

Petition for the modification of 38 CFR 70, Subpart A, Beneficiary Travel... under 38 USC 111

From: Master Sergeant Jack Thompson (MSgt/he/him/his), USAF, Retired (jack__t@yahoo.com)

To: denis.mcdonough@va.gov; tanya.bradsher@va.gov

Cc: vets-experience@va.gov; secvarequest@va.gov; debi.bevins@va.gov; guy.kiyokawa@va.gov; shereef.elnahal@va.gov; vhaco10brapactions@va.gov; vaco00reg@va.gov; vha10padvnationalpatientadvocates@va.gov; vhaclientservicesresponseteam@va.gov; casework@kelly.senate.gov; juan.ciscomani@mail.house.gov; oversight@vetaff.senate.gov; vaemaildem_@vetaff.senate.gov; hvac.democrats@mail.house.gov; hvac.republicans@mail.house.gov; opinions@military.com; opinion@militarytimes.com; craig.stanton@va.gov; lisa.rosenmerkel@va.gov; benjamin.williams@va.gov; joseph.cook@va.gov; vhamsvtpleadership@va.gov; michael.missal@va.gov; richard.hipolit@va.gov; patricia.ross3@va.gov

Date: Thursday, October 10, 2024 at 07:14 PM MST

Secretary McDonough,

I request this review, and edit, of 38 CFR 70: Subpart A under the authority of 38 CFR 5.20.

Please note (c) below and I look forward to your prompt reply.

Your confirmation of receipt is required and appreciated.

§ 5.20 Procedures for petition for the withdrawal or modification of a guidance document.

Petitions for withdrawal or modification of a guidance document. The following procedures apply for the public to petition for withdrawal or modification of a guidance document.

- (a) A member of the public wishing to petition for withdrawal or modification of a guidance document may submit such petition via email to: OEIDMO@va.gov. Petitions may also be mailed to the following address: Office of Policy and Interagency Collaboration, Office of Enterprise Integration, 810 Vermont Avenue NW, Washington, DC 20420.
- (b) A petition for withdrawal or modification of a guidance document must contain the following information:
 - (1) The petitioner's name and address;
 - (2) Information identifying the guidance document to which the petition pertains;
 - (3) A statement of the reasons the petitioner believes the document should be withdrawn or modified.
- (c) VA will seek to provide a response to a petition within 90 days of receipt of the request.

----- Forwarded Message -----

From: Master Sergeant Jack Thompson (MSgt/he/him/his), USAF, Retired <jack__t@yahoo.com>
To: OEIDMO@va.gov <oeidmo@va.gov>
Sent: Thursday, October 10, 2024 at 05:23:40 PM MST
Subject: 38 CFR 70 is in contradiction with 38 USC 111

Office of Policy and Interagency Collaboration, Office of Enterprise Integration,

I request a thorough review of 38 CFR 70, Subpart A, (Reduction and Denial of) Payments for beneficiary travel.

70.4 (b) & (c) and 70.20 (e) are in conflict with 38 USC 111; 70.20 (e) is also in conflict with 44 USC 3501 et seq. via [ICR Reference Number 202402-2900-022](#) for [OMB Control Number 2900-0798](#).

The SecVA has the authority to "make or not make" payments, they do not have authority to change the criteria for approval or the amount of payments.

The criteria for approval was clearly defined by Congress in 38 USC 111, (b)(1)(A) through (b)(3)(C)(a).

The payment amount is also set as the USC clearly states, "**may pay**... an allowance **based upon mileage**" (at a rate of 41.5 cents per mile).

The other, very specific, authorities granted to the Secretary are limited and do not involve these conflicts.

The USC makes no distinction between one-way and round trips or emergency and routine appointments, or VA and nonVA appointments.

The implementation of the law cannot contradict the law and it does, and has, since the CFR was adopted on June 23, 2008.

Every justification for delaying, limiting and denying travel benefits; clearly stated in the USC, are for the convenience and benefit of the VHA and the VHA alone.

These conflicts should have never been allowed to be adopted.

I also have an issue with the 30-day time limits imposed several times in the CFR, I request it be changed to one year.

I have attached highlighted copies of both documents, with a few others, to this message.

VHA MS VTP, VHA ORAP, VA ORAP and the SAVAHCS have the same information, and more, but remain unresponsive and complicit.

I appreciate your acknowledgment of receipt and look forward to your prompt reply.

Reply only by email to: Jack_T@yahoo.com

Sincerely,

JOHN D. THOMPSON, Master Sergeant, USAF, Retired
6155 E TRAILS END PEARCE AZ 85625-6089

Values, Standards of Ethical Conduct, and Related Responsibilities, 38 CFR 0:

§ 0.601, Core Values:

- (a) **Integrity.** VA employees will act with high moral principle, adhere to the highest professional standards, and maintain the trust and confidence of all with whom they engage.
- (b) **Commitment.** VA employees will work diligently to serve veterans and other beneficiaries, be driven by an earnest belief in VA's mission, and fulfill their individual responsibilities and organizational responsibilities.
- (c) **Advocacy.** VA employees will be truly veteran-centric by identifying, fully considering, and appropriately advancing the interests of veterans and other beneficiaries.
- (d) **Respect.** VA employees will treat all those they serve and with whom they work with dignity and respect, and they will show respect to earn it.
- (e) **Excellence.** VA employees will strive for the highest quality and continuous improvement, and be thoughtful and decisive in leadership, accountable for their actions, willing to admit mistakes, and rigorous in correcting them.

§ 0.602, Core Characteristics:














- (a) **Trustworthy.** VA earns the trust of those it serves, every day, through the actions of its employees. They provide care, benefits, and services with compassion, dependability, effectiveness, and transparency.
- (b) **Accessible.** VA engages and welcomes veterans and other beneficiaries, facilitating their use of the entire array of its services. Each interaction will be positive and productive.
- (c) **Quality.** VA provides the highest standard of care and services to veterans and beneficiaries while managing the cost of its programs and being efficient stewards of all resources entrusted to it by the American people. VA is a model of unrivalled excellence due to employees who are empowered, trusted by their leaders, and respected for their competence and dedication.
- (d) **Innovative.** VA prizes curiosity and initiative, encourages creative contributions from all employees, seeks continuous improvement, and adapts to remain at the forefront in knowledge, proficiency, and capability to deliver the highest standard of care and services to all of the people it serves.
- (e) **Agile.** VA anticipates and adapts quickly to current challenges and new requirements by continuously assessing the environment in which it operates and devising solutions to better serve veterans, other beneficiaries, and Service members.
- (f) **Integrated.** VA links care and services across the Department; other federal, state, and local agencies; partners; and Veterans Services Organizations to provide useful and understandable programs to veterans and other beneficiaries. VA's relationship with the Department of Defense is unique, and VA will nurture it for the benefit of veterans and Service members.



38 CFR Part 70 (up to date as of 10-01-2024).pdf
193.1kB



38 USC 111.docx
5.9kB

-  VA-2007-VHA-0030-0001_content 200070723.pdf
126.9kB
-  Comment to change CFR.pdf
37.5kB
-  CFR 20240410.pdf
449.1kB
-  CFR 20241001.pdf
308.2kB
-  Ben Williams 20240128.pdf
497.2kB
-  Ben Williams 20240718.pdf
279.8kB
-  Juan Reulas 20230627.pdf
191.4kB
-  VA OIG Hotline complaints.pdf
449.1kB
-  Frances Bishop 09 Oct 2024.pdf
648.1kB
-  38 CFR 5.20.pdf
246.7kB
-  38 CFR Part 0 (up to date as of 10-04-2024).pdf
70.2kB
-  VHA-code-of-integrity.pdf
2.3MB
-  SAVAHCS letters.pdf
144.5kB