



U.S. OFFICE OF SPECIAL COUNSEL
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Washington, D.C. 20036-4505

The Special Counsel

January 12, 2022

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-19-5177

Dear Mr. President:

I am forwarding to you reports transmitted to the Office of Special Counsel (OSC) by the U.S. Department of Defense (DoD) in response to the Special Counsel's referral of disclosures of wrongdoing. The whistleblower, [REDACTED], who consented to the release of his name, is a benefits claims examiner with the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA) at the Buffalo, New York, Regional Benefits Office. I have reviewed the disclosure, agency reports, and whistleblower comments and, in accordance with 5 U.S.C. § 1213(e), provide the following summary and my findings.¹

[REDACTED] alleged that DoD failed to provide or replicate reserve service members' service dates for Active Duty Training (ADT), Active Duty Operational Support (ADOS), and Active Duty Special Work (ADSW) in the Veterans Affairs and DoD Identity Repository (VADIR), the VA database used to calculate eligibility under the Post 9/11 Veterans' Educational Assistance Act of 2008 (Post 9/11 GI Bill). [REDACTED] also alleged that, as a result, the Buffalo Regional VBA Benefits Office and other offices incorrectly calculated reserve service members' educational benefits eligibility under the Post 9/11 GI Bill by not including ADT, ADOS, and ADSW service dates in the eligibility calculation. The reports substantiated both allegations and explained the corrective measures that have been taken and are currently underway to address these issues.

The agency concluded that since September 10, 2001, not all periods of active service data for National Guard and Reserve service members were replicated in VADIR. The agency found that while the Post 9/11 GI Bill became effective August 1, 2009, corresponding DoD policy and procedures needed to implement the statute were not established until 2011. Thus, military service components did not report all needed data in the Reserve Components

¹OSC referred the allegations to former Defense Secretary Mark T. Esper for investigation pursuant to 5 U.S.C. § 1213(c) and (d). Former Secretary Esper tasked the investigation to the Office of the Under Secretary of Defense for Personnel and Readiness (OSD P&R), the Defense Human Resources Activity, and delegated the authority to review and sign the agency reports to Director William Booth

Common Personnel Data System (RCCPDS), which houses all reserve member service data that is used by all other personnel or service history databases.

Applicable directives state that DoD, Defense Manpower Data Center (DMDC) is responsible for providing/replicating military personnel service history data in VADIR, which is the primary database VA uses to determine education benefit eligibility for members. Military service history is based on data received from the military service components that created, formatted, and compared active service data in various systems including, for example, the Defense Person Records Information Retrieval System, Active Service Registry, and Person Data Repository before the components send the data to DMDC for replication.

The reports explained that data quality issues range from a typo to service events not transmitting, which may occur for various reasons. The reports acknowledged that measuring and verifying data quality is difficult given the volume of data sent by the component services and gaps existed in the various systems where qualifying active service was not correctly identified or documented. The reports stated that when processing benefit applications, VA claims examiners can clarify active service data with the services if needed, but often the information is not corrected in the system(s) that report data back to DMDC. Although DMDC is responsible for posting the data in VADIR, it does not have the authority to correct data received from the services. However, the services have liaisons that evaluate data for errors and work to resolve rejected, inconsistent, or conflicting data. The liaisons attempt to correct data on a daily basis.

The reports stated that given the replication issues, DoD and VA previously developed the *Department of Veterans Affairs and Department of Defense Joint Executive Committee Joint Strategic Plan* (Joint Strategic Plan), which lists several objectives including enhancing the exchange of personnel data between the departments, and ensuring immediate, secure access to reliable, accurate data used to determine benefits. Per the Joint Strategic Plan, the military service components are currently taking various steps to improve data quality including implementing new personnel systems. For example, the Air Force Reserve began using the Air Force Reserve Orders Writing System (AROWS-R) as the single source of active duty data. Similarly, the Air National Guard now documents all periods of active service, regardless of length, on a DD214, the form the VA uses to verify service. The Army and Air Force scheduled implementation of new personnel/pay systems in December 2021 and January 2022, respectively. The Navy will also transition to an integrated personnel and pay system, which is still in development. Importantly, once fully deployed the Army's system will differentiate between service types under statutory authority, and the Navy's will include updated DMDC reporting that will also include the legal authority for the service type. The reports stated that changes made to the order writing and personnel/pay systems curtail errors/gaps. The reports stated that the new/updated order writing and integrated personnel/pay systems will resolve past inefficiencies caused by the complex interfaces among the many stove-piped human resource systems that allowed opportunities for errors/gaps. Instead, this streamlining process will ensure that all periods of active service, as well as all data elements needed to determine if the service period is qualifying, are completely identified, collected, and reported for accurate benefit eligibility calculation purposes.

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Also in development is a self-service web portal where service members will be able to access and review their personnel records, service data, and related benefits information. Further, the reports stated that there are various manual verification methods and other safeguards to remedy data issues on eligibility, and service members may appeal benefit determinations through different avenues including the Board of Corrections to Military Records. The reports also stated that a Military Personnel Data Working Group comprised of both DoD and VA personnel will continue to monitor progress under the Joint Strategic Plan and recommend additional corrective measures if needed.

In his comments, [REDACTED] criticized the agency and military services on the length of time it has taken to determine that gaps in qualifying service exist and disagreed with some of the investigative findings regarding the underlying causes for the gaps. Nevertheless, he applauded the agency for substantiating the allegations. [REDACTED] also commented that the recommended corrective measures did not go far enough and suggested additional actions to continue to improve the educational benefit determination process.

I have reviewed the original disclosure, agency reports, and the whistleblower's comments. I thank the whistleblower for bringing these allegations to OSC. Based on the foregoing, I have determined that the reports meet all statutory requirements, and the findings appear reasonable.

As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter, the agency reports, and the whistleblower's comments to the Chairs and Ranking Members of the Senate and House Committees on Armed Services with courtesy copies to the Senate and House Committees on Veterans' Affairs. I have also filed redacted copies of these documents and the redacted § 1213(c) referral letter in our public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,

A handwritten signature in black ink, appearing to read "Henry J. Kerner", with a stylized flourish at the end.

Henry J. Kerner
Special Counsel

Enclosures