

Page 01 of 31

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Page 02 of 31

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of the Freedom of Information and Privacy Act

Page 03 of 31

Withheld pursuant to exemption

Refer to Another Agency/Component
of the Freedom of Information and Privacy Act

Page 04 of 31

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information and Privacy Act

Page 05 of 31

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information and Privacy Act

Page 06 of 31

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information and Privacy Act

Page 07 of 31

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information and Privacy Act

Page 08 of 31

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information and Privacy Act

Page 09 of 31

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information and Privacy Act

Page 10 of 31

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TDY Travel Planning and Approval Requirements

VA

Agenda

- TDY General Policy
- Approving Officials Responsibilities
- Travelers Responsibilities
- Specific Authorizations/Prior Approvals
- References
- VA Ethics Program
- Questions and Answers



TDY General Policy

- Limit the authorization and payment of travel expenses to travel that is necessary to accomplish the Department's mission and is most economical and effective
- Consideration must be given, but not limited to, budget constraints, adherence to travel policies, environmental impact and reasonableness of expenses.
- Must always consider alternatives (e.g., teleconferencing) before approving travel.
- Travelers must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds.
- VA will not pay for excess costs resulting from circuitous routes, delays, or luxury accommodations or services unnecessary or unjustified in the performance of official business.
- All travel must be approved in the travel system prior to travel



Approving Official Responsibilities

- Be knowledgeable of the FIR, VA travel policy, and any other VA specific guidance (e.g., travel notices)
- Act as stewards of Government funds and ensure that travelers follow all travel policies
- Complete Talent Management System (TMS) Accountable Official Training annually
- Determine if the travel is essential for the purpose of carrying out the mission of the VA
- Ensure all travel is performed in the most economical and prudent manner
- Approve Travel Authorizations in VA's travel system for employees under their authority in advance of the travel and within 3 business days of receipt
- Ensure compliance with VA Secretary Memorandum: Essential Employee Travel
- Request an advance decision when you have doubts about the legality of the travel
- Ensure VA's travel system is used to prepare, process, approve, route TDY travel authorizations, and all TDY or local travel claims, including the requirement to use the travel system for making reservations, unless a policy exception applies.



Approving Official Responsibilities

- Examine travel claim to ensure the justification, purpose code for travel, supporting documentation, and receipts are attached, travel expenses for which reimbursement is claimed were performed as approved, and soft disbursement was used to pay for all approved expenses charged to the IBA travel card
- Approve travel authorizations in a timely manner so the Travel Management Center can book and ticket reservations within required timeframes
- Ensure travel outside of a traveler's regular duty hours is minimal
- Ensure all personal time and leave is properly accounted for and documented
- Comply with the rule on segregation of duties. The approving official cannot approve documents that they have created or submitted in the role of an employee or as a travel arranger on behalf of an employee



Traveler Responsibilities

- Be knowledgeable of the FTR, VA travel policy, and any other VA specific guidance (e.g. travel notices)
- Comply with items/expenses requiring specific authorization or prior approval
 - Leave/unofficial travel/personal time
 - Use of Other Than Cash Card services on common carrier (air/rail)
 - Rental Car
 - Actual Expense Allowance for Lodging (15% to 300 percent)
 - Early/late lodging rates in and associated fees
 - Foreign Travel
 - Special Travel
- Ensure compliance with VA Secretary Memorandum: Essential Employee Travel
- Arrange travel using VA's travel system, including reservations for transportation, lodging, and rental cars, unless an exception applies (Personal travel cannot be arranged through VA's travel system)
- Cancel transportation and lodging reservations timely when applicable to avoid extra charges
- Claim and obtain tax exemptions on hotel accommodations listed in the GSA State Tax Information



Traveler Responsibilities

- Be responsible for excess costs and any additional expenses incurred for personal preference or convenience (e.g. higher air fares, additional unauthorised baggage, overage for no restricted air fares, excess parking in excess of amount available at vehicle local office policy, or for when complimentary shuttle is available)
- Include any meal provided by the Government or prepared at a restaurant as part of the registration fee
- Submit claim for reimbursement for expenses into the travel system within 3 business days of return to the official duty station. Travelers in extended status will submit travel claim every 30 calendar days. Local travel offices may be submitted monthly.
- Monitor and submit receipts for all travel expenses when the amount is in excess of \$75, or when required by VA travel policy (Volume 110, Chapter 2, Appendix 2) or the approving official (e.g. for fuel/meal receipts, etc.) Additionally, receipts and supporting documentation must be retained for 3 years and 1 month to support past travel claims. Failure to support claims will result in denied payments under claim.
- Request for travel advances when being travel claim. In the event travel was cancelled on the advance provided authorized necessary payment and be retained until the traveler is that time.
- Be aware of ethical guidelines on the acceptance of uncollected gifts.
- Return to VA any refund, credit, or reimbursement payment obtained where the latter rule is provided confirmed or prior arrangements.
- Comply with VA's travel charge card program guidance



Specific Authorizations/Prior Approvals

- Personal/Unofficial Travel Combined with Official Travel
 - A cost comparison is required that shows the actual cost of the trip with and without personal travel expenses.
 - All personal/unofficial days must be annotated on the travel authorization/travel claim to determine when the charges for actual travel, unless for non-duty travel expenses, and when is financially responsible if a traveler becomes ill or is injured while away from the office.
 - VA's travel system cannot be used to arrange personal travel. Refer to VA Travel Policy, Volume 110, Chapter 2, Appendix 2 for procedures on how to properly arrange personal/unofficial travel.
- Travel Compensatory Time
 - Compensatory time for travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.
 - The actual time spent traveling outside of working hours between the employee's official duty station and a temporary duty station is between two temporary duty stations is creditable for compensatory time off for travel subject to the exclusion of meals, lodging times and commuting times, if applicable.
 - VA Form 0961 is used to request and certify authorized time.
- All travel by senate confirmed appointees involving political activity will be referred to the Ethics Specificity Team, Office of General Counsel



Specific Authorizations/Prior Approvals

- **Actual Expense Allowance for Lodging**
 - Actual expense may be authorized only after the delegated official reviews the specific circumstances of each request, considers the actual fee to be met at the time the travel is desired and scheduled to be performed, and makes a determination of actual expense to be authorized.
 - Travel Authorization and Travel Form must also specify justification and cost analysis to substantiate approval.
 - Only VA officials delegated the authority may authorize an actual expense allowance for official travel for employees under their jurisdiction (27F 4302.11 301) in accordance with Appendix G, Delegation of Authority to Approve Actual Expenses for Temporary Duty Travel. The SICVA has delegated to the following positions, the authority to approve actual expense when warranted:
 - Travel Approving Officials may approve up to 150 percent actual expense. No further re-delegation is authorized.
 - Refer to VA Travel Policy Volume III, Chapter 2, 020510 for 300 percent actual expense authority.
- **Earthquake Lodging Check-In Fees**
 - Reimbursable only when authorized in advance by the AO. These include room occupancy lodging charges for late departures, early arrival, or airport/airline lodging facilities due to travel arrangements that are not for the traveler's convenience.



Specific Authorizations/Prior Approvals

- **Other Than Coach Travel (OTC)**
 - Must always be the no option. Accommodations for upgraded coach class seating will be considered first as the more cost effective choice prior to supporting approval for OTC class.
 - Approval for OTC class is limited to specific circumstances related to mission, security, or disability that cannot be accomplished using coach class.
 - Requires approval on VA Form 0976, Request for Other Than Coach (OTC) Class Accommodations.
 - Must be included with travel authorization and travel claim as supporting documentation.
- **Government Airfare**
 - Government aircraft includes all aircraft chartered by Government.
 - All use of Government aircraft must be forwarded to Counsel of Counsel.
 - Use of Government aircraft must be processed within VA's travel system in the name of travel for the applicable trip leg.



Specific Authorizations/Prior Approvals

- **Domestic Support for Official Travel (Non-Federal Funding Source)**
 - Under Secretaries, Assistant Secretaries, Deputy Assistant Secretaries, Other Key Officials, and their Directives on Contract (DPA's) and Travel for Duty Travelers will determine to advance, after consultation with the set of travel specialists, Office of Counsel of Counsel, the propriety of accepting payments for travel expenses from non-Federal sources.
 - The AO will consider the following relevant factors when making a determination to accept payment from a non-Federal source for travel expenses:
 - Identity of the non-Federal source.
 - The nature of the meeting.
 - Identity of other participants.
 - Nature and substance of other matters pending at the agency that may affect the non-Federal source.
 - Significant use of the employee's role in any such matter, and
 - Amount and nature of the travel benefits offered.
 - VA employees will use VA Form 0273, Advance Request for Official Travel, in consultation with the travel authorization and request authority to accept travel payments from non-Federal sources.
 - CTECS TDY Travel Services Division reports all domestic travel to U.S. Office of Government Ethics on a semi-annual basis.



Specific Authorizations/Prior Approvals

- **International Travel**
 - All foreign TDY will be approved by the appropriate person as determined in VA Policy Volume III, Chapter 4, Appendix A, Delegation of Authority for Foreign TDY (See Slide 13).
 - U.S. citizens who travel to foreign locations (including Canada and Mexico) in the discharge of official duties must obtain applicable approval and an official passport prior to commencement of such travel.
 - When required by the country being visited, travelers must also obtain a visa endorsement in their official passports allowing them entry into the country.
 - Requests for official passports, visa endorsements, country clearance requests, and subsequent clearance through the Corporate Travel and Charge Card Service (CTCCS), International Travel Services Division.
 - Official passports are valid for official travel abroad only while the traveler maintains the official status for which the official passport and/or visa endorsement was issued. For trips that require official and personal travel, the traveler must have both an official passport and a personal passport.
 - Requires a VA Form 0908, Application for Country Clearance which:
 - Provides advance notice to the Corporate Travel and Charge Card Service (CTCCS) International Travel Services Division of the employee's upcoming international travel plans.
 - Enables the International Travel Services Division to provide specific instructions regarding the procedures for processing the travel request for the particular foreign travel itinerary involved.



International Travel – Delegations of Authority

Delegation	FM	WHS	PGA	MCA	SWA
Approval of International Travel	Assistant Secretary for Management	Assistant Secretary for Management	Assistant Secretary for Management	Assistant Secretary for Management	Assistant Secretary for Management
Approval of International Travel greater than 14 days in duration (except for authorized travel for the purpose of the 14-day rule)		Assistant Secretary for Management			
Approval of International Travel greater than 14 days in duration (except for authorized travel for the purpose of the 14-day rule) for a Foreign Country		Assistant Secretary for Management			
Approval of International Travel greater than 14 days in duration (except for authorized travel for the purpose of the 14-day rule) for a Foreign Country (Dangerous Areas)		Assistant Secretary for Management			
Approval of International Travel greater than 14 days in duration (except for authorized travel for the purpose of the 14-day rule) for a Foreign Country (Other than Dangerous Areas)		Assistant Secretary for Management			



References

- Federal Travel Regulation (FTR), Chapters 301 and 304
- VA Travel Policy Volume XIV – Travel
- Office of Personnel Management (OPM)- Travel Compensatory Time
- FSC Corporate Travel and Charge Card Service, TDY Travel Services Division
 - Policy, Training, Job Aids, Simulations
 - http://www.fscdirect.fsc.va.gov/E_Gov_Travel_Service_2.asp



VA Travel Points of Contact

- VA wide TDY Travel Support Group Help Desk va.fsc.travel@va.gov or (866) 533-0188
- John M. Adams, Director Corporate Travel, john.adams2@va.gov, (202) 461-8505
- Jeffrey Jewell, Chief TDY Travel, jeffrey.jewell@va.gov, (512) 460-5344
- Amadeus Watkins, Chief (acting) International Travel, amadeus.watkins@va.gov, (202) 461-5617

Corporate Travel and Charge Card Service
 810 Vermont Avenue, NW
 Washington, DC 20420
 (202) 461-5096



VA Ethics Program – Organizational/Contact Information

- Tammy L. Kennedy, Designated Agency Ethics Official (DAEO)/Chief Counsel Southeast District, North
- Mark Jaynes, Deputy Chief Counsel, Ethics Specialty Team (EST) serves as Alternate DAEO.
- The following EST attorneys serve VACO: Carol Borden, Chris Britt, Jonathan Gurland, and Steve Higgs

Office of General Counsel (O2EST)
 810 Vermont Avenue, NW
 Washington, DC 20420
 (202) 461-7637 or (202) 461-6000



VA Ethics Officials Outside VACO

DCSeth@va.gov - CT, DC, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, VA, VT, WV
(Attorneys: William Casev and Christopher Wood)

DCSiv@va.gov - AL, FL, GA, KY, Puerto Rico, SC, TN
(Attorneys: George Bradford and James J. Kelly)

DCD@va.gov - IA, IL, IN, IS, MI, MN, MO, NE, ND, OH, SD, WI
(Attorneys: Bruce Samett and Margaret Oberster)

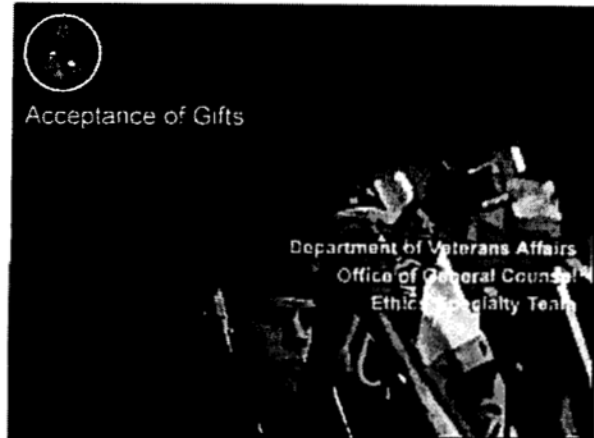
DCW@va.gov - AR, CO, LA, MS, ME, OK, TX, UT, WY
(Attorneys: Carol Bowen, Christopher Britt, and Stephen Higgs)

DCP@va.gov - AK, AZ, CA, Guam, HI, ID, NM, NV, OR, Philippines, WA
(Attorneys: Joan Liguro and Edith Pessanti)



Questions and Answers





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February 2018

Ethics Program-EST

VA Ethics Officials Outside VACO

OGC North Atlantic Ethics Office - CT, DC, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, VA, VT, WV (Attorneys: William Casey and Christopher Wood)

OGC South East Ethics Office - AL, FL, GA, KY, Puerto Rico, SC, TN (Attorneys: George Bradford and James J. Kelly)

OGC Midwest Ethics Office - IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, WI (Attorneys: Bruce Barnett and Margaret Oberdorf)

OGC Central Ethics Office - AR, CO, LA, MS, MT, OK, TX, UT, WY (Attorneys: Carol Borden, Christopher Britt, and Stephen Higgs)

OGC Pacific Ethics Office - AK, AZ, CA, Guam, HI, ID, NM, NV, OR, Philippines, WA (Attorneys: Joan Liguoro and Edith Pleasants)

February 2018

Ethics Program – Substantive Responsibility

Guidance

- Criminal Conflict of Interest Laws 18 U.S.C. Ch 11
 - Allegations of violations referred to IG
- Standards of Ethical Conduct 5 C.F.R. Part 2635
 - Gifts, especially free attendance at events – popular issue for front office
 - Endorsements/official sanction in context of public-private partnerships

February 2018

Ethics Program – Substantive Responsibility

Guidance

- Federal Travel Regulation 41 C.F.R. Chapters 300- 304
 - Non-Federal travel support, thousands of requests each year
- Hatch Act 5 U.S.C. §§ 7321-7326
 - Special VA procedures for approving mixed official/political travel for PASs
 - Career SES cannot participate in campaigns, political parties

February 2018

Creating and Maintaining an Ethical Culture – Getting Advice

- When in doubt about any Government ethics rules, seek advice BEFORE you act.
 - Cannot be administratively disciplined if full disclosure and good faith reliance on advice
 - Criminal prosecution almost certainly will be declined if you fully disclose and rely upon advice of a VA Government ethics official
 - For practical reasons ethics advice should be in writing
 - Contact the Ethics Specialty Team

February 2018

Creating and Maintaining Ethical Culture

What principles should guide us as Federal employees?

February 2018

Creating and Maintaining Ethical Culture Core Values

Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain

5 C F R § 2635 101(b)(1)

We must regain and maintain the public's confidence in VA and the Federal Government

February 2018

Creating and Maintaining an Ethical Culture Core Values

From the top:

- I care about those who have served.
- I care about my fellow VA employees.
- I care about choosing "the harder right instead of the easier wrong."
- I care about performing my duties to the very best of my abilities

February 2018

Creating and Maintaining an Ethical Culture Core Values

- Integrity – Act with high moral principle. Adhere to the highest professional standards. Maintain the trust and confidence of all with whom I engage.
- Commitment – Work diligently to serve Veterans and other beneficiaries. Be driven by an earnest belief in VA's mission. Fulfill my individual responsibilities and organizational responsibilities.
- Advocacy – Be truly Veteran-centric by identifying, fully considering, and appropriately advancing the interests of Veterans other beneficiaries.
- Respect – Treat all those I serve and with whom I work with dignity and respect. Show respect to earn it.
- Excellence – Strive for the highest quality and continuous improvement. Be thoughtful and decisive in leadership, accountable for my actions, willing to admit mistakes and rigorous in correcting them.

February 2018

Gifts

What is a Gift?

"Gift" is any item of monetary value, including any gratuity, favor, service, discount, meals, entertainment, or hospitality

5 C.F.R. § 2635.203

February 2018

Gifts

What is not a Gift?

- Presentation item of little intrinsic value
- Modest food or refreshments when not served as meal
- Prizes in contests open to the public
- Opportunities and benefits, including commercial discounts available to the public or to all Government civilian personnel
- Anything for which you pay market value
- Different than Gifts to VA – which is not an ethics issue

February 2018

Gifts Between Employees

- Rules:
 - You may not generally accept a gift from a subordinate or lower-paid employee
 - You may not generally give a gift to your superior
- Why?
 - To avoid appearance of buying favor
 - So employees do not feel pressure to provide gifts to their supervisors

February 2018

Gifts Between Employees

Exceptions – when gifts to superior allowed:

- Occasional basis – when gifts traditionally given
 - Items of \$10 or less per occasion (no cash)
 - Office refreshments
 - Personal hospitality
- No solicitation or voluntary contributions except for office refreshments
 - No group gift for "occasional basis" type of gifts

February 2018

Gifts Between Employees

- Exceptions – when gifts to superior allowed:
 - Infrequent, Special Occasions – such as marriage, illness, birth of a child, or occasions that terminate subordinate/superior relationship
 - Gift must be appropriate to the occasion
- Solicitation and voluntary contribution allowed
 - Individual or group gift allowed

February 2018

Gifts Between Employees

- Supervisors should NEVER solicit or coerce subordinates for contributions
- Contributions to gifts are STRICTLY VOLUNTARY
- Contributions should be for a nominal amount
- No legal restrictions on gifts given to peers or subordinates

February 2018

Gifts From Outside Source

- Rule: You may not directly or indirectly solicit or accept a gift given:
 - By a prohibited source
 - Because of your official position

5 C.F.R. § 2635.202(a)

- White House Ethics Pledge: Gifts from lobbyists generally prohibited

February 2018

Gifts From Outside Services

- New as of 2017 – Even if a gift is otherwise acceptable under an exception, an employee must first ask “should I accept the gift.”
- Specifically, would a reasonable person with knowledge of all the relevant facts question my impartiality/integrity or the integrity of agency programs if I accepted. Factors to consider:
 - Value
 - Timing
 - Access
 - Identity of donor

Gifts From Outside Source

Exceptions:

- \$20/\$50 rule
- Informational materials up to \$100 in value
- Awards and honorary degrees
- Gifts based on personal relationship or spousal employment
- Gifts resulting from employee's own outside business or employment
- Widely Attended Gatherings (WAG)
- Social invitations from non-prohibited sources

If you solicit a gift, exceptions are not available

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Gifts From Outside Source

Gifts from foreign governments/foreign governmental entities generally prohibited, exceptions:

- \$390 or less with approval of chain-of-command
- Travel taking place entirely outside of the United States
- Scholarship or medical treatment

February 2018

Gifts From Outside Source

Unsolicited offer of travel support from non-Federal source for meeting

- Away from duty station
- In official capacity
- Approval in advance using VA Form 0893
 - Supervisor determines meeting is in VA's interest and related to employee's official duties
 - Review by OGC Deputy Ethics Official (Ethics Specialty Team)
 - Employee remains in duty status, not placed on AA
- Gift may include travel, lodging, meals, and attendance fees
- Employee must obtain travel authorization

21 February 2016

Gifts From Outside Source

Curing an Improper Gift –

- Return it!
- Pay fair market value
- Destroy it, if market value ≤ \$100
- Official gift acceptance by VA
- Improper gift is perishable – Supervisor decides
 - Throw it away
 - Give to a charity
 - Share with office

22 February 2016

Predatory Practices and VA Claims Representation

**Department of Veterans Affairs
Office of General Counsel**

VA General Counsel, Jim Byrne



VA OGC Accredits Three Types of Practitioners

Veterans Service Organization (VSO) Representatives: A VSO is an organization recognized by VA to assist veterans with their VA benefit claims. A VSO Representative is a person who the organization has recommended for accreditation, and certified as being of good character and knowledgeable regarding VA benefits.

Attorneys: An individual who is licensed to practice law in at least one State and thereby presumed to have good character and fitness to represent veterans.

Claims agents: An individual who is not licensed to practice law, but has been found by VA to have good character and has demonstrated knowledge of veterans benefits through a written exam.

A searchable list of VA-accredited individuals and VA-recognized organizations is available at: <https://www.va.gov/ogc/apps/accreditation/index.asp>.



The Four Powers: Accredit, Monitor, Investigate, & Remove

The major components of VA OGC's Accreditation Program are:

1. approving initial accreditation applications,
2. monitoring accredited individuals,
3. investigating complaints, and
4. removing accreditation, when necessary.



Our Limited Authority & Enforcement Challenges

What We Can Do:

- ✓ Impose disciplinary sanctions against a VA-accredited practitioner.
- ✓ In certain cases, reduce an attorney or agent's fee for representation if it is not reasonable.
- ✓ Refer the matters to other State and Federal enforcement authorities.

What We Can't Do:

- ✓ Modify or change decisions on VA benefit claims.
- ✓ Take money or property from the VA-accredited practitioner to return to the claimant.
- ✓ Sue a VA-accredited practitioner because of his or her careless handling of a claim.
- ✓ Perform the work that the VA-accredited practitioner failed to do.
- ✓ Impose criminal penalties.
- ✓ Investigate matters that do not involve VA-accredited practitioners.



Successful State/Federal Collaborations

✓ Maryland

✓ Michigan

✓ Washington

✓ California

✓ Arizona,

✓ **Most recently:** Iowa, early Feb. 2018

And VA continues to work with many other States to better protect our Veterans.

Common Abuses

Major Predatory Practices Related to Representation:

- **Financial Planners** who promise to qualify ineligible Veterans by repositioning assets with financial products not always in the Veteran's best interest.
- **Home Care Entities** that file VA claims while fronting home healthcare costs, and then charge the claimant when the VA claim is not approved.
- **Pre-Filing Consultation** practices in which advisors attempt to avoid the law against charging Veterans a fee to initiate or file a claim. Advisors avoid this rule by charging a fee on the front end for estate planning or providing "general information about Federal benefits," and then file the benefit application free-of-charge as required by Federal law or instructing the claimants to file it on their own.
- **Post-Filing Contract Management** practices involve individuals or organizations that file the benefit claim free-of-charge, but then charge a contract management fee on the back end to oversee communications with service providers and VA.



Partnering with VA

Partner with VA to protect Veterans from predatory practices, by:

- ✓ Enforcing state laws, regarding consumer protection, elder abuse, predatory practices, and the unauthorized practice of law, in order to help protect Veterans from scams;
- ✓ Informing our office of any ongoing investigations that relate to representation for VA benefits;
- ✓ Using VA as a resource in your prosecutions;
- ✓ Widely publicizing prosecutions as a deterrent to other potential predators; and
- ✓ Educate us on State laws and best practices.



Contact Information & More

“Where should I go for more info?”

<http://www.va.gov/ogc/accreditation.asp>

“Who should I contact at VA OGC with questions?”

VA paralegal specialist

or (202) 461-



United States Court of Appeals for the Federal Circuit

Fulcher v. Secretary of Veterans Affairs

Status Update

Current Status of VA's Case

- The government filed its response brief in the case on November 28, 2017. The brief focused on procedural issues and argued that the court should either dismiss the case as premature or remand to the agency to provide an appropriate response to the petition.
- (b)(5)
- There is no specific timeline for the court to rule on the briefs before it.

DoD Cases

- The government decided not to appeal to the Supreme Court rulings that mandated that DoD accept transgender recruits as of January 1, 2018. DoD has issued recruitment guidance and has begun accepting transgender recruits into the military.

(b)(5)



Significant Issues and Litigation

- **Electronic Health Record (EHR)** – OGC must work closely with the VHA, OALC, and external partners at DOD, to procure a new EHR. This procurement will involve billions of dollars.