

THE VOSB SUMMARY: NEWS YOU NEED TO KNOW

(A Quarterly Publication for VOSBs: The Spring Edition)*



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Transferring VetBiz to SBA to Save \$5 Million Yearly, Says Congressional Budget Office

The Improving Opportunities for Service-Disabled Veteran-Owned Small Business Act (HR 2882), which would transfer authority to maintain the VetBiz database to the SBA, now has nine co-sponsors. When it was first introduced last summer, it had only six.

And apparently, it saves taxpayer money! \$5 million per year, in fact.

Based on information from the VA and the SBA, the Congressional Budget Office (CBO) expects that the SBA will spend less to operate the certification program each year because it can use existing systems that provide similar certification services for other preference programs. These include the 8(a) BD Program, which is the program after which the VetBiz program was modeled.

Under HR 2882, the VA would reimburse the SBA for its costs to operate the program. These include: database development, management activities, efforts to verify businesses' eligibility to participate in the program, and appeals of eligibility determinations. But ultimately, it would be the SBA at the helm.

In general, while many prefer the more experienced SBA taking the reins of the verification program, others worry about starting from scratch. They also argue that as verification is now required only for VA set-asides, the VetBiz program should remain at the VA.

For the most part, however, veteran business owners appear onboard

with this change. It's confusing to have two different sets of regulations for two different programs - the SBA's Service-Disabled Veteran-Owned Small Business Program and the VA's Veterans First Program. While the regulations for these programs are similar, they're not identical, and the bill would fix several key problems and eliminates double standards in applicable statutes/regulations. This includes:

1. Aligning the SBA and VA statutory definition of "veteran."
2. Updating the small business regulations to provide for the continuation of the business in the event of the death of the service-disabled veteran from service-connected disabilities or if the vet is 100% disabled.
3. Providing for an administrative appeals process backed by years of SBA case law.
4. Providing consistency in verifying "VOSB" or "SDVOSB" status, as an SBA determination can be applied to all federal agencies. (VetBiz verification is required only for VA contracts).

For further reading on HR 2882 and to follow its progress in Congress, I encourage you to check out Hardy Stone's publication, <http://vetlikeme.org>. Hardy is a service-disabled veteran and runs a VetBiz-verified organization devoted entirely to disseminating useful information to veterans. Any development on this issue, Hardy will catch (and share)!



HOW LONG WILL YOU WAIT? WEBSITE TRACKS DISABILITY CLAIM WAIT TIMES BY REGIONAL OFFICE

A while ago on my blog, I covered a website designed by the Center for Investigative Reporting that allows veterans to track wait times for decisions on initial claims pending at VA Regional Offices. (ROs). This does not include claims that have been appealed or are on remand - these wait times are much longer.

If you are a veteran interested in the wait times applicable to a particular Regional Office, you can click on a city listed on the interactive map. It will show you the number of pending claims, average wait time for an initial decision, the number of veterans waiting 125 days or more, and other information.

For example, the Roanoke RO currently has 19,831 veterans awaiting decisions on their disability compensation claims. On average, veterans with claims pending at this RO wait 170 days for a decision on an initial claim. In contrast, the RO located in Fort Harrison, Montana has only 1,125 veterans awaiting decisions, with an average wait time of 100 days.

Access the website at: <http://cironline.org/reports/map-where-veterans-backlog-worst-3792>.

FACING VETBIZ REVERIFICATION? EXPECT A FULL DOCUMENT REVIEW

Lately, the CVE has been giving itself a lot of press relating to “simplified” renewal. If a verified business comes up for renewal and there have been no changes to the business, the process is supposed to be short and sweet - sign your new 0877, answer a few basic questions, and wait as little as seven days for your two-year renewal.

For most businesses, however, renewal has been anything but “simple.” For example, one solo-member LLC owner with no changes to report showed me the documentation request sent to him from CVE...and they literally asked for everything but the kitchen sink (Fortunately, kitchen sinks cannot be electronically uploaded to VetBiz portals, so he was safe there). For many

other businesses I’ve worked with who are going through the reverification process, there have been similar woes.

Much of the problem comes down to miscommunication. The CVE doesn’t clearly state that many verified businesses aren’t eligible for simplified renewal, which is the case. In a nutshell, if the last time your business was verified, it didn’t go through the process all over again, you will this time. As notices sent by CVE to verified business owners have stated: “Since your 2012 re-verification did not have a full document examination it is deemed as equivalent to our Simplified Renewal process. Under the Simplified Renewal process, a firm must have one full document examination in a four-year period.”

Not only that, but the CVE has noted that it now requires more detailed documentation than it once did. I have seen

companies that were verified earlier this year go through a full examination because their initial application was not deemed to be a “full documentation examination” as it is now defined. Accordingly, their renewals were just as tedious (if not more so) than their initial applications.

The lesson here is to be prepared. When it comes to your renewal, expect to bring your VetBiz application completely up to date - updated licenses, any changes to your corporate documents, new contracts, new taxes - the whole shebang.

And remember - you can reverify within 120 days of expiration. Don’t wait until the last minute!

VA DENIES DEADLY WAIT TIMES IN PHOENIX

Last week, CNN broadcasted the horrific story of a "secret" waiting list at the Phoenix Veterans Affairs (VA) Health Care Center, resulting in the deaths of at least 40 veterans.

The secret list was part of an elaborate scheme designed by Veterans Affairs managers in Phoenix who were trying to hide that 1,400 to 1,600 sick veterans were forced to wait months to see a doctor, according to several extremely reliable sources.

One of CNN's key sources was a former doctor at the Phoenix VA Health Care Center, Dr. Sam Foote. He came forward after spending 24 years with the VA, revealing that the VA works off two lists: an "official" list that's shared with officials in Washington and shows the VA has been providing timely appointments, which Foote calls a sham list. And then there's the real list that's hidden from outsiders, where wait times can last more than a year.

Dr. Foote told CNN that the "official" list was put in place so the VA could evade its own rules, which requires it to provide care to patients in a timely manner (generally within 14 to 30 days). Rather than doing its job and taking care of the veterans it was entrusted to care for, the Phoenix VA Health Care Center shredded documents, deliberately omitted to record appointment requests, and took other measures to avoid a paper trail that would evidence

its deplorable treatment of veterans.

This practice is similar to what the VA is currently doing with its backlog initiative. The VA pats itself on the back by releasing statistics about the decrease in backlogged claims. What it doesn't tell the public is that because of its focus on getting initial claims off the table, the claims in the appeals process are facing much lengthier wait times. Before the backlog, appeals at the Roanoke Regional Office were taking a year to resolve. Now it's up to two.

After this story hit the wires last week, the VA quickly launched into defensive mode. Initially, it told the Senate Veterans Affairs Committee that a preliminary review of the Phoenix VA Health Care Center showed no evidence to support the recent allegations of corruption and unnecessary veteran deaths. However, the VA's Office of Inspector General has launched an official investigation into the matter, after which a hearing will follow.

Further, on May 1st, the VA placed several key personnel at the Phoenix VA Health Care Center on administrative leave, to include its Director, Sharon Helman; Associate Director, Lance Robinson; and a third individual whose name hasn't been released.

It isn't clear whether this move is due to the VA's concern that the allegations may be true, or in reaction to public outcry about the allegations. It also isn't clear whether this is a paid vacation for these individuals.

Also, on May 5th, two large veterans organizations -the American Legion and Concerned Veterans of America - called for the resignation of the VA Secretary, Eric K. Shinseki.

This, of course, will not happen. The White House and the VA have already released statements affirming their faith in Shinseki's ability to lead the VA. Shinseki, a former Army general and Vietnam veteran, has headed the VA since 2009. To remove Shinseki, he would either need to step down or President Obama would need to make that decision.

I doubt these veteran organizations expect Mr. Shinseki's removal. Rather, they are publicly condemning the organization and the fact that senior members of the VA continue to deny that certain problems exist. CNN, for example, which has covered the developments in Phoenix heavily over the last few weeks, noted that Mr. Shinseki's department refused to grant it an interview on that subject over six months ago. And this is CNN we're talking about, not *Lonesome Polecat Dispatch*. It's odd that CNN would be dismissed.

Three months from now, I can guarantee that the VA will be taking corrective action relating to this incident. But the question is this - how on earth was this allowed to happen in the first place?



GAO DECISION IS TESTAMENT TO COMMON SENSE (AND BRAIN CELLS)

In an April 23, 2014 decision, the GAO held that a proposal that was received by the Navy before a bid due date was not "late," even though the offeror emailed the proposal to the Navy rather than submit it through an online portal per the solicitation instructions. Why? Because that was what the offeror was *told to do*. (*ICI Services, Inc., B-409231.2*).

In this instance, the Navy had issued a task order solicitation for engineering support services. While the offerors were required to submit their proposals through the Navy's online Seaport-e portal, they were allowed to email their proposals in the event the portal was inaccessible.

So what happened? The protestor couldn't access the portal and emailed its proposal after first checking in with the contract specialist. It was initially awarded the task order, but then the award was yanked on the basis of the proposal being "late."

Although we always hear the adage, "late is late," this didn't apply here. The GAO held that accepting the protestor's proposal in this way didn't put others at a competitive disadvantage, and it was specifically allowed this alternative means of submission. Common sense prevailed!

VET WITH SERVICE DOG KICKED OUT OF TEXAS STARBUCKS

This is a tale that illustrates the importance of knowing your responsibilities as a private business under the Americans With Disabilities Act (ADA). If you don't, don't be surprised if someone slaps you with a lawsuit.

In late February, Mr. Yancy Baer, a veteran of the Iraq war, tried to pop into a Starbucks in San Antonio. Mr. Baer had the lower half of his left leg amputated due to bone cancer, and he uses a yellow Labrador, Verbena, as his service dog. A Starbucks employee stopped him, and told him he couldn't bring his dog into the store. When Mr. Baer tried to explain to the sassy barista that Verbena is his service dog, the barista replied:

"Why can't you do that for yourself?"

In the end, another employee intervened and helped Mr. Baer, but I doubt he was able to enjoy his coffee. I'm willing to bet he took it to go, just to get the heck away from that barista.

The story didn't end there for Starbucks. Somehow, it was repeated and picked up by the local television station, and then national channels. I personally found the story on a LinkedIn forum (U.S. Military Veterans Network). San Antonio is a very pro-veteran area, and I wouldn't be surprised if there weren't picketers outside that particular store. (News stories helpfully shared that it is a Starbucks on Memorial Drive).

This story hits home how important it is for private businesses to know their rights and obligations under the ADA. Under the ADA a private business is only allowed to ask two questions to an individual with a service dog: 1) Is the animal required because of a disability?

and 2) What work or task has the animal been trained to perform? An employee of a private business may not ask about the nature or extent of an individual's disabilities, and he may not ask for documentation proving that the animal is in fact a service dog. If an employee crosses this line, the business risks a lawsuit.

In this instance, while Mr. Baer has publicly stated that he has "no hard feelings" towards Starbucks, the fact of the matter is that he had to have spoken up to someone, or the story never would have gotten press. And that press has surely led to a lot of customers boycotting that particular Starbucks. All because of one employee's nasty faux pas.

Well, folks. One faux pas can cost you.



CONGRESS LAUNCHES “VA HONESTY PROJECT” TO HIGHLIGHT LACK OF VA TRANSPARENCY

In a move calculated to publicly shame the VA into being more transparent, the House Committee on Veterans’ Affairs has launched a project designed to highlight the numerous times the VA has failed to fully explain itself to the press and the public. The VA Honest Project documents nearly 70 recent instances in which the VA has failed to respond to reporters’ requests for information or refused to answer specific questions.

The House Committee’s website invites the public to view many specific examples of VA officials evading media inquiries into items of extreme public interest, to include questions about deaths at veteran hospitals, privacy breaches in veteran files, and the disability claims backlogs.

Each individual instance on the website contains a hyperlink to the report, and the House Committee invites the public to comment via Facebook. The website can be accessed at: <https://veterans.house.gov/VAHonestyProject>.

VA LAUNCHES GI BILL COMPARISON TOOL

Many young veterans returning home are taking advantage of the educational benefits offered through the VA. As of late 2013, the post-9/11 GI Bill had paid for nearly one million veterans of the Iraq and Afghanistan wars to go to school at the cost of approximately \$30 billion.

The post-9/11 GI Bill provides upfront tuition payments directly to the school, a monthly living allowance, and a book stipend of \$1,000 per year. To be eligible for 100% of available benefits, a veteran must either have a service-connected discharge or have

served for thirty-six cumulative months.

In February 2014, the VA launched the GI Bill Comparison tool, an online tool that provides key information about college affordability and value so veterans can choose the best education program for their needs. Via the online tool, veterans can check their eligibility, search for a school, and see a snapshot of what would be covered per year in tuition/fees, housing allowance, and a book stipend. It also gives veterans a chance to compare schools before applying online using the VONAPP system.

Many veterans transitioning home would be well-served by taking advantage of the

post-9/11 GI Bill. The problem these young veterans sometimes encounter, however, is determining how to do this and how to deal with any delays on the VA’s behalf. One wonderful organization I’m familiar with, Iraq and Afghanistan Veterans of America (IAVA), maintains a website on the GI Bill. One of its webpages is a checklist for how to maximize your educational benefits, which can be accessed at: newbill.org/getting_started.

As a veteran, you are entitled to your benefits. Visit IAVA’s GI Bill webpage at newgibill.org/post911_gi_bill & the VA’s GI Bill Comparison tool at <http://department-of-veterans-affairs.github.io/gi-bill-comparison-tool/>.



WILL I SEE YOU IN RENO? NVSBC HOSTS ANNUAL CONFERENCE

From June 16th through June 19th, the National Veteran Small Business Coalition ("NVSBC") will host its annual symposium in Reno, Nevada. The four-day conference will give veterans the opportunity to network with prospective teaming partners that offer complementary skills and past performance. They can also attend training sessions, workshops, and participate in one-on-one business sessions.

As Scott Denniston, the Executive Director of the NVSBC shared with me, "this is the only national veteran small business conference run *by* veteran business owners for veteran business owners." As such, the conference is organized by veterans who have decades of experience in the federal procurement sector. Who better to create this type of conference? They know what kind of structure will give veteran business owners the best value.

If you are a veteran business owner who is interested in learning more about how to be successful in pursuing government contract opportunities, this is one you might want to invest in. After all, many veteran business owners looking to expand their business do so by seeking out trusted partners - LinkedIn is fabulous, but wouldn't you rather meet that person face to face?

Also, word on the street is the annual veterans conference put on by the VA might not happen this year. My spies tell me that we're looking at December for a

conference date (if it happens), which will reduce attendance. The NVSBC picked a great time and a beautiful location to have a conference, and the folks in charge have decades of experience in growing veteran businesses. This is worth the investment.

In general, the conference is fairly affordable - the cost of flying to Nevada is offset by the extremely cheap hotel cost - only \$79 per night at the [Silver Legacy Hotel](#) in Reno, *if you book it by May 25th*. How much do you think a hotel would cost if you were staying in D.C. or another big city? Pre-registration is \$325 or \$375 depending on if you're a member of NVSBC.

If you'd like more information about the NVSBC's Veteran Training Symposium (or would like to register), their website is available at: <http://www.veterantrainingsymposium.com/about-us>. Take a look!

THANKS FOR READING!

Below: Archer, the Legal Meets Practical, LLC Mascot



LEGAL MEETS PRACTICAL, LLC

ABOUT

My legal practice, based in the Atlanta area, is designed to help growing VOSBs, particularly with the VetBiz verification process. I come from a family of both veterans and small business owners, and I understand the value in legal counsel who can clearly communicate while providing effective legal solutions. Hiring a lawyer should simplify your life, not complicate it.

MISSION STATEMENT

My mission is to provide accessible, high-quality legal services to small business owners and to veterans.

BLOG

If you found the information in this newsletter helpful, sign up for my weekly blog on veterans issues at: <http://www.legalmeetspractical.com>.

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