

Performance Update

Veterans' Council

**The Veterans' Council Has Assumed
An Advisory Role Due To Legislation
Passed In February of 2002**

**West Virginia's Division Of Veterans'
Affairs Has Established A Web Site**

**The Veterans' Council Has Included
The Secretary of Military Affairs And
Public Safety In Its Reporting Process**

**The Veterans' Council Should Have the
Appropriate Members Appointed as
Required by West Virginia Code**



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John Sylvia
Director

October 19, 2003

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable J.D. Beane
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Performance Update of the *Veterans' Council*, which will be presented to the Joint Committee on Government Operations on Sunday, October 19, 2003. The issues covered herein are "The Veterans' Council Has Assumed an Advisory Role Due to Legislation Passed in February of 2002;" "West Virginia's Division of Veterans Affairs has Established a Web Site;" "The Veterans' Council has Included the Secretary of Military Affairs and Public Safety in its Reporting Process;" and "The Veterans' Council Should Have the Appropriate Members Appointed as Required by West Virginia Code."

We transmitted a draft copy of the report to the Veterans' Council on September 30, 2003. The Veterans' Council opted not to have an exit conference. We received the agency response on October 8, 2003.

Let me know if you have any questions.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/wsc

Joint Committee on Government and Finance

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Executive Summary

This report is an update of the 2001 Preliminary Performance Review of the Veterans' Council. In the 2001 review, the following three recommendations were made concerning the Veterans' Council:

The Veterans' Council was found to be in compliance with all three recommendations made by the Legislative Auditor. A significant improvement has been the development of a web site for state veterans.

1. *The Veterans' Council should assume its supervisory role over the Division of Veterans' Affairs as required in WVC §9A-1-4.*
2. *The Veterans' Council needs to direct policy for the Division of Veterans' Affairs to plan the establishment of a web site for state veterans.*
3. *In addition to its required reporting procedures, the Council should start reporting to the Secretary of the Department of Military Affairs and Public Safety.*

The Veterans' Council was found to be in compliance with all three recommendations made by the Legislative Auditor. The Compliance Monitoring of the Preliminary Performance Review uses the following designations of levels of compliance:

Levels of Compliance
<u>In Compliance</u> - The Council has corrected the problems identified in the 2001 audit report.
<u>Partial Compliance</u> - The Council has partially corrected the problems identified in the 2001 audit report.
<u>Planned Compliance</u> - The Council has not corrected the problem, but has provided sufficient documentary evidence to find that the Council will do in the future.
<u>In Dispute</u> - The Council does not agree with either the problem identified, or the proposed solution.
<u>Non-Compliance</u> - The Council has not corrected the problem identified in the 2001 audit report.
<u>Requires Legislative Action</u> - The recommendation was intended to call the attention of the Legislature to one or more statutory issues.

This update report makes two new recommendations to address the need for a veteran of the Korean Conflict be appointed as required by law, and consideration for appointing veterans from other recent conflicts.

In addition to the prior three recommendations, the Legislative Auditor has recommended that the Legislature consider amending West Virginia Code §9A-1-2 to include a veteran from the first Gulf War and the Afghanistan Conflict on the Veterans' Council. This will make the Veterans' Council more representative of living veterans by including members of more recent wars. Also, the Governor should appoint a veteran of the Korean Conflict to the Council as required by Code.

Recommendations

1. *The Governor should appoint a veteran of the Korean Conflict to the Veterans' Council as required by West Virginia Code §9A-1-2.*
2. *The Legislature should consider amending West Virginia Code §9A-1-2 to include a veteran from the first Gulf War and the Afghanistan conflict on the Veterans' Council.*

Review Objective, Scope and Methodology

This Compliance Monitoring and Further Inquiry Report of the Veterans' Council is required and authorized by West Virginia Sunset Law §4-10-5a of the West Virginia Code, as amended.

Objective

The objective of this report is to monitor the Veterans' Council progress on recommendations made in the 2001 Preliminary Performance Review.

Scope

The scope of this review covers the period from June 2001 to October 2003.

Methodology

The methodology for this report included reviewing relevant statutes within the West Virginia Code, information from the U.S. Department of Veterans' Affairs, the Governor's office, and the Veterans' Council. Every aspect of this review complied with Generally Accepted Auditing Standards (GAGAS).

Issue 1

The Veterans' Council Has Assumed An Advisory Role Due To Legislation Passed In February of 2002.

Recommendation 1

The Veterans' Council should assume its supervisory role over the Division of Veterans' Affairs as required in WVC § 9A-1-4.

Level of Compliance: In Compliance

On February 14, 2002, the Legislature passed Senate Bill 428. This bill amended the role of the Veterans' Council **from a supervisory role to an advisory role**. The bill states:

It is the duty and function of the veterans' council to advise the director on the general administrative policies of the division...

Thus, the passage of S.B. 428 voids the Legislative Auditor's recommendation. The Council has taken on its role of advising the director and is in compliance with *Code*.

Issue 2

West Virginia's Division Of Veterans' Affairs Has Established A Web Site

Recommendation 2

The Veterans' Council needs to direct policy for the Division of Veterans' Affairs to plan the establishment of a website for state veterans.

Level of Compliance: In Compliance

The 2001 performance review of the Veterans' Council revealed that West Virginia was one of eight states that did not have a web site for the State's veterans. As recommended, the Veterans' Council has developed a web site which can be found at www.state.wv.us/va. In addition, the site can be accessed through the Division of Veterans' Affairs link on the State's web site.

The Veterans' Affairs web site includes such information as the development of a new Veterans' Nursing Home in Clarksburg, the location of offices throughout the State, an agency mission statement, and a list of the current members serving on the Council.

Issue 3

The Veterans' Council Has Included The Secretary Of Military Affairs And Public Safety In Its Reporting Process.

Recommendation 3

In addition to its required reporting procedures, the Council should start reporting to the Secretary of the Department of Military Affairs & Public Safety.

Level of Compliance: In Compliance

According to the Secretary of the Department of Military Affairs & Public Safety, the Veterans' Council is including the Department in its reporting procedures. As stated by the Deputy Secretary of the Department:

Typically, my office is notified with an invitation to attend upcoming meetings in written correspondence that includes the date, time and location, with an attached agenda if available.

The Secretary also stated that if he or someone from his staff is unable to attend the meeting, then he is immediately provided with a report on the actions of the Council.

Issue 4

The Veterans' Council Should Have the Appropriate Members Appointed as Required by West Virginia Code.

Issue Summary

West Virginia Code §9A-1-2 requires that the Veterans' Council should be appointed with veterans of World War II, the Vietnam War, and the Korean War. Currently, the Council does not have a representative of the Korean War. The Legislative Auditor recommends that the Governor's Office should appoint a veteran of the Korean War to the Council. In addition, the Legislative Auditor recommends that the Legislature amend the Code to require a veteran of the first Gulf War and the recent Afghanistan conflict to serve on the Council.

West Virginia Code §9A-1-2 states that:

“At least one member of the council shall be a veteran of World War II, at least one member of the council shall be a veteran of the Korean Conflict and at least two members of the council shall be veterans of the Vietnam era.”

The Governor's Office should appoint a Korean War veteran to the Veterans' Council as required by West Virginia Code §9A-1-2.

As shown in Table 1, the makeup of Council members includes five veterans of World War II and two veterans of the Vietnam era. Currently, there is not a veteran serving on the Council from the Korean Conflict as required by Code. **The Legislative Auditor recommends that the Governor's Office appoint a veteran of the Korean Conflict to the Veterans' Council in order to comply with the West Virginia Code.**

Member	Representation
#1	Vietnam
#2	Vietnam
#3	World War II
#4	World War II
#5	World War II
#6	World War II
#7	World War II

Source: Governor's Office

Member of Recent Wars Should Be Appointed to the Veteran's Council

The Legislature should consider amending the Code to add veterans of more recent conflicts to the Veterans' Council.

Additionally, the Legislative Auditor finds that the Legislature should consider amending the Code to add veterans of more recent wars to the Council. This would include the first Persian Gulf War, and the recent Afghanistan conflict. This will benefit the Veterans' Council by creating better representation for all of West Virginia's war veterans. In addition, as the years pass, the number of living veterans of previous wars such as WWII will decrease. Since World War II ended almost 60 years ago, the majority of living veterans of that war are in their 70's and 80's, and eventually the numbers of living veterans of WWII and the first Gulf War may become equal. As shown in Table 2, there are approximately 20,000 Gulf War veterans living in the state. An individual representing that war could address such topics as Gulf War Syndrome or other concerns affiliated with the first Gulf War. The addition of a veteran from the first Gulf War and the Afghanistan conflict will help fill the void created by the decrease in World War II veterans. Also the Veterans' Council will become more representative of living veterans by including members of more recent wars.

War	# of Living Veterans
World War II	50,000
Korean	33,000
Vietnam	58,000*
First Gulf War	20,000*
<i>*Includes those who served in multiple wars.</i>	
<i>Source: U.S. Department of Veterans' Affairs</i>	

Conclusion

The West Virginia Veterans' Council does not have the appropriate members appointed as required by West Virginia Code §9A-1-2. The Code requires veterans of World War II, the Vietnam War, and the Korean War. Currently, there is not a representative of the Korean War. The Legislative Auditor recommends that the Governor's Office appoint a veteran of the Korean War to the Council. In addition, the Legislative Auditor recommends that the Legislature amend West Virginia Code §9A-1-2 to require a veteran of the first Gulf War and the recent Afghanistan conflict to serve on the Council.

Recommendations

1. *The Governor should appoint a veteran of the Korean Conflict to the Veterans' Council as required by West Virginia Code §9A-1-2.*
2. *The Legislature should consider amending West Virginia Code §9A-1-2 to include a veteran from the first Gulf War and the Afghanistan conflict on the Veterans' Council.*

Appendix A: Transmittal Letter to Agency

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John Sylvia
Director

September 30, 2003

Larry Linch, Director
West Virginia Veterans' Council
1321 Plaza East- Suite 101
Charleston, WV 25301-1400

Dear Mr. Linch:

This is to transmit a draft copy of the Performance Update of the Veterans' Council. This report is scheduled to be presented during the October interim meeting of the Joint Committee on Government Operations. The meeting will be held sometime during the interim meetings, which are scheduled from October 19 - 21, 2003. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us. We need your written response by noon on October 8, 2003, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, October 16, 2003 to make arrangements.

We request that your personnel treat the draft report as confidential and that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

John Sylvia
John Sylvia

Joint Committee on Government and Finance

Appendix B: Agency Response

BOB WISE
GOVERNOR

JOE MARTIN
SECT. MILITARY AFFAIRS & PUBLIC SAFETY



West Virginia
Division of Veterans Affairs

LARRY A. LINCH
DIRECTOR

KEITH GWINN
CHIEF VETERANS AFFAIRS OFFICER

CONNIE S. HODAPP
ADMINISTRATIVE SERVICE ASSISTANT III

October 8, 2003

Legislative Auditor's Office
Performance Evaluation and
Research Division
Building 1 Room W-314
1900 Kanawha Blvd. East
Charleston WV 25305

To: Lee Cassis

From: Larry Linch 

Re: Recommendations for the Veterans Council

The West Virginia Division of Veterans Affairs concurs with the recommendations made by the Legislative Auditor's office pertaining to the members of the Veterans Council as required by West Virginia Code 9A-1-2.

"America is #1 - Thanks to our Veterans"

