterans, women deserve the best care possible. The key is making sure that every veteran, male or female, knows exactly what the VA can do for them, and what specific services the VA can offer. I know that VA has made significant investments in updating programs, and services for women veterans in the last few years and if confirmed, I look forward to using my position as Assistant Secretary to continue and expand outreach to women veterans.

Question 12. As the individual with principal responsibility for Intergovernmental Affairs at VA, you will have a major role in coordinating many issues, responses, initiatives, and a wide variety of things with many other Federal agencies, in addition to state, and local and governments. What are your expectations for how you will interact with these departments and agencies?

Response. When I was in the Special Forces and deployed in Iraq, I interacted with a wide variety of government agencies, both Iraqi and US. I learned that constant communication is essential, builds lasting relationships, and facilitates sound

policy. If confirmed, I plan to work to facilitate an open collaborative relationship with key government stakeholders.

Question 13. What do you see as VA's role in working with other departments and agencies, especially the Department of Housing and Urban Development, through the Interagency Council on Homeless or otherwise, to address the needs of homeless veterans and their families?

Response. During my last move, I was assigned to a VA clinic that aggressively serves the homeless veteran community. I have seen first-hand the critical role these clinics play as a first response for homeless veterans. To that end, if confirmed, I would ensure that information about programs that share President Obama and Secretary Shinseki's ambitious, noble and right goal of eliminating homelessness amongst veterans is shared nationally.

If confirmed, my primary focus would be to communicate, both to veterans and to the public at large. We need to make sure that homeless veterans know that the VA can help, but also raise awareness of the issue in the public sphere. As an aggressive advocate for veterans, I would continue the important work already underway at the VA ensuring that this issue is given the attention that it deserves.

Question 14. Veterans are fed up with the ongoing dysfunction of the claims system. Despite the Department's best efforts, the size of the backlog continues to grow.

a. Do you think the Department's efforts are sufficient to address the problem?

Response. My experience with the VA system has been exceptional, but I know and have heard of the problems others face. We can do better. I believe the Department's plan to eliminate the backlog in 2015 through a mix of people, process and technology initiatives is the right type of approach.

b. What do you believe needs to be done to effectively transform the claims system?

Response. Again, communication is key—for many, the VA system is complex and can seem daunting. If confirmed, one of my responsibilities will be taking the complexity of the system and communicating it in a way that any veteran can understand. This includes the steps involved in submitting a claim and ways veterans can get updates on their claims status. Presentation, through a clear Web site and online tools, is an integral part of improving the use of the claims system. The VA's use of eBenefits and their development of a paperless claims system are exactly the type of initiatives that will help with the claims backlog.

Question 15. Native Americans serve at some of the highest rates per capita, but are often unable to access the VA benefits that they have earned.

a. If confirmed, how do you plan to use the resources within your office to improve their ability to access VA health care and benefits?

Response. If confirmed, I would be responsible for American Indian and Alaska Native veteran outreach, and would work to increase collaboration between the VA, the Indian Health Service and tribal governments, along with state and local veterans organizations. The VA's Office of Tribal Government Relations will be crucial for these efforts.

b. What concrete steps will you take to encourage increased collaboration between VA and tribal governments?

Response. Clear communication with Native Americans/Alaska Native veterans and tribal leaders will help to facilitate access to VA benefits and services. Building relationships with the tribal governments, along with the state and local leaders in the Native American community, will be a priority. All entities working with veterans, from tribal governments to state and local veterans organizations, have the same goal: maximizing enrollment in VA services, so veterans can get the care that they deserve. If confirmed, my job will be to make sure they are pointed in the same direction.

Question 16. Do you agree to appear before the Committee at such times and concerning such matters as the Committee might request for so long as you serve?

Response. Yes.

[The Committee questionnaire for Presidential nominees follows:]

UNITED STATES SENATE

COMMITTEE ON VETERANS' AFFAIRS

ROOM 412 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510
Telephone: (202) 224-9126

QUESTIONNAIRE FOR PRESIDENTIAL NOMINEES

The Rules of the U.S. Senate Committee on Veterans' Affairs require that a Presidential nominee whose nomination is referred to the Committee submit, on a form approved by the Committee, a sworn statement concerning his or her background and financial interests, including the financial interests of the nominee's spouse and children living in the nominee's household. The Committee form is in two parts:

(A) Information concerning the employment, education, and relevant background of the nominee, which is made public; and

(B) Information concerning the financial and other background of the nominee, which is made public only when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least 5 days after the nominee submits this form unless the Chairman, with the concurrence of the Ranking Minority Member, waives the waiting period.

In order to assist the Committee in its consideration of nominations, the Committee requests that each nominee complete the attached Questionnaire for Presidential Nominees. The notarized original and any supplemental information should be delivered to:

Committee on Veterans' Affairs
United States Senate
Room 412, Russell Senate Office Building
Washington, D.C. 20510

Attention: Chief Clerk

Revised January 2011

QUESTIONNAIRE FOR PRESIDENTIAL NOMINEES

PART I: ALL OF THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

1. **Name** (Including any former names used).

2. **Address** (List current residence, office and mailing addresses).

3. **Position to which nominated.**

4. **Date of nomination.**

5. **Date of birth** (Month, day, year).

6. **Place of birth** (City, state, country).

7. **Marital status.**

8. **Full name of spouse** (including maiden name).

9. **Names and ages of children**

10. **Education** (List all post-secondary institutions of higher learning, dates attended, degree(s) received, and date degree(s) granted).

11. **Honors and Awards** (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition for outstanding service or achievement).

12. **Memberships** (List all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable, and other organizations for the last ten years. Include the dates of any such memberships or offices).

13. **Employment record** (List all employment (except military service) since your twenty-first birthday, including the title, description of job, name of employer, location of work, and inclusive dates of employment).

14. **Military service** (List all military service (including reserve components and National Guard or Air National Guard) with inclusive dates of service, rank, titles, permanent duty stations and units of assignment, descriptions of assignments, any military medals, and type of discharge).

15. **Government service record** (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments other than those listed under Employment record, above).

16. **Published writings and public statements (in last 10 years)**

(a) List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials appearing only on the Internet. (Copies of any such materials may be requested by the Committee.)

(b) List any reports, memoranda, or policy statements you prepared or contributed in the preparation of on behalf of any association, committee, conference, or organization of which you were or are a member.

(c) List any testimony, official statements or other communications relating to matters of public policy that you have issued or provided or that others presented on your behalf to public bodies or officials.

(d) List any speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the dates and places where such speeches or talks were given.

(e) List all interviews you have given to newspapers, magazines or other publications, and radio or television stations (including the dates of such interviews).

17. **Political affiliations and activities**

(a) List all financial contributions to any political party or election committee during the last 10 years.

(b) List all elective public offices for which you have been a candidate and the month and year of each election involved.

(c) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee.

18. **Future employment relationships**

(a) State whether you will sever all connections with your present employer, business firm, association, or organization if you are confirmed by the Senate.

(b) State whether you have any plans after completing Government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization.

(c) What commitments, if any, have been made to you for employment after you leave Federal service?

(d) (If appointed for a term of specified duration) Do you intend to serve the full term for which you have been appointed?

(e) (If appointed for an indefinite period) Do you intend to serve until the next Presidential election?

19. **Potential conflicts of interest**

(a) Describe any financial arrangements, deferred compensation agreements, or other continuing financial, business, or professional dealings which you have with business associates, clients, or customers who will be affected by policies which you will influence in the position to which you have been nominated.

(b) List any investments, obligations, liabilities, or other financial relationships which could be affected by policies which you will influence in the position to which you have been nominated.

(c) Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

(d) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal government need not be listed.

(e) Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements involved in Part II.)

20. **Testifying before the Congress**

(a) Do you agree to appear and testify before any duly constituted committee of the Congress upon the request of such committee?

(b) Do you agree to provide such information as is requested by such a committee?

PART II: INFORMATION IN THIS PART WILL ONLY BE DISCLOSED WHEN THE COMMITTEE DETERMINES THAT IT BEARS DIRECTLY ON YOUR QUALIFICATIONS TO HOLD THE POSITION TO WHICH YOU HAVE BEEN NOMINATED

Financial net worth:

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate family members of your household.

When adding a schedule regarding securities, clearly identify the asset, including name of investment institution, name of investment fund, and current value. For real estate schedule, list each property, current value, and mortgage amount attributable to each property. For debt schedule, please clearly explain debt and indicate when it will be repaid. You may use the following as a guide.

ASSETS				LIABILITIES			
Cash on hand and in banks				Notes payable to banks, secured – add schedule			
U.S. Government securities – add schedule				Notes payable to banks, unsecured – add schedule			
Listed securities – add schedule				Notes payable to relatives			
Unlisted securities – add schedule				Notes payable to others – add schedule			
Accounts and notes receivable				Accounts and bills due – add schedule			
Due from relatives and friends				Unpaid Federal income tax			
Due from others – add schedule				Other unpaid tax and interest			
Real estate owned – add schedule				Real estate mortgages payable – add schedule			
Real estate mortgages receivable				Co-maker, endorser, guarantor of any debts or contracts			
Autos and other personal property				Legal Claims – add schedule			
Cash value – life insurance				Income tax lien or unpaid federal tax liabilities – add schedule			
Other assets - itemize				Other debts - itemize			
				Total liabilities			
				Net worth			

2. **Pledged assets:** Are any assets pledged? (Add schedule.)

3. **Legal actions:** Are you a defendant in any suits or other legal actions? If yes, provide detailed information regarding the nature and status of the action and identify the other parties.

4. **Bankruptcy:** Have you ever declared bankruptcy? If yes, provide detailed information regarding the status or disposition of the case.

5. **Income for last three years:** List sources and amounts of all income received by you during the last three years, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500. (If you prefer, copies of the U.S. income tax returns for these years may be substituted here, but submission of tax returns is not required, unless specifically requested.)

6. **Anticipated receipts:** List sources, amounts, and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts, and other future benefits which you expect to derive from previous business relationships, professional services, and firm memberships or from former employers, clients, and customers.

7. **Affiliations:** List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions:

(a) With which you are now connected as an employee, officer, owner, director, trustee, partner, advisor, attorney, or consultant. Any listed relationships or affiliation that you wish to continue during the term of your appointment should be noted with an asterisk.

(b) In which you have any financial interest through the ownership of stocks, stock options, bonds, partnership interests, or other securities. Any listed interest that you wish to retain during your period of Government service should be noted with an asterisk.

8. **Financial disclosure report:** Attach a copy of your Executive Branch Personnel Financial Disclosure Report (SF 278).

9. **Personal data:**

(a) Have your tax returns been the subject of any audit or investigation or inquiry at any time by Federal, State, or local authorities, which resulted in a tax lien or other collection procedures? If yes, please give full details.

(b) Have you filed a Federal income tax return, and to the extent applicable, a State income tax return for each of the past ten years? If not, please explain.

(c) Have your taxes always been paid on time, including taxes paid on behalf of any employees? If not, please explain.

(d) Were all of your taxes, including Federal, State, and local, current (filed and paid) as of the date of your nomination?

(e) Have you ever been investigated, arrested, charged, or convicted for violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than a traffic violation for which a fine of $100 or less was imposed? If yes, please give full details.

(f) Are you currently under Federal, State, or local investigation for a possible violation of a criminal statute? If yes, please give full details.

(g) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or are you currently the subject of a formal complaint procedure in, any court, administrative agency, professional association, disciplinary committee, or other professional group? If yes, please give full details.

(h) Have you ever been involved in civil litigation, or an administrative, regulatory, or legislative investigation, either as plaintiff, defendant, respondent, witness, or party in interest? If yes, please give full details.

(i) Have you ever been convicted of any offense under Federal, State, county, or municipal law, regulation, or ordinance (including traffic violations) involving the use, or being under the influence, of any intoxicating substances? If yes, please give full details.

(j) Are there currently any charges pending against you for a violation of a Federal, State, county, or municipal law or ordinance (including any traffic offenses), regulation, or court order? If yes, please give full details.

(k) Have you ever been formally charged with any activity related to discrimination on the basis of race, religion, age, sex (including sexual harassment), or disability? If yes, please give full details, including the disposition of the charge(s).

(l) If you have any trusts or agreements as set forth in question 19(e), please attach copies of the relevant trusts or agreements to this section of the questionnaire.

[A letter from the Office of Government Ethics follows:]

United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

MAY 25 2012

The Honorable Patty Murray
Chairman
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Dear Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Thomas S. Sowers, II, who has been nominated by President Obama for the position of Assistant Secretary for Public and Intergovernmental Affairs, Department of Veterans Affairs.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Don W. Fox
Principal Deputy Director

Enclosures

[Letter from Thomas Skerik Sowers II, Ph.D., to the Office of General Counsel, U.S. Department of Veterans Affairs:]

April 27, 2012

Mr. Walter A. Hall (023)
Assistant General Counsel and
Designated Agency Ethics Official
U.S. Department of Veterans Affairs
Washington, D.C. 20420

Dear Mr. Hall:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary for Public and Intergovernmental Affairs of the U.S. Department of Veterans Affairs

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I currently serve as an Associate for McKinsey & Company. Upon confirmation I will resign this position. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which McKinsey & Company is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party, for a period of one year after I last provided services to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My position with the Iraq and Afghanistan Veterans of America ended in December of 2011. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which the Iraq and Afghanistan Veterans of America is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I have been advised that the duties of the position of Assistant Secretary for Public and Intergovernmental Affairs may involve particular matters affecting the financial interests of GE. The Department has determined that it is not necessary for me at this time to divest my interests in GE because the likelihood that my duties will

2.

Walter A. Hall (023)

involve any such matter is remote. Accordingly, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on the financial interests of this entity unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Finally, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

Sincerely,

Dr. Thomas S. Sowers

Chairman MURRAY. Thank you very much, Dr. Sowers, very compelling testimony and we really appreciate your willingness to serve your country in this new capacity. So, thank you very much, and tell your family members and support teams that are back there thanks for being here for you as well.

Let me begin with questions and then we will go around to all of our Senators here, but I wanted to ask you because, you know, too often today servicemembers leave the military unaware of the benefits and services that they have earned, and we often hear from veterans who do not know they are eligible for a variety of programs that are offered by the VA.

Now, the VA has been trying to increase their outreach efforts but there is a lot of work left to be done. So, I wanted to ask you, if confirmed, how you would work to improve some of the outreach efforts to make sure that our transitioning servicemembers and veterans get the information they need to make the right decisions at the right time.

Mr. SOWERS. Chairman Murray, thank you very much for that question.

Special Forces is a unique community. You are sent off on small teams and, if you would just depend on that team and that team alone, they are very good but it is only 10 or 12 soldiers.

What you need to do is partner. You have to partner with local allies, the local governments, the local agencies that are out there; and that is how I think we can really, truly expand our outreach, doing it in a fiscally constrained environments, is working through

the veteran service organizations and agencies that are already out there doing great work.

I did not get a chance to introduce them but with me here today is Bob Obana. He is the CEO of NCIRE, the veterans health initiative. This is an innovative non-profit that has partnered with the VA. It is partnered with the local medical schools and it is doing cutting-edge TBI-PTSD research.

Those sorts of partnerships are out there. I want to shine a light on them. I do not want to reinvent the wheel in every State or in every community, but let us find the partners that are truly producing and, in this ocean of goodwill, find the ships that are really delivering, using some data and measuring our output along the way.

Chairman MURRAY. I am particularly concerned that about half of our Iraq and Afghanistan veterans do not utilize the VA. You know that population well.

How do we better reach them?

Mr. SOWERS. Chairman Murray, I am glad that you recognize the uniqueness of the population. Yesterday, I was talking with a leader of the Vietnam veterans movement and he said, you know, what has driven me for the last two decades is what happened to me should not happen to you.

My approach is a little bit different. It is what has happened to me I want, I want other veterans to be eligible for this.

So, having a targeted approach toward Iraq and Afghanistan veterans is key. The Department has been very forthcoming on social networking. That is an important medium. I would like to see an expansion of direct communications we discussed of e-mail.

But, I think also, as you pointed out, Chairman Murray, and Senator McCaskill, the fact that Secretary Shinseki and President Obama have nominated me for this position, I think speaks to their priorities, that they would like to have a young Iraq-Afghanistan veteran within their close counsel. And, it is a deep honor for me, if confirmed, to join that team and to provide that counsel.

Chairman MURRAY. OK. You know, all too often the significant amount of good work that is done by VA employees every day does not ever reach the public and it is often overshadowed by the latest incident or report in the media.

I really want veterans to be proud of the VA and that is increasingly hard when the narrative is often shaped by the most recent crisis.

So, I wanted to ask you today how you would break through this impasse to be in more effective communication with veterans and the public so that they are aware of the great things that the VA does as you have described about yourself.

Mr. SOWERS. Chairman Murray, thank you very much, and it is one of the reasons why I am very excited about joining at this time and, if confirmed, joining the team that is currently over at the VA.

It is led by General Shinseki, a true example of a military leader and a public servant, and I know that he and his team know the principles of war and one of them is you have to be on the offense. You cannot be on the defense.

And, to me, if confirmed, I would have a personal philosophy of we cannot wait and hope that the good news stories are going to

be covered, that we have to be aggressive and just as aggressive and just as urgent as when we are responding to a negative event as we are with a positive event.

Chairman MURRAY. Very good. Let me turn it over to Senator Burr for his questions.

Senator BURR. Thank you, Chairman.

Dr. Sowers, I should have said at the beginning in my opening statement that you had an opportunity to intern with a Member of Congress that I thought was one of the greatest we ever had, Bill Emerson, and we all certainly miss Bill and have for a number of years. I hope that that experience and opportunity was helpful to you.

Let me start with a little bit of housekeeping, if I can. As the Ranking Member, part of my role is to conduct the oversight with regard to VA's activities. This often leads me to make requests for information, statistics, briefings, and other materials from the VA. If confirmed, will you ensure that my staff and I will be provided with the requested information in a timely manner?

Mr. SOWERS. Ranking Member Burr, I will.

Senator BURR. If confirmed, will you be proactive at alerting the Committee, including both sides of the aisle, about significant issues involving VA?

Mr. SOWERS. Ranking Member Burr, I will.

Senator BURR. Dr. Sowers, until March of this year, the VA was unable to provide the Committee with the amount VA, as an enterprise, spends on outreach. According to the data provided in March, the VA spent about $76 million on outreach from fiscal year 2009 through 2012. But, without a coordinated outreach plan during that time, VA could not determine the effectiveness of the outreach.

Do you have any initial thoughts on what steps you would take, if confirmed, to make sure that VA is able to gauge the effectiveness of specific outreach programs?

Mr. SOWERS. Ranking Member Burr, thank you for that question.

There are some challenges in determining which outreach is most effective. I think, you know, in political communications it is often wonder of what is actually delivering the message that we need.

What I can say is I have spent some time now in the private sector, and I find that has put in me a much more data-driven, metrics-oriented approach; and it is an approach that, if confirmed, I hope to bring to the Department.

In addition, one thing with the new technologies is that they allow us to quantify metrics in a much clearer way than we had in the past.

In the past we did not know maybe who was receiving the brochures or the printed material. Now we can know which Web sites are being reached and which ones are not.

So, to me what I care about is not necessarily more outreach in terms of quantity but quality of outreach and, if confirmed, that will be a focus of mine.

Senator BURR. VA has developed a 5-year plan to eliminate homelessness based on six integrated pillars including outreach, education, and community partnerships.

According to the VA, the Assistant Secretary for Public and Intergovernmental Affairs is, and I quote, "the executive sponsor and has oversight responsibilities for a VA's initiative to end homelessness."

Can you explain your understanding of what that means and what role you play in implementing or overseeing VA's homelessness program?

Mr. SOWERS. Ranking Member Burr, thank you for that question.

I am outside of the organization now and one of my priorities, and you have this in my background, is to rapidly assess a situation once I get into it.

The first Special Forces imperative is to understand the operational environment; and I think one aspect of this is the intergovernmental role: I was assigned to the San Francisco Downtown Medical Clinic, and that medical clinic is really a pointy tip of the spear of many homeless veterans that come in and use that facility.

But, there are many organizations out there that if we are to take on the challenge of not just reducing but ending homelessness among veterans, we need close partnerships with the police that encounter them, the local non-profits that are already out there assisting.

So, I think there is a vital intergovernmental role to achieve that goal.

Senator BURR. Great.

If VA finds that veterans are unable to manage their own finances, VA sends their names to the National Instant Criminal Background Check System or NICS which presents them from purchasing or owning firearms.

As a result, more than 127,000 veterans today are currently on the NICS list. Until we change the law, the only way those veterans can get off of that list, once they have been determined they cannot handle their finances, is to request relief from the VA.

Although VA stood up a relief process in 2010, only about 185 individuals have sought relief so far, which suggests to me that few people know about or understand this option.

First, do you agree that it is unfair to send someone's name to the NICS list simply because they need help with their finances?

Mr. SOWERS. Ranking Member Burr, the story and the facts that you are saying are new to me; and if confirmed, it is an area that I would like to explore and understand more fully.

Senator BURR. Would you agree that taking away someone's constitutional right to own firearms should be a pretty high threshold?

Mr. SOWERS. Ranking Member Burr, I would agree.

Senator BURR. Good. Thank you for your answers, for your willingness to serve, and as a board member of West Point, for the time you spent there educating the great group of individuals we have got who serve today.

Thank you.

Chairman MURRAY. Senator Boozman.

STATEMENT OF HON. JOHN BOOZMAN,
U.S. SENATOR FROM ARKANSAS

Senator BOOZMAN. Thank you, Madam Chair.

We really do appreciate your service to your country which has been outstanding, and I enjoyed visiting yesterday and just getting to know you a little bit personally. I very much enjoyed that.

You know, when I was in the House, I was the Ranking Member on economic opportunity; and as you know better than anybody, being out and about, you know, the high unemployment that veterans face right now is such a difficult climate for all of us but particulate veterans.

Part of that is the fact that with all of these deployments that have gone on employers should not but they probably do somewhat, if you know somebody in the Guard or whatever is going to be deployed multiple times and you are a little bit perhaps leery of taking that on if you have a very small business.

But, for whatever reason, the better job you do of communicating what is out there really does help us so much in that regard. If you make it such that a person can support his family, you know, take care of them, then you do not have a lot of the behavior that comes, you know, self-destructive behavior that leads to things like homelessness and suicide which, again, is such a huge problem.

So, again, we appreciate your wanting to take this task on.

Can you comment a little bit about your experience? One of the things that we in the Congress have struggled with and really our generation, I mean, I have got a Blackberry and this and that, my children, people your age are just totally Web-based.

Do we need to do a better job of switching over to the Web-based where, like I say, I still look for the phone book to get a telephone number?

Do we need to do a better job of switching over to Web-based, making things more viable in that regard?

Mr. SOWERS. Senator, thank you very much for that question.

There are some huge advantages of shifting into more of an electronic or Web-based. The VA was one of the pioneers in electronic medical records.

As we discussed, I am a rural veteran, and 44 percent of our recruits come from rural America. So, I think especially that aspect of technology because in my hometown we do not have a VA facility, but we have a lot of folks on mine. If we can help deliver messages and communicate across that medium in a direct way, I think more veterans will be able to receive the benefits that they deserve.

Senator BOOZMAN. I agree totally. The other thing is that I hope that you would work, you know, closely with the Transition Assistance Program. The better job that they do, you know, it makes your life easier, you know, in trying to take care.

And, then also, you know, certainly that is something that should be to me, you know, working in conjunction as you are preparing to get out and then get out, that ought to be a pretty good transition. So, anything you can do to link all of the communications efforts together, I think, would be really beneficial.

The Paralympics, I know that you will have that responsibility. You know, many of us are being very active in that regard. We look forward to helping you and working in that regard to make sure that, you know, that we are doing the best job that we can.

Can you comment a little bit on that program and kind of your thoughts although a bit about it?

Mr. SOWERS. Senator, I think it is a very vital program. As you know, due to the advances of health care and combat health care that we have, we have a greater proportion of disabled veterans now that we are going to have for many, many years. And, these sorts of programs that honor their service and really celebrate their service I think are vitally important.

Senator BOOZMAN. Very good. Again, we appreciate your service and look forward to working with you in the future; and certainly anything we can do to help be sure and let us know.

I would be very interested if you do run into things that, you know, you mentioned earlier of bringing the fresh, and we do have plenty of fresh ideas in the VA. I do not mean that at all but your perspective as a fairly young, a former soldier getting out and seeing firsthand the challenges.

As you see areas that perhaps we can help legislatively, you know, to tweak things, be sure to let us know so that we can help you move forward.

So, thank you, Madam Chair.

Chairman MURRAY. Thank you very much.

Dr. Sowers, as you know, the VA is in the midst of implementing its Claims Transformation Plan, which is the Department's effort to fix VA's broken claims processing system.

A lot of our veterans are continuing to find themselves waiting months and in some cases years to get an accurate decision on their claim. And, part of your job will be to help explain to veterans this transformation effort, and their family members actually, and a lot of them have had a negative experience because of that.

I wanted to ask you how you are going to overcome the skepticism and mistrust that surrounds the disability claims system and really make sure that VA is able to solve this problem.

Mr. SOWERS. Thank you, Chairman Murray.

As you know, I went through the claims process just 3 years ago. I want to characterize that it was not skepticism or mistrust in my case; I just did not know.

I had been serving. While I was serving, I really was not very aware of the VA benefits that were out there. I think my experience is very similar to a number of servicemen and women out there.

So, the way I got over the, I would not call it mistrust but just unknowing, was I had a buddy and they taught him that in the military. He had left the service about a year prior to me and had gone through the claims process, had made some mistakes along the way in terms of not having his paperwork documenting his condition and so he taught me.

I would like to see that sort of active partnership be out there. I mean, the best way we can attack mistrust is to have a claims process that people go through and they are able to help other people move through it.

Chairman MURRAY. So, some kind of peer effort, so, people helping people get through it and learning it?

Mr. SOWERS. It is the way we tend to learn things in the military. I mean, a large reason why I would jump out of a plane in

the middle of the night was because the person in front of me did it and the person behind me was about ready to do it.

[Laughter.]

Chairman MURRAY. I got it. OK.

I also wanted to ask you, you mentioned a little bit, VA has to work effectively with a lot of different government partners to address challenges. The Department of Housing and Urban Development for homelessness, the Department of Health and Human Services to work on a lot of issues including the expansion of the electronic health information, and especially with the Department of Defense to build a truly seamless transition, which has been a real focus of mine.

In the case of the Department of Defense, departments do not always work together well, and as a result, veterans are often underserved.

How would you work to improve that collaboration with the Department of Defense?

Mr. SOWERS. Chairman Murray, thank you for that question.

Senator, you brought up the TAP program, which is vitally important. I know this Committee has focused much effort on improving the TAP program.

That is the critical transition moment, when you are pulling yourself out of war and combat and serving in a uniform, then becoming a veteran. The TAP program, I think, is a key moment where we need to have a common message and a common handoff between the Department of Defense and the Veterans Administration.

If confirmed, I would like to work closely with my counterparts over in DOD, especially on that communication message to make sure we have a common message during that transition.

Chairman MURRAY. I would encourage you to do that very quickly once confirmed because I have a lot of meetings with both DOD and VA where they both say, oh, we meet on a regular basis.

There has to be more than meetings. There has to be real communication, and I think you have identified a key place where you can work with them to make sure we are all on the same page moving forward. This is absolutely a top priority of ours.

Senator Burr, do you have any other questions?

Senator BURR. No.

Chairman MURRAY. Senator Boozman.

Senator BOOZMAN. The only thing I would say, Madam Chair, in regard to TAP is that I agree with you totally, and the other thing is anything that you can make where you can involve families, spouses, I think that is really important.

I think that is an area that we miss out some in TAP because many times the wife is like my wife. She does the bookkeeping, you know, those kind of things, pays the bills, this and that; and that is the way it is in many families, which works well.

I think family involvement is so important and yet she is probably working. So, anything you can do to make things available in hours that both of them are available which might be in the evening or whatever, I would really encourage you to do that. And really, really try to see how we can include the entire family versus, you know, when only the individual soldier is available.

Then, it might be the reverse. We have so many female soldiers now that, you know, again making sure that we balance all of that out.

Thank you.

Chairman MURRAY. Thank you very much.

Senator Begich has just arrived. I am going to give him a moment to sit down. Senator Begich, I believe you are the last to ask any questions of Dr. Sowers, so if you are ready we will turn to you.

STATEMENT OF HON. MARK BEGICH, U.S. SENATOR FROM ALASKA

Senator BEGICH. Madam Chairman, thank you very much.

Max, it is very good to see you. Thank you. I have been to your State more than once so thank you for being here.

Doctor, I know we talked a little bit yesterday, and I just wanted to really kind of put on the record the issues around tribal issues.

You will oversee part of that and how that relates to the VA. And, as you know, a little fewer than half the tribes in the Nation are in Alaska, not by population but by tribal identification. It is a pretty significant part of our efforts in delivery of service.

Maybe you can comment generally on how you see your role in relation to the tribes of not only my State but this country, the VA, and how we can connect those better especially because almost all the tribal activities in rural parts of our country and the rural part of our State.

Mr. SOWERS. Senator, I thank you for your question. Since our meeting, I have been thinking more about that outreach; and if confirmed—I am a rural veteran. I know the importance of and the challenges when you cannot just drive 10 minutes down to the local VA facility but you have to drive, in my case it was an hour and a half, and for many of your veterans cases, it is significantly longer.

But, outreach to the specific tribes is going to be an area of focus. I think there needs to be a specific, targeted plan; and I know that within the Department they have dedicated resources toward that.

One of my priorities, if confirmed, will be to fully understand the programs that are currently out there, the outreach; and if I may, I would take you up on that offer to come Alaska and see it for myself.

Senator BEGICH. Absolutely.

Chairman MURRAY. Did he tell you how long it takes to get there before you go?

[Laughter.]

Senator BEGICH. That is part of the education program for members of the Administration. That is just to get to Anchorage and then we will take him out to a village. But we thank you for that. It is important.

I think in a lot of cases the lack of understanding of what veterans in rural communities, especially in tribal communities go through to get service, and as you know, VA is working with us right now in regards to our travel consortium up there to deliver health care through our Indian Health Services facilities in remote areas that are non-road access.

We have already had 16 tribal organizations sign up, which we think is great. This will allow veterans to have a choice. Instead of living in a small village where they may have a clinic right across the street where they can get their basic care for the VA needs, they in the past had to fly to Anchorage, which could be a cost of an easy $800 to $1,000, plus room and board as well as being away from their families.

Now, they will have a choice, and we think this is going to be a model for the rest of the country, how to access and utilize our Federal resources at a much better level than they are today.

Indian health care services in Alaska are premier, delivered by the tribal community. No disrespect to the Indian Health Services. They are not delivered by the Indian Health Services. They are delivered by the Tribal Consortium because of the deep community aspect of it.

The VA is working with us now, and we hope to see that as a great model; and, as you get in this new position, your review of that and your input will be very helpful for us because I think there is no question about the cost of health care is to the person, the cost to the families. The odds are they are going to get healthier quicker; and so, I just want to put that on your radar screen.

This has been an agreement that was signed in the last few months, and I think we have about 16 or 17 tribal consortia groups that have signed on and will be delivering it is very basic laboratories.

They can go across the street or across the dirt road or across the trail to get their service, and then the VA will reimburse the Tribal Consortium for that care rather than having to fly them, because the VA has some process they have to go through.

Care is equal or better, and it will be always up to the veteran to make that choice, not up to the system. So, we think it is an interesting model. So, we will be anxious to get your input and again work with that to make sure it is successful.

Let me say, Madam Chair, I have a variety of questions that I may submit for the record. I know you all have been very patient with me to run back over here and ask a few questions.

Dr. Sowers, I am anxious for you to come up; and if you come up in the winter, you get extra points. If you come in the summer, it is just equal.

But again, thank you, Madam Chair.

Chairman MURRAY. Thank you very much.

Dr. Sowers, I really want to thank you for being here today answering the questions. Some Committee Members may submit questions for the record. I really again want to thank you for your desire to serve our Nation's veterans.

To our Committee Members, I would ask that you get all of your questions to our Committee's legislative clerk by close of business tomorrow.

Senator Webb has just joined us. Just by a hair you almost got out of having to answer any more questions, but Senator Webb has arrived. I will give him an opportunity to ask any questions before we close.

STATEMENT OF HON. JIM WEBB,
U.S. SENATOR FROM VIRGINIA

Senator WEBB. Thank you very much, Madam Chairman. I am going to be fairly brief, and I think this will be rather painless. I just wanted to stop by and give my voice of support here for Dr. Sowers. They say that you certainly have all of the credentials necessary to step into the job that you are going to do.

I enjoyed our meeting when you came by and our previous meetings. I know your family has come from Missouri to be here, so greetings to them. Your family has a real tradition of military service. I think you said two uncles and a grandfather had served in Vietnam, is that correct?

Mr. SOWERS. That is correct, Senator.

Senator WEBB. I was also aware that Max Cleland and Senator McCaskill both were here. Well, Max Cleland is right here.

By God, you snuck up on me, Max. [Laughter.]

I had the privilege many years ago to work with then VA Administrator Cleland when he and I and, I think, Chuck Hagel were among the very first Vietnam veterans to be working on these issues; many, many years ago.

I was a counsel, as you and I discussed, and as Max remembers I was counsel on the House Veterans' Committee during that time. We did a lot of pioneering work on issues like Agent Orange, PTSD, some of the very first hearings that were held on a lot of those issues.

So, you have a lot of firepower coming with you to this hearing, and I wish you all the best in your position. I have one question for you.

In this position, you are much more an implementer than a developer of policy I would say. What is your overall goal here in terms of carrying out the duties of your position?

Mr. SOWERS. Senator, thank you very much for that question, and I think there is going to be one primary metric, if confirmed, which is the number of veterans receiving their benefits. When I leave, if confirmed or when I arrive, that I have had an incredibly positive experience in the VA through the new GI Bill, through health care, through the home loan program.

As I stated earlier, I spoke with one of fellow Vietnam veteran leader just today. He was giving me some advice and said that, you know, he wanted to ensure that what happened to him did not happen to me. That is what has been driving him.

What is driving me is a little bit different. It is what has happened to me. I want more veterans to get through the claims process in a timely manner, to receive their health care, to receive their education benefits, and their home loan benefits.

So, that will be my primary driver.

Senator WEBB. Well, you know, in the time since I have been in the Senate, the backlog has dramatically increased in terms of metrics. I think you probably understand why. I mean we have a double increase in the load from the Vietnam veterans, some of them aging out, wanting to get into the medical care system, plus the Agent Orange claims, and then the Iraq/Afghanistan veterans coming in with their claims.

So, it is a huge, huge problem just in terms of administration, so I wish you the best on that.

I will not take anymore time, Madam Chair. I appreciate your fitting me in here at the very end. I wanted to come by and pay my regards.

Chairman MURRAY. Thank you very much, Senator Webb.

Dr. Sowers, thank you again very much. I look forward to working with Ranking Member Burr to schedule a markup and move your nomination forward. So, again, thank you on behalf of all the Senators and the Nation for your willingness to serve our country.

Thank you to all of your family members, support team, and comrades who have come here today to support you as well.

With that, this hearing is adjourned.

[Whereupon, at 10:49 a.m., the Committee was adjourned.]

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