



May 5, 2020

The Honorable Robert Wilkie
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Dear Secretary Wilkie:

We, the undersigned, thank the Department of Veterans Affairs (VA) and your leadership for your continued support of our members and all Veterans and their families during this unprecedented crisis. Institutions like the VA thrive when they are supported and we stand behind the VA. However, due to the extraordinary and unprecedented events of the COVID-19 outbreak we request that all pending actions against academic institutions that have not been found culpable of any wrongdoing be halted or delayed.

On behalf of our members, we ask you to halt the May 9 deadline for any school that has not been found responsible of wrongdoing by a court of law or without any direct evidence that improper practices are ongoing. We ask you, Mr. Secretary, to ensure no sanction is taken before allegations are proven in court and there are opportunities for sober evaluation of clear, corrective action steps as to current compliance within the scope of the regulations before any punitive actions are taken that may negatively impact Veterans.

As a coalition of organizations committed to serving Veterans, we are concerned that restricting Veterans' and their families' access and choices during a global epidemic may have farther-reaching negative impacts than intended. During this global crisis, distance learning opportunities are vital for Veteran students, and restricting access to these opportunities as well as potentially disenfranchising those that are currently enrolled in these programs is a step in the wrong direction. Making sweeping and unprecedented actions during this critical pandemic is not how we protect and honor those who have sacrificed so much for our freedom.

We are deeply concerned that the Department's action is being applied retroactively and has been taken without a clear, fair process defined for corrective action steps. We have been informed by Senator Martha McSally, a member of the Senate Armed Services Committee, that the VA's actions are being taken based on an allegation from over six years ago. To consider negatively impacting so many Student Veterans based on six-year-old allegations during this national crisis is unconscionable to our organizations' leader and our members. We have been informed that there are no findings of culpability from these allegations, and that these institutions were audited and approved multiple times by the Department of Veterans Affairs and State Approving Agencies since that time.

We are alarmed by the troubling precedent the Department, under your leadership, seems to be setting by taking action that would harm Veterans based solely on unproven allegations. The University of Phoenix, for instance, is regionally accredited by the Higher Learning Commission. If VA moves forward with a suspension based on unproven allegations from the past by the Federal Trade Commission (FTC), it will set a dangerous precedent as to how the Department and state approving agencies will approve schools for education payments going forward. This would also subject schools to double jeopardy, having first closed an issue directly with FTC and now action taken by VA without any independent verification of current non-compliance. Further, these actions would subject schools and their students to even more problems as it would jeopardize any DODI 1322.25 agreements, again, doing so without due process. We are left to wonder if VA intends for every school to be open to punitive action simply because political opponents and bureaucrats have made negative false claims.

We also have heard from our members that some institutions they attend are facing potential sanctions simply because they were recently purchased by an organization. Imagine a Student Veteran attending their classes, diligently working towards their degree, when at no fault of their own their school is purchased by another organization, which had no sanctions at the time of purchase, but only a few months later find themselves wondering if they will be able to continue to pursue their education.

We are also unsettled by a Letter that was sent to VA and signed by a number of Veteran organizations communicating support for the Department's actions. Problematically we know of at least one of the names and signatures on this letter is of someone who no longer work for the organization the signature claims to represent. We are troubled by the seeming lack of due diligence and oversight that VA is displaying here and wonder what other matters have been overlooked.

Respectfully,



Ken Greenberg
Director, Veterans and Military Policy
TREA: The Enlisted Association



Frank Yoakum
Sergeant Major
U.S. Army (Retired)
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Chief Executive Officer
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Joe R. Chenelly
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cc: Under Secretary Paul Lawrence, Pam Powers, Acting General Counsel William Hudson, Senate Veteran Affairs Committee Chairman Jerry Moran and Ranking Member Jon Tester, White House Chief of Staff Mark Meadows