



State of California  
Office of the Attorney General

XAVIER BECERRA  
ATTORNEY GENERAL

April 3, 2020

The Honorable Robert Wilkie  
Secretary  
U.S. Department of Veterans Affairs  
810 Vermont Ave. NW  
Washington, DC 20420

RE: Protecting Veterans' Benefits and Financial Well-being During the COVID-19 Pandemic

Dear Secretary Wilkie:

In the face of the COVID-19 crisis, the Department of Veterans Affairs' (VA) mission statement—to care for those who have borne the battle—rings with urgency.<sup>1</sup> Veterans are falling gravely ill and losing their jobs. The VA, however, is rigidly enforcing benefits deadlines and making debt collection demands that many veterans simply cannot meet. To fulfill its mission, the VA must immediately suspend claims deadlines and halt collection activities.

Many disabled and low-income veterans rely on VA benefits for basic necessities, including food and housing. The COVID-19 crisis threatens these critical benefits. The VA is closed to in-person claims assistance,<sup>2</sup> and many veterans organizations and attorneys are unable to meet with veterans.<sup>3</sup> Moreover, veterans face significant barriers to gathering evidence and meeting claims deadlines on their own. Many do not have access to electronic means of submission and most of the country is subject to a stay-at-home order.<sup>4</sup> The VA should not ask the impossible of veterans, and must suspend all claims deadlines.

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<sup>1</sup> U.S. Dep't of Veterans Aff., [https://www.va.gov/about\\_va/mission.asp](https://www.va.gov/about_va/mission.asp) (last visited Mar. 27, 2020).

<sup>2</sup> U.S. Dep't of Veterans Aff., <https://benefits.va.gov/BENEFITS/news.asp> (last visited Mar. 27, 2020).

<sup>3</sup> See, e.g., Disabled American Veterans, <https://www.dav.org/veterans/find-your-local-office/>; Swords to Plowshares, <https://www.swords-to-plowshares.org/2020/03/18/limited-services-for-veterans-through-april-8th-covid-19-shutdown/> (last visited Mar. 27, 2020).

<sup>4</sup> Alicia Lee, *These States Have Implemented Stay-at-home Orders. Here's What That Means for You*, CNN (Mar. 27, 2020), <https://www.cnn.com/2020/03/23/us/coronavirus-which-states-stay-at-home-order-trnd/index.html>.



The Department should also issue a moratorium on collection activities for benefits overpayments and other debt. The VA has recognized the necessity of suspending recoupments during emergencies: in 2017, for instance, it halted debt collection for veterans impacted by hurricanes.<sup>5</sup> The situation is no less dire now, as the proclamation of a national emergency makes clear.<sup>6</sup> At a time when unemployment is skyrocketing, many veterans are struggling with day-to-day expenses and can ill afford to make debt payments.<sup>7</sup>

The Department has taken some steps in the right direction. But half measures are insufficient to address today's full-blown public health crisis. The Board of Veterans' Appeals is accepting requests from veterans for extensions of appeals deadlines.<sup>8</sup> However, this puts the burden on the veteran to find the means to file a request and to show good cause. With limited access to legal counsel because of COVID-19, many veterans cannot satisfy these requirements and will lose much-needed benefits. The Board's response also does nothing to help veterans with deadlines for initial benefits claims. Likewise, the VA's advertisement of possible case-by-case temporary relief from debt obligations does not go far enough.<sup>9</sup> It places the onus on veterans to navigate the relief process and to prove hardship.

Instead of this piecemeal approach, the VA needs to suspend deadlines and adverse actions across the board. Other agencies have recognized the challenges presented by the COVID-19 crisis, and have suspended deadlines and adverse actions. The U.S. Social Security Administration, U.S. Department of Labor, and U.S. Department of Housing and Urban Development are but a few examples.<sup>10</sup> Veterans deserve no less.

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<sup>5</sup> U.S. Dep't of Veterans Aff., *VA Suspends Debt Collection for Veterans Impacted by Recent Hurricanes* (Sept. 29, 2017), <https://www.blogs.va.gov/VAntage/41689/va-suspends-debt-collection-for-veterans-impacted-by-recent-hurricanes/>.

<sup>6</sup> President Donald J. Trump, *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak* (Mar. 13, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

<sup>7</sup> Richard Sisk, *Skyrocketing Unemployment in Lockdown Likely Means Hardship for Veterans*, Military.com (Mar. 26, 2020), [https://www.military.com/daily-news/2020/03/26/skyrocketing-unemployment-lockdown-likely-means-hardship-veterans.html?utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=EBB%2003.27.20&utm\\_term=Editorial%20-%20Military%20-%20Early%20Bird%20Brief](https://www.military.com/daily-news/2020/03/26/skyrocketing-unemployment-lockdown-likely-means-hardship-veterans.html?utm_source=Sailthru&utm_medium=email&utm_campaign=EBB%2003.27.20&utm_term=Editorial%20-%20Military%20-%20Early%20Bird%20Brief).

<sup>8</sup> U.S. Dep't of Veterans Aff., <https://www.bva.va.gov/> (last visited Mar. 27, 2020).

<sup>9</sup> U.S. Dep't of Veterans Aff., <https://www.va.gov/debtman/> (last visited Mar. 27, 2020).

<sup>10</sup> See, e.g., U.S. Soc. Sec. Admin., <https://www.ssa.gov/coronavirus/>; U.S. Dep't of Lab., [https://www.oalj.dol.gov/IN\\_RE\\_SUSPENSION\\_OF\\_HEARIN\\_2020MIS00006\\_\(MAR\\_19\\_20\\_20\)\\_140827\\_CADEC\\_SD.pdf](https://www.oalj.dol.gov/IN_RE_SUSPENSION_OF_HEARIN_2020MIS00006_(MAR_19_20_20)_140827_CADEC_SD.pdf); U.S. Dep't of Hous. and Urb. Dev., [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_20\\_042](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_042) (last visited Mar. 27, 2020).

The aging of the veteran population puts veterans at increased risk of contracting COVID-19 and suffering serious health consequences, including death.<sup>11</sup> Almost half of veterans are over 65 years old.<sup>12</sup> And in California, over 260,000 veterans are age 80 or older.<sup>13</sup> The tens of thousands of homeless veterans across the country who cannot “shelter at home” are also highly susceptible to the virus.<sup>14</sup> Veterans should not have to worry about their financial well-being while worrying about their health. I urge the Department to protect veterans during this time of extreme vulnerability by suspending filing deadlines and adverse actions.

Sincerely,



California Attorney General



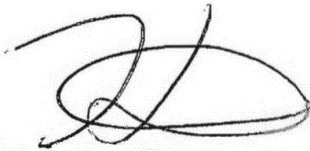
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Colorado Attorney General



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Delaware Attorney General



KARL A. RACINE  
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Hawaii Attorney General

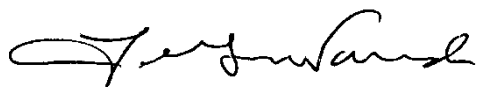
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<sup>11</sup> Ctrs. for Disease Control and Prevention, *Severe Outcomes Among Patients with Coronavirus Disease 2019*, <https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e2.htm> (last visited Mar. 27, 2020).

<sup>12</sup> USAFACTS, *Who Are our Nation’s Veterans and How is Their Standard of Living Changing?* (Nov. 8, 2019), <https://usafacts.org/articles/who-are-our-nations-veterans-and-how-is-their-standard-of-living-changing/>.

<sup>13</sup> Legis. Analyst’s Office, *Understanding the Veterans Services Landscape in California* (Jan. 17, 2017), [https://lao.ca.gov/Publications/Report/3525#The\\_Demographics\\_of\\_California.2019s\\_Veterans](https://lao.ca.gov/Publications/Report/3525#The_Demographics_of_California.2019s_Veterans).

<sup>14</sup> U.S. Dep’t of Veterans Aff., [https://www.va.gov/HOMELESS/pit\\_count.asp](https://www.va.gov/HOMELESS/pit_count.asp) (last visited Mar. 27, 2020); Thomas Fuller, *Coronavirus Outbreak Has America’s Homeless at Risk of ‘Disaster,’* NY TIMES (Mar. 10, 2020), <https://www.nytimes.com/2020/03/10/us/coronavirus-homeless.html>.



LAWRENCE G. WASDEN  
Idaho Attorney General



AARON M. FREY  
Maine Attorney General



BRIAN E. FROSH  
Maryland Attorney General



Maura Healey  
Massachusetts Attorney General



KEITH ELLISON  
Minnesota Attorney General



Nevada Attorney General



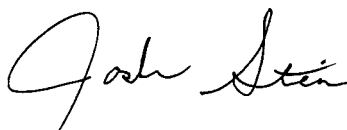
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New Jersey Attorney General



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New Mexico Attorney General



LETITIA JAMES  
New York Attorney General



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North Carolina Attorney General



ELLEN F. ROSENBLUM  
Oregon Attorney General



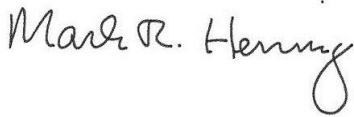
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Pennsylvania Attorney General



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Rhode Island Attorney General



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Utah Attorney General



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BOB FERGUSON  
Washington State Attorney General