

Lawmakers Call for VA Office of General Counsel to Better Serve Veterans

Chairman Harry Mitchell (D-AZ) conducted a hearing to evaluate the Office of General Counsel (OGC) at the Department of Veterans Affairs (VA). Today's hearing marks the first Congressional oversight hearing on the OGC in more than three decades.

The mission of the OGC is to identify and meet the legal needs of the VA by providing legal advice and services to the Secretary and all organizational components of the VA. Its primary objective is to ensure the just and faithful execution of the laws, regulations and policies that the Secretary has responsibility for administering, and by so doing enable the Department to accomplish its mission of service to our Nation's veterans.

"It is imperative that the OGC promote consistency and uniformity of its recommendations that lead to executive decisions that directly impact millions of veterans," said Chairman Mitchell. "We have heard concerns that the OGC has repeatedly used time extensions from the court in order to keep pace with their workload, increasing legal fees for those opposing the VA. I know that documents crucial to this Subcommittee's work are often tied up with the General Counsel's office or are restricted for release, which greatly affects Congress' oversight capability."

As an attorney that represents veterans and VA employees in lawsuits filed against the VA, Mathew Tully provided insight regarding the OGC. He shared his concerns of failure among VA lawyers to uphold ethical considerations, including allegations of failing to timely produce evidence and respond to legal documents. He also suggested that it would "greatly benefit the Department of Veterans Affairs if both employees and private plaintiff counsel were able to file complaints of alleged misconduct to a separate and impartial office answerable directly to the Secretary." He explained that often VA lawyers overlook the spirit of the law to fight veteran claims, including continuation of needless litigation, pursuing a result contrary to justice, or failing to uphold protection statutes intended to safeguard the jobs of civilian soldiers. Mr. Tully agreed to provide evidentiary documents to the Subcommittee and Chairman Mitchell vowed to review them and continue with his OGC oversight efforts.

Bob Filner (D-CA), Chair of the House Committee on Veterans' Affairs, said, "It is not surprising that some veterans see the VA as an adversary. When those involved in legal matters with the VA suspect that VA lawyers are protecting the taxpayer rather than seeking justice, we need to fully evaluate the mission of the office. Determining an objective standard to evaluate a subjective trade is a challenge, but we need to do something to ensure justice. Our veterans and their advocates are tired of fighting – and they should not have to fight."