Helping the Veteran’s Benefits System

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Abstract

This paper describes what the DAV and the VA are and how these two agencies help the veteran’s benefits system. The comparison of the two G.I. BILLs which are the post 9/11 Servicemen’s Readjustment Act of 1944 and the Montgomery G.I. Bill will show how the Servicemen’s Readjustment Act of 1944 was amended post 9/11. The Montgomery G.I. Bill was a new version of the G.I. Bill that created the transfer of benefits and improved veterans accessibility to job training after being discharged from the armed forces. There are two reasons why the benefits of veterans must be improved; one is to take care of those who have fought for our country, and two is to encourage all Americans to join the military knowing they will have outstanding benefits that come with retirement. This paper will highlight the importance of the VA system properly working and explain the new and improved Servicemen’s Readjustment Act of 1944. Clarifying these details will prove that system should help current and future veterans.

Helping the Veteran’s Benefit System

A veteran is a person who served in the active or reserve Navy, Army, Air force, Marine Corps, or Coast Guard and was discharged or released under conditions other than dishonorable. Over their years of service, active duty personnel receive benefits that civilian employees do not. More benefits await them upon retirement. Recently, however, the process of getting those retirement benefits to the veterans has become more difficult. The Disabled American Veterans (DAV) is a place where veterans can come and find out what benefits they qualify for, and what forms they need to complete to get those benefits. Communication to the veterans is difficult and many veterans do not know where they can go to receive help. The DAV is there for them. Another organization, the Veterans Administration (VA), is also able to help; however, it has had a few problems within their system and many veterans have fallen through the cracks. This project is going to help veterans by helping the DAV.

**The Disabled American Veterans (DAV)**

The mission of the Disabled American Veterans is as follows:

We are dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity. We accomplish this by ensuring that veterans and their families can access the full range of benefits available to them; fighting for the interests of America’s injured heroes on Capitol Hill; and educating the public about the great sacrifices and needs of veterans transitioning back to civilian life (DAV).

The DAV is an organization that collects donations of clothing and sometimes money, and they give it to the veterans who are a part of their organization or veterans who come in with specific needs. They started out as a bunch of wounded veterans coming home from WWI. Judge Marx is one of the founding members of the DAV, and this is the situation they were in at the time:

In 1920, the DAVWW, Disabled American Veterans of the World War, was created by the early members of the already existing DAV. The DAV created this organization because they thought there needed to be a change in the way veterans are treated when they come home from war (“Pencils on Street Corners”).

The DAV is a program that is designed for veterans specifically, disabled veterans mainly but veterans all the same. This program was designed during the peace time between WWI and WWII. They helped those who were suffering from chemical burns on the outside and the inside; they helped those who had lost limbs, those with brain injuries, and some with PTSD of all kinds. They helped people with any and all disabilities. Plus they helped with those who survived the war but still had the scars of war on and in them.

**Present Day DAV**

“As the new century began, the world was still basking in the peace that came with the conclusion of the cold war. Only a few knew a new, deadlier kind of war was beginning, and America, the target, was unaware of the unrelenting aggression planned against it” (“The New Century and War on Terror”). This quote is the summary of what happened many times after the year 2000 and the struggles with terrorism that the future would hold. On October 12, 2000, the USS Cole was refueling in the port of Aden, Yemen, when terrorists struck. The ship lost seventeen crew members and thirty nine were injured when a boat loaded with powerful explosives detonated amid ships as most of the crew was having lunch. This was the first of many attacks that would happen this century.

In the 1990’s the DAV’s services were in high demand, which caused the organization to have a challenge with caring for the veterans. In order to improve this the DAV commissioned a team to work to improve the future for the organization. This team has succeeded at both expanding programs and financially recovering the DAV (The New Century and War on Terror).

After this came the attack on the Twin Towers on September 11, 2001. The DAV and other organizations had been following a plan known as the Strategic Plan which helped the DAV out so much. Once the Twin Towers were hit, the Pentagon was hit, and those who sacrificed their lives to save others by crashing the plane in Pennsylvania, the Strategic Plan stopped.

Within the Strategic Plan the DAV had people all over the U.S. military bases helping those who were leaving the military learn about their rights and benefits that are available to them. The people who were sent out were called Transition Service Officers (TSOs) and they went to military separation centers because they had all the paper work right there to help with the process. The DAV had Mobile Service Offices (MSOs) who were sent to small towns and cities to help veterans and their families with anything that they could help with. “These traveling offices were designed to deliver all the DAV services offered at a national service office, much like the Field Service Unit Program of the 1970s” (“The New Century and War on Terror”).

Everything was different after 9/11. People were more hesitant to go out of the country, people were afraid to go on planes, and the DAV had to find a way to change. There was a new type of war that involved terror and suicide bombers. The DAV needed to reorganize to help the disabled men and women who were sacrificing their lives in this new type of war. Many who came home wounded were worse than before. A diagnosis of PTSD was a lot more common now. Some symptoms of PTSD are suicide and depression (PTSD). The DAV tries to work with those who come in for help who have PTSD, but for many it has not gone away. People didn’t just have PTSD; some were wounded and others lost a body part, or had a bomb go off in their face. Not just one thing could be treated; it is multiple things that could be overwhelming.

The terrorist groups do not necessarily have a structured plan of attack. They point and shoot at whoever is in a US military uniform. It is hard to fight when you do not know what is going on. This new type of war was disabling many of our service members. The Strategic Plan that worked very well for its time was no longer working. Today people are able to call or send email to get information they need. They do not need to talk face to face anymore.

Now the DAV can help veterans with many different and diverse problems not just retirement benefits. They help represent veterans who are not being treated fairly either by the government, society, an organization, or by a person. Any veteran can be helped in a legal manner by the DAV if needed. One example is with Native American veterans getting fewer benefits than any other veteran. To fix the problem, the DAV sent representatives to talk to tribal leaders on reservations, and in places where Native Americans have a majority of the population. They are trying to work together to get the veterans the benefits they deserve. That is one way they fight for the right of those who they serve. Another way is fighting public policy. The budget for VA needs to increase, so people get what they deserve for fighting for our freedom. Many people who are benefitted by the DAV/VA come back and join them to help so they can help others the same way they were helped when they needed it.

**How the Veterans Administration Began**

In 1930, President Hoover signed executive order #5398 that created the Veterans administration. The order stated:

That the President is authorized, by Executive order, to consolidate and coordinate any hospitals and executive and administrative bureaus, agencies, or offices, especially created for or concerned in the administration of the laws relating to the relief and other benefits provided by law for former members of the Military and Naval Establishments of the United States, including the Bureau of Pensions, the National Home for Disabled Volunteer Solders, and the United States Veterans' Bureau, into an establishment to be knows as the Veterans' Administration and to transfer the duties, powers, and functions now vested by law in the hospitals, bureaus, agencies, or offices so consolidated and coordinated, including the personnel thereof, and the whole or any part of the records and public property belonging thereto the Veterans' Administration (Peters, G., & Woolley, J. T.).

The order made the Bureau of Pensions, the National Home for Disabled Volunteer Soldiers, and the United States Veterans' Bureau into one big branch called the Veterans Administration. It has been called the VA ever since. Once the VA was created, it took on the benefits responsibility of every veteran of the Navy, Army, Marine Corps, Coast Guard, and Air Force.

**How the VA Grew into a Heavily Funded Program**

Congress approved of executive order #5398 so much that when the President’s authority for the order expired in 1935, Congress voted to reenact most of the laws that would have been canceled and kept the VA running. There were several acts that were put in place to expand the VA to make it more efficient. For example, National Service Life Insurance made it so the younger men would not be grouped with the older World War I veterans covered by U.S. Government Life Insurance. The Selective Training and Service Act of 1940 authorized the nation’s first peacetime draft that guaranteed reemployment rights to all who left a job due to the draft. The Disabled Veterans’ Rehabilitation Act of 1943 offered rehabilitation to disabled WWII veterans to those who were disabled during the war, not afterwards. It established a rehabilitation program for disabled World War II veterans.

The most notable of all the programs is the Servicemen’s Readjustment Act is the “GI Bill of Rights.” The “G.I. Bill of Rights” provides three key benefits. The first is an education package, including the “payment of up to $500 a school year for tuition, fees, books and supplies, plus a monthly subsistence allowance”(“VA History in Brief”). This is to help those who want to go to school after their service. “The second benefit is to provide veterans with federally guaranteed home, farm and business loans with no down payment” (“VA History in Brief”). This was designed to create jobs in the housing market which helped to stabilize the economy. “The third feature was unemployment compensation. The new law provided that veterans who had served a minimum of 90 days were entitled to a weekly payment of $20 for a maximum of 52 weeks” (“VA History in Brief”). This was made to help those who came home from the war find a job. Many service members will be fired or laid off from their jobs while they are off fighting in foreign lands. Service members who leave their jobs where often replaced. One of the major fears of a veteran is coming home to no source of income for the families.

During WWII, 671,8l7 American men and women had been wounded, and 405,399 had been killed serving all over the world in Germany, France, Japan, or on the ships capturing the islands in the Pacific (WWII monument). The G.I. Bill was able to help those who were wounded and the families of those who died. The biggest issue was during WWI and WWII when all those families were left without fathers, mothers, brothers or sisters. The VA was able to help all of them in one way or another.

The VA has realized that those who are a spouse to a veteran who is getting VA benefits should get the benefits after the death of the veterans. The problem was how long they should give the benefits to the spouse. Then they decided that it would be fair if the spouse got the benefits of the month their veteran passed away in.

The VA realized that they needed to give compensation to the families of veterans who have passed. They need help sometimes with funeral costs and other final expenses. That is why the VA will give the families of the deceased veteran compensation in order to help pay death expenses and lost wages (FAQS about survivor’s benefits).

**How the VA is Working Today**

The VA is still running today. The commitment to caring for veterans, spouses, survivors and dependents is long lasting. The benefits that come from the VA are as good as they ever have been, and have helped people for many years, but the wait times are unacceptable this is why the VA needs help. “Since the dependents program was enacted in 1956, VA also has assisted in the education of more than 700,000 dependents of veterans whose deaths or total disabilities were service-connected” (“History of the VA”). Many people are joining the military every day; therefore, more and more people will benefit from the VA to keep it running longer. The VA works in and out of the time of war. “Of the 24.3 million veterans alive at the start of 2006, nearly three-quarters served during a war or an official period of conflict,” and the VA helped all of them (History of the VA). The reason they need help is because, even though the benefits are as good as ever, the time that it takes to get the benefits is too long. It is so long to get benefits that some veterans who may have PTSD are committing suicide because the wait is so long and they cannot get help in time.

One benefit provided by the VA allowed by the Montgomery GI Bill, which was established in 1985, is educational benefits from serving in the military. The Montgomery G.I. Bill states,

Active Duty (MGIB-AD) for active duty members who enroll and pay $100 per month for 12 months and are then entitled to receive a monthly education benefit once they have completed a minimum service obligation and the Selected Reserve (MGIB-SR) for Reservists with a six-year obligation in the Selected Reserve who are actively drilling (1985).

According to VA records in 2005 alone, VA helped pay for the education or training of more than 336,000 veterans and active-duty personnel, 87,000 reservists and National Guardsmen, and 74,000 survivors. With the education being paid for, some people come back and volunteer with the VA. With all the help they get, they are now a world leader in research areas such as spinal-cord injury, amputation care, prosthetics, blind rehabilitation, aging, women’s health, AIDS, Agent Orange exposure, post-traumatic stress disorder, and other mental health issues.

In 1977 Veterans’ Educational Assistance Program was established. The act that instated it says:

If you first entered active duty between January 1, 1977 and June 30, 1985 and you elected to make contributions from your military pay to participate in this education benefit program. Your contributions are matched on a $2 for $1 basis by the Government. This benefit may be used for degree and certificate programs, flight training, apprenticeship/on-the-job training and correspondence courses. Remedial, deficiency, and refresher courses may be approved under certain circumstances (Vermillion, L.).

**Court Cases**

In the case *Veterans for Common Sense (VCS) and Veterans United for Truth and Justice, Inc. (VUTF) v. Secretary of Veterans Affairs, United States Department of Veterans Affairs, and (VA) (Team VCS) .* This case proved that the VA wait times are killing veterans, mainly those with PTSD. This case went back and forth for 5 years. The Veterans for Common Sense (VCS) and Veterans United for Truth and Justice, Inc. (VUTF) are the advocates for the veterans in this case. The law suit was about how the VA was taking too long to make a decision about whether to help a veteran or not. Some veterans with PTSD were committing suicide during the long wait period. These complaints started in 2007 and continued throughout the court case up into 2011. In the end VCS and VUTF won against the VA.

In the case *Shinseki v. Sanders,* this case explained that a veteran’s benefits case must be treated like a regular case, where the appellant has to carry the burden of proof (VLL). This came up when a veteran from New Jersey was denied his benefits rights. That in itself isn’t a problem, but the VA didn’t give him a statutorily required notice. The Court of Appeals for the Federal Circuit said even though the VA claims it was a harmless mistake, that this “harmless mistake” has frame work that is too complex to understand so they have to go through the court system to see if it was harmless. In the end the court ruled that veteran’s benefits cases follow the ordinary rule that appellant's generally have the burden of proving that a procedural error was prejudicial.

In the *Brown v. Gardner, 513 U.S. 115 (1994)* the court ruled that 38 U.S.C. § 1151 will provide compensation to any veteran no matter who is at fault (VLL). This case was filed after a veteran of the Korean Conflict had received surgery for a herniated disk at a VA Hospital. Which there after caused him pain and weakness in his whole left leg, he claimed this was a result of the surgery. The current statue at the time stated that the veteran had to prove that the disability was caused by the VA in any way. The court ruled that 38 U.S.C. § 1151 (1994) provides compensation for any veteran injured by VA medical care, regardless of whether VA was negligent.

In the case *Traynor v. Turnage,* the court ruled that a veteran’s Alcoholism may be a reason for them not to receive benefits (VLL). This case was brought up by several veterans. They felt that being denied their benefits because of their alcoholism was unjust. The statue that the court was ruling on was 38 U.S.C. § 1662(a) (1) (Justia). The statue states that the VA has to pay benefits to a veteran who has "a physical or mental disorder which was not the result of [their] own willful misconduct (Justia)." The final decision was that the VA does not have to provide benefits due to a veteran’s alcoholism.

In the case *Johnson v. Robison,* the court ruled that by denying a veteran who did other services their benefits, you are not a violating the equal protection (VLL). This case is brought up by a veteran who felt that his First Amendment rights to guarantee of religious freedom and the Fifth Amendment rights to guarantee of equal protection of the laws were violated. After being denied his educational benefits, after he worked two years of alternative civilian service at the Peter Bent Brigham Hospital, Boston. The court ruled against the veteran saying that equal protection is not violated by denying veterans’ benefits to conscientious objectors who perform alternative service.

All of these were brought up by veterans or veterans’ advocates who sought better care. Some lost and some won either way laws were made, attitudes changed and people realized that they cannot just affect a veteran’s benefits in a negative way without expecting a fight.

**Servicemen’s Readjustment Act of 1944 vs. Montgomery G.I. Bill**

The Servicemen’s Readjustment Act of 1944 or the “G.I. Bill” (as it is most commonly known) is the foundation of the VA, and the Montgomery G.I. Bill is the newer version of the Servicemen’s Readjustment Act of 1944 (History.com). The difference between the Servicemen’s Readjustment Act of 1944 and the Montgomery G.I. Bill is with tuition:

The Montgomery G.I. Bill is used by veterans and their family members who are attending or planning to attend college. This bill provides these students with an average of $1,648 towards college expenses, and can be used for up to 36 months (Vermillion, L.).

According to retired Master Chief Hammer the benefits he got from the “post 9/11 G.I. Bill” for his education helped a lot. It paid for his classes and books a total of $300.

Post-9/11 G.I. Bill: Benefits will match 100 percent tuition up to the cost of the most expensive public state school’s in-state undergraduate tuition. Plus, the Yellow Ribbon Program allows the schools to waive a portion of the remainder and the VA to match that waiver and increase the benefit considerably, depending on each school’s unique agreement (Vermillion, L.).

There are many differences and some similarities between these two bills, but the one that will be focused on is the tuition help that is given in the educational benefits. The Montgomery G.I. Bill is just an expansion of the original Servicemen’s Readjustment Act of 1944. This is because some people thought that the Servicemen’s Readjustment Act of 1944 was out dated and instead of throwing it out, they decided to give it an update. Another thing that is new to the Montgomery G.I. Bill is:

On-the-Job and Apprenticeship Training:

Montgomery G.I. Bill: All approved training for example job shadowing, apprenticing, interning, and going to on-site training like flight school. All of these and more are accepted in the Montgomery G.I. Bill.Post-9/11 G.I. Bill: Only programs offered by colleges and grad schools are approved under this benefit. Only those who transfer to the new benefit program from the old system to the new are eligible for training or education at a college or a grad school. Those who do this will be paid similar to what they would have been paid under the benefit program from which they transferred (Vermillion, L).

The Montgomery G.I. Bill offers training on site for everything whereas the Servicemen’s Readjustment Act of 1944 only allows onsite training for a selected few programs. That was one of the major problems with the original “G.I. Bill.”

One more difference was: Transfer of Benefits:

In the Montgomery G.I. Bill educational benefits, which are provided by the VA, can be transferred to any immediate family member. With the Post-9/11 G.I. Bill it is up to the Department of Defense to allow transfer of 36 months of benefits from an active duty member to immediate family. The requirements of both bills are the same, which state that the active duty family member must “has (have) served at least six years and agrees to serve another four years on active duty,” (Vermillion, L).

The ability to transfer benefits is to help the family member who is actually getting the education, to obtain the education they are trying to get for the future job, family, and career. The ability to transfer has become more simplified thanks to the “G.I. Bill.” This ability has been needed since the beginning of the military. Parents want to make sure that their children have a better chance at education than they did. With the Montgomery G.I. Bill, military parents can now make sure that is possible with the transfer of benefits.

**The Reason the VA Needs Help**

The VA’s budgets are low for the type of work that they are doing, to help the veterans who need help readjusting to civilian life. The President’s 2015 Budget includes $163.9 billion for VA in 2015. This includes $68.3 billion in discretionary resources and $95.6 billion in mandatory funding (DAV Budget).

$163.9 billion may seem like a lot, but only $68.3 billion is going to the veterans and $95.6 billion is going to the Veterans Administrations all over the U.S. to help keep them running. The DAV however can donate clothing and sometimes money too. The DAV helps the VA as a branch off of it. The DAV can go where the VA cannot. It can go door-to-door and has people who take the veterans aside and help them get the benefits that they deserve. The VA cannot do that. They have to stay up on Capitol Hill handing out the money, which is needed for benefits. They are getting these benefits thanks to the DAV who has helped them in completing the necessary forms. This is how they work together, this is how the system works. Unfortunately more and more people are coming back from military service wounded. The DAV and the VA have to work harder to provide the benefits that is required and rightfully deserved. With the budget today, some people might not get the benefits they need. They may need benefits for education that will help them return to the workforce. The DAV collects clothing from houses that have old clothing that they don’t use any more. That gets a lot of the veterans in the door and then they talk about the benefits. “Statistics showed that, on average, approximately 80,000 e-mails were being sent to government officials through the DAV web site every six months. Obviously, many more contacts were being made by telephone, facsimile, personal visits, and regular mail. These contacts led to many successes and, on the whole, proved effective in the quest for favorable veteran’s legislation,” (The New Century and War on Terror).

This quote shows how the DAV and the VA work together as one big organization. With more veterans getting benefits, it is likely that the VA’s budget could get expanded. With that expansion, the DAV can continue helping veterans get the information they need about their situation and their disabilities that happened during their service.

Another reason why the VA needs help is because of the way they are set up. “There is a lack of proper management going on in the VA,” (Hammer, J., MCPO). The wait times are way to long for the veterans who need help. The court case *Veterans for Common Sense (VCS) and Veterans United for Truth and Justice, Inc. (VUTF) v. Secretary of Veterans Affairs, United States Department of Veterans Affairs, et al (VA)* did not just prove that the wait times are too long, but it made it public knowledge. Master Chief Hammer said that when he went to the VA in Hampton with his son they had to wait “2 hours for a 15 minute visit.” This is why the VA needs help.

The VA hospital in Hampton has the longest wait time in the nation (Hampton). The average wait time is 30.53 days to get an appointment with their primary care doctor. In that amount of time, a veteran could die from their health issue. This is not how it should be. We should be helping those who have helped us as a nation. The good news is that the bad press that the veteran’s benefits system has been getting lately will only help shed some light on very serious topic of veteran’s benefits.

This paper describes what the DAV and the VA are and how these two agencies help the veteran’s benefits system. The comparison of the two G.I. Bills which are the post 9/11 Servicemen’s Readjustment Act of 1944 and the Montgomery G.I. Bill describes how the Servicemen’s Readjustment Act of 1944 was amended post 9/11. The Montgomery G.I. Bill was a new version of the G.I. Bill that created the transfer of benefits and improved veterans accessibility to job training after being discharged from the armed forces. We can all provide help to our veterans through the VA and by supporting such organizations as the DAV.

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