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VETERANS' EDITION



Article by  
Meagan Conway

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# HOMELAND & NATIONAL SECURITY LAW REVIEW

## VETERANS' EDITION

### ARTICLE

#### IMPROVING THE PROCESS OF TRANSFERRING MILITARY SKILLS INTO CIVILIAN CERTIFICATION AND LICENSES

*Meagan Conway*



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The HOMELAND & NATIONAL SECURITY LAW REVIEW (HNSLR) is the first legal periodical by an LL.M. Program at Thomas M. Cooley Law School, in Lansing, Michigan. It is published biannually in digital form. Our mission is to publish timely, practical, and innovative scholarly articles and comments in the field of homeland and national security law. We will also publish a special edition, at least annually, on the legal issues of our Nation's veterans. We strive to foster an intellectual forum for academics and practitioners in the field of homeland and national security law so that others may continue to learn and share in this ever-increasing study of law.

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# HOMELAND & NATIONAL SECURITY LAW REVIEW

## FOREWORD

The Homeland & National Security Law Review at the Western Michigan Cooley Law School is pleased to bring you a special edition geared specifically towards veterans' issues.

As Americans, we are forever indebted to all servicemen and servicewomen, past and present, for their commitment towards our protection at home and abroad. We especially acknowledge those that have made the ultimate sacrifice in hopes of preserving a free tomorrow.

From the American Revolution to the Global War on Terrorism, without our veterans, the United States could never have remained united. Take time this November 11<sup>th</sup> to thank those friends and family members who have served this country so selflessly. Let our veterans know that their service is valued and respected.

On behalf of the Homeland & National Security Law Review, we hope you enjoy this special edition on veterans' issues. May the stars and stripes forever be in our graces, and God bless the United States.

Paul M. Powers, J.D.  
Editor-in-Chief



# HOMELAND & NATIONAL SECURITY LAW REVIEW

## KEYNOTE SPEECH CAPITAL REGION VETERANS DAY OBSERVANCE LANSING, MICHIGAN, NOVEMBER 8, 2014

There are two overwhelming purposes for a veterans ceremony like this one. We must stop, acknowledge, and express our gratitude. And, secondly, we must reinforce the need for our nation, our people, our community, to be grateful to our veterans every day, not just on Veterans Day. We are here, as John F. Kennedy once said, “As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.”

So, it is not enough to say it—we need to be it. Grateful. Thankful. Appreciative. The greatest prayer you can say is “Thank You.” Two words. Eight letters. But weighted with gratitude, and humility.

We all know soldiers, sailors, airmen, and marines, who through multiple deployments recently, or one lengthy deployment in previous conflicts or wars, either did not return or returned, scarred, or altered either mentally or physically. Think of the Marine with PTSD, the soldier with a burned or missing face, or a prosthetic, or multiple missing limbs. And yet in some ways I was most struck by the public’s reaction to the single sentinel standing guard during Hurricane Sandy back in 2012, standing watch at the Tomb of the Unknown Soldier during a hurricane. The photo quickly went viral. The nation reacting with respect, awe, inspired, by what to all of us, was simply, DUTY. The Army’s 3rd Infantry Regiment’s “The Old Guard” has guarded the Tomb for 24 hours a day, 365 days a year regardless of the weather, since 1948. The nation expressed awe and respect and then moved on to the next

Internet meme or buzz. While those of us in uniform paid no attention, and continued to serve, no matter the conditions or elements.

The Sentinel's Creed which in part says, "Through the years of diligence and praise and the discomfort of the elements, I will walk my tour in humble reverence to the best of my ability."<sup>1</sup>

*"I will walk my tour in humble reverence to the best of my ability."*

This really captures the sense of Duty, but Duty alone is not enough. Two other conditions are also necessary: to serve to the utmost of our abilities and to serve with humility and respect. In short, how many times have you said, "Proud to serve?" Sometimes you said it ironically, even sarcastically, but mostly you meant it. Not just as a cliché, but it resonated deep down in your heart and gut.

And so we return from the Argonne and Huertgen Forests. From Anbar and Helmand Provinces. From Aberdeen and Hood. We return to the state, to the community that raised us and put its mark on us, far before the Army or Marines ever did. And we still retain the soul of a sentinel. The spirit of a servant. You who do not, would not, think twice of standing your post in hurricanes or patrolling dusty streets in Baghdad, or on heaving decks in blizzards.

In our Army Values, we uphold the ethos of "selfless service." We define it as follows: "The basic building block of selfless service is the commitment of each team member to go a little further, endure a little longer, and look a little closer to see how he or she can add to the effort."<sup>2</sup>

There is a clear connection between "selfless service" and "public service." I was raised that there was no higher calling than public service. Members of my family have fought in this country's wars since the very first one. And, I am equally proud that they have served as educators, as teachers, and as religious

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<sup>1</sup> Society of the Honor Guard: Tomb of the Unknown Soldier, *The Tomb Guard*, TOMBGUARD.ORG, <https://tombguard.org/tomb-of-the-unknown-soldier/the-tomb-guard/> (last visited Nov. 11, 2014).

<sup>2</sup> U.S. Army, *The Army Values*, ARMY VALUES, <http://www.army.mil/values/> (last visited Nov. 11, 2014).

leaders since our country was founded. Those are equally public servants.

But, today, the term “public servant” is often equated with politician or bureaucrat. It has taken on a somewhat or somehow unsavory connotation, probably because too often politicians or bureaucrats have hidden behind the label of public servant. So think of yourself as a community servant. Or simply as a servant. You have returned with that same spirit. Or, to return to my theme, as a servant-sentinel.

While I am here today to publicly thank you for your service, I remind you that the nation is also grateful for your service. I am also here for a larger theme. Veterans, your country still needs you. They need you precisely because you have the soul of a sentinel and the spirit of a servant. And, you must be a servant.

One of the enduring lessons of September 11, 2001 for the American people was that they are surrounded by heroes. Those heroes were ordinary people who served as police, firemen, EMTs, Red Cross, and the members of the military. It took the sacrifice of lives on television for the public to realize and to acknowledge the heroism and sacrifice of all public servants.

Today is Veterans Day, not Memorial Day or Patriots Day, or Constitution Day or 9/11. We can acknowledge that shared sacrifice made then, and made almost every day, by the men and women in the First Responder community. So, when I ask you to continue to serve, I first ask you to consider the Reserve forces of our country, our National Guard, or by joining our brothers and sisters in Law Enforcement and Fire sciences.

Secondly, I ask you to continue to serve your brothers in arms. There are an incredible number of veterans’ organizations and groups out there. There are the traditional veterans’ groups and there are new groups, created for specific needs. And, they all need your help. The veterans need you, directly, to help them work their way through the bureaucracy of the VA, as mentors at Veterans Treatment Courts, and stand-downs and every day. Your fellow veteran needs you to assist them in finding services, and they need you to help fill the gaps for those, who due to some reason, do not qualify or do not receive all the care they should.

Finally, serve your community. Volunteer in schools, in non-profit groups, or just give your neighbor a helping hand. The

three keys of transformational leadership are example, engagement, and emphasis. Lead by example and engage in your community. Be a sentinel. I want you to stand guard duty over this country. I want you to stand up and speak out when this country is threatened. I do not mean just by outside enemies. I mean in all the little things that when amassed together, really count. To vote in every election. To serve on jury duty. To volunteer at your local schools. But most importantly, to speak up on issues that matter. To stand up against bullies and false gods and those who deny the rights of others, whether they live next door, in the next block or next town, or a state capitol or our nation's capitol. And I don't mean when you are being bullied or abused, but when others, who cannot stand up for themselves because of race, gender, age, orientation, or legal status are being bullied or abused. There are sheep, and there are wolves, and there are shepherds. You, the sentinel, are and must continue to be the shepherd.

Our democracy depends on the willingness of its finest men and women to step forward and to serve, to dedicate themselves to a greater cause—the cause of protecting our democracy. For more than two centuries, the veterans of our nation have been willing to serve and to sacrifice for a country and a cause they love more than their own lives. This has not changed.

But the veteran, however, has changed in this last decade of fighting. Almost half of those serving in the military are between 22 and 33 years old. America has the largest population of young veterans since the Vietnam War. Those young men and women return to this country, and now they want to focus on families, education, and jobs. But they have paid a high cost on our behalf. That cost is high, so very high. We have lost 4,400 American lives in Iraq, 2,300 lives in Afghanistan, 1,500 soldiers and Marines lost a limb, 40 triple amputees, and one quadruple amputee. There have been over 950 suicide attempts by veterans every month, and 11-20% suffer from PTSD, not surprisingly since the figure for the Vietnam Conflict was almost identical at 15%.

This last decade of fighting a two-front war has cost the United States \$2 trillion each in Iraq and Afghanistan. Those are not the numbers which should give you pause. We have spent \$500 billion on Veterans' benefits for the last decade of fighting. Projections are that over the next four decades, the cost of Veterans' benefits shall be \$6 trillion dollars. I cannot put that number in context for you because it is too big. But if you had that amount of money you could spend one million dollars per day for

the next 18,000 years. There are about two million elementary school teachers, so \$6 trillion would cover their salaries for about 54 years.<sup>3</sup> You could buy a new car for every household in America and a new home for half of them.

We are spending money where it must be spent—on care and benefits for those who sacrificed their lives, their limbs, or their mental health for this nation. I give you those examples so that we talk about and debate the costs of war, and we understand the full scope of our sacrifice when we go to war.

I would like to share this passage from President Ronald Reagan from a speech he gave at the Veterans Day Ceremony at the Vietnam Memorial on November 11, 1988. I took the liberty of adding the last three words.

For too long a time, they stood in a chill wind, as if on a winter night's watch. And in that night, their deeds spoke to us, but we knew them not. And their voices called to us, but we heard them not. Yet in this land that God has blessed, the dawn always at last follows the dark, and now morning has come. The night is over. We see these men and know them once again—and know how much we owe them, how much they have given us, and how much we can never fully repay. And not just as individuals but as a nation, we say we love you [and thank you].<sup>4</sup>

This is the greatest country on earth. I pray that it will ever remain so. It will, as long as we remain true to the two ineluctable factors that got us here. First, that somehow, back in 1787, an ad hoc group of landowners and lawyers, after stumbling and speechifying, assembled our Constitution. Secondly, that our

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<sup>3</sup> At a sticker price of \$23,810 each, \$2.5 trillion would let you buy a small car for all American families.

The national median price for existing single-family homes in the third quarter of 2010 was \$175,000. There are about 80 million detached, single-family homes in the U.S.= 14 trillion dollars. The US Debt is approximately \$14 trillion, or twice the amount we will need to spend on veterans care. See Kevin McCormally, *14 Ways to Spend \$1 Trillion*, KIPLINGER.COM (January 28, 2011), <http://www.kiplinger.com/article/business/T043-C000-S001-14-ways-to-spend-1-trillion.html#5JWZrIk1B5kuvYIC.99>.

<sup>4</sup> President Ronald Reagan, Remarks at the Veterans Day Ceremony at the Vietnam Veterans Memorial (Nov. 11, 1988).

nation has always had you, its servants and sentinels, with the souls of selfless adherence to duty to guard and protect that Constitution, and that nation. Thank you, and God bless you and these United States.

BG (ret.) Michael C.H. McDaniel  
Co-Founder





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## IMPROVING THE PROCESS OF TRANSFERRING MILITARY SKILLS INTO CIVILIAN CERTIFICATION AND LICENSES

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**Meagan Conway\***

*This Nation spends \$140 billion training our veterans. These are our best and brightest and most dedicated. When they come back home . . . there are barriers to employment that we should not be putting up in front of them. . . . If they've saved their colleagues on the battlefield and passed the credentialing to be a medic, why can't they ride in an ambulance at the Mayo Clinic in my district?*<sup>1</sup>

### I. INTRODUCTION

Meg Mitchum is a former Army Staff Sergeant and combat medic.<sup>2</sup> While stationed in Iraq, she and other service members

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<sup>1</sup> 158 CONG. REC. H5820 (daily ed. Sept. 11, 2012) (statement of Rep. Tim Walz).

<sup>2</sup> Paul Rieckhoff, *The Daily Show Highlights the Daily Struggle for Unemployed Vets*, FORBES (Nov. 2, 2012, 9:25 AM), <http://www.forbes.com/sites/paulrieckhoff/2012/11/02/the-daily-show-highlights-the-daily-struggle-for-unemployed-vets/>; *The Daily Show with Jon Stewart: Economic Reintegration for Veterans* (Comedy Central television broadcast Oct. 24, 2012) [hereinafter *The Daily Show with Jon Stewart*], available at <http://www.thedailyshow.com/watch/wed-october-24-2012/exclusive---economic-reintegration-for-veterans>. The story of Meg Mitchum is adapted from her interview on *The Daily Show with Jon Stewart* and the subsequent Forbes article detailing her interview.

were driving when a bomb exploded near their vehicle.<sup>3</sup> Numerous people were injured and, despite being in the explosion herself, Mitchum's training as a combat medic kicked in.<sup>4</sup> Using the limited resources available to her, Mitchum was able to simultaneously stabilize three patients.<sup>5</sup> In stabilizing these patients, Mitchum had to stop their bleeding, call for a medevac, and "ensure that they were kept alive until they reached a higher echelon of care."<sup>6</sup> Despite her training and experience as a combat medic, Mitchum is unqualified to work as a nurse's aide in the District of Columbia upon her return to civilian life.<sup>7</sup>

Daniel Hutchison is a former Army Specialist and combat medic who also served in Iraq.<sup>8</sup> On one particular occasion, Hutchison stabilized a man with a gunshot wound to his chest, replenished the man's fluids, and breathed for the injured man for thirty-seven minutes until a Black Hawk helicopter arrived to transport the injured man to a facility that could provide a higher level of medical care.<sup>9</sup> Similar to Mitchum, despite his training and experience as a combat medic, Hutchison is unqualified to work as a school nurse in the state of Ohio.<sup>10</sup>

Stories like Mitchum's and Hutchison's are all too familiar to returning war veterans who are unable to find meaningful employment in the United States. In October 2012, the unemployment rate for all veterans was 6.3%.<sup>11</sup> Furthermore, younger veterans face even more employment difficulties, and the unemployment rate for post-9/11 war veterans is at 10%.<sup>12</sup> Resolving these high veteran unemployment rates is not a new issue. However, this comment seeks to address one specific

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<sup>3</sup> Rieckhoff, *supra* note 2; *The Daily Show with Jon Stewart*, *supra* note 2.

<sup>4</sup> Rieckhoff, *supra* note 2; *The Daily Show with Jon Stewart*, *supra* note 2.

<sup>5</sup> Rieckhoff, *supra* note 2; *The Daily Show with Jon Stewart*, *supra* note 2.

<sup>6</sup> Rieckhoff, *supra* note 2.

<sup>7</sup> *Id.*; *The Daily Show with Jon Stewart*, *supra* note 2.

<sup>8</sup> *The Daily Show with Jon Stewart*, *supra* note 2. The story of David Hutchison is adapted from his interview on *The Daily Show with Jon Stewart*.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Lauren Bailey, *Veteran Unemployment Rate Falls to 6.3 Percent in October; At 10 Percent for Post-9/11 Vets*, VANTAGE POINT (Nov. 2, 2012), <http://www.blogs.va.gov/VAntage/8311/veteran-unemployment-rate-falls-to-6-3-percent-in-october-at-10-percent-for-post-911-vets/>.

<sup>12</sup> *Id.*

problem faced by certain unemployed veterans. Specifically, this Comment will address the difficulty that returning veterans face in obtaining civilian certifications or licenses for employment, despite their military training and experience in their occupation.

Approximately 80,000 to 100,000 veterans leave the Army every year with skills they learned in Army training schools.<sup>13</sup> These skills, known as military occupational specialties, include training for jobs like mechanics, medics, or computer technologists.<sup>14</sup> But veterans never receive civilian certifications for these skills sets that they learn at Army training schools.<sup>15</sup> Consequently, many veterans return home from deployment and cannot obtain jobs for which they are qualified, and have trained for, because the civilian certification process will not recognize the skills they acquired in the military as sufficient to meet civilian certification standards.<sup>16</sup> A significant number of these veterans could find employment if they were able to obtain civilian certification. Additionally, many veterans would not need unemployment benefits if they could receive civilian certifications.

Section II will discuss the evolution of this problem and will identify the difficulties returning veterans face in seeking employment. Section II.A will discuss some of the non-certification-related causes of returning veteran unemployment, and Section II.B will detail the certification-related causes of returning veteran unemployment. Section III will introduce two proposals to improve the transferability of military skills into civilian certifications and licenses. First, Section III.A will give an analysis and critique some of the current legislation and presidential initiatives that relate directly to improving the civilian certification processes. Section III.B proposes federal legislation

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<sup>13</sup> Kelly Jo Bridgwater, *Army, TRADOC Set Soldiers Up for Success with Job Credentialing*, U.S. ARMY (June 21, 2012), <http://www.army.mil/article/82309>.

<sup>14</sup> *Id.*

<sup>15</sup> *See Hire Our Heroes at Home, Weekly Column*, U.S. SENATOR MIKE JOHANNIS FOR THE STATE OF NEB. (May 25, 2012), [http://www.johannis.senate.gov/public/?p=WeeklyColumn&ContentRecord\\_id=c1efa242-cdc2-4f55-9956-e09be1406cda&ContentType\\_id=fdd4e816-234d-4825-b703-ea582a48faea](http://www.johannis.senate.gov/public/?p=WeeklyColumn&ContentRecord_id=c1efa242-cdc2-4f55-9956-e09be1406cda&ContentType_id=fdd4e816-234d-4825-b703-ea582a48faea).

<sup>16</sup> Claudette Roulo, *Obama Announces Military-to-Civilian Skills Certification Program*, U.S. DEP'T OF DEF. (June 1, 2012), <http://www.defense.gov/news/newsarticle.aspx?id=116587>.

that seeks to provide veterans and new recruits with more information on transferring their military skills into civilian certification.

## II. CHALLENGES AND CAUSES OF RETURNING VETERANS' UNEMPLOYMENT

Returning veteran unemployment is a large and all encompassing problem. In particular, the post-9/11 war veterans face an employment landscape that other generations of veterans did not face upon their return home.<sup>17</sup> Several unique factors compose the "multitude of issues" that are causing the high unemployment rate among the younger veterans.<sup>18</sup> These various factors include a poor job market and employment discrimination. Notably, another factor is the difficulty veterans face in obtaining civilian certifications for military skills.<sup>19</sup> Section II.A will detail the non-certification-related causes of returning veteran employment, specifically the poor job market and employment discrimination. In addition, this section will also discuss some of the relevant congressional action aimed to remedy those non-certification-related causes. Section II.B will discuss the certification-related causes of returning veteran employment and the relevant congressional and executive action directed at remedying those specific certification related causes.

### *A. Non-Certification-Related Causes of Returning Veterans' Unemployment and Relevant Congressional Action*

Among the identified causes of returning veteran unemployment, two of the main causes are non-certification related. First, veterans are returning to a poor job market.<sup>20</sup>

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<sup>17</sup> John Mangalonzo, *Challenges Facing Today's Veterans Are a 'Multitude of Issues,' One Official Says*, ABILENE REPORTER NEWS (Nov. 10, 2012, 10:00 PM), <http://www.reporternews.com/news/2012/nov/10/challenges-facing-todays-veterans-are-a-of-one/> (article on file with the author). Unlike some veterans of the Korean War who were able to easily find employment upon their return home, the younger veterans are returning to a limited amount of jobs combined with the financial pressures of securing affordable housing.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

Younger veterans, or those who served in post-9/11 combat operations, are returning home to find that there are a limited number of available jobs.<sup>21</sup> Second, some veterans face employment discrimination when they return home from deployment.<sup>22</sup> Congress has enacted numerous federal laws aimed at improving the employment prospects for returning veterans. Some of these laws were enacted before the current employment problem faced by the post-9/11 war veterans. Others were passed specifically in response to the high unemployment of these younger veterans. Section II.A.1 will discuss the poor job market and explain two federal laws that aide the veteran unemployment problem generally. The laws that will be discussed include the Veteran Preference Point system and the VOW to Hire Heroes Act of 2011 (VOW Act). Section II.A.2 will detail veteran employment discrimination, and discuss the Uniformed Services Employment and Reemployment Rights Act, which was enacted to remedy employment discrimination directed at veterans.

### 1. Poor Job Market

Similar to other Americans, returning veterans are attempting to find employment in the midst of a struggling economy. But, unlike the national unemployment rate in the United States, younger veterans face a higher unemployment rate. While the national unemployment rate is 7.9%, the unemployment rate for post-9/11 veterans stands at 10.8%.<sup>23</sup> Two examples of federal laws that are aimed at helping veterans obtain employment are the Veterans' Preference which is system used in federal hiring, and the VOW Act.

The Veterans' Preference system is designed to help veterans that are seeking employment within the federal government.<sup>24</sup> Most federal agencies use some version of a ranking

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Chris Marvin, *Veteran Unemployment: What Crisis?*, HUFFPOST IMPACT BLOG (Jan. 28, 2013, 9:20 AM), [http://www.huffingtonpost.com/chris-marvin/veteran-unemployment-what-crisis\\_b\\_2561374.html](http://www.huffingtonpost.com/chris-marvin/veteran-unemployment-what-crisis_b_2561374.html).

<sup>24</sup> U.S. Office of Pers. Mgmt., *Veterans' Preference*, FEDS HIRE VETS, <http://www.fedshirevets.gov/job/vetpref/> (last visited Aug. 5, 2014) [hereinafter *Veterans' Preference*].

system when considering applicants for an open job position.<sup>25</sup> Based on a review of submitted application materials, each applicant is given a score.<sup>26</sup> The score is calculated based on factors determined by the hiring agency, and the score is meant to represent an “applicant's demonstrated or potential ability to do the job.”<sup>27</sup> This score is used in several ways. It can determine which applicants will get through an initial screening process, and it can be used to dismiss unqualified applicants who do not meet minimum requirements from consideration.<sup>28</sup> Beyond being used for the initial screening, this score can qualify an applicant to have his or her application reviewed by a hiring manager<sup>29</sup> and a “selecting supervisor [can use it] to give first consideration to the best qualified eligibles when filling a particular job.”<sup>30</sup> The Veterans’ Preference system relates to how an agency will calculate the score of a veteran who is an applicant for a federal job. Under this preference point system, eligible veterans are given more points, which are added to their overall applicant score. There are a number of ways a veteran can be eligible for the preference system, including veterans who served during specific time periods, those who suffered a disability while serving, or those who earned a Purple Heart.<sup>31</sup> This program gives “preference over non veterans [sic] both in hiring from competitive lists of eligibles and in retention during reductions in force.”<sup>32</sup>

In addition to the Veterans’ Preference program, the VOW Act is another example of a law aimed at curbing the high level of veteran unemployment. The VOW Act was designed to be a

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<sup>25</sup> *Id.*

<sup>26</sup> Elaine Pofeldt, *Government Jobs: How to Get Them*, *MoneyWatch*, CBS NEWS (Sept. 17, 2009, 3:00 AM), [http://www.cbsnews.com/8301-505125\\_162-51344044/government-jobs-how-to-get-them/](http://www.cbsnews.com/8301-505125_162-51344044/government-jobs-how-to-get-them/).

<sup>27</sup> U.S. Office of Pers. Mgmt., *Federal Wage System Qualifications*, OPM.GOV, <http://www.opm.gov/policy-data-oversight/classification-qualifications/federal-wage-system-qualifications/#url=Overview> (last visited Aug. 5, 2014) [hereinafter *Federal Wage System Qualifications*].

<sup>28</sup> Pofeldt, *supra* note 26.

<sup>29</sup> *Id.*

<sup>30</sup> *Federal Wage System Qualifications*, *supra* note 27.

<sup>31</sup> *Veteran's [sic] Preference Points*, MILITARY.COM, <http://www.military.com/benefits/veteran-benefits/veterans-employment-preference-points.html> (last visited Aug. 5, 2014); *Veterans' Preference*, *supra* note 24.

<sup>32</sup> *Veteran's Preference Points*, *supra* note 31.

comprehensive approach to the current veteran unemployment problem.<sup>33</sup> First, it expands several education and training programs for veterans. Second, it improves the Transition Assistance Program aimed at helping veterans transition from military service back into civilian life. Specifically, the VOW Act upgrades career counseling programs, helps veterans learn better job hunting skills, and allows veterans to apply for veteran unemployment sooner than is currently allowed.<sup>34</sup> The VOW Act also gives tax credits to employers who hire unemployed or disabled veterans.<sup>35</sup> In speaking in support of this bill, Senator Harry Reid highlighted the necessity of a comprehensive bill such as the VOW Act.<sup>36</sup> He described the bill as including “commonsense policies that Congress can and should pass immediately.”<sup>37</sup> Senator Reid addressed the disproportionately high unemployment rate for younger veterans:

We are in the midst of an unemployment crisis that is obvious to every American . . . . The national unemployment rate has been hovering around 9 percent, and that means 14 million Americans are looking for work in one of the toughest economies since the Great Depression. But what is unfortunate—some might even say shameful—is that almost 1 million of those Americans looking for work are veterans returning home after valiantly serving our country. The unemployment rate for veterans of Afghanistan and Iraq is an indefensible 12.1 percent. It represents a significant blow to young men and women who are returning home

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<sup>33</sup> *VOW to Hire Heroes Act of 2011: Comprehensive Legislation to End Veteran Unemployment*, HOUSE COMMITTEE ON VETERANS’ AFF., <http://veterans.house.gov/vow> (last visited Aug. 5, 2014) [hereinafter *End Veteran Unemployment*].

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* The VOW to Hire Heroes Act of 2011 also includes a section that is designed to ease the process of transferring military skills into civilian certification. See discussion *infra* Part II.B.iii.d, for detailed information on this section.

<sup>36</sup> 157 CONG. REC. S7238 (daily ed. Nov. 9, 2011) (statement of Sen. Harry Reid), available at <http://www.gpo.gov/fdsys/pkg/CREC-2011-11-09/pdf/CREC-2011-11-09-pt1-PgS7238.pdf>.

<sup>37</sup> *Id.*

after serving their country in very difficult circumstances. In 2010, 36 percent of Afghanistan and Iraq-era veterans were unemployed for longer than 26 weeks. Again, that is a shameful statistic.<sup>38</sup>

The VOW Act passed the House and the Senate with overwhelming bipartisan support, and was signed into law by President Obama on November 21, 2011.<sup>39</sup>

## 2. Employment Discrimination

Another obstacle that some veterans face in gaining employment upon their return home is workplace discrimination on the basis of their status as a member of the Armed Forces.<sup>40</sup> This job discrimination against veterans presents itself in various forms. There are some employers that simply refuse to hire veterans for fear that he or she will be called to duty again, while other employers may refuse to reinstate a veteran to the position he or she had before his or her deployment.<sup>41</sup> Conversely, there are employers who give veterans their prior jobs back, but discriminate nonetheless by taking away accrued vacation time or by denying pay raises.<sup>42</sup>

As a response to employment discrimination faced by veterans, the Uniformed Services Employment and Reemployment Rights Act (USERRA) was passed in 1994.<sup>43</sup> This law “provides that returning service-members must be promptly reemployed in the same position that they would have attained had they not been absent for military service, with the same seniority, status and pay,

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<sup>38</sup> *Id.* at S7238-39. The unemployment statistics listed here represent the statistics as they were at the time of his speech on November 9, 2011.

<sup>39</sup> *Major Actions: H.R.674 — 112th Congress (2011-2012)*, CONGRESS.GOV BETA, <http://beta.congress.gov/bill/112th-congress/house-bill/674/actions?q=hr674>.

<sup>40</sup> Donna Ballman, *7 Signs of Discrimination Against Veterans At Work*, AOL JOBS (Sept. 27, 2012, 8:15 AM), <http://jobs.aol.com/articles/2012/09/27/7-signs-of-discrimination-against-veterans-at-work/>.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Uniformed Services Employment and Reemployment Rights Act (USERRA) Information*, U.S. DEPARTMENT OF LAB., <http://www.dol.gov/vets/programs/userra/> (last visited Aug. 5, 2014).

as well as other rights and benefits determined by seniority.”<sup>44</sup> This law gives returning veterans several substantive rights. First, they have “an absolute right to have their jobs restored when they return” home from service.<sup>45</sup> Second, veterans have a right to the benefits they would have earned had they not been deployed to military service.<sup>46</sup> The law also prohibits employers from refusing to hire veterans solely on the basis of their status as a member of the Armed Forces.<sup>47</sup> If an employer violates this law, “possible remedies include [job] reinstatement, . . . back pay, lost benefits, . . . lost promotional opportunities, retroactive seniority, [and] pension adjustments[.]”<sup>48</sup> Similar to the support for the VOW Act, the Congressional support for USERRA was based on helping returning veterans obtain employment. In the text of the enacted law itself, Congress lists that one of its purposes for enacting USERRA is to encourage military service “by eliminating or minimizing the dis-advantages to civilian careers and employment which can result from such service.”<sup>49</sup>

The Veteran Preference system, the VOW Act, and USERRA are examples of the various legislation enacted by Congress that is directed at easing the transition from military service to civilian life. The legislative history and bipartisan support of these laws indicate Congress’s willingness to support returning veterans’ attempts to secure employment.

### *B. Certification-Related Causes of Returning Veterans Unemployment and Relevant Congressional & Executive Action*

In addition to the poor job market and employment discrimination, another part of the “multitude of issues” facing veterans is transitioning their military skills into civilian certification.<sup>50</sup> Although there are several federal laws that address veteran unemployment generally, the problem of civilian

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<sup>44</sup> *Id.*

<sup>45</sup> Ballman, *supra* note 40.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> 38 U.S.C. § 4301(a)(1).

<sup>50</sup> Mangalonzo, *supra* note 17.

certification for veterans presents a unique problem that is inadequately addressed by current law. For veterans with training in military occupational specialties that translate into comparable civilian work, the problem does not lie in an overall lack of available jobs or in employment discrimination. Several business industries have noted that there is a lack of qualified people with the proper skill sets to fill many available positions.<sup>51</sup> However, veterans with training in these skill sets cannot be “hired simply because they don’t have the civilian licenses or certifications that a lot of companies require.”<sup>52</sup> These veterans do not need the type of employment assistance that current federal law provides such as career counseling, educational training programs, or protections against job discrimination. Rather, these veterans already have the skill sets that many employers are looking for, but they fail to meet the minimum qualifications because they lack the requisite civilian certification or license.

Veterans that have training in a military occupational specialty are left with few options because they cannot obtain civilian certification based on their military experience. They can go through months of additional training and schooling, often the same training they have already received in a military school, in order to meet the civilian credentials.<sup>53</sup> The American taxpayers also pay a price for veterans’ inability to transfer their military training into civilian certification. The cost of attending additional schooling is high, and many veterans pay for this schooling with funds received under a veteran-education benefit package.<sup>54</sup> Alternatively, a veteran may not be able to attend this additional schooling and training, and remains unemployed. The consequences of these options are costly to taxpayers, as “[v]eterans cost the U.S. Defense Department \$942 million in unemployment compensation last year, and the number of post-Sept. 11 veterans using education benefits through the GI Bill climbed to 555,329.”<sup>55</sup> Ultimately, millions of tax dollars are spent

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<sup>51</sup> Roulo, *supra* note 16.

<sup>52</sup> *Id.*

<sup>53</sup> Rieckhoff, *supra* note 2.

<sup>54</sup> Sharon L. Lynch, *Medics Being All They Can Be Find Civilian Job Barriers*, BLOOMBERG (Sept. 11, 2012, 6:01 PM), <http://www.bloomberg.com/news/2012-09-11/medics-being-all-they-can-be-find-civilian-job-barriers.html>.

<sup>55</sup> *Id.*

on sending veterans to civilian-trade schools, and for some, it is to learn a skill set they have already been trained for in the military.<sup>56</sup>

Transferring military skills into civilian certification is inadequately addressed for returning-veteran unemployment. Section II.B.1 will explain the military skill training process, as well as the civilian certification process for comparable skill sets. Section II.B.2 will explain how miscommunication and a failure to openly share information between several key groups is the underlying cause of the difficulty skill-trained veterans face in obtaining civilian certifications. Lastly, section II.B.3 will detail the some of the relevant congressional and executive action that addresses the certification-related causes of veteran unemployment.

### 1. Military Skill Training and Civilian Certification Processes

Military operations involve much more than shooting guns and being prepared to fight. In fact, service members must be trained in a wide variety of technical and skilled occupations.<sup>57</sup> Many enlisted members “perform technical jobs as part of their service: driving a large truck, enlisting as a nursing assistant, [or] helping the wounded as a paramedic.”<sup>58</sup> Jobs such as these, which all require specialized training, are known as military occupational specialties.<sup>59</sup> Within the Army, military occupational specialties include over 150 jobs that require training in a military school before performance of that particular job in the field.<sup>60</sup> Examples of the types of jobs within the military occupational specialty category include law enforcement, vehicle and aviation mechanics, and computer technicians. Each year, approximately 200,000 Army professionals are trained in one of fifteen military schools across eight locations.<sup>61</sup> Once a person has completed training at a military school for his or her specific military occupation specialty,

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<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> Bridgwater, *supra* note 13.

<sup>60</sup> *Army Reserve Jobs*, U.S ARMY, <http://www.goarmy.com/reserve/jobs.html> (last visited Aug. 5, 2014); Bridgwater, *supra* note 13.

<sup>61</sup> Bridgwater, *supra* note 13.

he or she is qualified to perform that job for the Army. Although his or her training may qualify him or her to perform a particular occupation while in the military, these same veterans are unqualified for employment in civilian jobs of the same occupational skill.

For a civilian to work in a comparable skill-based occupation, he or she must obtain the proper civilian certification or license. To illustrate, if veteran Meg Mitchum wanted to apply her training as a combat medic to civilian work as a first responder, she would need to obtain a license to be an Emergency Medical Technician (EMT). Many civilian certifications and licenses are issued by various state agencies.<sup>62</sup> For example, the Department of Education for the State of Ohio controls the issuing of licenses to work as a school nurse in Ohio.<sup>63</sup> There are also some private entities, like trade organizations, that can issue certifications or licenses as well.<sup>64</sup> An example of this would include the American Welding Society and the National Institute for Metalworking Skills, which issues licenses for certain machine and welding occupations.<sup>65</sup> Lastly, there are several federal licensing authorities that can issue federal civilian licenses for work in federal jobs that require a license. Without the necessary certification or license, a veteran cannot be employed in these occupations.

For many of these occupations, military school training and experience do not meet the civilian certification requirements.<sup>66</sup> Importantly, it has been noted that certification agencies are not denying certifications to veterans trained in military occupational specialties because their training and experience is inadequate.<sup>67</sup> Rather, the source of the problem stems from a lack of communication between key groups.

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<sup>62</sup> See National Association of State Boards of Education, *State School Health Policy Database*,

[http://www.nasbe.org/healthy\\_schools/hs/bytopics.php?topicid=2130](http://www.nasbe.org/healthy_schools/hs/bytopics.php?topicid=2130) (last visited Sept. 22, 2014). *Hire Our Heroes at Home*, *supra* note 15.

<sup>63</sup> *Id.*

<sup>64</sup> See Roulo, *supra* note 16.

<sup>65</sup> *Id.*

<sup>66</sup> *Hire Our Heroes at Home*, *supra* note 15.

<sup>67</sup> *Id.*

## 2. A Lack of Communication – The Cause of the Difficulty in Transferring Military Skills to Civilian Certification

Miscommunication and a failure to openly share information between several key groups is the underlying cause of why there is such a difficulty in transferring military skills into civilian certifications. Section II.B.2.a will detail the lack of communication between military training schools and the licensing agencies responsible for issuing civilian certifications and licenses. Section II.B.2.b will detail the lack of communication between military training schools and veterans trained in military occupational specialties. Lastly, Section II.B.2.c will describe military recruitment tactics, and how these tactics miscommunicate to possible new recruits the ease of transferring skills learned in the military into meaningful civilian employment after military service.

### a. Lack of Communication Between Military Training Schools and Credentialing Agencies

The first major lack of communication exists between the military training schools and the various civilian credentialing agencies, particularly the state agencies.<sup>68</sup> Rather than veteran training being inadequate for civilian certification, the problem lies in credentialing agencies not having enough information about what specific training a veteran even receives for their military occupational specialty. As U.S. Senator Mike Johanns explains, “[t]he problem lies in a lack of communication between the Department of Defense (DoD), which does the training, and the state licensing agencies, which in many cases lacks access to the information about the scope of military training courses. Our veterans are often qualified for civilian jobs, but the proof is getting lost in the shuffle.”<sup>69</sup> This explains how the underlying issue here is not that military training is inadequate for certain civilian certifications, but rather that the credentialing agencies are simply not aware of what exact training and experience the veterans have had. Similarly, this suggests that the DoD also lacks

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<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

the knowledge of what requirements a civilian certification in many of these occupations would require. It follows that, at least for some military occupational specialties, the training and experience of a veteran would satisfy the certification criteria if the certification agency knows the details of their training. In fact, U.S. Representative Steve Stivers has advocated that military training is sufficient to meet the occupational standards at home.<sup>70</sup> As he explains, “If somebody can do a job while serving in a war zone, they can certainly do that same job at home in a safe environment.”<sup>71</sup>

b. Lack of Communication Between Military Training Schools and Veterans Trained in Military Occupational Specialties

The second major lack of communication is between the military training schools and the service members actually receiving the skill training. Specifically, service members who complete training for a military occupational specialty do not receive any written record of their training in that skill.<sup>72</sup> Even if requested, obtaining military records of certifications has proven difficult for many veterans.<sup>73</sup> According to the DoD website, a veteran seeking this type of record should contact the National Personnel Records Center.<sup>74</sup> However, this Center does not accept any e-mail requests for records, and a paper letter must be sent to receive any forms.<sup>75</sup> Additionally, as noted by veteran Daniel Hutchison, it can take months or years to actually receive a record of military certification from the DoD or the Department of Veteran Affairs (VA).<sup>76</sup> Hutchison also noted that, assuming a veteran is able to obtain these records, the records kept by the DoD or the VA are often “too cumbersome and frustrating to navigate

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<sup>70</sup> *The Daily Show with Jon Stewart*, *supra* note 2.

<sup>71</sup> *Id.*

<sup>72</sup> Rob Kane, *Reintegrating Veterans: Giving Credit to Military Experience*, SWORDS TO PLOWSHARES BLOG (Oct. 25, 2012), <http://www.swords-to-ploshares.org/2012/10/25/reintegrating-veterans-giving-credit-to-military-experience/>.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

for most veterans.”<sup>77</sup> The failure to give veterans documentation of their completed training, and the difficulty in obtaining any record detailing a military certification or award, is problematic because veterans cannot prove the training and expertise they actually have.<sup>78</sup> Documentation of training and experience can be invaluable in determining eligibility for certain civilian certifications. For example, consider the story of veteran Meg Mitchum and the qualifications required to work as a nurse assistant. To be certified as a nurse’s assistant in the District of Columbia, an eligible applicant must pass a nursing examination.<sup>79</sup> To even be eligible to take the exam, an applicant must meet one of seven eligibility routes.<sup>80</sup> To prove qualification for each one of the seven eligibility routes, an applicant must attach a copy of some record, like a nursing training certification or a nursing school transcript.<sup>81</sup> Veterans, however, are often never given any written record of the training they received for their military occupational specialty. Consequently, a veteran applying for a civilian certification has no way to prove that he or she did receive training in the skill. Poor communication in the form of problematic record keeping and the failure to give specialty-trained veterans documentation of their training and experience has added to the overall issue.

### c. Military Recruitment Tactics and Their Miscommunications to Possible Recruits

The previous two sections discussed how a lack of communication causes difficulty for a veteran attempting to transfer military skills into civilian certification *after* they have already served in the military. This section, however, will examine the miscommunication that occurs *before* a person has even signed up for military service. Specifically, this section will explain military recruitment tactics and how they miscommunicate to possible new recruits the ease of transferring military skills into

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<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> Pearson Vue, *District of Columbia Nursing Assistant/Home Health Aide Written (or Oral) Examination & Skills, Evaluation, Candidate Handbook* (July 2014), available at <http://www.asisvcs.com/publications/pdf/070900.pdf>.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

meaningful civilian employment in the future.

For all branches of the Armed Forces, recruiting new members to enlist is one of their largest goals. Within the Army, recruitment efforts and advertisements encourage enlistment on the basis that Army training will give you skills that will help you attain a career once you return home. These advertising campaigns only further the civilian credentialing problem for veterans, as potential recruits are made promises at enlistment that simply are not fulfilled when they return home and cannot find employment. New recruits are invited to enlist with the prospect of future careers, but they are not told the details of the additional training and education that civilian certifications would often require.

Military recruitment is the process by which the military branches encourage people to enlist and serve their country. The recruitment process is detailed, and each of the five military branches has specific recruitment goals to meet each year.<sup>82</sup> For the beginning of the 2012 fiscal year, all of the military branches met their recruitment goals, with some even exceeding them.<sup>83</sup> The Army alone exceeded its recruitment goals by enlisting 27,701 new recruits.<sup>84</sup>

Military recruitment efforts, like any other advertising campaign, use themes and tactics as a way to encourage enlistment. Overall, “[t]he purpose of the recruitment message is to capture the attention of potential recruits and to persuade them to sign on to a new way of life complete with a new set of symbols (e.g., insignia), rules, and sense of identity.”<sup>85</sup> Beginning in World War I, military recruitment and enlistment campaigns shifted their

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<sup>82</sup> See, e.g., *U.S. Army Recruiting Command Goals*, U.S. ARMY RECRUITING COMMAND, <http://www.usarec.army.mil/hq/apa/goals.htm> (last visited Aug. 7, 2014).

<sup>83</sup> Press Release, Dep't of Def., DOD Announces Recruiting and Retention Numbers for Fiscal 2012, Through March (Apr. 23, 2012), available at <http://www.defense.gov/releases/release.aspx?releaseid=15209>; *Armed Forces Meet, Exceed Recruiting Goals*, UNITED PRESS INT'L (Apr. 23, 2012, 4:42 PM), [http://www.upi.com/Top\\_News/US/2012/04/23/Armed-forces-meet-exceed-recruiting-goals/UPI-59981335213739/](http://www.upi.com/Top_News/US/2012/04/23/Armed-forces-meet-exceed-recruiting-goals/UPI-59981335213739/).

<sup>84</sup> Press Release, Dep't of Def., *supra* note 83.

<sup>85</sup> Peter A. Padilla & Mary Riege Laner, *Trends in Military Influences on Army Recruitment: 1915–1953*, 71 SOC. INQUIRY 421, 422 (2001).

focus from state level efforts to national advertising campaigns.<sup>86</sup> National recruitment advertisements could be found in various media forms including “posters, pamphlets, television commercials, films, [and] billboards.”<sup>87</sup> It was evident that the military was using specific themes and messages from these advertisements to encourage enlistment from possible recruits.<sup>88</sup> For Army recruitment, seven specific categories of themes have been identified: patriotism, adventure/challenge, job/career/education, social status, money, travel, and miscellaneous.<sup>89</sup> Most of these themes vary in popularity throughout different historical time periods.<sup>90</sup> However, encouraging enlistment by highlighting trades or skills that can be learned by the recruit has always been popular as the job/career/education theme.<sup>91</sup>

From 1915 to 1953, patriotism was the most common theme in Army recruitment advertisements.<sup>92</sup> In other words, the Army was encouraging enlistment by appealing to a person’s sense of patriotic duty—that they needed to protect their country from the enemy and that serving your country was honorable.<sup>93</sup> The next most popular recruitment theme, which was a very close second, was job/career/education.<sup>94</sup> From 1954 to 1990, the job/career/education theme became the most popular by a landslide, while patriotism fell to the third most used theme.<sup>95</sup>

Modern military recruitment continues to place a heavy

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<sup>86</sup> *See id.* at 423.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.* at 422.

<sup>89</sup> *Id.* at 424-25. This study examined a sample of Army Recruitment ads from the time period of 1915-1953, studying the messages contained in “recruitment literature” and examining which themes were most popular in various wars and time periods. *Id.*

<sup>90</sup> *Id.* at 422-24.

<sup>91</sup> *Id.* at 424.

<sup>92</sup> *Id.* at 433. The study examined a sample of 153 Army recruitment advertisements from the time periods of 1915-1953. Of the 153, the study found that 49 of the advertisements had a theme of patriotism. *Id.*

<sup>93</sup> *Id.* at 424.

<sup>94</sup> *Id.* at 433. Of the 153 advertisements studied, 43 were found to have a theme of job/career/education. *Id.*

<sup>95</sup> Peter A. Padilla & Mary Riege Laner, *Trends in Military Influences on Army Recruitment Themes: 1954–1990*, 30 J. POL. & MIL. SOC. 113, 129 (2002).

emphasis on the job/career/education theme. Recruitment advertisements routinely encourage enlistment by highlighting that military service can teach you a useful skill or trade that leads to a future career. In 2008, the Army created five television advertisements that focused specifically “on the career opportunities available to Army-trained people.”<sup>96</sup> The statements made in these advertisements are not shy in their implication that enlisting in the Army will increase your chances of gaining meaningful civilian employment in the United States. One of the commercials explains that “[a]s it turns out, camouflage is a great way to get noticed[.]”<sup>97</sup> Another commercial states, “[T]he strength to build a better future can be found in the Army, with leadership skills and training in over 150 careers.”<sup>98</sup> The commercial continues and notes that the “Army offers ‘150 careers in the strength America’s top employers are looking for.’”<sup>99</sup> These recruitment campaigns encourage enlistment on the basis that bright futures include a career in one of America’s top employers, and that the way to receive the proper skills for such a career is by Army training. When considering the Army’s most popular recruitment theme, together with the lack of communication by military training schools, the difficulties faced by skill-trained veterans seeking employment is amplified. The assertions and the hope for a better future offered by the Army commercials are not being fulfilled.

### 3. Congressional & Executive Action to Address Certification-Related Causes of Veterans’ Unemployment

The struggle that veterans face in obtaining civilian certifications for the skills of their military occupation has not gone unnoticed. Congress and President Obama have recognized this difficulty, and various congressional and executive actions have been taken to remedy it. This section will explore some of the

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<sup>96</sup> Gina Cavallaro, *New Recruiting Ads Focus on Army Careers*, ARMY TIMES (Jan. 13, 2008, 4:52 PM),

[http://www.armytimes.com/news/2008/01/army\\_goarmy\\_080113w/](http://www.armytimes.com/news/2008/01/army_goarmy_080113w/).

<sup>97</sup> *Id.*

<sup>98</sup> *The Daily Show with Jon Stewart*, *supra* note 2; Cavallaro, *supra* note 96. Not coincidentally, the number of military occupational specialties within the Army is over 150. *Army Reserve Jobs*, *supra* note 60; Bridgwater, *supra* note 13.

<sup>99</sup> Cavallaro, *supra* note 96.

recent congressional action and presidential initiatives relevant to resolving the disconnect between military skills and civilian certification processes. Congressional action included enacted laws, proposed bills still facing review in Congress, and some bills that were not passed. Section II.B.3.a will explore Section 558 of the Defense Authorization Act of 2012. Section II.B.3.b will compare and contrast the two different versions of the “HIRE at Home Act.” Section II.B.3.c will discuss the “Improving Transparency of Education Opportunities for Veterans Act of 2012.” Section II.B.3.d will discuss the portion of the VOW Act that relates to curing the certification problem. Lastly, Section II.B.3.e will explain the executive action that has been directed at this problem, specifically President Obama’s “We Can’t Wait” Initiative.

a. Section 558 of the Defense Authorization Act of 2012

The Defense Authorization Act (Authorization Act) is the bill that Congress passes every year “specifying the budget and expenditures of the United States Department of Defense.”<sup>100</sup> Section 558 of the Authorization Act orders the Secretary of Defense to initiate a pilot program that “assess[es] the feasibility and advisability” of allowing members of the military to receive civilian credentials for skills learned in their military occupational specialty while in training, or after completion of training but before their enlistment ends.<sup>101</sup> In other words, this program will test the process of giving civilian credentials to enlisted Armed Forces members while they are still serving. The program requires three actions of the Secretary of Defense. First, the Secretary must choose between three and five military occupational specialties to use in the program.<sup>102</sup> For members of the Armed Forces that have training in one of the three to five designated specialties, the Secretary must permit them to obtain civilian credentials for it.<sup>103</sup> Lastly, the Secretary must present a report to Congress about the

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<sup>100</sup> American Civil Liberties Union, *NDAA*, BLOG OF RIGHTS, <http://www.aclu.org/blog/tag/ndaa> (last visited Aug. 7, 2014).

<sup>101</sup> National Defense Authorization Act for Fiscal Year 2012, Pub. L. No. 112-81, § 558(a), 125 Stat. 1298, 1418 (2011).

<sup>102</sup> *Id.* at § 558(b)(1).

<sup>103</sup> *Id.* at § 558(b)(2).

program, noting the number of members who participated, the costs incurred, and his recommendation about whether the pilot program should be expanded to include other occupational specialties.<sup>104</sup>

#### b. Multiple Versions of the “HIRE at Home” Act

During the 112th Session of Congress, two different versions of the “Helping Iraq and Afghanistan Veterans Return to Employment at Home Act” (“HIRE at Home Act”) were introduced, one before the House of Representatives and one before the Senate.<sup>105</sup> The House of Representatives version of the bill, H.R. 4115, was introduced in February 2012; the Senate version of the bill, S.3235, was introduced in May 2012.<sup>106</sup> At the time this Comment was submitted, neither version of the HIRE at Home Act has been passed into law. Both versions of the bill have been sitting in subcommittee and committee hearings since June 2012.<sup>107</sup>

H.R. 4115 requires that, as a condition of granting funding to a State for certain veteran employment and training programs, the State must “demonstrate that when the State approves or denies a certification or license . . . for a veteran the State takes into consideration any training received by the veteran while serving on active duty in the Armed Forces.”<sup>108</sup> The Senate version places the same requirement on a State, but also adds that a State must take into consideration “any training received *or experience gained* by the veteran.”<sup>109</sup> Ultimately, the main difference in each version is what criteria the State can consider in granting or denying civilian certifications.

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<sup>104</sup> *Id.* at § 558(d).

<sup>105</sup> *Summary: S.3235 — 112th Cong. (2011-2012)*, CONGRESS.GOV BETA, <http://beta.congress.gov/bill/112th-congress/senate-bill/3235> [hereinafter *Summary: S. 3235*]; *Summary: H.R.4115 — 112th Cong. (2011-2012)*, CONGRESS.GOV BETA, <http://beta.congress.gov/bill/112th-congress/house-bill/4115/actions?q=HR4115> [hereinafter *Summary: H.R. 4115*].

<sup>106</sup> *Summary: S.3235, supra* note 105; *Summary: H.R.4115, supra* note 105.

<sup>107</sup> *Summary: S.3235, supra* note 105; *Summary: H.R.4115, supra* note 105.

<sup>108</sup> H.R. 4115, 112th Cong. § 2 (2d Sess. 2012).

<sup>109</sup> S. 3235, 112th Cong. § 2 (2d Sess.2012) (emphasis added).

Another major difference between the two proposed bills is what specific civilian credentials are covered by the HIRE at Home Act. In both versions, only certain certifications or licenses are applicable. In the House version, the HIRE at Home Act would only apply to veterans seeking certifications or licenses as a state-tested nursing assistant, a certified nursing assistant, a registered nurse, an emergency medical technician, or a licensed commercial driver.<sup>110</sup> The Senate version of the bill applies to credentials for a state-tested nursing assistant, a certified nursing assistant, a licensed commercial driver, an emergency medical technician (EMT-B or EMT-I), or an emergency medical technician-paramedic license.<sup>111</sup> Although the credentials covered by each version of the HIRE at Home Act are similar, they are not entirely the same. The Senate version does not include a license to be a registered nurse, and the House version does not include coverage to the emergency medical technician-paramedic license.<sup>112</sup>

Lastly, the Senate version of the bill includes two additional requirements that the House version does not require at all. In the Senate version, the State would be required to prepare a report for the Secretary of Veterans Affairs.<sup>113</sup> The report would first need to describe the criteria necessary to obtain one of the licenses listed above.<sup>114</sup> Next, the report would also need to include an explanation of how the State typically considers a veteran's past training and experience in the military for the purposes of granting or denying a license.<sup>115</sup> The report would then need to analyze the criteria and the explanations and describe when, or if, the veteran training fails to meet the criteria required to obtain the license.<sup>116</sup> Lastly, the Senate version would require the Secretary of Veterans Affairs to share this report with the Secretary of Defense, to "help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described."<sup>117</sup>

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<sup>110</sup> H.R. 4115.

<sup>111</sup> S. 3235.

<sup>112</sup> H.R. 4115; S. 3235.

<sup>113</sup> S. 3235.

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

Because both versions of this bill are in the preliminary stages of Congressional review, there is only a limited amount of information on the legislative support for each of these bills. After the Senate version of the bill was introduced, it was referred to the Committee on Veterans' Affairs.<sup>118</sup> The Committee eventually held hearings on this bill; those hearings have been published, and several Congressmen spoke in support of the bill.<sup>119</sup> Senator Mike Johanns explained the general purpose of the bill, which is "to improve the ability of servicemembers to receive State licenses and certificates for jobs they already know how to do."<sup>120</sup> Senator Mark Pryor, the sponsor of the bill, also spoke in support of the bill at the Committee hearing.<sup>121</sup> He explained how "this bill encourages States to consider our servicemembers' experience when issuing credentials and licenses, which would allow them to skip expensive and time-consuming classes or hurdles to employment."<sup>122</sup> Beyond explaining what this particular bill does, Senator Pryor urged to the Committee that this bill is a real solution to the overall veteran unemployment problem. He noted that although the Committee has many "ideas and initiatives" before them which seek to cure the high veteran unemployment rate, he urged that the HIRE at Home Act "would help to do just that."<sup>123</sup> In addition to Senators who spoke in support of the bill, the Iraq and Afghanistan Veterans of America, a non-profit organization dedicated to assisting veterans of these wars,<sup>124</sup> also made a statement of support for the bill.<sup>125</sup>

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<sup>118</sup> *Economic Opportunity and Transition Legislation: Hearing Before the Subcomm. on Veterans' Affairs*, 112th Cong. (2012), available at <http://www.gpo.gov/fdsys/pkg/CHRG-112shrg75810/pdf/CHRG-112shrg75810.pdf>.

<sup>119</sup> *See id.*

<sup>120</sup> *Id.* at 15 (statement of Sen. Mike Johanns).

<sup>121</sup> *Id.* at 17-19 (statement of Sen. Mark Pryor).

<sup>122</sup> *Id.* at 18 (statement of Sen. Mark Pryor).

<sup>123</sup> *Id.* (statement of Sen. Mark Pryor).

<sup>124</sup> *See generally About IAVA, IRAQ AND AFGHANISTAN VETERANS OF AM.*, <http://iava.org/about> (last visited Oct. 31, 2013).

<sup>125</sup> *Economic Opportunity and Transition Legislation: Hearing Before the Subcommittee on Veterans' Affairs*, *supra* note 118, at 55-57 (statement of Iraq and Afghanistan Veterans of Am.).

c. Improving Transparency of Education Opportunities for Veterans Act of 2012

The “Improving Transparency of Education Opportunities for Veterans Act of 2012” was introduced in the U.S. House of Representatives in February 2012.<sup>126</sup> When the bill was introduced, it contained only one section that set up programs that allowed veterans easier access to information about schools of higher education.<sup>127</sup> After introduction, the bill was sent to the House Committee on Veterans’ Affairs for review, and several new sections were added to the bill.<sup>128</sup>

The committee added section two which contained several provisions that mirrored versions of the HIRE at Home Act, although there were several notable differences. This section conditions a State’s receipt of federal funds on the requirement that the State create a report for the Secretary of Veteran Affairs.<sup>129</sup> The report must include the same information that the Senate version of the HIRE at Home Act report requires: the criteria to obtain one of the covered licenses or certifications, how the state typically considers a veteran’s past training and experience as part of its determination in granting or denying a license, and when the training of a veteran would fail to meet the criteria required for certification.<sup>130</sup> Additionally, this section covers yet another list of licenses, including a nonemergency medical professional license, an emergency medical professional license, and any commercial driver’s license.<sup>131</sup> Ultimately, this section “would require states to provide information to the U.S. Department of Labor describing how their state licensing or certification processes for occupations

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<sup>126</sup> *Summary: H.R.4057 — 112th Cong. (2011-2012)*, CONGRESS.GOV, <http://beta.congress.gov/bill/112th-congress/house-bill/4057>.

<sup>127</sup> H.R. 4057, 112th Cong. (2d Sess. 2012) (as introduced, February 16, 2012), *available at* <http://beta.congress.gov/112/bills/hr4057/112hr4057ih.pdf>.

<sup>128</sup> H.R. 4057, 112th Cong. (2d Sess. 2012) (as amended and reported by Comm. on Veterans’ Affairs, September 10, 2012), *available at* <http://beta.congress.gov/112/bills/hr4057/112hr4057rh.pdf>.

<sup>129</sup> *Id.* at § 2.

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

such as nursing assistants, registered nurses, certified nursing assistants, emergency medical technicians, and commercial drivers might grant credit for prior military education and training in these fields.”<sup>132</sup>

Multiple members of Congress expressed support for the bill. The Committee expressed support for this section, stating that it would help veterans transfer their military skills into civilian certification without having to complete additional, and sometimes redundant, training.<sup>133</sup> During the House debate of this bill, Representative Walz urged other members of the House to support this bill to ensure that “when our veterans return home that we’re not putting barriers in front of them, and to be quite honest, that we’re not spending precious resources, whether it’s giving them unemployment insurance or retraining them through redundant trainings.”<sup>134</sup> Ultimately, this version of the Act—that included the section on credentialing added by the Committee—passed in the House of Representatives.<sup>135</sup>

Next, the bill was sent to the Senate for consideration. The bill was assigned to the Senate’s Committee on Veterans’ Affairs, where it was approved by unanimous consent.<sup>136</sup> However, Senator Murray did not have the same level of support for the military skill to civilian credential section and instead proposed an amendment to the overall bill that completely eliminated the civilian credentialing section.<sup>137</sup> Senator Murray’s amended version of the Act passed in the Senate by unanimous consent<sup>138</sup> and without any debate or discussion<sup>139</sup> as to why this amendment was added, or

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<sup>132</sup> H.R. REP. NO. 112–646, at 8 (2012).

<sup>133</sup> *Id.*

<sup>134</sup> 158 CONG. REC. H5820 (daily ed. Sept. 11, 2012) (statement of Rep. Tim Walz).

<sup>135</sup> *Text: H.R.4057 — 112th Congress (2011-2012)*, CONGRESS.GOV BETA, <http://beta.congress.gov/bill/112th-congress/house-bill/4057/text/100573> (referring to the text version of the bill that was Engrossed in House on Sept. 10, 2012) (last visited Aug. 7, 2014).

<sup>136</sup> *See Major Actions: H.R.4057 — 112th Congress (2011-2012)*, CONGRESS.GOV, <http://beta.congress.gov/bill/112th-congress/house-bill/4057/actions> [hereinafter *Major Actions: H.R.4057*].

<sup>137</sup> 158 CONG. REC. S8224 (daily ed. Dec. 19, 2012).

<sup>138</sup> *See Major Actions: H.R.4057, supra* note 136.

<sup>139</sup> *See* 158 CONG. REC. S8229 (daily ed. Dec. 19, 2012) (statement of Sen. Jeff Merkley).

more specifically, why the civilian credentialing section was eliminated. When the amended Senate version was sent back to House of Representatives for a vote, it passed the House by a vote of 392 to 3.<sup>140</sup> On January 10, 2013, the amended Senate version of the “Improving Transparency of Education Opportunities for Veterans Act of 2012” was signed into law by President Obama.<sup>141</sup>

#### d. VOW to Hire Heroes Act of 2011

The VOW Act is a comprehensive law designed to cure veteran unemployment.<sup>142</sup> As a way to “aggressively attack” veteran unemployment, this Act covers a wide range of subjects, such as giving job assistance to veterans directly and providing tax credits for employers who hire unemployed veterans. The Act has provisions that apply to younger and older veterans,<sup>143</sup> and it also has provisions that seek to cure veteran unemployment by improving the military skill to civilian certification process.<sup>144</sup> Sections 222 and 237 of the Act require various government agencies to conduct a feasibility study.<sup>145</sup>

Section 222 mandates that the Secretary of Labor, working with the Secretary of Defense and the Secretary of Veteran Affairs, contract with “a qualified organization”<sup>146</sup> to conduct “an assessment of the equivalence between skills developed in military occupational specialties and qualifications required for civilian employment with the private sector.”<sup>147</sup> Strong support was expressed in Congress for this equivalence study. As Senator Richard Blumenthal explained:

The military recruits the most talented men and women in America to serve, and then invests

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<sup>140</sup> See *Major Actions: H.R.4057*, *supra* note 136.

<sup>141</sup> Comprehensive Veterans Educ. Info. Policy, Pub. L. No. 112–249, 126 Stat. 2398 (2013).

<sup>142</sup> *End Veteran Unemployment*, *supra* note 33.

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> VOW to Hire Heroes Act of 2011, Pub. L. No. 112-56, §§ 222, 237, 125 Stat. 711, 716-17, 725-26 (2011).

<sup>146</sup> *Id.* at VOW to Hire Heroes Act of 2011 § 222.

<sup>147</sup> 157 CONG. REC. S7277-78 (daily ed. Nov. 9, 2011) (statement of Sen. Richard Blumenthal).

heavily in those skills and their professional development. Yet when they enter the civilian world, very often those skills are simply unrecognized by laws requiring separate training or licensure, and we ought to do more to recognize the expertise and experience the military gives to these brave men and women.<sup>148</sup>

The Senator's statement follows typical congressional support for all of the laws and proposed bills on the subject of veterans' unemployment—that America's veterans gain valuable skills during their military service, and there should be less barriers for veterans seeking to make those skills transferrable into civilian work upon their return home.

Once the equivalence assessment is completed, Section 222 requires the qualified organization report the results to Congress and make them publicly available online.<sup>149</sup> Lastly, this section requires that every veteran participating in the "Transition Assistance Program"<sup>150</sup> receive

an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences."<sup>151</sup>

The results from the equivalency study described above guide the individualized assessment that the veteran receives.<sup>152</sup>

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<sup>148</sup> *Id.* at S7278.

<sup>149</sup> VOW to Hire Heroes Act of 2011 § 222.

<sup>150</sup> The Transition Assistance Program (TAP) is a program designed to help "service members [who are nearing the end of their military service] during their period of transition into civilian life by offering job-search assistance and related services." *Transition Assistance Program*, U.S. DEP'T OF LABOR, [http://www.dol.gov/vets/programs/tap/tap\\_fs.htm](http://www.dol.gov/vets/programs/tap/tap_fs.htm) (last visited Oct. 30, 2013).

<sup>151</sup> VOW to Hire Heroes Act of 2011 § 222.

<sup>152</sup> *Id.*

Section 237 requires a similar study. This section amends 38 U.S.C. § 4114, which originally only *authorized* a study comparing military skills to civilian credentials; Section 237 now makes this study mandatory.<sup>153</sup> The study requires the Assistant Secretary for Veterans' Employment and Training to do the following: (1) choose no more than five military occupational specialties that involve a skill set that would be required for a comparable civilian job in an industry with large growth or a large demand for workers,<sup>154</sup> (2) enter into a contract with a coalition of various "Federal, State, and industry officials" to identify how a civilian would become certificated or licensed in the skill set associated with the military occupational specialty identified in part (1),<sup>155</sup> and (3) analyze the certification requirements identified in part (2) and determine if any of the skills sets from the chosen military occupational specialty would meet any of those requirements for certification.<sup>156</sup> After this study is completed,

[t]he Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.<sup>157</sup>

This study was set to begin on June 30, 2012, and a report from the study must be completed no later than 180 days after November

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<sup>153</sup> *Id.* at § 237(a); see also *Reviewing the Implementation of Major Provisions of the VOW to Hire Heroes Act of 2011: Hearing Before the Committee on Veterans' Affairs.*, 112th Cong. 64 (2012) (prepared statement of Ismael Ortiz, Jr., Acting Assistant Sec'y of Labor, Veterans' Emp't and Training Serv.), available at [http://www.dol.gov/\\_sec/media/congress/20120531\\_Ortiz.htm](http://www.dol.gov/_sec/media/congress/20120531_Ortiz.htm) [hereinafter Prepared Statement of Acting Assistant Sec'y Ismael Ortiz].

<sup>154</sup> 38 U.S.C. § 4114(b)(1).

<sup>155</sup> *Id.* at § 4114(b)(2).

<sup>156</sup> *Id.* at § 4114(b)(3).

<sup>157</sup> *Id.* at § 4114(c).

21, 2013.<sup>158</sup> Section 237 requires that after completion of the study described above, another study should be conducted comparing the cost of training service members for the designated military occupations specialties with the cost of the employment-related assistance given to veterans with training in those military occupational specialties.<sup>159</sup> Ultimately, this cost comparison will show how much money is spent on training members in a specialty compared with how much money is spent on veterans trained in those specialties after they return home and then need additional training, education, or financial assistance to transfer their military skill into civilian work.

e. President Obama's "We Can't Wait"  
Initiative

President Obama has launched several initiatives and programs designed to help improve the military skill to civilian certification process for veterans.<sup>160</sup> In general, President Obama has expressed his dedication to assisting veterans upon their return to civilian life. In speaking about veterans, he explained:

For their service and sacrifice, warm words of thanks from a grateful nation are more than warranted, but they aren't nearly enough. We also owe our veterans the care they were promised and the benefits that they have earned. We have a sacred trust with those who wear the uniform of the United States of America. It's a commitment that begins at enlistment, and it must never end. But we know that for too long, we've fallen short of meeting that commitment. Too many wounded warriors go without the care that they need. Too many veterans don't receive the support that they've earned. Too many who once wore our nation's uniform now sleep in our nation's streets.<sup>161</sup>

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<sup>158</sup> Prepared Statement of Acting Assistant Sec'y Ismael Ortiz, *supra* note 153.

<sup>159</sup> VOW to Hire Heroes Act of 2011, Pub. L. No. 112-56, § 237, 125 Stat. 711, 725-26 (2011).

<sup>160</sup> See *Veterans & Military Families*, THE WHITE HOUSE, <http://www.whitehouse.gov/issues/veterans> (last visited Oct. 30, 2013).

<sup>161</sup> *Id.*

President Obama's dedication to easing the transition from active military to civilian life is evidenced by several executive actions that relate to the military skill to civilian credentialing process. On May 30, 2012, the President announced his "We Can't Wait" Initiative.<sup>162</sup> This initiative is designed to "help thousands of service members with manufacturing and other high-demand skills receive civilian credentials and licenses."<sup>163</sup> Under this initiative, several executive actions have occurred.<sup>164</sup>

Under the President's discretion, the DoD has established a "Military Credentialing and Licensing Task Force."<sup>165</sup> This task force, within one year of its creation, is supposed to "(1) identify military specialties that readily transfer to high-demand jobs; (2) work with civilian credentialing and licensing associations to address gaps between military training programs and credentialing and licensing requirements; and (3) provide service members with greater access to necessary certification and licensing exams."<sup>166</sup>

Additionally, on June 1, 2012, President Obama created partnerships between the military and three "major manufacturing credentialing agencies to expand certifications to active duty military personnel in the fields of engineering, logistics, maintenance, and welding."<sup>167</sup> The initiative will reportedly allow a possible 126,000 servicemen to receive civilian credentials and licenses for skills learned while in the military.<sup>168</sup>

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<sup>162</sup> Office of the Press Sec'y, *President Obama Calls on Congress to Act on Veterans Job Corps in "To Do List" and Launches New Military Credentialing Initiative to Fill Workforce Needs*, THE WHITE HOUSE (May 31, 2012), <http://www.whitehouse.gov/the-press-office/2012/05/31/president-obama-calls-congress-act-veterans-job-corps-do-list-and-launch>.

<sup>163</sup> *Id.*

<sup>164</sup> *Veterans & Military Families*, *supra* note 160.

<sup>165</sup> Office of the Press Sec'y, *supra* note 162.

<sup>166</sup> *Id.*

<sup>167</sup> Roulo, *supra* note 16.

<sup>168</sup> *Id.*

### III. PROPOSALS FOR HOW TO IMPROVE THE TRANSFERABILITY OF MILITARY SKILLS TO CIVILIAN CERTIFICATIONS

In order to most effectively remedy the difficulty veterans face in trying to obtain civilian certifications, there must be action directed at remedying each of the three sources of this problem. The problem presented in this comment has a wide range of causes. Possible new recruits are encouraged to join the military with the incentive of learning skills that will lead to future civilian career opportunities. After enlistment, many will leave military schools trained in specialized skill-sets. However, upon their return home to civilian life, these veterans cannot obtain civilian credentials for the skill-set that they were trained for and have gained experience in. This difficulty that veterans face in applying their military skills to obtaining civilian credentials is caused by a lack of communication between three main groups: (1) the military schools and the civilian credentialing agencies, (2) the military training schools and the veterans trained in the military occupational specialty, and (3) the military recruitment tactics and their miscommunications to possible recruits.

Section III.A will give an analysis and critique of each of the congressional and executive actions described in the previous section. Section III.B will propose federal legislation that, if enacted, would work well in tangent with the existing congressional and executive action on this subject. In addition, the proposed legislation addresses the sources of the certification difficulty that remain unaddressed by the currently available congressional and executive action. Lastly, section III.C will present potential criticisms of the proposed legislation and then address those concerns.

#### *A. An Analysis of Relevant Congressional and Executive Action Addressing the Certification-Related Causes of Returning Veterans' Unemployment*

This section will take a critical look at the current legislation and executive initiatives attempting to address veteran difficulty in obtaining civilian certifications. For each piece of legislation, an explanation will be given as to how the legislation

could help improve the military skill to civilian credential process. Most importantly, this section will critique the legislation and discuss how certain provisions are inadequate or inefficient remedies. Section III.A.1 will discuss Section 558 of the National Defense Authorization Act. Section III.A.2 will analyze the multiple versions of the HIRE at Home Act. Section III.A.3 will discuss the Improving Transparency of Education Opportunities for Veterans Act of 2012. Section III.A.4 will analyze the VOW Act. Lastly, Section III.A.5 will discuss President Obama's "We Can't Wait" Initiative.

### 1. Analysis of Section 558 of the National Defense Authorization Act

The overall purpose of this pilot program is to learn the feasibility of granting civilian credentials to members of the Armed Forces when they receive their military occupational specialty training, or soon thereafter, but before they are discharged from service. If the pilot program runs successfully, it is possible that members of the Armed Forces could receive civilian certifications while still enlisted and, thus, be able to obtain civilian employment soon after returning home. This possibility would greatly improve the process of turning military skill into civilian certification. Although the possible outcomes of the pilot program are positive, there are several ways in which Section 558 is flawed.

The pilot program created by Section 558 instructs the Secretary of Defense to "designate not less than three or more than five military occupational specialties or duty specialty codes for coverage under the pilot program."<sup>169</sup> As currently written, the Secretary can choose any three to five military occupational specialties to cover under this pilot program. However, to be the most effective, this pilot program should focus on the skill sets that currently have the largest amount of unemployed veterans. Some of the most unemployed military occupational specialties include "infantrymen, combat engineers, military police, medics, human resources specialists, motor transport operators, wheeled vehicle

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<sup>169</sup> National Defense Authorization Act for Fiscal Year 2012, Pub. L. No. 112-81, § 558, 125 Stat. 1298, 1418 (2011).

mechanics, logistics specialists, and food service specialists.”<sup>170</sup> An amendment to this pilot program should be added, requiring that the Secretary choose from this list when making the choice about which three to five specialties should be covered under the program.

Lastly, under the provisions of Section 558, the pilot program could take over six years to be completed. The program must start within nine months of the Act passing and, after beginning the program, the Secretary has up to five years to complete it.<sup>171</sup> Additionally, the Secretary must complete and submit a report to Congress no later than one year after the start of the program.<sup>172</sup> In total, it could be up to six years and nine months before Congress sees the report on the pilot program. There is no telling what corrective action Congress would take in response to the report's findings.

## 2. Analysis of the Multiple Versions of the HIRE at Home Act

Although each of the two versions of the HIRE at Home Act differ from each other, the overall purpose of these Acts is to improve the process by which state licensing agencies consider veteran training when deciding whether to grant or deny certain civilian certifications or licenses. In the House version of the bill, this purpose is served by conditioning the receipt of funds on a State's showing that it takes into consideration a veteran's *training* in determining whether to grant certain civilian certifications. As for the Senate version of the bill, the State can make the requisite demonstration by showing its consideration of veteran training and experience. Also, the Senate version requires the State to produce a report.

Of the two versions, the Senate version would be the most effective because it is the most comprehensive. First, it requires a State to take a veteran's training *and experience* into consideration. Additionally, it requires a State to create a report for the Secretary of Veterans Affairs. Although the Senate version is the best

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<sup>170</sup> Bridgwater, *supra* note 13.

<sup>171</sup> National Defense Authorization Act for Fiscal Year 2012 § 558.

<sup>172</sup> *Id.*

version of the bill, it too has its flaws. First, this bill only seeks to address the problem of military skill to civilian credentials *after* a veteran has left the military. In other words, it seeks to address the problem after the problem has already happened, rather than attempt to improve the problem from the moment the veteran received his or her training at the military occupational school.

Second, the bill's wording of the state requirement is too vague. All a state must do is show that it "takes into consideration" veteran training or experience.<sup>173</sup> This is problematic for multiple reasons. As a result of the lack of communication between the military training schools and the veterans who receive the training, a State may not even have the ability to take veteran training into consideration. Current record keeping of military training is difficult to understand, and often even more difficult for a veteran to obtain their records.<sup>174</sup> As a result, many veterans will not have documentation to show a state-licensing agency the training they have received, let alone have that training taken into consideration. Unfortunately, a state credentialing agency may not be able to demonstrate its consideration of veteran training or experience, but that would be by no fault of its own. As written, it remains unclear how a state would affirmatively show it took training or experience into consideration. The bill provides no guidelines for compliance with this affirmative requirement.

### 3. Analysis of the Improving Transparency of Education Opportunities for Veterans Act of 2012

Although the provision related to transferring military skills to civilian credentials was ultimately struck from the Act before it became law, an analysis of this provision is important because it relates to one of the causes of the civilian certification difficulty. The provision that was struck from the Act before enactment "would require states to provide information to the U.S. Department of Labor describing how their state licensing or certification processes for occupations such as nursing assistants, registered nurses, certified nursing assistants, emergency medical technicians, and commercial drivers might grant credit for prior

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<sup>173</sup> S. 3235, 112th Cong. § 2 (2012). This bill was introduced in Congress but died in committee.

<sup>174</sup> Kane, *supra* note 72.

military education and training in these fields.”<sup>175</sup>

A report of this type would help improve the overall lack of communication between the military training schools and the state credentialing agencies, and it would open a line of communication between federal agencies that handle veteran unemployment issues and the state agencies that grant civilian credentials. As Senator Johanns has indicated, state credentialing agencies are not viewing veteran training and experience as inadequate for civilian credentials. Rather, these agencies simply “lack[] access to the information about the scope of military training courses.”<sup>176</sup> Communication flowing in both directions between government agencies, like the military training schools, and the state licensing agencies is important. However, to most efficiently remedy this problem, the state licensing agencies are the groups that most immediately need a flow of information about the details of military training that would relate to civilian certification decisions.<sup>177</sup>

#### 4. Analysis of the VOW to Hire Heroes Act of 2011

Section 222 of the Act requires the secretaries of various federal agencies to conduct “an assessment of the equivalence between skills developed in military occupational specialties and qualifications required for civilian employment with the private sector.”<sup>178</sup> Once this equivalence assessment has been completed, the results must be made publically available online. Additionally, the results will be used to complete an individual assessment for veterans, informing them of possible civilian career equivalent to their military occupation specialty.

This equivalence study, and the subsequent future individualized equivalence reports for veterans, has already faced criticism. Although these requirements sound very helpful on paper, the U.S. Department of Veterans Affairs has already

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<sup>175</sup> H.R. REP. NO. 112-646, at 8 (2012).

<sup>176</sup> *Hire Our Heroes at Home*, *supra* note 15.

<sup>177</sup> The Senate version of the HIRE at Home Act contains a similar reporting requirement to the one discussed here – it mandates that a state create a report for a federal agency. The critique presented in this section also applies to the reporting requirement under the Senate version of the HIRE at Home Act.

<sup>178</sup> 157 CONG. REC. S7277-78 (daily ed. Nov. 9, 2011) (statement of Sen. Richard Blumenthal).

expressed doubt as to whether any of these provisions will actually be enforced.<sup>179</sup> On the Department website that explains the various provisions of this Act, it states that participants in a Transition Assistance Program “*may* get a personalized evaluation of how their military training and experience qualifies them for jobs in the civilian sector.”<sup>180</sup> The website also explains that “the law did not provide funding or a timetable for implementing this provision, there is no specific schedule for when service members may begin receiving these evaluations.”<sup>181</sup> Within this statement is doubt as to whether there will be funding to complete such a study and, therefore, doubt as to whether the individualized assessments will ever become available to veterans.

Even if this study was conducted and the individualized assessment was completed for returning veterans, these assessments would likely still prove ineffective for helping veterans obtain civilian certification. First, the Act gives no guidelines as to what information the individualized assessment would include. For example, it remains unclear whether the assessment would provide a list of compatible civilian careers that do or do not require a civilian certification. Ultimately, an individualized assessment of this kind would be helpful to a returning veteran. However, if the Act gives no guidance as to the specific information the assessment must give, then a likely result is that the assessment will not include the detail necessary to truly assist the veteran in securing employment. For an individualized assessment of this type to be effective, Section 222 would need to be more descriptive of the type of information that the assessment must include.

Section 237 also suffers from some flaws. This Section requires a study to be conducted,<sup>182</sup> followed by the completion of yet another study.<sup>183</sup> These various studies can be helpful in improving the communication between the federal agencies with

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<sup>179</sup> *Seamless Transition*, U.S. DEP’T OF VETERANS AFFAIRS, <http://benefits.va.gov/vow/seamlesstransition.htm> (last visited Oct. 30, 2013).

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> VOW to Hire Heroes Act of 2011, Pub. L. No. 112-56, § 237, 125 Stat. 711, 725-26 (2011).

<sup>183</sup> *Id.*

information on military skill training and the state licensing agencies. However, the immediate impact of a study is limited.

### 5. Analysis of President Obama's "We Can't Wait" Initiative

President Obama's "We Can't Wait" initiative is important, at least, because it brings public attention to the relatively unknown difficulty of transferring military skills into civilian certifications. However, the initiative suffers from some of the same flaws that the congressional legislation does. The task force created under this initiative has been instructed to certain tasks, one of which is to "work with civilian credentialing and licensing associations to address gaps between military training programs and credentialing and licensing requirements."<sup>184</sup> This requirement of the task force seems noble on paper. At the very least, it requires more communication between the military and licensing agencies. Similarly to some of the congressional action, what this mandate specifically requires of the task force is very vague. Much like the vagueness of a state being asked to prove that it has taken into consideration veteran training or experience, it is unclear what this task force will actually complete in its mission to address these gaps. Addressing the gaps between military training programs and civilian credentialing requirements is helpful information. However, to be effective, the task force needs to focus on more than just these gaps.

#### *B. Proposed Federal Legislation—The "Improving Transferability of Military Skills into Civilian Certifications By Requiring the Sharing of Information" Act*

Lack of communication causes problems that veterans face in transferring their military skills into civilian certifications. To most effectively remedy this difficulty, each of the three forms of a lack of communication will have to be addressed. Most congressional and executive actions directed at this issue have been on improving the communication between various federal agencies and state licensing agencies. Only the individualized assessment, under Section 222 of the VOW Act, relates to

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<sup>184</sup> Office of the Press Sec'y, *supra* note 162.

improving communication between the military and veterans trained in military occupational specialties. None of the congressional or executive actions relate to correcting the communication between those responsible for military recruitment and possible new recruits.

As a result, this section will propose federal legislation that seeks to improve communication between groups that current congressional and executive actions largely leave unaddressed: (1) the lack of communication between the military training schools and the service members receiving training in military occupational specialties, and (2) the miscommunication to possible new recruits caused by military recruitment tactics. In general, the proposed federal law attempts to encourage more transparency about the military school training process and how that translates into civilian work. Section III.B.1 includes the text of the proposed legislation in its entirety. Section III.B.2 will explain and defend the federal legislation proposed.

### 1. Text of the Proposed Federal Legislation

#### *“Improving Transferability of Military Skills into Civilian Certification By Requiring the Sharing of Information”*

In General - This Act directs the Secretary of Defense to improve the transparency of the military skill to civilian certification process, and to provide more information about the certification process to enlisted members of the Armed Forces, and to possible new recruits of the Armed Forces.

Section 1 – Required Record-Keeping of Training for Military Occupational Specialties

- (a) The Secretary of Defense shall implement a new record-keeping system that requires all military training schools to keep detailed records of the training service members receive in completing training for a military occupational specialty.
- (b) For each service member who completes training for a military occupational specialty, the Secretary shall require that the following information is recorded:
  - (i) the name of the military occupational specialty
  - (ii) the length of the training program

- (iii) a list of the required training to be completed
- (iv) a list of the training actually completed by the service member
- (v) a list of any military certifications received by the service member while in training
- (c) Upon completion of the training record, the Secretary shall require the following as part of the new record-keeping system:
  - (i) A copy of the record must be provided to the service member upon completion of their training for a military occupational specialty
  - (ii) An copy of the record must be provided to the Department of Veterans Affairs for storage. The Department of Veterans Affairs may store this record in paper form or electronically.

Section 2 – Improving the Transparency of the Military Skill to Civilian Certification Process for Possible Recruits

- (a) The Secretary of Defense shall require that the Army recruitment website contain the following information about the military skill to civilian certification process:
- (b) The provisions of Section 2 apply to the webpages of the Army's recruitment website that describe each of the available military occupational specialties.
- (c) To the extent practicable, the Secretary shall provide the following information for each military occupational specialty:
  - (i) a list of possible future civilian careers
  - (ii) of the listed possible future civilian careers, it should be noted which of those would require a civilian certification and which would not
  - (iii) of those that would require a civilian certification, it should be noted in detail what additional experience and training would likely be required in order to obtain a civilian certification. This would include:
    - (1) any required Bachelor's degree or accreditation from an institution of higher learning
    - (2) any required hours of experience
    - (3) any additional required testing

## 2. An Explanation & Defense of the Proposed Federal Legislation

The following section will include an explanation and defense of the proposed federal legislation, and each section of the proposed legislation will be discussed separately. Section III.B.2.a will give an explanation and defense of the “In General” provision of the proposed federal legislation. Next, section III.B.2.b will give an explanation and defense of Section 1 of the proposed federal legislation. Lastly, section III.B.2.c will give an explanation of Section 2 of the proposed federal legislation.

### a. Explanation & Defense of the “In General” Section

This portion of the Act highlights what the main purpose of this legislation is and that the provisions of this Act apply to the Secretary of Defense. The purpose of this Act is not to change the military training process itself or change the way states review licenses. Rather, this Act intends to improve the transparency of the military skill to civilian credentials process. Lack of communication is the main cause of the difficulty in transferring military skills into civilian credentials and licenses. As a result, this Act intends to remedy that lack of communication by requiring the sharing of information. If the process of securing civilian credentials for military skills is made more transparent, at least service members and possible recruits will not face such harsh realities after their enlistment has ended and they cannot secure employment.

Additionally, this proposed Act is meant to improve the transparency for two key groups of people: current enlisted members of the Armed Forces and possible new recruits. Of the current proposals and enacted legislation that encourages the sharing of information between parties, neither mandates that more information be given to enlisted members or possible recruits. Section 558 of the Defense Authorization Act encourages the sharing of information between the Secretary of Defense and Congress. The Senate version of the HIRE at Home Act

encourages a sharing of information between state licensing agencies and the Secretary of Veteran Affairs, and then subsequently between the Secretary of Veteran Affairs and the Secretary of Defense. The Improving Transparency of Education Opportunities for Veterans Act requires States to provide information to the Department of Labor. The VOW Act, by virtue of the individualized assessments, does present the possibility of information being given to veterans. However, this information is being shared with them *after* they have completed their enlistment. Although these all encourage the sharing of information generally, none of these options give information about the military skill to civilian credentials process to the people most affected—the active members of the Armed Forces and possible recruits. Therefore, this proposed Act requires the Secretary of Defense to give more information about this process to service members trained in military occupational specialties, and also to possible recruits who are seeking information on enlistment.

b. Explanation & Defense of Section 1 – Required Record-Keeping of Training for Military Occupational Specialties

Section 1(a) of the proposed Act requires the Secretary of Defense to implement a record-keeping system of the training received at military training schools for military occupational specialties. Instituting a record-keeping system is an effective and realistic way of remedying the difficulty veterans face in securing civilian credentials as a result of their military training. After completion of training at a military school, veterans are not given any written record detailing the training they received.<sup>185</sup> Having written documentation of the specific training received would be very valuable, as written proof of training and experience is required for many civilian certifications. Therefore, this proposed Act implements a streamlined record-keeping system of the training received at military schools.

Additionally, Section 1(a) directs that the Secretary of Defense be responsible for implementing this record-keeping system. The DoD is the government agency that would have the

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<sup>185</sup> Kane, *supra* note 72.

information about the type of training received,<sup>186</sup> and the Secretary of Defense exercises authority, direction and control over the DoD. As a result, the DoD is the appropriate agency to organize a record-keeping system that details the training in military occupational specialties.

Section 1(b) of the proposed Act details what specific information would need to be kept in the new record-keeping system required by Section 1(a). Unlike the individualized assessment that may be given to a veteran under the VOW Act,<sup>187</sup> Section 1(b) specifically lists the type of information that the record must include. By listing five specific types of information to be recorded, this section is designed to ensure that the records made are detailed and easily understandable. As noted by veteran Daniel Hutchison, the military training records that are kept by government agencies are often “too cumbersome and frustrating to navigate for most veterans.”<sup>188</sup> If the records are difficult for a veteran to understand, then it is likely that a licensing agency would, too, have difficulty in understanding what exact training was received. Additionally, by only requiring this list of information, this portion of the proposed Act attempts to keep the military from facing a high burden in creating these records.

Section 1(c) is designed to encourage the sharing of information between the military schools and Armed Forces members who received training, and then the military schools and the Department of Veteran Affairs. The entire purpose of requiring a record-keeping system is to give veterans a way of proving their military-skill training in written form, and to be able to demonstrate to a licensing agency what specific training they have had. Therefore, section 1(c)(i) requires that the military school give a copy of the completed training record to the member of the Armed Forces upon completion of their training. Additionally, section 1(c)(ii) seeks to encourage the sharing of information between the military schools and the Department of Veteran Affairs. Of the convoluted military records kept now, the process of requesting such documentation is difficult and can take many

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<sup>186</sup> *Hire Our Heroes at Home*, *supra* note 15.

<sup>187</sup> VOW to Hire Heroes Act of 2011, Pub. L. No. 112-56, § 222, 125 Stat. 711, 716-17 (2011).

<sup>188</sup> Kane, *supra* note 72.

months.<sup>189</sup> By requiring that a copy of the training record be given to the Department of Veteran Affairs for storage, this section attempts to ease the process of requesting that record in the future.

c. Explanation & Defense of Section 2 – Improving the Transparency of the Military Skill to Civilian Certification Process for Possible Recruits

Section 2 addresses the miscommunication made to possible new recruits of the Army and the requirement that more information is placed on the Army's website about the military school to civilian credentials process. Section 2 seeks to correct the miscommunication to possible recruits by the current Army recruitment methods. By placing more information about the civilian credentialing process on Army recruitment websites, new recruits may not enter the military with false conceptions of future civilian employment. Additionally, this section of the proposed Act seeks to make new recruits aware of the realities of attaining civilian credentials for military skills *before* they enlist. All of the congressional and executive actions addressing the military-to-civilian credentialing problem addressed the problem *after* a person has already chosen to enlist in the military. By addressing the problem before enlistment, more enlisted members and veterans can at least be aware of the difficulties in attaining civilian credentials in the future.

Section 2(b) and (c) seek to detail what specific information needs to be included on the various Army recruitment websites. The Army recruitment website currently has information about the military skill to civilian credentialing process, but it is very limited and broad. Therefore, provisions (b) and (c) of the proposed legislation attempt to expand upon the available information.

As a part of the overall Army website, there is a webpage for each of the military occupational specialties.<sup>190</sup> On these pages, different information about the specific specialty is given, including the specialty's requirements, training, compensation, and

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<sup>189</sup> *Id.*

<sup>190</sup> See *Army Reserve Jobs*, U.S. ARMY, <http://www.goarmy.com/reserve/jobs.html> (last visited Oct. 31, 2013).

future civilian careers.<sup>191</sup> Provision (c) requires an expansion of this future civilian careers section. Specifically, it mandates what specific information must be given about which future civilian careers are possible within a specific military occupational specialty.

The first required set of information under section 2(c)(i) is a list of possible future civilian careers that could come from training in the military occupational specialty. Currently, the Army includes a list of these on the informational pages for military occupational specialties. For example, consider the specialty of “Health Care Specialist,” also known as a combat medic. The current website states that training in this specialty “will help prepare you for a career with civilian hospitals, clinics, nursing homes or rehabilitation centers[.] With a health care specialist background, you may consider a career as an emergency medical technician, medical assistant, a medication aide or physician’s assistant.”<sup>192</sup> Under the proposed legislation, a list would satisfy the requirement in section 2(c)(i). The additional provisions of the proposed legislation would require the Army to expand upon a list of this sort.

Within the possible future careers listed, section 2(c)(ii) requires the webpage to note whether these require a civilian license or certification. It requires an affirmative statement for each possible future career listed, and whether or not a civilian certification is required for that career. Returning to the example of a Health Care Specialist, the Army webpage currently states that “[w]ith continued study and experience, you may qualify for certification with the National Registry of Emergency Medical Technicians as a first responder.”<sup>193</sup> Although this references that one can receive certification for work as an EMT, it does not state that it is required in order to do that work as a civilian. This requirement is included to simply make possible recruits aware that although there are future civilian careers available, some will require the attainment of civilian certification before civilian work

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<sup>191</sup> See *Health Care Specialist*, U.S. ARMY, <http://www.goarmy.com/reserve/jobs/browse/medical-and-emergency/health-care-specialist.html> (last visited Oct. 31, 2013).

<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

in that field.

Lastly, within the future civilian careers that requires a civilian certification, a list of the possible additional training or experience necessary to attain that civilian certification is required under section 2(c)(iii). Returning to the example above, the statement that one may qualify for certification “with continued study and experience” is very broad. To make recruits aware of the civilian credentialing process, more information should be given. For example, even though requirements will vary by state for a civilian EMT license, approximately 100 hours of specialized training is required to be the most basic of EMTs.<sup>194</sup> Additionally, obtaining an EMT license requires passing either a national EMT exam or a state equivalent.<sup>195</sup> By including this list of information, it informs a possible recruit of the additional testing and required training hours to work as an EMT. Expanding upon the information on Army website will serve two main goals. First, it will still encourage enlistment by giving a detailed list of the possible future careers that can come from service in the Army. Second, this information will give a more honest picture of the future civilian career prospects and an idea of what additional requirements there would be.

### *C. Potential Criticisms of the Proposed Legislation*

This section will present potential criticism of the proposed federal legislation the Improving Transferability of Military Skills into Civilian Certification by Requiring the Sharing of Information Act. Section III.C.1 will detail the first potential criticism, that the record-keeping system will place an undue burden on the Department of Defense. Next, section III.C.2 will discuss another potential criticism, that requiring the Department of Veteran Affairs to retain a copy of the training record will further burden the already troubled record storage system of the department.

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<sup>194</sup> *How to Become an EMT or Paramedic*, U.S. DEP'T OF LABOR, <http://www.bls.gov/ooh/healthcare/emts-and-paramedics.htm#tab-4> (last visited Oct. 31, 2013).

<sup>195</sup> *Id.*

### 1. The Requirements of the Record-Keeping System Will Place an Undue Burden on the Department of Defense

One potential criticism of the proposed legislation is that the record-keeping system required by Section 1 will be too burdensome on the DoD and the Secretary of Veteran Affairs. For the DoD, critics may argue that keeping an individualized record for every service member who completes training for a military occupational specialty would be too time-consuming and inefficient for military training schools. A critic would likely note that thousands of service members leave military training schools each year.<sup>196</sup> However, it is likely that Congress would still support the proposed legislation regardless of this potential burden. In almost every congressional action described previously, Congress supported bills that placed burdens on the DoD. Specifically, Section 558 of the Defense Authorization Act requires the DoD to conduct a pilot program and create a report describing the results of that pilot program and the feasibility of expanding it.<sup>197</sup> Additionally, Section 222 of the VOW Act requires the DoD to work with other department secretaries in conducting an equivalence assessment, followed by the production of individualized equivalence reports for every veteran in the Transition Assistance Program.<sup>198</sup> Congress has enacted legislation that places burdens on the DoD, including a burden that requires the Department to prepare individualized reports for every new veteran.<sup>199</sup> The proposed legislation similarly requires the production of an individualized record. In fact, the required record under the proposed legislation mandates the five specific pieces of information that would have to be recorded, unlike Section 222 of the VOW Act.

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<sup>196</sup> Bridgwater, *supra* note 13.

<sup>197</sup> See National Defense Authorization Act for Fiscal Year 2012, Pub. L. No. 112-81, § 558, 125 Stat. 1298, 1418 (2011).

<sup>198</sup> VOW to Hire Heroes Act of 2011, Pub. L. No. 112-56, § 222, 125 Stat. 711, 716-17 (2011).

<sup>199</sup> The individualized assessment report, mandated by Section 222 of the VOW to Hire Heroes Act, states that this assessment must be provided to every veteran who participates in the TAP. As a result of other provisions of the VOW to Hire Heroes Act, every new veteran is required to participate in the TAP program. *Id.*

## 2. Requiring the Department of Veteran Affairs to Keep a Copy of the Training Record Will Further Burden an Already Troubled Record Storage System

Another possible criticism of the record-keeping system required by Section 1 of the proposed legislation is that it will be too burdensome for the Department of Veteran Affairs. The mass amount of records stored in current storage system for the Department of Veteran Affairs is overwhelming.<sup>200</sup> An Inspector General's report for veteran affairs detailed the extreme conditions at one of the Department of Veteran Affairs's record storage facility in North Carolina.<sup>201</sup> At this facility alone, "37,000 claims folders were stored on top of file cabinets[,]” and “the sheer weight of the combined folders actually exceeded the load-bearing capacity of the building itself.”<sup>202</sup> In fact, the Inspector General's report noted that the mass amount of excess storage at this facility “created an unsafe workspace for (VA) employees and appeared to have the potential to compromise the integrity of the building.”<sup>203</sup>

In light of this difficulty, and thus in response to this possible criticism, the proposed legislation allows the Department of Veteran Affairs to choose whether it would like to store the training record in paper or electronic form. The Department of Veteran Affairs's storage facility described above only stored disability benefit claims made by veterans, and perhaps the Department of Veteran Affairs would have another storage facility for different types of paper-record storage. Nonetheless, the proposed legislation allows the Department of Veteran Affairs to store these records electronically.

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<sup>200</sup> P.J. Tobia, *Veterans Affairs Backlog Files Stacked So High, They Posed Safety Risk to Staff*, PBS NEWSHOUR RUNDOWN (Apr. 2, 2013), <http://www.pbs.org/newshour/rundown/2013/04/veterans-affairs-backlog-files-were-stacked-so-high-they-posed-a-safety-risk-to-va-staff-1.html>.

<sup>201</sup> *Id.*

<sup>202</sup> *Id.*

<sup>203</sup> *Id.*

#### IV. CONCLUSION

Curing the high veteran unemployment rate for younger veterans will require a comprehensive approach, with remedies directed at both non-certification and certification related causes. Many of the non-certification related causes of veteran unemployment have effective legislation specifically tailored to those problems. However, the same cannot be said for the certification-related causes and the difficulty veterans face in trying to transfer their military skills into civilian certifications. The certification difficulty itself is caused by three different sources of a lack of communication: (1) between the military training schools and the state licensing agencies, (2) between the military training schools and the members of the Armed Forces who actually receive military occupational specialties, and (3) military recruitment miscommunicate to possible recruits about the ease of transferring skills learned in the military into meaningful civilian employment after military service. There are numerous examples of congressional and executive actions directed at the certification problem generally. But these efforts are largely directed at addressing only the first cause of the overall certification problem—the lack of communication between the military training schools and the state licensing agencies. To most effectively remedy the difficulty veterans face in trying to obtain civilian certifications, there must be more congressional and executive actions directed to *each* of the three sources of this problem. The proposed federal legislation presented in this Comment addresses the final two sources of the lack of communication that is causing the military skill to civilian certification problem. Enacting legislation that is directed at improving the other two sources of the lack of communication is essential to creating an all-encompassing approach to curing the certification-related causes of returning veteran unemployment.



