OVERSIGHT HEARING ON THE ROLE OF NATIONAL, STATE, AND COUNTY VETERANS SERVICE OFFICERS IN CLAIMS DEVELOPMENT

HEARING

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

ONE HUNDRED NINTH CONGRESS

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CONTENTS

July 19, 2006

	Page
Oversight Hearing on the Role of National, State, and County Veterans	1

OPENING STATEMENTS

Chairman Miller	1
Hon. Shelley Berkley, Ranking Democratic Member	1
Prepared statement of Ms. Berkley	20

STATEMENTS FOR THE RECORD

Hon. Ginny Brown-Waite	21
Doran, James W., National Service Director, AMVETS	69
Basher, George P., Director, New York State Division of Veterans' Affairs	75
Cullinan, Dennis M., Director, National Legislative Service, Veterans of Foreign Wars of the United States	80

WITNESSES

McPherson, Col. Warren R. USMC (Ret.), Executive Director, Florida Department of Veterans' Affairs	2
Prepared statement of the Col. McPherson	22
Tetz, Timothy M., Executive Director, Nevada Office of Veteran Services	5
Prepared statement of Mr. Tetz	34
Knowles, Ann G., President, National Association of County Veterans Service Officers	8
Prepared statement of Ms. Knowles	41
Violante, Joseph A., National Legislative Director, Disabled American Veterans	10
Prepared statement of Mr. Violante	47
Ortner, Blake C., Associate Legislative Director, Paralyzed Veterans of America	12
Prepared statement of Mr. Ortner	53

Page

WITNESSES (CONTINUED)

McCoy, Jack, Associate Deputy Under Secretary for Benefits for Policy and Program Management, Veterans Benefits Administration, U.S. Department of Veterans Affairs 20
Prepared statement of Mr. McCoy 60

MATERIAL SUBMITTED FOR THE RECORD

Memorandum of Gift from Veterans Consultation Group, Lincoln, NE., submitted by Ms. Berkley 84

POST-HEARING QUESTIONS FOR THE RECORD

Chairman Miller from Mr. Jack McCoy, U.S. Department of Veterans Affairs 86
Hon. Shelley Berkely from Mr. Jack McCoy, U.S. Department of Veterans Affairs 89
Chairman Miller from Mr. Blake Ortner, Paralyzed Veterans of America 91
Chairman Miller from Ms. Ann Knowles, National Association of County Veterans Service Officers, Inc. 93
Chairman Miller, Joseph Violante, Disabled American Veterans 96

OVERSIGHT HEARING ON THE ROLE OF NATIONAL, STATE, AND COUNTY VETERANS SERVICE OFFICERS IN CLAIMS DEVELOPMENT

WEDNESDAY, JULY 19, 2006

U.S. House of Representatives,
Subcommittee on Disability Assistance and
Memorial Affairs,
Committee on Veterans' Affairs,
Washington, D.C.

The Subcommittee met, pursuant to call, at 1:33 p.m., in Room 334, Cannon House Office Building, Hon. Jeff Miller [Chairman of the Subcommittee] presiding.

Present: Representatives Miller, Berkley, Udall. Majority Staff Counsel: Paige McManus, Minority Staff Counsel: Mary Ellen McCarthy

Mr. Miller. Good afternoon, everybody. Thanks for coming. This hearing will come to order. I also want to thank the witnesses for their flexibility. I know we have changed the date and time, and let the record show the Chairman was late for the very first time. We appreciate you being here with us today and we are going to go ahead and start the hearing. Ms. Berkley, our Ranking Member, is on the way, and other members as you well might expect will be coming in and out as the hearing progresses.

Under Admiral Cooper's watch the Veterans Benefits Administration has attempted to make the claims adjudication process more efficient by creating specialized teams, improving training, and hiring additional personnel to prepare and rate claims. For a while, we had seen some improvements in timeliness and the backlog; however, those gains have eroded. The backlog is growing again and it is taking longer to render a decision.

We all know that the claims process is complex, and veterans are better served when they are working with someone who is trained in this area of the law. Over the years, various reports from, among others, the Veterans Claims Adjudication Commission, the VA Inspector General, and the VA Claims Processing Task Force have recommended a greater role for veterans services organization representatives in

assisting veterans with submitting fully developed claims. I am not advocating today that VBA staff be supplanted by veterans service officers. There are 6,000 local, county, and State service officers who could augment VBA's workforce, especially since they already have the power of attorney for the claimant.

Today, we are going to receive testimony from veterans' representatives to get a better understanding of the role they play in assisting veterans in submitting fully developed claims so that VBA staff can focus on the decision-making process. We will also hear from VBA on their efforts to collaborate with these organizations. And as I said, Ms. Berkley will be coming in shortly to participate, and we may give her an opportunity if she wishes to make an opening statement at that time, with your indulgence.

At 2:00 o'clock today, as most of you know, there is a ceremony in the Capitol to commemorate VA's 75th anniversary. Therefore, without objection, any other opening statements that other members have will be submitted into the record. I also ask the witnesses, if you would, to keep your remarks to five minutes. Your full statements have been received by the Subcommittee, and will appear in the printed record of the hearing. The first panel is already seated at the table. We appreciate it. If you give me a moment, I can introduce everybody that is at the table now.

Colonel Warren ``Rocky" McPherson, is the Executive Director of the Florida Department of Veterans Affairs and Mr. Tim Tetz is the Executive Director of the Nevada office of Veterans Services. We certainly appreciate your coming to Washington to share your views with us. We also have Ms. Ann Knowles, President of National Association of County Veterans Service Officers. Joe Violante is here, National Legislative Director for DAV. And Mr. Blake Ortner is Associate Legislative Director for Paralyzed Veterans of America.

So my script says "Colonel McPherson," but Rocky, it is good to have you here, and you may proceed.

STATEMENT OF COLONEL WARREN R. MCPHERSON, USMC (RET.), EXECUTIVE DIRECTOR, FLORIDA DEPARTMENT OF VETERANS' AFFAIRS; TIMOTHY M. TETZ, EXECUTIVE DIRECTOR, NEVADA OFFICE OF VETERANS SERVICES; ANN G. KNOWLES, PRESIDENT, NATIONAL ASSOCIATION OF COUNTY VETERANS SERVICE OFFICERS; JOSEPH A. VIOLANTE, NATIONAL LEGISLATIVE DIRECTOR, DISABLED AMERICAN VETERANS; AND BLAKE C. ORTNER, ASSOCIATE LEGISLATIVE DIRECTOR, PARALYZED VETERANS OF AMERICA

STATEMENT OF COLONEL MCPHERSON

COLONEL MCPHERSON. Mr. Chairman and members of the Subcom-

mittee, thank you for your opportunity to provide comments concerning the role of national, State, and county veterans service officers in claims development. As Governor Bush's executive director for Florida Department of Veterans Affairs, we meet regularly with the leaders of all of the State veterans service organizations, including the County Veterans Services Association. In fact, I meet with their leadership monthly. Also, I am served by an advisory commission of Governor's appointees from all regions of our State, and we meet with them quarterly.

Florida has almost 1.8 million veterans, as you know. The Florida Department of Veterans Affairs is a State veterans' service agency created by the Florida legislature, following a successful citizens' constitutional initiative to authorize our department in State government. We provide information, advocacy, and quality long-term healthcare services to our veterans. We maintain strong positive relationships with both VHA and VBA leadership in Florida. We currently employ about 580 folks, and about 70 of those are performing service officer duties on a daily basis. Florida continues to expand our facilities and our services, primarily through the growth of the State homes program, but also through new outreach programs to contact more of the veterans' population in Florida. As a result of strong advocacy on behalf of veterans and their dependents, their economic well-being and health status is improved through the acquisition of all of the benefits earned through their service. We are an arm of State government, which has statutory responsibilities concerning State benefits and citizens services, as well as providing service delivery responsibilities representing veterans in their dealings with the claims process in VBA.

Our statement for the record includes a more expansive elaboration of our department structure and capabilities. I won't dwell on that. But it also includes the issues that I would like to mention in this brief summary. The major issues confronting our department, and other State veterans department as well when dealing with VBA processes, include the following four items.

First, is timely access to VA information on returning severely injured veterans, and also dealing with families of the fallen. And I would note for the record that yesterday we were able to meet with VA Central office senior staff on this issue to work on moving forward. We also have a concern about timely access to case files of veterans when they seek State assistance on Federal issues. There are issues in the privacy world that need to be resolved so that if a constituent calls your office or mine, I need to be able to get to the data to help solve that problem.

We are working on a program designed by Governor Bush to look at long-term follow-up on State veterans' benefits, and also benefits for the families of those lost in battle. Florida has a substantive set

of State benefits that augment the Federal benefits system, and in order to implement that kind of a program for the long term, we need good data on who these folks are, and we are working with the VA on those privacy issues. We also note that there has been a national issue regarding training and standardization of veterans' service officers at the State and county level, and I would note that is a key issue, that if efforts are put forth to standardize the training, it can help with the types of claims that you are looking for; fully-developed, ready-to-rate claims.

We note that House Resolution 4264 regarding proposed Federal funding of State and county service officers in the VA budget is an initiative that is under consideration, and the State of Florida would certainly support that. We think it would provide valuable additional resources for us, and that of course is a part of outreach enhancement opportunities, and we would focus especially on returning veterans with serious injuries.

Each of these topics contain policy issues that must be developed and improved in order to allow State and local government service as an extension of VA programs that already provide more extensive and higher quality services to our nation's veterans than any other country in the world.

The VA is a terrific organization, but as we all know, primarily because of the huge numbers of veterans who have served, their workload, the VA's, in many areas is constantly challenged by resource availability, and many of the policies which have evolved over 75 years of growth in service.

As I mentioned, our primary challenge is timely access to VA information concerning veterans. As described in our written statement, improved flow of information to State government is needed, and is vital to improving the timely delivery of State benefits to these warriors and families. A method must be developed to allow increased and more timely access to this critical data, and we are working on that with the VA and DoD.

The final challenge I would like to address just for a moment is the enhanced outreach to veterans, particularly in the large states, where the largest population is. I mentioned Florida has almost 1.8 million veterans, and it deserves focused attention, additional outreach efforts, and additional national resources, to meet the continuing demands of our older World War II and Korean veterans, but also our newest generation from the Global War on Terror. The Federal efforts to coordinate seamless transition of injured servicemembers from DoD to VA is improving, and it is actually quite good. But the State and local government role in providing and administering State veterans benefits must be understood, and policy adjustments must be made to enhance a cooperative effort to deliver the best support our nation can, for all levels of government.

Governor Bush's letter to Secretary Nicholson on this topic is in our written remarks. I would like to thank you for the opportunity to be here today representing Governor Bush and our 1.8 million veterans, and we appreciate your Committee's continuing efforts to improve benefits and services to our veterans, and certainly would be available to take any questions, sir.

[The statement of Colonel McPherson appears on p. 22]

MR. MILLER. Thank you very much, Colonel. Mr. Tetz?

STATEMENT OF TIMOTHY M. TETZ

MR. TETZ. Chairman Miller and members of the Subcommittee, thank you for this opportunity to present the role of the Nevada Office of Veterans' Services in veteran claim development.

Veterans' advocacy in its most simple form doesn't vary between Florida, North Carolina, or Nevada. At the end of the day, every advocate in a veterans service organization, county service office, or State agency such as NOVS, desires to help every veteran receive all individual benefits and opportunities earned by their honorable military service to this country.

In its most basic form, a veterans advocate is someone who cares about veterans and supports their causes. This broad representation of a veterans advocate could include everyone from the World War II veteran's grandchild, to a radio talk show host, to a member of Congress. With respect to the claims process, through the Department of Veterans Affairs, the veterans advocate takes a greater role and responsibility; it's advocate's obligation to present the veteran and his or her claim in the most succinct, accurate, and complete manner, so the VA ratings officer has a complete package on which to base a decision.

Veterans advocacy through the claims process has five distinct steps. First, the service officer must work directly with the veteran or family to identify all the possible benefits the claimant may be entitled. This often involves hours of interviewing and analysis of medical and military records to ascertain the status of the veteran's health or financial situation. Next, the service officer must determine if additional records, tests, or materials are necessary to establish the facts or conditions presented by the veteran.

Then, the service officer must take great care to present the veteran in a concise but complete package that identifies all the benefits for which the veteran is entitled. This package must be sufficient to persuade the rating specialist to grant the claim. Once the decision has been rendered it is incumbent upon the advocate to explain the results to the veteran and determine if additional actions are necessary.

It is only once the veteran and advocate have exhausted all avenues of review that the case can be set aside for this final step. Often overlooked, the final step is a periodic evaluation with the veteran to determine if medical or financial conditions warrant the claim to be reopened.

However the role of NOVS doesn't start with the veteran walking through our door. It begins long before, in our attempts to educate the public and veterans on services we offer and the benefits they have earned. Although the veteran may not realize how military service ultimately affected their health, talking about wounds or injuries has never been something people hide. For example, when one veteran receives compensation for agent orange exposure and resulting conditions caused by it, every other veteran he runs across is quickly informed of conditions that may be caused by exposure or service, and urged to follow the appropriate claim.

In contrast, financial status or well-being is not often discussed outside of family. This coupled with an overwhelming pride not to take advantage of programs such as welfare brings about the relative obscurity of the VA pension benefits. In 2005 Knight Ridder published an article based on the Sanford Center for Aging study of low income veterans in Reno, Nevada. In short, an estimated 2 million veterans or widows are missing out on as much as $22 billion a year in VA pensions. The primary reason is lack of public awareness of the program. While the estimated population of veterans and widows eligible for the benefit has remained the same, benefits have decreased at a dramatic rate.

Once a veteran enters, or the veteran's family enters our office, it is our responsibility to determine eligibility for compensation, pension, and other benefits through the VA. Like all our counterparts throughout the nation, we must develop the case, review the pertinent information, and prepare a claim for the veteran to submit. However, at this juncture we differ from our counterparts at the county level in that we are located in a regional office and approve and submit all the veterans advocates for benefits. Located within the same building, we are often able to facilitate the compilation of additional information when it is necessary, thereby limiting the longer waiting times than would be associated if we needed to send it to a local office. In addition, we receive our complimentary copy of the notice of decision for our records, so that we can be proactive in reviewing the decision and determining a course of action before the veteran has received the same letter. Unfortunately, with these spoils comes some added burden. If a veterans submits a claim for composition and lists one of our 14 service organizations as a limited power of attorney, we are obligated to serve that veteran once a notice of decision has been issued. Through this, we inherit many claims we did not initially develop, and did not submit to our standards, but must somehow maintain the

necessary information and data to reverse the original decision. This is often more time-consuming than the establishment and development of the case from the beginning. I estimate I lose one of my six service officers entirely to the appeal process.

Our biggest challenge in Nevada is to serve the approximate 300,000 veterans in Nevada with only six service officers. Even if you look at the veterans' service organizations and their accredited service officers, there are still more than 10,000 veterans in Nevada for each qualified service officer. It is not uncommon for a veteran to have to wait four to six weeks to meet with a service officer. If you couple this with a six-month wait for a decision at the regional office, the veteran lucky enough to walk into our office today may not receive a decision on the claim for a year. This may not seem like a long time to the 21 year-old returning from Afghanistan, but it is an eternity to a Korean War veteran dying of a service-connected medical condition.

And in conclusion, if I were to clear the room and ask if anyone knew Jack Prelutsky, I am almost certain no one would recognize the name. However, asked the same question about Dr. Seuss, most of us could list our favorite book and tell you why they don't like green eggs and ham. But Jack Prelutsky was responsible for taking the notes, sketches, and thoughts of Theodore "Dr. Seuss" Geisel, and compiling them into a highly acclaimed book that few knew was not written by Dr. Seuss. If Jack Prelutsky had written "Hooray for Diffendoofer Day" and put his name on the cover, he would have been ridiculed as a fraud and sold very few books. But the same compilation of words and thoughts became a best seller when associated with Dr. Seuss, even though he passed away seven years prior.

The service officer is a ghost writer of the veteran's claim before the VA. It is the service officer's job to take a veteran's service record, medical history, personal recollections, and current medical conditions, and weave a story that characterizes the veteran for the VA rating specialist. The veterans service officer must take all the resources and develop a package that will become a best seller. Although in this case, the satisfaction will not come from critical acclaim in the New York Times, but rather the compensation and pension for the veteran or family by the VA. In most cases, the rating specialist may never even talk to or meet the veteran. But if the service officer is successful, the veteran is as well known to the rating officer as the "Grinch Who Stole Christmas."

Again, thank you, Mr. Chairman, for giving Nevada Office of Veteran Services an opportunity to present our perspective on such an important issue. This hearing is very timely and addresses an ongoing need to service the veterans throughout America. We look forward to working with the Subcommittee to see that no veteran goes without qualified representation.

[The statement of Timothy M. Tetz appears on p. 34]

MR. MILLER. Thank you very much. MS. KNOWLES.

STATEMENT OF ANNE G. KNOWLES

MS. KNOWLES. Mr. Chairman and members of the Committee, it is truly my honor to be able to present this testimony before your committee. As president of the National Association of County Veterans Service Officers, I am commenting on the relationship between the Department of Veterans Affairs and the county veterans service officer, recommendation of the creation of a new Federal, State, and local government partnership to provide outreach to veterans and their dependents to assist in filing their claims for disability and pension benefits.

The National Association of County Veterans Service Officers is an organization made up of local government employees. Our members are tasked with assisting veterans in developing and processing their claims. We exist to serve veterans and partner with the national service organizations, and the Department of Veterans Affairs to serve veterans.

Our association focuses on outreach, standardized quality training, claims processing. We are an extension, an arm of government, not unlike the VA itself, in service to the nation's veterans and their dependents. The relationship between the Department of Veterans Affairs and the county service officers throughout our great nation has traditionally been professional, mutually advantageous. The DVA has assisted the CVSOs in providing limited training and providing limited access to information to DAV the DVA holds on the CVSO's clients.

By a large majority of disability of pension claims, the county service officer serves as the primary entry point nationwide for local veterans to access the services offered by the VA. Most veterans view the local county service officer as the VA, and they do not realize that the VA and the CVSO are not one in the same. And in many ways, we are the VA to our communities. We see the role of the county veterans service office as one of advocacy. We sit across the table daily and prepare these claims. We are the ones that cry with the widows, and pat the veterans on the backs. Because of this direct access to the veterans, we believe that we are in a position to assist the VA in the claims development, developing and completing ready-to-rate claims. It eases the burden of the VA, the backlog of inventory, whatever we call it.

The process begins with that face-to-face, and it builds the trust between the veterans and the VA because as I said, they view us as the VA, and we can tell them ten dozen times a day we are not the VA, but we are to them, because we are the one they are helping.

The initial interview accomplishes many things. The CVSO hon-

estly explains the process with the veteran while building realistic expectations for the veteran. This results in lessening the impact of previous claims or unrealistic appeals that the VA is mandated to process and develop. Once complete, the application package is then passed on to the State or the national service organization for their review and presentation to the VA, and then they in return send it back to us if they have more questions. It is truly a partnership.

The CVSO then interprets the decision for the veteran and explains what the decision means when the veteran gets his rating decision back. Many of them go home and they read those eight or ten pages, and they come back and say, "Tell me what it means," and that is what we are there for, is to tell them what it means, and where we can go further; if they have had a negative decision, if we truly have an appeal, and how to truly help them get this appeal established.

We believe the division of responsibility between the two arms of government benefits the veteran, the CVSO, and the DVA, as potential to provide a clear understanding for the veteran, of the process of claims development, and how the VA system works. I will not go into a lot of detail on our outreach. It is published for you. The VA does have limited outreach. They do go to the hospitals, they advertise in the organizations, but the county service officer or the State service officer are on the front line. We are looking for those veterans that don't know that they have benefits. They don't go to the hospitals. They don't belong to the service organization.

That is where your outreach is needed, to those veterans that don't know, those veterans coming back that don't want any part of anything.

I thank you for your opportunity to provide this testimony. I invite any questions. I know we are very limited, so I will hold it down. And thank you so much.

[The statement of Ann G. Knowles appears on p. 41]

Mr. Miller. Thank you very much, Ms. Knowles. I would like to recognize the Ranking Member Ms. Berkley. Ms. Berkley?

Ms. Berkley. Thank you very much, Mr. Chairman, and please accept my apologies for being detained in my Transportation Committee hearing. We had a markup on an important issue regarding pipeline safety in this country, and I thought it was important that I share my thoughts with my fellow committee members.

I want to welcome all of you. Your testimony is very important to this Subcommittee, and our understanding of exactly what you do and how it affects and benefits our veterans. A particular welcome to Mr. Tetz, from my home State of Nevada. We work very closely together. He does an extraordinary job. I invited him, and I hope this has been a positive experience for you.

I am going to submit my comments for the record. I would like to

commend Mr. Tetz' testimony, and I am sure all of you that heard him know that in the State of Nevada, which is a very large State with a lot of area, we not only have hundreds of thousands of veterans in the Las Vegas metropolitan area, but we have veterans across the State of Nevada in small towns and hamlets, sometimes very far away from any VA service, and it is very important for them to be able to access our VA services. There is, for every 10,000 veterans, we have one service officer in Nevada, and many veterans are simply unable to access a veterans service officer.

We know that if a veteran is able to access the help of a service officer, it could often make the difference between having a claim denied and having a claim approved, or the amount of the claim. And we also know statistically, that it is a little more than $6,000 difference between a veteran who has had the help of a service officer and one that has not. So what you do is extraordinarily important.

And I think it is important for the Subcommittee, and ultimately the entire VA committee, to learn about what you do. So thank you very much, and I thank you for your efforts in helping our veterans access the VA system.

[The statement of Ms. Berkley appears on p. 20]

MR. MILLER. Thank you, Ms. Berkley. Your statement will be included in the record in its entirely.

Mr. Violante?

STATEMENT OF JOSEPH A. VIOLANTE

MR. VIOLANTE. Thank you, Mr. Chairman, and members of the Subcommittee. On behalf of the more than 1.3 million members of the Disabled American Veterans, I am honored to appear before you today to discuss the role of DAV's national service officers in our effort to assist veterans and their families an filing claims for benefit from the Department of Veterans Affairs. DAV has several classifications of our accredited representatives: department service officers, transition service officers, national service officers, national appeals officers, and appellate counsel.

DAV hires only wartime service-connected disabled veterans for positions of DAV NSO trainees. These men and women have had personal experience with the VA claims process, and the vocational rehabilitation program. The initial training program generally does not exceed 25 months, of which 16 months is on-the-job training. Each individual also receives academic instruction through an accredited college or university in anatomy and physiology, medical terminology, composition or legal writing, and public speaking.

Successful completion of a compensation and pension service TRIP certification training is mandatory for all NSOs. The DAV structured

and continuing training program is designed for use by all NSOs. Recognized by the highly regarded American Council on Education, the DAV's course of study uses the latest technology to provide almost 1200 hours of updates and refresher training to enhance the NSO's base knowledge. I have provided two copies of our CD-ROM library to the Subcommittee staff.

Mr. Chairman, for 86 years the DAV has been dedicated to one single purpose: Building better lives for disabled veterans and their families. The DAV employs 260 NSOs, located throughout the country. Last year alone, these highly trained men and women represented, free of charge, over a quarter million veterans and their families in claims for VA benefits, obtaining for them more than $2.7 billion in benefits.

Of the 34,000 appeals decisions decided by BVA during 2005, 11,000 appeals were represented by DAV NSOs. During the period, the average BVA allowance rate among veterans service organizations was 21.7 percent. The allowance rate for attorneys was 21.1 percent. During 2005, DAV represented about 2500 appeals that were allowed by VBA, or 22 percent of our represented appeals. In another 4400 appeals, or 39.2 percent, the appeal was remanded to the agency of original jurisdiction. DAV-represented appeals were higher than the overall averages for allowances: 20.8 percent, and remands, 38.6 percent.

Average allowance rates among veterans service organizations are again higher than allowance rates for attorneys thus far in 2006. With a 21.3 percent allowance rate, as of the end of April 2006, attorneys are below the overall average BVA allowance rate for all appeals, including those with no representation, of 21.6 percent.

DAV's appellate counsels filed 374 notice of appeals with the Court of Veterans Appeals between May 2005 and April 2006. During this period, the court disposed of 433 appeals filed by DAV. Of these, 291 appeals were reversed, vacated, or favorably settled. There were joint motions for remands in 126 appeals, and only 16 appeals were affirmed by the court.

Several years ago, DAV undertook two additional initiatives to enhance and expand benefits counseling and claims representation services to the veterans community. The first of the two programs involve outreach to members of the armed services at locations and times of their separation from active-duty. The second involves services to veterans in the communities where they live. I am very proud of what DAV stands for and what we have accomplished in our 86-year history.

I thank you for this opportunity to submit our views on this important issue, and I would be happy to answer questions. Thank you.

[The statement of Joseph A. Violante appears on p. 47]

MR. MILLER. Thank you very much. Mr. Ortner?

STATEMENT OF BLAKE C. ORTNER

MR. ORTNER. Chairman Miller, Ranking Member Berkley, and members of the Subcommittee, on behalf of the Paralyzed Veterans of America, I would like to thank you for the opportunity to testify today on the role of national, State, and county veterans service officers in claims development.

Through 60 years of service, PVA has developed a unique expertise on a wide variety of issues involving the special needs of our members, veterans with spinal cord injury and dysfunction. One of the services PVA provides is assistance to veterans as they navigate the maze of rules and regulations associated with submitting claims for veterans benefits and compensation. This is done through PVA's veterans benefits department, which provides assistance and representation, at no cost, to veterans seeking healthcare and benefits.

This assistance is offered through a network of 58 service offices located at VA medical centers and regional offices, and 76 PVA-employed national service officers, or NSOs, many of whom are spinal cord-injured.

In 2005 our NSOs conducted more than 23,000 counseling sessions, serving more than 20,000 paralyzed veterans and their families, provided assistance to over 12,000 more severely disabled veterans, and their families and survivors, and conducted more than 15,000 visits to paralyzed veterans in hospitals and nursing homes, logging more than 206,000 road miles.

There are many veterans service programs across the nation. VA sets requirements for organizations to be approved to provide assistance to veterans, and these regulations contain sufficient requirements for organizations to meet, but only if they actually comply with the regulations. If VA does not ensure requirements are met, then veterans may receive inadequate assistance. While PVA exceeds all the requirements, variances in levels of training and competence of other veterans representatives, including State and county veterans service officers, can be extreme.

Training is the other key. PVA is concerned about accuracy in claims, and emphasizes extensive training of our service officers while taking great pride in our rigorous training program. New service officers undergo a 16-month on- the-job training program. Each candidate is paired with an experienced NSO supervisor at a VA medical center or regional office. Throughout the training program candidates take courses to improve medical knowledge, as well as gain ever greater exposure to actual casework, learning relevant Federal relations, codes, and how to prepare a claim.

The candidate must pass a series of quizzes and exams during the

program, and to be certified as an NSO II, must pass a comprehensive final exam. The NSO takes a more extensive exam after 18 months, to be promoted to NSO III, and after a second 18 months, takes an exam to be promoted to senior NSO. We believe that our standardized training is a vital component to the success of this program.

But NSO training does not end there. PVA conducts ongoing regional training, as well as participation in VA training at the local level, permitting valuable interaction with VA claims processors. NSOs also complete the VA training, responsibility, involvement, and preparation program, annual cyber security training, and 28 hours of annual national service officers' continuing education program training.

PVA'S NSO program assigns NSOs to VA medical centers with spinal cord injury centers, then to areas with a high population of our members or other veterans. This system is most effective because it is maintained and supervised at the national level, which provides important uniformity and speedy dissemination of vital information.

PVA does not limit our training. If requested, we will provide training to other local, State, and county veterans service officers in any field that the office believes they may need. This provides information and ensures a level of consistency with claims preparation. Even with training, other challenges face veterans as they weave their way through the maze of claims preparation.

One challenge is that many county service officers are political appointees, often required to justify their existence, and their budgets, by the number of claims filed. PVA believes that many of these claims are submitted without regard to merit. This clogs the VA system and may discredit claims coming from those offices. This is such a concern that in May 2006, the commitment was made by PVA, the American Legion, Disabled American Veterans, and AMVETS, to support training for State and county VSOs. This would go a long way to increase professionalism and consistency of claims preparation, and would be a tremendous service to those veterans who have served the nation so well.

Another challenge is a lack of appeals representation at the national level for county and State VSOs, which hinders a claimant's opportunity to succeed at the appellate level. Because of the significant number of errors in VA claims, this can create an almost insurmountable roadblock to a veteran's claim being granted.

Thousands of American veterans benefit every day from the programs provided by veterans service organizations. The critical requirement is training. Without an adequate level of initial training, follow-up training, and appropriate oversight and accreditation of VSOs by VA, a valuable service for veterans can potentially cause more delay, rather than shorten the time needed for claims processing.

PVA would like to thank you again for the opportunity to testify, and we would be happy to answer any questions that you might have.

[The statement of Blake C. Ortner appears on p. 57]

MR. MILLER. I thank you all very much for your testimony. I have some questions, but I will submit them for the record in view of the time that we have, and I will yield to our Ranking Member, Ms. Berkley.

MS. BERKLEY. Thank you, Mr. Chairman, for your courtesy. I know that many people are going to the ceremony commemorating the 75th anniversary of the Veterans Administration, which starts in a few minutes, so I will try to be very brief. But I do have three questions.

The Committee has received a report of at least one county veterans service officer who refers claims to attorneys and agents, who agree to represent the veteran without charge, obviously, but who then solicits gifts from the veterans who are rewarded benefits. And I would like to submit for the record, Mr. Chairman, a memo of gift that I have in my possession, that a veteran has signed, giving $16,000 to an attorney for having handled his case, although it is not called a fee; it is a "gift."

Can you comment on this practice? I don't know if this is an isolated incident, whether it is one person in Nebraska or whether this is widespread, whether you have heard rumors of it. But can you tell me if this is something that you have heard of before? And what ethical rules govern county service officers? And anybody and everyone can answer this.

MR. MILLER. Prior to the witnesses answering, are you asking this be entered in the record?

MS. BERKLEY. Yes. Yes, sir.

MR. MILLER. Any objection?

(No response.)

MR. MILLER. Without objection, so ordered.

[The memorandum appears on p. 80]

MR. MILLER. The witnesses may answer the question.

MS. KNOWLES. I would like to first take a stab at this as I represent the county veterans service officers. This just came to our attention last month in Reno, and we do not support this. We think that veterans deserve free representation from the county service officers and the service organizations in their counties, and in their states. I understand there is a big push to get this through, to get it where they can. And we are very opposed to that.

We do not think veterans should have to pay. They have already paid their dues. Now we need to represent them with nothing, with no charge. And for county veterans service officers, we are opposed

to this. And in my own State, we had people that have started this, and we were able to squash them.

MS. BERKLEY. Okay. Do you think that this is something that Veterans Service Officers Association can handle on their own without congressional intervention? This really is horrible.

MS. KNOWLES. Absolutely not. We cannot handle this on our own, because this group in Nebraska is going forward with it. It is going to have to be looked at on a national level. Lawyers should not come into the play with handling claims for veterans until we hit the appeals. The veterans should have the opportunity to handle their claim on a local level. And when it goes to the appeals, absolutely, but up until then I think the veteran can receive and should be able to receive the claims without cost.

MS. BERKLEY. I couldn't agree with you more. This was breathtaking when I read it, and shameful, quite frankly.

Second question: according to Mr. Tetz, Nevada, as I mentioned in my statement as well, has only one service officer for every 10,000 veterans. Is access to veterans service officers a problem in other areas of the country? What is your personal experience in your own states?

MS. KNOWLES. In North Carolina it is not. In dealing with our service officers across the State, we knew that Nevada had a large veteran population and very few, and I am sure that is something that you are looking at, to help put more money there for them to hire more service officers. But I don't think it is—I am not sure how many states are like yours. Tim, do you know?

MR. TETZ. Well, I am sure none are. But with the population explosion, in Nevada particularly, in my part of the State, it is almost unhandleable. And I was wondering how, what it is like in your particular states?

COLONEL MCPHERSON. Madam, Chairman, Rocky McPherson from Florida. In our department, I have approximately almost 600 employees. About one sixth, about 100 of those are in the State veterans service officer business. I would note, though, for the record, I think it is import that even though there are 10,000 veterans per service officer, not every veteran had a service-connected injury, and requires work on submitting a claim. Matter of fact, the percentage is probably—I would ask the VA for a number, but I would say it is 20 percent or less. And so, that particular statistic needs to bear in mind the number of veterans in need of preparing claims, rather than the total number.

MS. BERKLEY. Mr. Tetz, would you like to comment? How are things in Nevada?

MR. TETZ. Madam, Chair, Tim Tetz from Nevada Office of Veterans Services. It is tough in Nevada, with the six service officers that we pay. I would agree, certainly, with my director from Florida that

not every one of those 10,000 need it. But I would also argue that if we don't have adequate representation of service officers out there, and you can't get the word out and service as many of those 10,000, then you miss out on claims and the ability to get them the right care they need.

MS. BERKLEY. How many service officers would it take in the State of Nevada to handle the load you have, since you have six?

MR. TETZ. Ma'am, the next legislative session I am going to be asking for an additional six, to spread throughout the rural areas mostly. We have an unfortunate scenario, where they had to travel 400 miles to see the nearest service officer; unheard of in other states, and yet for Nevadans, they don't think anything of it.

MS. BERKLEY. And one last question if I may, knowing the shortness of time.

Mr. Ortner, I reviewed your testimony, and it seemed in your testimony you said problems can arise when a veteran is represented by county or State veterans service officer that does not handle appeals to the board. How common is this problem, and what procedures exist, to your knowledge, to assure veterans with meritorious appeals that they will be represented on appeal to the board, and the court?

MR. ORTNER. I think the main issue is just the problem with the way the system is set up for their inability to actually just do the appellate process. I would ask to have the question submitted for the record, so that I could take it to our veterans benefits department that deals specifically with that sort of issue, to make sure that we can give you the most detail on exactly what would be the best process to remedy that.

MS. BERKLEY. Mr. Chairman, may I submit that question?

MR. MILLER. It will be submitted.

MS. BERKLEY. All right, thank you very much, Mr. Chairman. Thank you, witnesses.

MR. MILLER. Mr. Udall?

MR. UDALL. Thank you, Mr. Chairman. I would just submit my statement for the record, and not have any questions, and submit any for the record from the witnesses. Thank you very much.

[No statement was submitted.]

MR. MILLER. Thank you very much to everybody here for their testimony today, and this panel is excused.

And we have a second panel to come forward. As he comes forward, I will introduce him. Mr. Jack McCoy is Associate Deputy Under Secretary for Policy and Program Management at the Veterans Benefits Administration. He is accompanied by Mr. Steve Simmons, Deputy Director of the Compensation and Pension Service. We appreciate you being here today, and Mr. McCoy, if you are ready, you may begin.

STATEMENT OF JACK MCCOY, ASSOCIATE DEPUTY UNDER SECRETARY FOR BENEFITS FOR POLICY AND PROGRAM MANAGEMENT, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS; ACCOMPANIED BY STEVE SIMMONS, DEPUTY DIRECTOR, COMPENSATION AND PENSION SERVICE

MR. MCCOY. Chairman Miller, Ranking Member Berkely, and members of the Subcommittee, thank you for the opportunity to testify today on the role of national, State, and county veterans service officers in the disability claims process. I am accompanied today by Mr. Steve Simmons, Deputy Director of the Compensation and Pension Service.

Veterans Service Officers work in partnership with VA to assist veterans, their dependents, and their survivors in obtaining VA benefits to which they are entitled. Congress traditionally chartered Veterans Service Organizations but today that authority has been delegated to the Secretary of Veterans Affairs. VA currently recognizes 87 veterans service organizations, including 26 national organizations, 45 State organizations, and five territorial agencies, as well as 11 regional or local organizations.

In order to be recognized by VA as a Veterans Service Officer, an organization must have as its primary purpose a substantial service commitment to veterans. It must also be able to demonstrate this either by either having a sizable organizational membership, or by performing services for a sizable number of veterans.

Recognizing Veterans Service Organizations allows representatives of the organization to apply for accreditation to represent the interest of claimants in the processing their benefits claims. A Veterans Service Organization must file an application for accreditation with the Office of General Counsel for each person it desires to have accredited. The organization must certify that the applicant is of good character and reputation, and has demonstrated an ability to represent claimants before VA; has completed a course of training and an examination which has been approved by VA's regional counsel with jurisdiction for the State; understands and will respect the confidentiality of veterans' information; and will receive either regular supervision and monitoring or annual training to ensure continued qualification as a representative in the VA claims process.

Veterans service officers and State accredited representatives help claimants prepare claim forms and assemble relevant information and evidence for presentation to VA to substantiate claims. They personally contact veterans to expedite the gathering of necessary evidence, such as private medical records or employment background. Because of their knowledge of VA requirements and processes, they can ensure that their clients have the documentation

needed before a claim is filed, which saves a great deal of time and effort in VA's processing of the claim. Their knowledge of the law helps ensure that claims submitted to VA meet the requirements for service connection, or for the grant of the particular benefits sought, and all that relevant evidence is submitted for consideration.

As part of their responsibilities as representatives for veterans and dependence, Veterans Service Organizations and State and local government veterans agencies participate in outreach and other activities that support the claims process by making veterans and dependents aware of changes in the law, and other significant events that may impact their eligibility for benefits. These efforts complement those of the Department and ensure that, to the maximum extent possible, the veteran community is aware of changes in VA entitlement.

They assist VA with claims development through their active role in the Benefits Delivery at Discharge Program. The Benefits Delivery at Discharge Program is a cooperative effort of both VA and DoD, wherein VA personnel assist servicemembers leaving military service to obtain the VA benefits they earned. A number of our BDD operations are supported by the efforts of national, State, and county Veterans Service Officers. The role of the Veterans Service Officer and State and local government veteran agencies and the BDD—complementary to that of veterans service center personnel. They support VA efforts by sponsoring classes on how to complete VA claims forms, interviewing and assisting individual servicemembers with filing claims for VA benefits, including reviewing their service medical records and obtaining proper documents needed for VA claims adjudication.

In 1998, VBA began the Training Responsibility Involvement and Preparation of Claims Program, known as TRIP. Today, all 57 regional offices have successfully provided TRIP instruction to Veterans Service Organizations' representatives. TRIP includes extensive training in claims development that helps veterans service officers submit their fully developed claims, so that VA can decide claims in a more timely manner.

When a Veterans Service Organization representative completes TRIP training and passes a VBA-administered examination, he or she is qualified to access VBA's electronic records of veterans for whom he or she has power of attorney. To date, 1661 Veterans Service Organization representatives have completed and passed the TRIP training.

And I would summarize, Mr. Chairman, by saying that I hope this testimony has demonstrated the important collaborative relationship between VBA and the national, State, and county service officers in VA's claims adjudication process.

Mr. Chairman, this completes my statement. I will be happy to

answer any questions.

[The statement of Jack McCoy appears on p. 60]

MR. MILLER. Thank you very much, MR. MCCOY. I will submit my questions for the record.

Ms. Berkley?

MS. BERKLEY. In light of the ceremony awaiting us, I will also submit two questions for review and answer. Thank you very much.

MR. MILLER. Mr. Udall?

MR. UDALL. I would do the same. Thank you, Mr. Chairman.

MR. MILLER. Thank you very much. And thank you for waiting, MR. MCCOY. Obviously, you know, we are trying to make the ceremony in the Rotunda, but I think it is safe to say that in the end we all want the same thing - we want the system to work for those who were injured in service to our country. The experience and dedication exhibited by State, county and national service officers needs to be harnessed, thus bringing true meaning to the VA service officer partnership.

Without objection, statements from Mr. James Doran of AMVETS, Mr. Dennis Cullinan of the Veterans of Foreign Wars, and Mr. George Basher of the New York Department of Veterans Affairs will be entered into the record.

[The statements for the record appear beginning on p. 73]

MR. MILLER. Members will have five legislative days to submit material for the record as well as post-hearing questions to the witnesses. With nothing further, this hearing is adjourned.

[Whereupon, at 1:54 p.m. the Subcommittee was adjourned.]

APPENDIX

Statement of Congresswoman Shelley Berkley
Subcommittee on Disability Assistance and Memorial Affairs
Hearing on Role of County, State, and National Veterans Service Officers
In Claims Development
July 19, 2006

Thank you, Mr. Chairman. I am very pleased that we are focusing on the role of the many dedicated county, state, and national service officers who assist veterans in the development of their claims. I am especially happy to welcome to Washington D.C. Timothy Tetz, who is Executive Director of the Nevada Office of Veterans Services. Nevada is a large state with veterans residing not only in my metropolitan area of Las Vegas, but in small towns hundreds of miles from the nearest VA facility.

According to Mr. Tetz's testimony there are approximately 10,000 veterans for every veterans' service officer in Nevada. Many veterans are simply unable to obtain access to a veterans' service officer. Yet we know from the data developed last year by VA's Inspector General that having the assistance of a service officer may make the difference between a grant or denial of a claim, as well as the amount of benefits paid. Veterans who are represented by veterans' service organizations receive, on average $6,225 more per year in benefits than veterans who are not represented by a service officer.

I am concerned about reports of at least one county veterans' service officer who routinely refers veterans to attorneys who agree to represent them without charge and who then solicit "gifts" from veterans whose claims are successful in the amount of 20 percent of the veterans' retroactive benefits. While I believe that veterans who choose to hire an attorney should be able to do so, I believe that this choice should be made openly and honestly with no pressure to give "gifts" to the attorney or other representative.

I hope that our witnesses will discuss the procedures that their organizations use to ensure that veterans who desire to appeal VA regional offices' decisions to the Board of Veterans Appeals and the United States Court of Appeals for Veterans Claims are able to obtain representation.

It is critically important that the VA and veterans' representatives work together to ensure that veterans who have honorably served our nation will receive the benefits and services they deserve.

Thank you, and I look forward to hearing from the witnesses on this important subject.

U.S. Congresswoman
Ginny Brown-Waite
Representing Citrus, Hernando, Lake, Levy, Marion, Pasco, Polk, and Sumter Counties

Statement of Congresswoman Ginny Brown-Waite
Subcommittee on Disability Assistance and Memorial Affairs
Opening Statement
Oversight Hearing on the Role of National, State, and County VSOs in the Claims Development Process
7/19/2006
1:00 PM

Thank you Mr. Chairman,

I would also like to thank all of the witnesses for appearing before the committee today.

I have always been impressed with the professionalism and commitment of Veterans Service Officers. VSOs have played an integral role in the development and improvement of the Department of Veterans' Affairs. Most importantly, they work to help their fellow veterans in need, and for this, they deserve our nation's utmost gratitude.

We are all aware of the rising number of rating-related claims submitted in recent years, as well as the backlog associated with these increases. VSOs can play an important role in improving the timeliness of claims decisions and the service provided to veterans.

It is imperative that Congress examine strategies to combat this growing backlog. I look forward to hearing more about how the claims development process and its relationship to VSOs.

STATEMENT OF
WARREN R. McPHERSON
COLONEL, U.S. MARINE CORPS (RETIRED)
EXECUTIVE DIRECTOR
FLORIDA DEPARTMENT OF VETERANS' AFFAIRS
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
JULY 19, 2006

Executive Summary

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to provide comments concerning the operations and issues surrounding the role of National, State, and County Veterans Service Officers in claims development. As Governor Bush's Executive Director for the Florida Department of Veterans' Affairs (FDVA), I meet with leaders of major state Veterans Service Organizations, including Florida's County Veterans Service Officer Association monthly, and my department is advised by a Veterans' Commission of Governor's appointees from all regions of our state that meet on a quarterly basis.

Florida has almost 1.8 million veterans. FDVA is a state veterans' service agency created by the Florida Legislature following a successful citizen's constitutional initiative to authorize this department in state government. We provide information, advocacy and quality long term healthcare services to our veterans. We maintain strong positive working relationships with both the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA) leadership in Florida. FDVA currently employs 587 employees.

FDVA continues to expand veterans' facilities and services in Florida, primarily through the growth in the State Veterans Homes program and through new outreach programs to contact more of the veteran population in Florida. As a result of strong advocacy on behalf of veterans and dependents, their economic and health status is improved through the acquisition of all the benefits earned through military service to our nation We are an arm of state government which has statutory responsibilities concerning state veterans benefits and citizen services, as well as service delivery responsibilities representing veterans in their dealings with the claims process in VBA.

The FDVA statement for the record includes more expansive elaboration of our department structure and capabilities, and of the issues I will mention in this brief introductory summary. The major issues confronting FDVA, and other state veterans' departments as well, when dealing with the VBA processes include:

- Timely access to VA information on returning severely injured veterans and the families of the fallen.
- Timely access to case files of veterans seeking state assistance with federal issues.
- Long term follow-up regarding state veterans' benefits for the handicapped and families of those lost in battle.

- Training and standardization of veterans' service officers at the state and county levels.
- S. 1990/HR. 4264 regarding proposed federal funding of state and County VSO services in the VA budget, and opportunity and impact on state government.
- Outreach enhancement opportunities, especially to returning veterans with serious injuries.

Each of the topics above contains policy issues that must be developed and improved in order to allow state and local government to serve as an extension of the VA programs that already provide more extensive and higher quality services to our nation's veterans than any other country in the world. Truly, America sets a shining example of quality care for the injured, pension benefits for those disabled, education benefits to allow continued growth and contributions to our society, and many other benefits earned by those who have fought for freedom and our way of life in this great country. The VA really is a great organization, but as we all know, primarily because of the huge numbers of veterans who have served, the workload in many areas is constantly challenged by the resources available, and the policies which have evolved over 75 years of growth and service.

The primary challenge to the state veterans' service officer, called Veterans Claims Examiners (VCEs) in Florida, is timely access to VA information concerning veterans, particularly those injured in combat, returning to our states, many for follow-on care. As described in my written statement, improved case information flow to state government is needed and vital to improving the timely delivery of state benefits information to these warriors and families. A method must be developed to allow increased and timelier access to this critical data.

Another issue which has received national attention is the training and standardization to maximize the capabilities that must be resident in a veteran's service officer in order that the VCE be able to fully understand and utilize, for the benefit of the veteran, all of the complexity of Title 38, USC.

Finally, the challenge of enhanced outreach to veterans, particularly in large states with the largest populations, which in Florida approaches 1.8M veterans, is one that deserves focused attention and additional national resources to meet the growing demands of both our older WWII and Korean veterans, and our newest generation of veterans from the Global War on Terror. Federal efforts to coordinate the Seamless Transition of injured service members from DOD to the VA are improving, but State and local government's role in providing and administering state veterans' benefits must be better understood and policy adjustments must be made to enhance cooperative efforts to provide the best support our nation can offer at all levels of government. Governor Jeb Bush's letter to VA Secretary Nicholson on this topic is provided at Tab 1 in my written statement.

Thank you for the opportunity to be here today representing Governor Bush and Florida's almost 1.8 million veterans. This committee's continuing efforts to improve America's benefits and services to our veterans are sincerely appreciated.

STATEMENT OF
WARREN R. McPHERSON
COLONEL, U.S. MARINE CORPS (RETIRED)
EXECUTIVE DIRECTOR
FLORIDA DEPARTMENT OF VETERANS' AFFAIRS
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
JULY 19, 2006

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FDVA continues to expand veterans' facilities and services in Florida, primarily through the growth in the State Veterans Homes program and through new outreach programs to contact more of the veteran population in Florida. As a result of strong advocacy on behalf of veterans and dependents, their economic and health status is improved through the acquisition of all the benefits earned through military service to our nation. We are an arm of state government which has statutory responsibilities concerning state veterans benefits and citizen services, as well as service delivery responsibilities representing veterans in their dealings with the claims process in VBA.

Department Organization

FDVA is organized into three division level functional services.

- Veterans' Benefits and Assistance Division
- State Veterans' Homes Program
- Executive Direction and Support Services Division

Veterans' Benefits and Assistance Division. Veterans' Benefits and Assistance provides assistance to Florida's veterans and their dependents in preparing claims for disability

compensation, pension, hospitalization, education and vocational training, and other federal and state benefits or privileges to which veterans are or may become entitled. This Division's mission is accomplished through the activities of three bureaus:

- Bureau of Claims Services
- Bureau of Veterans' Field Services
- Bureau of State Approving Agency

During fiscal year 2006, these bureaus, comprised of 70 employees, initiated 18,000 claims and generated $74,582,526 in Retroactive Compensation Benefits, $254,606 in Veterans' Debt Relief, and $28,362,983 in Cost Avoidance through Issue Resolution to Florida's veterans.

The Benefits and Assistance Division has representatives on the Florida Veterans' Homeless Council, the Florida Interagency Committee on Women's Health, and the National Association of State Women Veterans' Coordinators.

Bureau of Claims Services. The Bureau of Claims Services provides counseling services and assistance to veterans, their dependents, and survivors with the preparation, submission and prosecution of claims and appeals for state and federal entitlements, as well as applications to correct military records. The Bureau of Claims Services is collocated with the U.S. Department of Veterans Affairs (VA) Regional Office on the Bay Pines Medical Center campus in Pinellas County, Florida. The Bureau's primary responsibility is to work directly with the decision authorities at the VA Regional Office to expedite veterans' claims and to influence, through proactive advocacy, the most positive outcome. Veterans' Claims Examiners (VCEs) also provide a quality control function by reviewing completed benefits rating decisions, and they provide assistance in the prosecution of veterans' disagreements with VA rating decisions. VCEs also represent veterans at hearings before Decisional Review Officers and the Board of Veterans' Appeals Travel Board.

Bureau of Field Services. The Bureau of Field Services provides counseling and benefits assistance to all inpatients and outpatients at six VA Medical Centers, nine VA Outpatient Clinics in Florida, and our six State Veterans' Homes. This bureau also conducts outreach activities for FDVA throughout the state to include supporting Department of Defense (DOD) Transitional Assistance Program (TAP) at military installations. The program's primary responsibility is to help veterans initiate, develop, submit, and prosecute claims and appeals for federal veterans' entitlements. The focus of Field Services is face-to-face interaction with the veteran/dependent/survivor and determining, verifying or obtaining eligibility for treatment, medications and other monetary resources within the VA system earned through military service.

Bureau of State Approving Agency for Veterans Training (SAA). The Bureau of State Approving Agency for Veterans Training operates under contract between FDVA and the VA. They provide school and program approval services to Florida educational institutions and monitor educational institutions to ensure continued compliance with federal and state regulatory requirements. This activity is regulatory and entirely funded by the VA.

FDVA Concerns. The major issues confronting FDVA, and other state veterans' departments as well, when dealing with VBA processes include:

- Timely access to VA information on returning severely injured veterans and the families of the fallen.
- Timely access to case files of veterans seeking state assistance with federal issues.
- Long-term follow-up regarding state veterans' benefits for the handicapped and families of those lost in battle.
- Training and standardization of veterans' service officers at the state and county levels.
- S.1990/HR. 4264 regarding proposed funding of state and County VSO services in the VA budget, and opportunity and impact on state government.
- Outreach enhancement opportunities, especially to returning veterans with serious injuries.

VA Information on returning veterans who are severely wounded or on the families of those lost in action.

State governments across the nation all have developed programs to support returning veterans, especially those who have been severely injured, and the families of those lost in action. With the unprecedented use of National Guard and Reserve forces in the Global War on Terror, these state benefits programs substantially augment federal VA benefits. Current privacy restrictions prohibit state government from gaining timely access to information on returning veterans until after the VA has made initial casualty calls. We do have cooperative arrangements for these initial visits to include literature on state benefits, but federal VA officials are not experts in state benefits programs. There is an opportunity to vastly enhance services to families and veterans by partnering in such initial casualty calls. Currently that is not allowed until permission is received from the veteran or the family to open information to state governments.

Governor Bush has initiated a proposal toVA Secretary Nicholson which would fix this situation by simply having the veteran make an election in the initial processing into the VBA system which would authorize the VA to provide veteran data to their state agencies dealing with veterans' benefits and employment issues. (Tab 1.)

VA Veterans Information Access.

Currently, state government agencies are prohibited from accessing a veteran's claim folder if a power of attorney has not been completed by the veteran for the state agency. The power of attorney may reside with a Veterans Service Organization (VSO), but the complaint is to state government almost always requesting assistance and intervention with VA officials. Even though the individual is coming to the state for help, we are unable to provide assistance without access to the case file. Usually there is cooperation with the VSO holding the power of attorney, but there are situations where appropriate services cannot be rendered because of this restriction. There should be a provision that State Government agencies have the ability to access the VA records in these cases. The very act of resorting to a complaint to another government agency should implicitly authorize permission to review the case and associated files.

Long-term follow-up of severely wounded and families of those lost in action

Governor Bush has directed Florida's state veterans department and state employment agency to develop policies which augment and enhance existing VA long-term healthcare and benefits programs. State benefits for veterans and families exist for prolonged periods and periodic follow-up that ensures timely and pertinent support for the long-term are required to be implemented in policy. These policies will ensure that veterans, especially those with severe handicaps and families of those lost, are properly supported. It is vital that information and assistance are readily available and proactively provided at times that are relevant, such as age driven contact for state educational benefit information and regular follow-up for employment status and assistance.

Training Requirements and Standards

New FDVA VCEs are required to complete one year of formalized training in all aspects of veterans' claims processing and benefits delivery. The VCE must complete the training modules and successfully pass the subsequent examinations. A mentor is assigned to each trainee to monitor the training and provide daily work assignments and feedback on strengths and weaknesses. During the first year, the VCE attends the FDVA Veterans Service Officer Certification Training Course (one week); Training Responsibility Involvement in Preparation of Claims (TRIP) given by the VA to access related VA applications (four days); and FDVA training at the VA Medical Center with a Field Services Supervisor (five days) on medical/income eligibility issues, compensation and pension exams, and ward visits. Both state VCEs and CVSOs are tested for recertification annually.

VCEs must be knowledgeable of human physiology and medical terminology. They must be computer literate to accomplish a variety of on-line research tasks and to collect and enter veterans' claims information and documentation in the agency database. Legal terminology as it pertains to case law from the Board of Veterans' Appeals and Court of Veterans' Appeals must be interpreted and used in proceedings before the VA.

FDVA annually submits a copy of the state Veteran Service Officer Certification Training Course and examination as required by 38 C.F.R. 14.629(a)(ii) for review and approval to the VA Regional Counsel. All new Florida County Veteran Service Officers must attend this course and successfully pass the examination to receive their FDVA accreditation. In addition, per Florida Statute 292.11 County Veteran Service Officers must attend annual training and successfully complete a recertification test administered by the FDVA. The VA is an active participant in this training program. Even though the Florida Statute states the training must be provided annually, the FDVA conducts training semi-annually to ensure Florida veterans and dependents are represented by responsible and qualified service officers.

Additionally, FDVA provides training to American Legion post service officers semi-annually. Any changes that have occurred in VA medical and benefit programs are discussed and refresher training is provided.

Florida State VCEs and County Veteran Service Officers

The State VCEs and CVSOs are the "face" of the VA. They are the ones who are in the field to explain the actions and sometimes the inactions of the VA to the veterans and family members. There are 66 County Veteran Service Officers (CVSOs) and 111 Assistant CVSOs in the State of Florida. Each county funds their service officer and staff. CVSOs assist veterans and

dependents with developing, filing, and reviewing compensation and pension claims. Once the VA makes a decision, they explain VA decisions to the claimant and assist in the appellate process if an appeal is filed. They make outreach visits and are actively involved in stand downs for the homeless. For the last two years, Florida's VCEs have also participated at federal Disaster Recovery Centers following hurricanes assisting veterans with information concerning benefits and property issues.

Outreach Challenges and Opportunities/ HR. 4264/S. 1990

FDVA continues to look for innovative ways to identify Florida veterans unaware of federal and State veterans' benefits. Less than 10% of Florida veterans have applied for VA benefits. FDVA designed an easy to use self-service computer kiosk to offer Florida veterans and family members the opportunity to request follow-on contact concerning benefits, healthcare or employment information. Within 72 hours after a veteran requests information via the kiosk, the department will contact the veteran and assist as appropriate. The proposed deployment sites of Outreach Kiosks for Florida veterans cover a variety of locations where veterans and families may use them, such as local government service centers (libraries, tax offices), common areas on military bases, Florida National Guard Armories, and Reserve Centers. (Tab 2)

Annually, the Florida Veterans' Benefits Guide is published outlining the State of Florida veterans' benefits. The guide is distributed to VA facilities, County Veteran Service Officers, veterans' service organizations, and at outreach events. The Guide is available on the FDVA website, www.floridavets.org, in both English and Spanish, and is available to be mailed upon request. (Tab 3)

The Veterans Outreach Improvement Act of 2005 has the capability to significantly enhance state and county outreach programs by providing funding to expand services as described above. Florida strongly supports this superb initiative to provide limited financial assistance to the service officers discussed above which provide that vital face-to-face contact with veterans at the local level. The initiative in HR. 4264/S. 1990 could be slightly improved if it contained very limited authorization for administrative support for this new multimillion dollar outreach initiative.

Tracking System

FDVA's Veterans' Benefits On-Line Tracking System (V-BOLTS) is Florida's first centralized veterans' benefits tracking database with web access for Florida's growing veteran population. V-BOLTS was designed by FDVA as an automated tracking and processing tool for providing timely and accurate reports. We currently have 220,000 records in our database. The database tracks DD 214 entry and claims submitted to the VA and the outcome. We regularly cross match our State Nursing Homes population to ensure each resident's claim applied for all earned VA benefits.

State Government Interdepartmental Cooperation

In order to ensure that all departments of state government have a clear understanding of their respective roles, and to augment the ongoing and comprehensive efforts to ensure our National Guard veterans and their families are honored for their service and receive the benefits from VA and other agencies which they have earned. A Memorandum of Understanding (MOU) was developed and signed between the Florida National Guard, the VHA, the VBA, and the

Florida Agency for Workforce Innovation, the U.S. Department of Labor Veterans Employment and Training, and the FDVA. This MOU formalizes ongoing services and makes it much less likely that any veterans will be missed or not have multiple sources of support for benefits, medical, or employment needs in the future.

Thank you for the opportunity to be here today representing Governor Bush and Florida's almost 1.8 million veterans. This committee's continuing efforts to improve America's benefits and services to our veterans are sincerely appreciated

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

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JEB BUSH
GOVERNOR

June 6, 2006

The Honorable R. James Nicholson
Secretary
U.S. Department of Veterans Affairs
810 Vermont Ave. N.W.
Washington, DC 20420

Dear Secretary Nicholson,

Having recently returned from a Department of Defense (DoD) sponsored trip to Iraq and Afghanistan to visit our troops in the field, I have become more acutely aware of the critical nature of some of the cases of severely wounded service members.

While I understand and appreciate the exceptional efforts between the DoD and U.S. Department of Veterans Affairs (USDVA) to seamlessly transition from DoD healthcare to USDVA healthcare and rehabilitation programs, I have learned that similar information sharing with state Departments of Veterans Affairs have serious privacy complications that inhibit the timely and efficient delivery of state benefits and services to returning service members. State benefits programs for families of those fallen, and those severely injured, require more timely information than is currently readily accessible due to existing privacy policies. I would like to suggest an improvement to facilitate enhanced coordination between the USDVA and state Departments of Veterans Affairs.

As part of VA processing of service members into your system, I suggest the inclusion of an election option, to authorize sharing of VA health and benefits information with state veterans and employment agencies. This would be useful in expediting delivery of state benefits many states are now providing to these wounded service members, their families, and the families of those who have paid the supreme price. Such an authorization during initial processing would enable the VA to meet existing privacy concerns, and it would be a tremendous enhancement of the growing "Seamless Transition" effort between the USDVA, state Departments of Veterans Affairs, and state employment agencies.

I request that your policy team explore all mechanisms to enable the immediate notification of state Veterans Departments when severely wounded are inbound to any local VA facility for treatment. I also recommend that state Veteran's Department representatives be afforded the opportunity to accompany VA representatives on initial calls on families of deceased or wounded veterans.

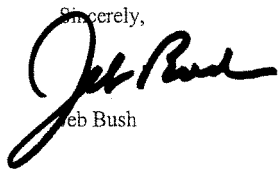
Governor's Mentoring Initiative
BE A MENTOR. BE A BIG HELP.
1-800-825-3786

TAB 1

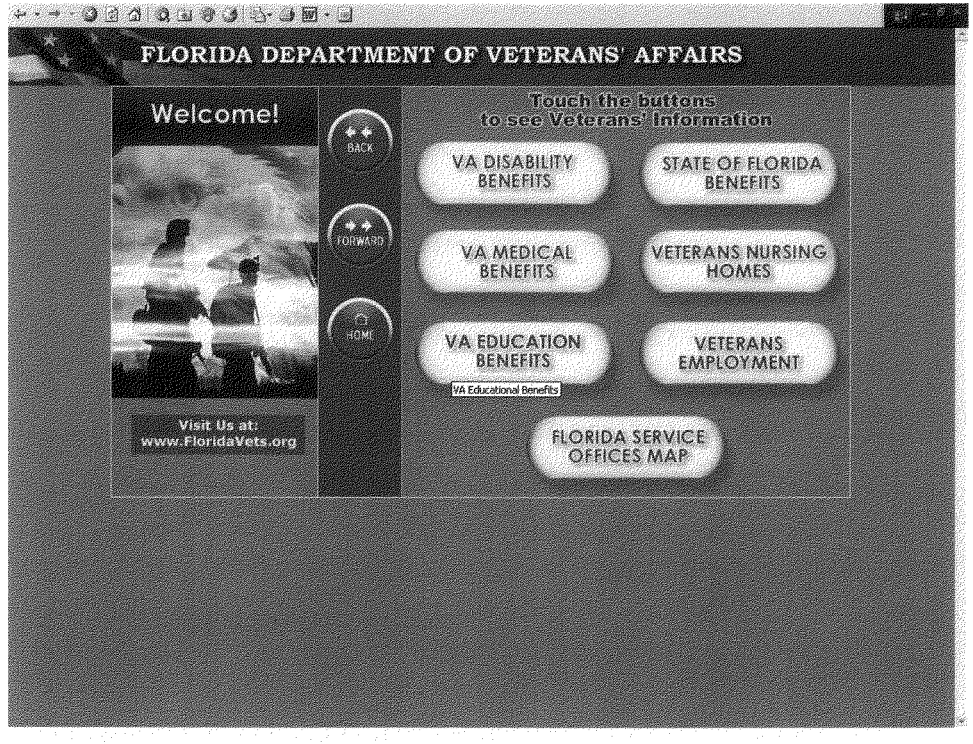
The Honorable R. James Nicholson
June 6, 2006
Page Two

This joint approach can only enhance the existing cooperative efforts to deliver the best support from both federal and state levels to those whose service injuries warrant our nation's best efforts.

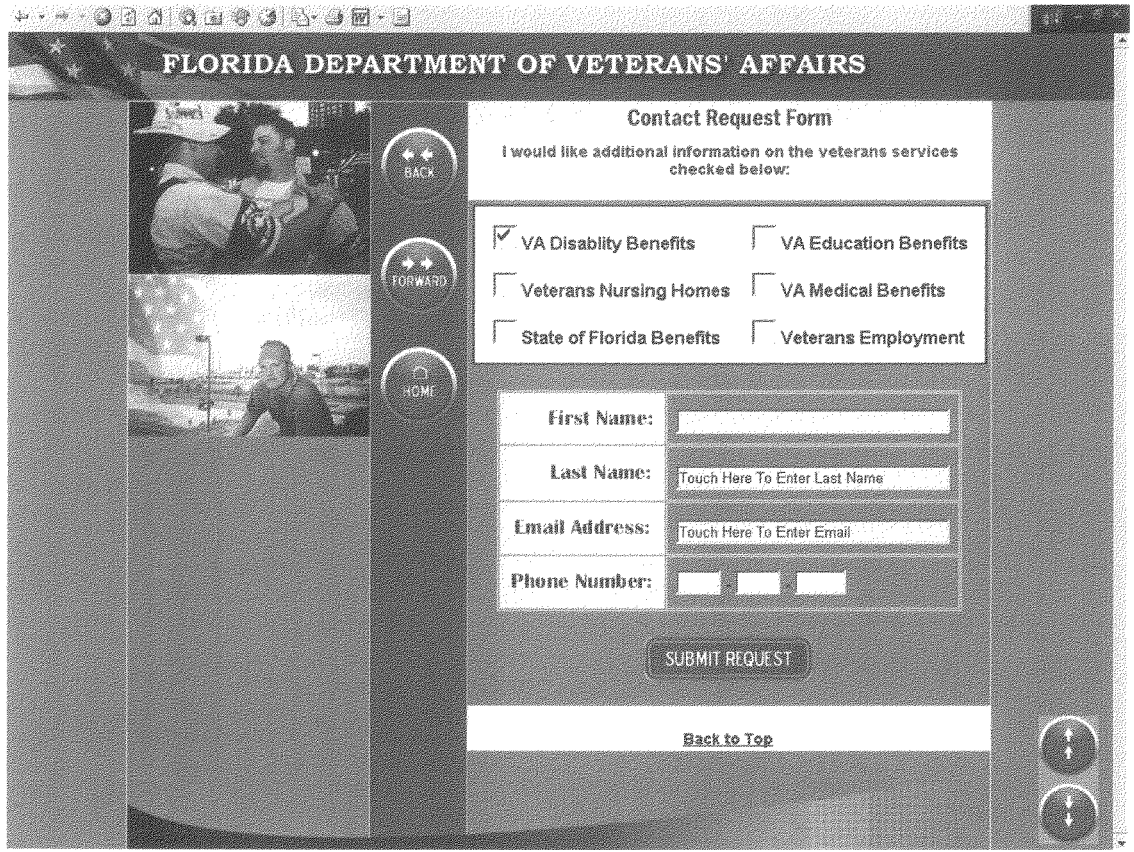
Sincerely,



Jeb Bush


FLORIDA DEPARTMENT OF VETERANS' AFFAIRS
Welcome!
Visit Us at:
www.FloridaVets.org
BACK
FORWARD
HOME
Touch the buttons
to see Veterans' Information
VA DISABILITY BENEFITS
STATE OF FLORIDA BENEFITS
VA MEDICAL BENEFITS
VETERANS NURSING HOMES
VA EDUCATION BENEFITS
VA Educational Benefits
VETERANS EMPLOYMENT
FLORIDA SERVICE OFFICES MAP

TAB 2


FLORIDA DEPARTMENT OF VETERANS' AFFAIRS
BACK
FORWARD
HOME
Contact Request Form
I would like additional information on the veterans services checked below:
VA Disablity Benefits
VA Education Benefits
Veterans Nursing Homes
VA Medical Benefits
State of Florida Benefits
Veterans Employment
First Name:
Last Name:
Touch Here To Enter Last Name
Email Address:
Touch Here To Enter Email
Phone Number:
SUBMIT REQUEST
Back to Top

STATEMENT OF
TIMOTHY M. TETZ, EXECUTIVE DIRECTOR
NEVADA OFFICE OF VETERAN SERVICES
TO THE
SUBCOMMITTEE ON
DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
ON
THE ROLE OF NATIONAL, STATE, AND COUNTY VETERAN SERVICE OFFICERS IN CLAIMS DEVELOPMENT

July 19, 2006

Chairman Miller and Members of the Subcommittee:

Thank you for this opportunity to present the role of the Nevada Office of Veteran Services (NOVS) in veteran claim development. Veterans' advocacy, in its most simple form doesn't vary between Florida, New Hampshire, North Carolina, or Nevada. At the end of the day, every advocate whether a representative of a Veterans' Service Organization, County Veteran Service Officer, or service officer for a state agency such as NOVS desires to help every veteran receive all individual benefits and opportunities earned by honorable military service to this country.

In its most basic form, a veterans' advocate is someone who cares about veterans and supports their causes. This broad definition of a veterans' advocate would include everyone from a World War II veteran's grandchild, to a radio talk show host, to a member of Congress. With respect to the claims process through the Department of Veterans Affairs (VA), the veterans' advocate takes a greater role and responsibility. It is the advocate's obligation to present the veteran and his/her claim in the most succinct, accurate and complete manner so that each VA ratings officer has a complete package on which to base a ratings decision.

Traditionally, the veterans' advocate is required to zealously assert the veteran's position within the ethical limits. Only when asked to commit fraud or cross an ethical boundary

does the good veterans' service officer stop ardently pursuing the case. For it is the good veterans' advocate who understands this obligation to never commit fraud or deliberately mislead the adjudicator by knowingly presenting false statements about material fact.

Veterans' advocacy through the claims process has five distinct steps. First, the service officer must work directly with the veteran or family to identify all the possible benefits the claimant may be entitled. This often involves hours of interviewing and analysis of medical and military records to ascertain the status of the veteran's health or financial situation. Next, the service officer must determine if additional records, tests or materials are necessary to establish the facts or conditions presented by the veteran. Then, the service officer must take great care to present the veteran in a concise, but complete package that not only identifies all the benefits for which the veteran is entitled. This package should be sufficient to persuade the ratings specialist to grant the claim. Once the decision has been rendered, it is incumbent upon the advocate to explain the results to the veteran and determine if additional actions are necessary. It is only once the veteran and advocate have exhausted all avenues of review that the case can be set aside for the final step. Often overlooked, the final step is a periodic evaluation with the veteran to determine if medical or financial conditions warrant the claim to be reopened.

The US Court of Appeals for Veterans Claims has described the duty to assist a claimant develop evidence as the "cornerstone of the veterans' claim process." However, due to budgetary, staffing, or administrative pressure, this cannot always be accomplished to a satisfactory level. I have never met an employee of the VA who does not sincerely care for the well-being of veterans or their family members, but I have met many employees who are overworked and pressured to complete tremendous amounts of work and in that haste fail to notice a simple piece of evidence or an easy resolution that would benefit both the VA and the veteran. It is the role of the veterans' service officer to help push the facts and relevant evidence forward to ease the burden of the VA rating specialist.

When reviewing the process of claim development for veterans, perhaps no information is more important than that presented in the VA's Office of Inspector General (OIG)

report entitled *Review of State Variances in VA Disability Compensation Payments.* This report presented eight issues that resulted in different veteran compensation throughout the nation. Like the VA, we cannot change the demographics of Nevada's veterans. We cannot directly influence the training and workload of the VA staff, but we can serve the veterans through representation in claims submission.

Although Nevada had fewer claims represented by veterans' service organizations and our office than the national average, those veterans who submitted claims with our representation received twice as much disability compensation as those who submitted them without our assistance. Moreover, through representation, we can help identify additional claims the veteran may not realize; therefore, granting a higher compensation amount.

Our biggest challenge is to serve the approximate 300,000 veterans of Nevada with only six service officers. Even if you look to the veterans' service organizations and their accredited service officers, there are still more than 10,000 veterans in Nevada for each qualified service officer. It is not uncommon for a veteran to have to wait four to six weeks to meet with a service officer. If you couple this with the nine month wait for a decision at the regional office, the veteran lucky enough to walk into our office today may not receive a decision on the claim for a year. This may not seem to be a long time to the 21-year old returning from Afghanistan, but it is an eternity to the Korean veteran dying of service-connected medical condition.

Couple that lack of staffing with the challenges of the rural spread of most of the western states, and you find significant shortcomings in the representation process. The Census Bureau determined during the 2000 census a higher percentage of veterans are found in rural and non-metropolitan counties than live in urban locales. Even though Nevada is the most urbanized state in the nation, our statistics show a below average number of claims and therefore awards in our rural counties. This is primarily due to a lack of representation and service officer support in these counties and the costs of maintaining a

county service office is prohibitive. So in these instances, Nevada and many other western states look to the state for assistance.

In addition to cost sharing, staff development and state funding of veterans' advocacy programs, service by NOVS or similar state agencies throughout the nation has several advantages for the veteran. For example:

- Our agency holds accreditation with 14 organizations including The American Legion, National Association of County Veteran Service Officers, and Military Order of the Purple Heart. This allows our service officers to receive the most varied amount of training by several organizations in order to maintain expertise in the ever-changing world of claims adjudication.
- Veterans and families of veterans do not have to pay for representation by our agency or join an organization to receive our services. Through state funding, we are able to pay our service officers well and provide them with the necessary technology, training, and support necessary to adequately service the veteran.
- We have offices co-located with the VA regional offices facilitating the sharing of information, ideas, and constructive feedback that not only benefits the veteran, but also promotes an increased efficiency of the decision rating process.
- Since we usually have more than one service officer, they can work together to develop a claim. If one service officer has more experience in appeals, she may take a larger role during that stage while the other uses his expertise in Agent Orange claims. Together they can guide each other on the significantly important details that will facilitate a quick and accurate decision.
- Since the NOVS is involved with the practice of claims development and veteran advocacy every day, we have developed considerable experience through the knowledge base of career employees who serve as veterans' advocates.

The role of the NOVS doesn't start with the veteran walking through our door. It begins long before in our attempts to educate the public and veterans on the services we offer and the benefits they have earned. Although the veteran may not realize how military

service ultimately affected their health, talking about wounds and injuries has never been something people hide. For example, when one veteran receives compensation for Agent Orange exposure and the resultant conditions caused by it, every other veteran he runs across is quickly informed of conditions that may be caused by exposure or service and urged to file the appropriate claim.

In contrast, financial status or well-being is not often discussed outside a family. This coupled with an overwhelming pride in not taking advantage of programs such as welfare often brings about the relative obscurity of the VA pension benefits. In late 2005, Knight-Ridder published an article entitled "2 million veterans, widows miss out on VA pensions" based on a Stanford University study of low income veterans in Reno, Nevada. In short, an estimated 2 million veterans or widows are missing out on as much as $22 billion each year in VA pensions. The primary reason is a lack of public awareness of the program. While the estimated population of veterans and widows eligible for the benefit has remained the same, benefits have decreased at a dramatic rate.

Once a veteran or veterans' family enters our office, like every other advocate, it is our responsibility to determine eligibility for compensation, pension, or other benefits through the VA or State of Nevada. Like all our counterparts throughout the nation, we must develop the case, review the pertinent information and prepare a claim for the veteran to submit. However, at this juncture, we differ from our counterparts at the county level in that we are located at the regional office and approve and submit all of the veteran's applications for benefits. Located within the same building, we are often able to facilitate the compilation of additional information when it is necessary, thereby limiting the longer wait times that would be associated if we needed to send it back to a local office. In addition, since we are accredited with so many organizations, we receive a complimentary copy of the notice of decision for our records so that we can be proactive in reviewing the decision and determining a course of action before the veteran has received the same letter.

Unfortunately, with these spoils comes some added burden. If a veteran submits a claim for compensation and lists the veteran service organization of which he/she is a member as the limited power-of-attorney, we are obligated to serve that veteran once that notice of decision has been issued. Through this, we inherit many claims we did not initially develop and did not submit to our standards, but must somehow at this late date provide the necessary information and data to reverse the original decision. This is often more time consuming than the establishment and development of a case from the beginning. I estimate I lose one of my six service officers entirely to the appeal process.

Unless removed from our responsibility by the claimant, NOVS will represent the veteran all the way through the Board of Veteran Appeals (BVA). The procedure, process, and work necessary to have success at the BVA level requires skilled service officers with tremendous experience and a high level of knowledge of not only the specific case, but issues that can be contended. If we are unsuccessful at this level, we will help the veteran find competent legal counsel at the US Court of Appeals for Veterans Claims. Although we may not be directly involved at this stage, we still are deeply interested in the resolution and outcome for the veteran.

In conclusion, if I were to query the room and ask if anyone knew Jack Prelutsky, I am almost certain no one would recognize the name. However, ask the same question about the name Dr. Suess and you would not only find recognition by almost everyone in the room, but most of us could list our favorite book or tell you they don't like green eggs and ham. But Jack Prelutsky was responsible for taking the notes, sketches, and thoughts of Theodor "Dr. Suess" Geisel and compiling them into a highly acclaimed book that few knew was not written by Dr. Suess. If Jack Prelutsky had written *Hooray for Diffendoofer Day!* and put his name on the cover, he would have been ridiculed as a fraud and sold very few books. But the same compilation of words and thoughts became a best seller when associated with Dr. Suess even though he passed away 7 years before.

The service officer is the ghost writer of a veteran's claim before the VA. It is this service officer's job to take the veteran's service records, medical history, personal

recollections and current medical conditions and weave a story that characterizes the veteran for the VA's rating specialist. The veterans' service officer must take all these sources and develop a package that will become a best seller, although in this case, the satisfaction will come not from critical acclaim by the **New York Times**, but rather compensation or pension for the veteran or family by the VA. In most cases, the rating specialist may never even talk or meet the veteran, but if the service officer is successful, that veteran is as well known to the rating officer as the "Grinch who stole Christmas."

Again, thank you Mr. Chairman for giving the Nevada Office of Veteran Services an opportunity to present our perspective on such an important issue. This hearing is very timely and addresses an ongoing need to service the veterans throughout America. We look forward to working with the Subcommittee to see that no veteran goes without qualified representation.

Testimony of

Ann G. Knowles, President

National Association of

County Veterans Service Officers

Introduction

Mr. Chairman, members of the committee, it is truly my honor to be able to present this testimony before your committee. As President of the National Association of County Veterans Service Officers, I am commenting on:

- The relationship between the Department of Veterans Affairs and the County Veterans Service Officer.
- Recommendations for the Creation of a New Federal/State/Local Government Partnership to provide outreach to veterans and their dependents to assist them in filing their claims for disability and pension benefits.

The National Association of County Veterans Service Officers is an organization made up of local government employees. Our members are tasked with assisting veterans in developing and processing their claims. We exist to serve veterans and partner with the National Service Organizations and the Department of Veterans Affairs to serve veterans. Our Association focuses on outreach, standardized quality training, and claims

processing. We are extension or arm of government, not unlike the VA itself in service to the nation's veterans and their dependents.

Claims Development

The relationship between the Department of Veterans Affairs (DVA) and the County Veterans Service Officers (CVSOs) throughout our great nation has traditionally been professional and mutually advantageous. The DVA has assisted the CVSOs in providing limited training and providing limited access to information the DVA holds on the CVSO's clients. By a large majority of disability and pension claims, the CVSO serves as the primary entry point nation-wide for the local veteran to access the services offered by the DVA. Most veterans view the local CVSO as "The VA" and do not realize that the DVA and the CVSO are not one in the same and in many ways we are the VA to our communities.

NACVSO sees the role of county veteran's service officers as one of advocacy and claims development in concert with the veteran or dependent at the grassroots level.

Our members sit across the desk from our veteran's everyday. Because of this direct access to our veterans, we believe we are in the position to assist the DVA in claims development in an unprecedented way. Developing complete and ready to rate claims eases the burden on the DVA's backlog or inventory of claims.

The process begins with a face to face, in depth interview between the veteran and the CVSO. This initial interview accomplishes many things. It builds a trust between the veteran and the CVSO and provides the veteran with a basic understanding of how the DVA system works. The CVSO honestly explains the process with the veteran while

building realistic expectations for the veteran. This results in lessening the impact of frivolous claims or unrealistic appeals that the DVA is mandated to process and develop. Once complete, the application package is then passed on to a state or national service office for review and presentation to the VA regional office of jurisdiction. Any hearings or additional records required can be obtained by the CVSO of record if needed.

Once the rating decision is made and received by the veteran, the veteran nearly always returns to the CVSO for an explanation. The CVSO then interprets the decision for the veteran and explains what the decision means to the veteran and their dependents. The CVSO reviews the rating decision for accuracy and explains the veteran's benefits. If an appeal is warranted, the CVSO can explain what a notice of disagreement is and assist the veteran with the preparation of the appeal. The CVSO can also limit frivolous appeals at this point through proper guidance and counsel to the veteran without further bogging down the system. We believe this division of responsibility, between two arms of government, benefit the veteran, the CVSO and the DVA and have the potential to provide a clearer understanding for the veteran of the process of claims development and how the DVA system works.

How to make Claims Development more Effective

There are a lot of issues that have created a situation that just bogs down the claims process. One of the major issues that are easily solved would be granting more and better access to the DVA electronic file information on the CVSO's local veterans. There has been reluctance on the federal government's part to allow meaningful access to a veteran's file, even though the veteran's claim may well have been originally generated out of the office requesting the information. There have been a lot of reasons given for

this reluctance. Most of the reasons do not stand up to logical scrutiny. The bottom line is that the veteran in our office is a client of the CVSO's or they would not be there to begin with. As an arm of government, not unlike the DVA itself, it just does not make sense to bog down the system because of a solvable issue such as this. Most recently, the DVA has allowed some limited access to the CVSOs including VPN through SHARES and MAP-D. This has assisted the CVSO in better claims management and assisting their local veterans through the voluminous claims process. But, more access would better streamline this process. Access such as CAPRI and VACOLS would allow the CVSO to better develop the claim which would assist both the CVSO and the DVA with a ready to rate claim earlier on in the claims process. Another access that would be a logical in nature is the rating decisions once the claim is rated by the DVA and sent to the veteran. In many cases the veteran comes to the local CVSO office as soon as the veteran receives the rating decision. In other cases, this does not happen and the process again, gets bogged down. If the CVSO is granted access to the rating decisions in a timely manner, the veteran would be much better served by the entire process and nothing would be allowed to fall through the cracks.

OUTREACH

Outreach efforts must be expanded in order to reach those veterans and dependents that are unaware of their benefits and bring them into the system. Nearly 2 million poor Veterans or their impoverished widows are likely missing out on as much as $22 billion a year in pensions from the U.S. government, but the Department of Veterans Affairs has had only limited success in finding them, according to the North Carolina Charlotte Observer. According to a recent study performed by the National Association of State

Directors of Veterans Affairs the national average for our nation's veterans who receive Compensation and Pension from the Veterans Administration stands just over 11 % of the number of veterans in the respective jurisdictions. This is merely a measuring stick that many in State and Local Veterans Affairs Agencies believe is at a minimum acceptable level. The National Association of County Veterans Service Officers believe that we must do better. Approximately 88 plus % of veterans not being compensated is more likely than not an issue of lack of access or knowledge of available services rather than lack of need or some other issue.

Nonetheless, one VA estimate of the program shows the potential pool of poor veterans and a widow without pension has remained unchanged the past four years. The total number of pension cases fell to 541,000 in fiscal 2005, the sixth straight year of declines. The VA actuary's office report obtained by Knight Ridder, predicts that pension participation is likely to drop further, losing between 7,000 and 8,000 enrollees a year, and falling below 500,000 participants by 2012. At the same time, the separate 2004 report estimated that an additional 853,000 veterans and 1.1 million survivors -- generally widows -- **could get the pension but don't**. Of all those likely eligible, only 27 percent of veterans and 14 percent of widows receive the money. These numbers prove that there is a great need for outreach into the veteran's community.

The local CVSO is the advocate closest to the veterans and widows and with minimal funding the CVSO could reach the maximum number of eligible veterans and widows. Therefore, NACVSO is supporting HR 4264 and its companion bill S 1990, introduced by Congressman Mike McIntyre and Senator Richard Burr, of North Carolina, that would authorize Secretary Nicholson to provide federal – state – local grants for assistance to state and county veterans service officers to enhance outreach to veterans and their dependents. We are already present in most communities and stand ready to do our part

to assist the Department of Veterans Affairs with this monumental task.

Mr. Chairman, I thank you for this opportunity to provide this testimony to your Sub-committee covering this most important issue. I would be glad to answer and questions you or your sub-committee members may have.

STATEMENT OF
JOSEPH A. VIOLANTE
NATIONAL LEGISLATIVE DIRECTOR
OF THE
DISABLED AMERICAN VETERANS
BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
HOUSE VETERANS' AFFAIRS COMMITTEE
JULY 19, 2006

Mr. Chairman and Members of the Subcommittee:

On behalf of the more than 1.3 million members of the Disabled American Veterans (DAV), I am honored to appear before you today to discuss the role of DAV's National Service Officers in our efforts to assist veterans and their families in filing claims for benefits from the Department of Veterans Affairs (VA).

DAV has several classifications/titles of our accredited representatives: Department Service Officers (DSOs), Transition Service Officers (TSOs), National Service Officers (NSOs), National Appeals Officers (NAOs) (responsible for representation before the Board of Veterans' Appeals (BVA)) and Appellate Counsels (responsible for representation before the U.S. Court of Appeals for Veterans Claims and U.S. Court of Appeals for the Federal Circuit).

Before I discuss what we do to assist veterans and their dependents and survivors, I would like to discuss DAV efforts to ensure that our NSOs are highly trained in order for them to provide the best quality services available to our nation's heroes. As the members of this Subcommittee may know, all of our services are provided free of charge to any veteran or veteran's dependent or survivor.

I will focus my discussion on training programs for DAV NSOs since they represent the vast majority of our accredited representatives and are the only DAV accredited representatives who may represent, counsel, develop and prosecute claims, conduct hearings and perfect appeals at all levels within the Department of Veterans Affairs.

DAV hires only wartime service-connected disabled veterans for the position of DAV NSO trainees. These men and women have had personal experience with the VA claims process and the vocational rehabilitation program. The DAV NSO On-the-Job Training Program is conducted in accordance with VA's M28-1, Part 1, Appendix 2D.

The training program generally does not exceed 25 months, of which 16 months is on-job training. Depending upon the needs of the individual, all required academic courses should be completed within the 16 month on-job training period. If course scheduling conflicts or other extenuating circumstances exist, the individual may have additional time, generally not exceeding 25 months to complete all required courses.

The National Service Officer On-Job Training Program includes:

Subject Areas of Concentration	Estimated hours
I Orientation in VA Regional Office	40
Office Procedure -- Layout – Personnel, etc.	
II Work in Compensation Areas	290
Claims -- Service-connection -- Rates, etc.	
III Work in Pension Areas	400
Applications -- Old and New Pension Law -- Aid and Attendance. Medication -- Income, etc.	
IV Special Service-connected Benefits	150
Automobile -- Housing -- Prosthetics -- Hospital Rating -- Veterans' Preference -- Blindness, etc.	
V Medical-Hospital Care-Outpatient	200
Entitlement -- Priorities --Domiciliary -- Nursing Home – Reimbursement, etc.	
VI VR&E & Education	170
Vocational Rehabilitation and Employment -- Montgomery GI Bill -- Post Vietnam Era Educational Assistance -- Survivors' and Dependents' Educational Assistance	
VII Life Insurance	
Government -- Servicemember's Group	100
VIII Survivor Benefits	137
DIC -- NSC Death Pension -- Gratuity -- Burial, etc.	
IX GI Home Loans	80
Dates -- Financing -- Interest -- FHA Insured Loans. etc.	
X Chapter Work	100
Organization -- Meetings -- Drives -- Speaking, etc.	
TOTAL HOURS	2,667

Each individual also receives academic instruction. There are four required academic courses which may be taken through an accredited college or university: Anatomy and Physiology I, Medical Terminology, Composition I or Legal Writing or equivalent, and Public Speaking or equivalent.

Successful completion of the Compensation and Pension (C&P) Service, TRIP (Training, Responsibility, Improvement, and Preparation) Certification Training is mandatory for all National Service Offices who are authorized "read only" access to VA's various automated client records and claim files.

DAV NSOs are the catalysts in fulfilling our ongoing mission of providing service to all of America's disabled veterans and their families. Therefore, it is essential that training reflect the ongoing changes in the laws and regulations affecting veterans' benefits.

The DAV's Structured and Continuing Training Program is designed for use by all NSOs. Recognized by the highly regarded American Council on Education (ACE), the DAV's course of study uses the latest technology (online training modules, video-cassettes, anatomical charts, CD-Rom library and online testing) to provide 1,180 hours of updates and refresher training to enhance the NSO's base knowledge. The program incorporates extensive training in areas of anatomy, physiology, pathology, medical terminology, communications, legal research and writing, VA laws and regulations, and interpretation of precedent decisions from the U.S. Court of Appeals for Veterans Claims (CAVC). I am providing two copies of our CD-ROM library to the Subcommittee staff.

This comprehensive course was developed for the purpose of ensuring effective job-related skills, involving paralegal and paramedical principles necessary in representation of veterans before VA Regional Offices, VA Medical Centers, BVA and before the CAVC. Additionally, this training is inherent to representation of active duty military personnel before Medical Evaluation Boards and Physical Evaluation Boards.

The training is administered by DAV Supervisory NSOs with subject matter expertise. DAV National Service staff members at National Service and Legislative Headquarters in Washington, D.C. monitor the program and the instructors. It is important to mention the training takes 152-weeks for completion. The program is conducted in back-to-back cycles due to the perpetual nature of changing veterans laws, regulations and benefits. In fact, training never ends.

To accurately ascertain NSO comprehension and subject matter expertise, NSOs are required to take a pre-test and then successfully complete each of the 32 training modules before taking a final post-test. DAV administers computer-based testing through an internet service provider, and the National Service Director is provided computer-generated reports of each NSO's progress.

Mr. Chairman, for 86 years, the DAV has been dedicated to one, single purpose: building better lives for disabled veterans and their families.

In fulfilling our mandate of service to America's service-connected disabled veterans and their families and in keeping faith with the principle on which this organization was founded, which is that this nation's first duty is to care for its wartime disabled veterans, their dependents and survivors, the DAV employs a corps of 260 NSOs, located throughout the country, about half of whom are Gulf War veterans, and a number are veterans of Operations Iraqi Freedom and Enduring Freedom. Last year alone, these highly-trained men and women, all wartime service-connected disabled veterans themselves, represented—free of charge—over 250,000 veterans and their families in their claims for VA benefits, obtaining for them more than $2.7 billion in new and retroactive benefits. Our NSOs also participated in 199,302 Rating Board appearances.

As part of their duties, NSOs advise and assist veterans or their dependents in presenting claims for:

- Disability compensation

- Death benefits
- Pension
- Education
- Rehabilitation and employment
- Other benefits to which Federal, State or local laws may entitle them.

NSOs evaluate claims by reviewing legislation and precedents and by studying veterans medical reports and service histories, obtain claimants' powers of attorney, prepare claim forms and briefs and assemble pertinent evidence. They request hearings before proper Government boards and orally present briefs. Finally, they review rating board decisions to decide whether appeals are warranted.

Of the 34,175 appeals decisions decided by BVA during 2005, 11,168 appeals were represented by DAV NAOs. During the period, the average BVA allowance rate among veterans service organizations was 21.7 percent. The allowance rate for attorneys was 21.1 percent.

Specifically, during 2005, DAV represented 2,457 appeals that were allowed by BVA, or 22.0% of our represented appeals. In another 4,382 appeals, or 39.2 %, the appeal was remanded to the agency of original jurisdiction. DAV represented appeals were higher than the overall averages for allowances—20.8%—and remands—38.6%. Average allowance rates among the veterans service organizations are again higher than allowance rates for attorneys thus far in 2006. With a 21.3 percent allowance rate as of the end of April 2006, *attorneys are below the overall average BVA allowance rate for all appeals—including those with no representation*—of 21.6 percent.

DAV's Appellate Counsels filed 374 Notices of Appeal with CAVC between May 2005 and April 2006. During this same period, CAVC disposed of 433 appeals filed by the DAV. Of the 433 appeals completed by CAVC, 291 appeals were reversed, vacated or favorably settled. There were Joint Motions for Remand in 126 appeals, and only 16 appeals were affirmed by the Court.

Mr. Chairman, the DAV continues to strive to more effectively meet veterans' needs and ensure they receive the benefits our grateful nation has authorized for them. Several years ago, DAV undertook two additional initiatives to enhance and expand benefits counseling and claims representation services to the veterans' community. The first of the two programs involves outreach to members of the Armed Forces at the location and time of their separation from active duty. The second involves services to veterans in the communities where they live.

For benefits counseling and assistance to separating servicemembers in filing initial claims, the DAV has hired and specially trained 24 Transition Service Officers (TSOs), who provide these services at military separation centers, under the direct supervision of DAV NSO Supervisors. This enhancement in assistance to those seeking veterans' benefits will contribute to the DAV's goal of maintaining its preeminent position as a provider of professional services to veterans. In 2005, our TSOs conducted 2,068 briefing presentations to groups of separating servicemembers, with 103,963 total participants. TSOs counseled 55,070 persons in individual

interviews, reviewed the service medical records of 43,500 and filed benefit applications for 28,137, again, at no charge to the separating servicemembers.

During the first six months of 2006, our TSOs conducted 835 briefing presentations to groups of separating servicemembers, with 40,605 total participants. TSOs counseled 25,295 persons in individual interviews, reviewed the service medical records of 20,020 and filed benefit applications for 10,092.

The DAV's Mobile Service Office (MSO) program is a part of the same goal of service to veterans. By putting our NSOs on the road to rural America, inner cities, and disaster areas, the DAV assists veterans where they live, which increases accessibility to the benefits our nation provides for veterans. The DAV has 10 of these specially equipped MSOs on tour to make stops in the communities across this country (two other MSOs have been sold to the DAV Departments of Florida and Missouri for their exclusive use). During 2005, our 10 MSOs interviewed 13,384 persons and filed 4,045 claims. They visited 519 sites and were available at 12 special events, such as National Air Shows, NASCAR races, military retiree conventions, and homeless veteran stand downs.

These specially equipped MSOs and disaster relief teams were deployed by DAV to the Gulf Coast regions hardest hit by Hurricanes Katrina and Rita. These mobile offices allow the DAV to provide much-needed assistance to displaced disabled veterans and their families. As many residents of the stricken areas were evacuated to other communities, the DAV NSOs nationwide assisted qualified veterans at the various evacuation sites and elsewhere. To date, in support of DAV's disaster relief efforts, nearly $1.8 million in direct assistance was provided to disabled veterans and their families.

From January 1-June 14, 2006, DAV MSOs visited 177 sites, interviewed 4,508 persons, and filed 1,819 claims.

In closing, let me state that the VA benefits delivery system was designed to be open, informal and helpful to veterans. The goal was to ensure that veterans receive the benefits a grateful nation has provided for them rather than discourage or inhibit their claims with red tape or lengthy litigation. Pursuant to title 38, Code of Federal Regulations, § 3.103(a): "Proceedings before VA are ex parte in nature, and it is the *obligation* of VA to *assist* a claimant in *developing* the facts pertinent to the claim and to *render* a decision which grants every benefit that can be supported in law while protecting the interests of the Government." (Emphasis added.)

Veterans, who fought for our country, should never have to fight our government to get the benefits a grateful nation has provided as a reward for their sacrifices and service. It is intended that these benefits be provided with a minimum of difficulty for the veteran claiming them.

It is important, we believe, to remain mindful that veterans obtain their benefits through an informal, non-adversarial and benevolent claims process, not a litigation process. The fundamental distinctions between the VA process and litigation reflect the clear congressional

intent and a system deliberately designed to permit veterans to receive all the benefits they are due without any necessity to hire and pay lawyers.

In the VA process, its employees counsel veterans based on eligibility and their potential entitlement to benefits. The VA will assist a veteran in completing and filing the relatively informal application for benefits. The VA takes the initiative to advance the claim through the appropriate steps. Congress placed the duty on the VA to ensure all alternative theories of entitlement are exhausted and all laws and regulations pertinent to the case are considered and applied.

Admittedly, the VA often has fallen short of serving veterans in the manner intended. It sometimes denies veterans' claims erroneously, even arbitrarily. Veterans sometimes do have to fight an aloof bureaucracy to obtain what they are clearly due.

I would call upon this Subcommittee to focus its attention on requiring VA to concentrate its efforts on meeting the requirements of § 3.103(a). By doing so, this Subcommittee will not only benefit veterans, but will ensure that wasteful and redundant adjudication of claims will be eliminated.

I am very proud of what the DAV stands for and what we have accomplished in our 86-year history. The DAV sincerely appreciates this Subcommittee's interest in the VA claims process and our efforts to represent veterans and their families in their claims for benefits. On behalf of the 1.3 million members of DAV, I thank you for this opportunity to submit our views on this important issue. I would be happy to answer any questions you may have.

STATEMENT OF BLAKE C. ORTNER,

ASSOCIATE LEGISLATIVE DIRECTOR,

PARALYZED VETERANS OF AMERICA

BEFORE THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

CONCERNING

THE ROLE OF NATIONAL, STATE AND COUNTY VETERANS' SERVICE OFFICERS IN CLAIMS DEVELOPMENT

JULY 19, 2006

On behalf of Paralyzed Veterans of America (PVA) I would like to thank you for the opportunity to testify today on the role of national, state and county veterans' service officers in claims development. PVA takes claims processing very seriously and believes the use of local service officers who can provide detailed assistance to veterans pursuing claims with the Department of Veterans Affairs (VA) is a critical mission of Veterans Service Organizations (VSO). PVA appreciates the added focus that this Subcommittee has placed on improving the claims adjudication process, particularly the consistency of claims decisions.

Through 60 years of service Paralyzed Veterans of America has developed a unique expertise on a wide variety of issues involving the special needs of our members, veterans of the armed forces who have experienced spinal cord injury or dysfunction. PVA uses our expertise to be a leading advocate for quality health care for veterans, research and education addressing spinal cord injury and dysfunction, benefits available as a result of a veteran's military service, and civil rights and opportunities which maximize the independence of all people with disabilities. One of the services PVA provides is assistance to veterans as they navigate the maze of rules and regulations associated with submitting claims for veterans' benefits and compensation.

PVA maintains a Veterans Benefits Department (VBD) which provides assistance and representation, at no cost, to veterans with a spinal cord injury or dysfunction and other veterans seeking health care and benefits for which they are eligible. This assistance is offered through a network of 58 service offices located at VA Medical Centers and Regional Offices. PVA employs 76 National Service Officers (NSO) many of whom are spinal cord injured and can also offer first-hand perspectives and advice on living with a disability. They provide services to veterans and part of their job is to help veterans file benefit claims or pursue appeals of denied claims.

In 2005, our NSOs conducted more than 23,000 counseling sessions and served more than 20,300 paralyzed veterans and their family members. Additional assistance was provided to another 12,093 severely disabled veterans, their families and survivors. Our assistance to service members returning from Iraq and Afghanistan increased in 2005. Our Field Services staff ensured that these service men and women received assistance early in their rehabilitation

process. In addition, our NSOs conducted more than 15,000 visits to paralyzed veterans in hospitals and nursing homes logging more than 206,000 road miles throughout the country. PVA takes this program very seriously and our service officers undergo extensive training prior to being assigned to assist PVA members, their families, and other veterans.

The VA sets requirements for organizations to be approved to provide assistance to veterans. These requirements are contained in 38 CFR 14.628 (d) and 14.629 (a). These regulations contain sufficient requirements for organizations to meet, but only if they actually comply with the regulations. If VA does not ensure these requirements are met, then veterans may be receiving inadequate assistance. While PVA exceeds all VA requirements for training and accreditation, variances in level of training and competence of other veterans' representatives, including state and county veteran service officers, can be extreme.

PVA is especially concerned about accuracy in claims. This is one of the reasons that PVA emphasizes extensive training of our service officers. PVA takes great pride in the training program that we have developed to ensure that veterans seeking benefits get the absolute best representation possible. Our NSOs participate in a rigorous training program. New service officers are designated as NSO Candidates and undergo a 16-month on-the-job training program. Each candidate is paired with an experienced NSO supervisor at a local VA Medical Center or Regional Office. Throughout the training program, candidates take courses to improve medical knowledge as well as ever greater exposure to actual case work. They learn relevant federal regulations and codes and learn how to prepare a claim. The candidate must pass a series of quizzes and exams during the program. In order to be certified as a PVA NSO II, the candidate

must pass a comprehensive final exam. The NSO takes a more extensive exam after 18 months to be promoted to NSO III, and after a second 18 months takes another exam to be promoted to Senior NSO. We believe that our rigorous and standardized training is a vital component to the success of this program.

But NSO training does not end there. PVA conducts ongoing regional training as well as participation in VA training at the local level. This allows PVA service officers to be familiar with the training of VA personnel and also permits valuable interaction with VA claims processors and other staff to identify issues they are seeing from outside of the VA. PVA believes this interaction is another critical aspect of our service program.

PVA NSOs complete the VA Training, Responsibility, Involvement & Preparation (TRIP) program as well as annual Cybersecurity training which has gained even greater attention in light of the recent compromise of veterans' data. Ongoing training also includes 28 hours of annual National Service Officers Continuing Education Program training. Health care training continues with Advanced Medical & Advocacy Training (AMAT) which incorporates a 9-day in-hospital program. Finally, selected service officers complete a two week training tour at our Board of Veterans Appeals office.

PVA's NSO program is divided among four primary regions. Our first priority for assignment of NSOs is VA Medical Centers that have a Spinal Cord Injury Center. Service officers are then placed in areas with a high population of our members or other veterans, particularly cities such as Las Vegas, Orlando, and Philadelphia. It is important to understand that this system is most

effective because it is maintained and supervised at the national level. This provides for important uniformity and speedy dissemination of vital information. PVA has made every effort to place our service officers where they can most effectively serve our members and all veterans.

However, from the veterans' viewpoint, what are the benefits of these local representatives? Several of our service officers have expressed concern that the time it takes to develop claims seems to be getting longer all the time. They work to ensure all the evidence necessary to grant a claim is initially presented allowing a more rapid decision on a claim. Without their expert guidance, a veteran will have to react over and over again to requests from VA for additional information to complete the claim, or the claim may simply be summarily dismissed due to lack of adequate documentation. This occurs particularly when processing claims regarding simple issues. These issues may include adding or removing a dependent from a claims file, approving the Specially Adapted Housing Grant or adaptive automobile grant, or reducing a veterans' aid and attendance benefits when a veteran remains hospitalized for a long period of time to prevent an overpayment. Our service officers voice a great deal of frustration with VA Regional Office staff who do not take action even after being notified that they have all evidence necessary to make a simple decision. Service officers may get action on many of these issues. Meanwhile, a veteran without representation, or with inadequate representation, may be at a loss for why it is taking so long.

Because of the ongoing challenges of the VA claims system, PVA does not limit our training to our own service officers. If requested, PVA NSOs will provide training to other local, state and county veterans' service officers in all areas of claims development, special monthly

compensation, pension, or any field that the local, state or county office believes their service officers may need additional knowledge. This not only provides additional information for these local service officers, but it also ensures a level of consistency with claims preparation. Additionally, PVA provides training at the annual National Association of County Veterans' Service Officers meeting. Because of our expertise in the area of special monthly compensation, PVA has traditionally provided this specialized training at theses valuable meetings. PVA's manual, *A Guide to Special Monthly Compensation Under Title 38, U. S. C. (7th Edition)* is highly regarded as an excellent training resource by Veterans Service Organizations and Service Officers and is posted on the Veterans Benefits Administration (VBA) training website.

There are a number of challenges facing veterans as they weave their way through the maze of claims preparation. A distinct challenge is that many county service officers are political appointees. The appointees often justify their existence, and therefore their budgets, by the number of claims filed. PVA believes many of these claims are submitted without regard to merit. This not only clogs the VA system, but discredits claims coming from these offices and is a disservice to the veterans they serve.

This is not only a concern to PVA. During a May 2006 presentation to the National Association of State Directors of Veterans Affairs meeting, a commitment was made by PVA, the American Legion, Disabled American Veterans and AMVETS to support training for state and county VSOs. If this program is funded, our organizations could develop a joint training program, possibly online, which states and counties could use to support accreditation of their service officers. This would go a long way to increase the professionalism and consistency of claims

preparation and would be a tremendous service to those veterans who have served their nation so well.

Another challenge is the lack of appeals representation at the national level for county and state VSOs. This hinders a claimant's opportunity to succeed at the appellate level. Because of the significant number of errors in VA claims, this lack of appellate possibility can create an almost insurmountable roadblock to a veteran's claim being granted.

Thousands of America's veterans benefit everyday from the programs provided by Veterans Service Organizations. Though these programs may vary widely, they are critical for disabled veterans to navigate the myriad of rules and regulations of VA benefits programs and claims preparation and processing. The critical requirement to making these state and county VSO programs successful and to provide proper service to our veterans is training. Without an adequate level of initial training, follow-up training, and appropriate oversight and accreditation of VSOs by VA, a valuable service for veterans can potentially cause more delay rather than shorten the time needed for claims processing.

PVA would like to thank you again for the opportunity to testify. We would be happy to answer any questions that you might have.

Statement of

Jack McCoy

Associate Deputy Under Secretary for Benefits

for Policy and Program Management

Department of Veterans Affairs

Before the House Committee on Veterans' Affairs

Subcommittee on Disability Assistance and Memorial Affairs

July 19, 2006

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify today on the role of national, state, and regional or local veterans' service organizations (VSOs) and state and local government veterans agencies in the Department of Veterans Affairs (VA) disability claims process. I am accompanied today by Mr. Steve Simmons, Deputy Director of the Compensation and Pension Service.

Background

VSOs work in partnership with VA to assist veterans, their dependents, and their survivors in obtaining VA benefits to which they are entitled. Congress traditionally chartered private VSOs but the authority to recognize organizations for the purpose of providing representation for VA claimants has been delegated to the Secretary of Veterans Affairs. In addition to the national VSOs that VA recognizes, each state has created veterans agencies of the state enacted by state law and funded by state or local government to serve the needs of veterans

of that state, county or municipality. VA has recognized all but five of these state agencies (Alaska, Indiana, Iowa, Michigan, and Wyoming) for purposes of representing claimants before the Department. Regional or local VSOs also provide veterans and dependents with information and help in obtaining VA benefits. VA currently recognizes 87 VSOs, including 26 national organizations, 50 state organizations, and 11regional or local organizations.

Accreditation

In order to be recognized by VA as a VSO, an organization must have as a primary purpose service to veterans, demonstrate a substantial service commitment to veterans, commit a significant portion of its assets to veterans' services and have adequate funding to perform these services, and take action to ensure proper handling of claims. In establishing that it meets these requirements, the organization requesting recognition must provide to VA for review a number of documents, including financial statements and training plans.

Recognition by VA allows a VSO to file an application for accreditation with the Office of the General Counsel for each person it desires to have accredited to represent the interests of claimants in the processing of VA benefits claims. The organization must certify that the applicant is of good character and reputation, has demonstrated an ability to represent claimants before VA, and is either a member in good standing or a paid employee of the organization working for it not less than 1,000 hours annually or is accredited and functioning as a representative of another recognized organization. With respect to county veteran's service officers recommended by recognized state organizations, the organization must

certify the good character, reputation, and ability of the county service officer, and additionally certify that the officer is a paid employee of the county working for it not less than 1,000 hours annually. The state organization must also certify that the officer has successfully completed a course of training and an examination approved by a VA Regional Counsel and that the officer will receive either regular supervision and monitoring or annual training to ensure continued qualification as a representative in the VA claims process.

Once a service organization or state representative is accredited, he or she may represent a claimant before VA. The claimant must assign power of attorney to a designated VSO or state agency by completing, signing, and submitting VA Form 21-22. Once this document is made part of the record, the VSO's or state accredited representatives have access to the claimant's files for the purpose of assisting with a VA claim. Currently over 60 percent of the 2.6 million veterans receiving disability compensation have designated VSOs or States veterans agencies to which they have assigned power of attorney.

VSO Participation in Claims Processing

The Veterans Benefits Administration (VBA) provides benefits and services to more than 3 million veterans and survivors who receive service-connected disability compensation, dependency and indemnity compensation, nonservice-connected pension, or survivors' pension. Each year we also assist hundreds of thousands of veterans and survivors who apply for VA benefits in obtaining the information and evidence needed to substantiate their claims. In 2005, VA

produced more than 763,000 disability determinations and handled more than 1.5 million other award actions. Given the sheer volume of the workload, the VSOs and State and local government service officers provide VBA with essential assistance.

They help claimants prepare claim forms and assemble relevant information and evidence for presentation to VA to substantiate claims. They personally contact veterans to expedite the gathering of necessary evidence, such as private medical records or employment background. Because of their knowledge of VA requirements and processes, they can ensure that their clients have the documentation they need before they file their claims, which saves a great deal of time and effort in VA's processing of the claim. Development done effectively in advance is an enormous advantage to the claimant, both in terms of timeliness and the thoroughness of the process. Their knowledge of the law helps ensure that claims submitted to VA meet the requirements for service connection or other prerequisites for the grant of the particular benefit sought and that all relevant evidence is submitted for consideration.

They also play a vital role in the VA appeals process. VA is required by law to notify the claimant and the claimant's ~~VSO~~ representative of any decision on a claim for benefits and the claimant's right to appeal the decision to the Board of Veterans' Appeals (Board) in Washington, D.C. The representative explains the decision and right of appeal to the claimant and may represent the claimant while the appeal is being processed at a VA Regional Office. At this juncture and throughout the appellate process, the representative can request a personal

hearing before VA and present legal or factual arguments in writing. The services provided include representation before the Board.

VSO and State Veterans Agency Outreach and Advocacy Activities

As part of their responsibilities as representatives for veterans and dependents, VSOs and state and local government veterans agencies and state and local government veterans agencies participate in outreach and other activities that support the claims process by making veterans and dependents aware of changes in the law and other significant events that may impact their eligibility for benefits. These efforts complement those of the Department and ensure that, to the maximum extent possible, the veteran community is aware of changes in VA entitlements.

One example is their outreach to and advocacy for service members returning from Iraq and Afghanistan. They assist VA in providing VA benefits information and, along with VA personnel, advise and assist newly returning service members and veterans in filing claims at their local regional offices. They also advise veterans about Federal and state employment and training opportunities and about their employment and reemployment rights -- information that is particularly valuable to the large numbers of Reserve and National Guard members now called to active service. VA has established an extensive outreach program to make sure that all returning veterans know about VA benefits available to them. Their participation in this effort extends our reach by providing additional people, resources, and locations for the dissemination of information.

National VSOs assist VA with claims development through their active role in the Benefits Delivery at Discharge (BDD) program. BDD is a cooperative effort of VA and the Department of Defense, wherein VA personnel assist servicemembers leaving military service obtain the VA benefits they earned. A number of our BDD operations are supported by the efforts of national VSOs, which complements the activities of Veterans Service Center personnel. They support VA efforts by:

- sponsoring classes on how to complete VA claims forms,
- interviewing and assisting individual servicemembers with filing claims for VA benefits, including reviewing their service medical records, and
- obtaining proper documents needed for VA claims adjudication.

Finally, as veterans' advocates, VSOs and state and local government veterans agencies participate in and initiate civic functions, such as panel discussions, to inform the public of the rights and benefits of veterans and their dependents and the services VSOs render in assisting in obtaining these benefits. These public functions are especially helpful in areas where veterans and dependents live some distance from the VA Regional Office or VA outbased facility. This is another instance of the VSOs and state and local government veterans agencies helping VA to extend and expand our reach.

Training, Responsibility, Involvement and Preparation of Claims (TRIP)

In 1998, VBA began the "Training, Responsibility, Involvement, and Preparation of Claims" program, or TRIP. Today, 57 regional offices have successfully provided TRIP instruction to VSO representatives. TRIP includes

extensive training in claims development that helps VSOs submit fully developed claims so that VA can decide claims more expeditiously.

When a VSO representative completes TRIP training and passes a VBA-administered examination, he or she is qualified to access VBA's electronic records of veterans for whom the VSO has power of attorney. To date, 1,341 VSO representatives have completed and passed the TRIP training. Section 5701(b) of title 38, United States Code, authorizes VA to disclose information about a VA claimant to that claimant's "duly authorized" representative. TRIP training allows VSO representatives restricted access to certain VA computer applications that contain information about the development of their clients' claims. TRIP certification thus enhances accreditation by giving the representative access to more tools and information to assist in the development of the veteran's claim.

Other Collaborative Efforts

To improve our cooperation and expand our efforts with VSOs and state and local government veterans agencies, VBA engages in an active dialogue with them. We discuss and address issues and concerns and engage in new efforts to improve the claims processing system, both at the national and local levels. The Under Secretary for Benefits regularly meets with the national VSOs to discuss issues of mutual interest. I also host a quarterly VSO meeting at which representatives from VBA's five business lines talk with the VSOs about relevant issues affecting the day-to-day business of VBA. In addition, the Compensation and Pension Service holds regular VSO forum meetings to advise the VSO representatives on updated procedures and discuss changes resulting from court

decisions. VA Regional Office Directors and Veterans Service Center Managers have regular meetings with the co-located VSO representatives regarding changes in the law or regulations and other issues of importance to claims processing.

All recognized VSOs and state and local government veterans agencies must train and monitor their accredited representatives to ensure proper handling of claims. Many VSOs have annual training conferences or continuing education courses at which they provide instruction in VA law and the adjudication of VA benefits. As part of their on-going training efforts, VSOs often prepare bulletins and correspondence to acquaint their field representatives with current VA activities and legislation.

I hope that this testimony has demonstrated the important collaborative relationship between VBA and the national, state, and regional or local VSOs in VA's claims adjudication process. VSOs help our veterans in numerous ways– obtaining necessary records, discussing and resolving claims with veterans and VA personnel, and advising the veteran of what is needed in the development an appeal. Moreover, VSOs support us in our efforts to reach out to veterans and their dependents. To facilitate this partnership, VA recognizes VSOs and accredits their representatives, provides TRIP training for access to electronic records, and provides them with free office space and facilities in the regional offices if space is available. We believe that this mutual support and ongoing spirit of cooperation greatly benefits our nation's veterans in obtaining the benefits owed to them.

Mr. Chairman, this completes my statement. I will be happy to answer any questions you or other members of the Subcommittee may have.

Testimony of

James W. Doran

National Service Director

Submitted for the Record

Role of National, State, and County Veteran Service Officers

Subcommittee on Disability Assistance and Memorial Affairs

House Committee on Veteran Affairs

July 19, 2006

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Mr. Chairman and Distinguished Members of the Subcommittee:

It is my pleasure to submit this testimony for the record on behalf of AMVETS and National Commander Edward W. Kemp. AMVETS is not, nor have we been, the recipient of Federal funds of any kind at any time.

Today's Hearing is to discuss the "Role of National, State, and County Veteran Service Officers in Claims Development". Before you can discuss this issue with any kind of intelligence, you must first understand the differences between the entities.

National Service Officers are, normally, employees of select Veteran Service Organizations. Outside of the District of Columbia, to the best of my knowledge, National Service Officers are employed only by AMVETS, Disabled American Veterans (DAV), Military Order of the Purple Heart (MoPH), and the Paralyzed Veterans of America (PVA).

State Service Officers consist of two distinctly different programs. Veteran Service Organizations employ State or Department Service Officers in each of their "in-house" departments. AMVETS uses State Service Officers exclusively in California, Michigan, and Nevada. We also use them to supplement our National Service Officers in Illinois, Missouri, Ohio, and Washington State. The American Legion, Veterans of Foreign Wars (VFW), and Vietnam Veterans of America (VVA) use Department Service Officers throughout the Nation. The second entity that employs State Service Officers is the State Department of Veteran Affairs (sometimes known as Division of Veteran Services or Veterans Commission among other titles).

County Veteran Service Officers are an entirely different breed than the rest of us. Some County Veteran Service Officers are employed by their counties, other are employed by the State DVA, and a few are actually Chief Executives of Independent Government Agencies. They also include Tribal Service Officers employed by the various American Indian Nations of our country.

All of these men and women have different functions and I would like to focus my testimony specifically on the four areas of which I have personal knowledge; AMVETS National Service Officers, AMVETS State Service Officers, the Illinois Department of Veteran Affairs, and the Veterans Assistance Commission of McHenry County, Illinois.

The AMVETS National Service Officer (NSO) is either based in a facility of the US Department of Veteran Affairs or the US Department of Defense. Those on Military Installations work with the Transition Assistance Program, screen medical and service records for separating service members, and assist the service member in filing claims against the US Department of Veteran Affairs. These claims are normally not filed through the AMVETS NSO, but given to the veteran to file from their home of record. Those that are filed by the AMVETS NSO are handled by the Veteran Affairs Regional Office (VARO) in Winston-Salem, NC (for those east of the Mississippi River) or the VARO in Salt Lake City, UT. These NSOs will also assist local area veterans in filing

claims for benefits, filing them through the VARO having geographical jurisdiction (e.g. Naval Air Station Norfolk, VA and Langley AFB, VA go to VARO Roanoke, VA). At this juncture the AMVETS NSO based in the VARO takes over the claim. The AMVETS NSO will process and develop the claim, submit it to the Veteran Service Center (VSC) for adjudication, represent the veteran at hearings and, if necessary, with the VSC Decision Review Officer (DRO). We will advocate on behalf of the veteran, assist in the compilation of evidence, and review the rating decision. If we are dissatisfied with the rating decision, we will request a hearing or a de nouveau review. If we are unsuccessful in reversing the decision we will advise the veteran to appeal the claim with the Board of Veteran Appeals, where we will represent the claimant. We do not accept frivolous claims, nor will we represent the claimant in a frivolous appeal.

The AMVETS State Service Officers (SSO) role will vary by department. Our SSOs in California, Michigan, and Nevada perform all of the same functions as an AMVETS NSO. AMVETS SSOs in Illinois, Missouri, Ohio, and Washington State perform almost all of the same tasks as the NSO. The primary difference is that they will submit claims to the USDVA through the NSO locate at the VARO, who will than take responsibility for the claim.

Relatively few of our claims come from face-to-face contact with the claimant. They are, for the most part, submitted by AMVETS SSOs, the State DVA, or the CVSO. We currently maintain 58 NSOs in 46 offices 27 states and the District of Columbia. We currently maintain SSOs as follows:

- California
  - 28 SSOs in 25 locations including Las Vegas and Reno, NV
- Illinois
  - 6 SSOs serving 10 locations
- Michigan
  - 7 SSOs in 3 locations
- Missouri
  - 4 SSOs in 4 locations
- Ohio
  - 3 SSOs serving 4 locations
- Washington
  - 3 SSOs in 2 locations

The Illinois Department of Veteran Affairs (IDVA) serves 66 of the approximately 102 counties within the state. The IDVA maintains 43 full time and 42 part time offices in these 66 counties, including a full time office at the USDVA Regional Office in Chicago. The roll of an IDVA SSO is varied. He or she does file claims on behalf of the veteran with the USDVA, but they also administer various state programs to include the issuance of free hunting and fishing licenses. For the most part, the IDVA SSO submits benefit claims to Veteran Service Organizations (VSO) located at VARO Chicago. At that point the claim is handled by either a VSO NSO or VSO SSO and the IDVA may be "out of the loop". The training program used by IDVA personnel is inadequate at best and IDVA's primary concern has been their Veteran's Nursing Home Programs, with IDVA

SSOs, and their clients, suffering. Hopefully, with a recent addition to the IDVA Senior Staff that situation has, or soon will, change. Although the IDVA isn't representative of most State DVAs, it is representative of too many. The State DVAs are, in my experience, traditionally under funded and understaffed. In many States, the Director or Commissioner doesn't actually oversee a separate department, but rather a subsidiary of the Department of Military Affairs, Administrative Department, or Health and Human Services Department.

County Veteran Service Officers, as I've mentioned, represent of different types of organization. Each State's veteran statutes set it up differently. Approximately one-third of all CVSOs are actually employees of the various state governments. The remaining two-thirds are employed by their respective county governments. A somewhat smaller number of Tribal Service Officers are employed by their American Indian Nations or Tribal Governments. Two CVSO groups that I'm familiar with are set up entirely differently. Of these two, I'm only competent to discuss the Illinois Veterans Assistance Commissions (VAC). These 46 different VACs are set up as Independent Government Agencies under the Illinois Consolidated Statutes, funded by County Property Taxes, located in County facilities, they are not County employees. They are employed by a Commission made up of one member from each VSO post or chapter in the county and do not report to the county government. All of these VACs provide financial assistance to indigent veterans; approximately one-half of them provide free transportation services for veterans from the county to the nearest VA Medical Center; approximately one-third of them actually do claims work. Unfortunately, CVSOs are not normally represented at the VARO of jurisdiction. Therefore an accredited CVSO has two choices. He or she can represent the claimant themselves and travel between the county and the VARO or they can transfer the claimant to a VSO or State DVA with representation at the VARO. In actuality, very few CVSOs are able, due to distances involved, to represent their clients at the VARO. What the CVSO will concentrate on is claims development and ensuring that the VSO or SDVA receives a claim that's as ready to rate as possible. An issue that's applicable to both CVSOs and State DVAs is frivolous claims. As they are tax payer supported entities they are, in most cases, required to file any claim that a veteran wants to submit, without regard to the merits of the claim. I've seen CVSOs file a "combat rated" disability claim for a "former prisoner-of-war" who was never stationed outside of the Midwestern US. This is not the fault of the CVSO, but rather the fault of the system.

The claims development work done by service officers is primarily done by County Veteran Service Officers and State DVA personnel. Those VSO employees who perform claims development do not normally include those based in the VARO as they normally have neither the time nor the resources.

Veteran service officers, regardless of their status or their employer, are among some of the most under-paid individuals in this country. They are mostly veterans; they are mostly disabled; they do the job for the love of their brothers and sisters-in-arms not for the money or perks. A large number of CVSOs go even further by funding a veteran's needs out of his or her own pocket because their budget is exhausted. Those that do the job should be applauded.

The biggest difference between service officers is their training program. Each VSO conducts it's own training program. In AMVETS, a new NSO is given a week or more of supervised on-the-job-instruction as well as classroom training provided by the VARO. We also bring them altogether, annually, for three days of advanced Continuing Education. Our SSOs are given annual training by senior NSOs and National Service Department management personnel, usually for a week and usually in the SSOs home state. State Departments of Veteran Affairs normally conduct their own in-house training. The National Association of County Veteran Service Officers (NACVSO) conducts extensive training for their CVSOs, training that is often attended by State DVA personnel and some VSO personnel. NACVSO will send teams of trainers to various states to conduct regional training. In addition, they hold an annual training seminar which provides five levels of training to attendees. They conduct TRIP training as mandated by USDVA, an Introduction to Service Officer course, a basic Accreditation Course of 32 hours, an annual 16 hour Continuing Education course, and an annual 8 hour advanced training course leading to certification as a "Certified Veterans Advocate". This last course can take between five and seven years to complete, only 4 certifications have ever been awarded, and they were all awarded in 2006.

It would appear to me that the focus on this Committee should not be the Role of National, State, and County Veteran Service Officers in Claim Development but rather the type of training these individuals must have to perform their job. I believe that all veteran service officers, regardless of affiliation or status, must be properly trained. Proper training, at a minimum, must include at least 32 hours of basic classroom instruction and 16 hours of annual continuing education. It is my professional opinion that this training should be conducted by the National Association of County Veteran Service Officers or at least modeled on their program. Accreditation by the USDVA should be based on successfully completing the basic course, including a written exam, annual Continuing Education, and a written examination at least every five years.

On the subject of accreditation, no VSO or other organization accredits a service officer. They recommend accreditation of service officers to the General Counsel of the USDVA, who grants accreditation – eventually. Since these service officers are, in fact, accredited by an agency of the Federal Government, why are they (we) held to such strict access of files. As the National Service Director of AMVETS I've been accredited for over 9 years, but if a claimant calls me with an issue, I must refer him some where else as I do not have access to the VBA files that all of my NSOs have access to. Additionally, in order to represent a claimant the claimant must sign a VA Form 21-22 giving us their "Power of Attorney". That's well and good for the VSOs, however once that happens the State DVA and/or CVSO are cut out of the loop. Unless they are cross accredited through a VSO and have remote access to VBA computer systems they can actually provide no additional real claims service to their client. However, the veteran doesn't care about that. What the veteran knows is that he went to his State DVA rep or his CVSO and filed a claim. When he has a question or a problem, he's not going to drive to the VARO to speak with his VSO service officer, he's going back to the same state or county office to see the same individual he saw the first time. It is my professional opinion that State DVA Service

Officers, County Veteran Service Officers, and Tribal Service Officers, as employees of state and local government and accredited by the federal government, can best serve their clients by being granted "blanket accreditation". The USDVA could/should allow these individuals read-only access to the VBA electronic claim files for every veteran residing within their jurisdiction regardless of who holds the "Power of Attorney". The goal here is to serve the needs of the veteran, not the needs of the service officer.

That concludes my testimony. I will be in attendance at the hearing. Thank you.

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF VETERANS' AFFAIRS
5 Empire State Plaza
Suite 2836
Albany, NY 12223-1551

George P. Basher
Director

17 July 2006

Honorable Jeff Miller, Chairman
Subcommittee on Disability Assistance and Memorial Affairs
337 Cannon HOB
Washington, DC 20515

Dear Mr. Chairman:

I recently submitted to your Subcommittee staff a brief white paper describing a New York State Division of Veterans' Affairs initiative for veteran claim development. The initiative, a joint effort between the State of New York and the Veterans Benefits Administration Regional Office in Buffalo, New York, was constructed to investigate the benefits of submitting complete claim packages from New York State benefits counselors to VBA for determination.

In light of the upcoming hearing before your subcommittee on the development of claim packages by state and county service officers, I am respectfully requesting that the white paper be included as part of the record of the hearing.

I applaud the effort you and the committee are making in this regard and want you to know that those of us who work in state and local government on behalf of our nations' veterans stand ready to assist both Congress and VA in any way possible. Thank you for the opportunity to present this information to you and the subcommittee; please feel free to contact me if there are any questions or if you need any further information.

Sincerely,

George P. Basher
Director

Enc

VBA/NEW YORK STATE TRIP INITIATIVE
Buffalo, NY
July 2006

CONCEPT

The premise for the project is that fully developed "substantially complete" claims from NYSDVA can be decided by VA in less time than claims that are not well developed and are processed normally through the VBA Pre-Determination units, following standard "duty to assist" and development protocols. Anticipated results were reduced cycle time for claims and improved productivity for both NYSDVA and VBA. Discussions between the Regional Office Director (Jack McCoy) and the State Director (George Basher) led to an experimental initiative at the VARO in Buffalo, New York that began in 2002.

IMPLEMENTATION

Initial Environment:

While other initiatives (PARDS in Florida, TRIP I & II) have involved accredited agencies improving the submission of claim packages that contained sufficient data to advance the claim, this initiative is the first case where an agency took responsibility for all development and presented VA with a substantially complete package that met Veterans Claims Assistance Act (VCAA) requirements.

The NYS Division of Veterans Affairs provides claim assistance across New York State through a network of accredited counselors and support staff working with VA Regional Offices in Buffalo and New York City. Twenty counselors file an average of 320 original, new, and reopened claims each month through the VARO in Buffalo. Prior to beginning this project, NYSDVA had one Senior Counselor and one Secretary in the VARO handling mail distribution, signing off on decisions, 646s, and other routine housekeeping matters.

The DVA staff was increased for the pilot by assigning an additional Senior Counselor, and accredited Program Aide, and a Clerk to the unit, as well as basing two existing field supervision Senior Counselors at the VARO when not in the field. Both VBA and DVA agreed to work only with original claims at the outset, in order to simplify the data collection and business process. DVA submits an average of 120 original claims to VARO Buffalo each month.

First Steps:

The initial phase of the pilot involved a number of meetings between the two agencies, resulting in the following actions:

1. DVA altered its data collection system and reporting system to match VBA format and nomenclature. This meant tracking cases by end

product, measuring days pending and days to completion the same way as VBA.

2. DVA staff had to learn to look at claims from a development viewpoint without diminishing the agency's role in assisting veterans.
3. DVA staff had to develop a case management protocol for their development process.
4. VBA had to develop internal procedures to assign Predetermination staff to handle DVA requests through PIES and CAPRI as well as entering data into the CAPS system (CEST, POA designation, development notes, etc.) in a timely manner.
5. VBA staff had to train DVA staff on internal VBA procedures such as COVERS and file management systems.

Initial Results:

After the first six months of the initiative, the following results were obtained:

1. DVA personnel were developing claims that met VBA quality standards.
2. Claims processed in this manner were being completed in significantly less time that the station average.
3. DVA personnel were spending a large amount of time following requested evidence and matching it to appropriate C-files.
4. DVA personnel were sending a "duplicate" VCAA letter to veterans requesting information at the inception of a claim, at the time usually two to three weeks before VBA sent their own statutory letter out. This led to some confusion on the veteran's part and created a process issue that bothered both agencies. While it improved the time to completion, it was duplicate effort.

Subsequent Steps:

VBA and DVA worked together to resolve the issues raised during the early phase of the pilot:

1. C-file folders for pilot claims were transferred to DVA control in locked files within the DVA office. This greatly reduced the time spent locating folders in the main file room.
2. With assistance from VA Central Office, the duplicate VCAA letter issue was resolved by having DVA staff prepare a VBA letter that was then reviewed and approved by Predetermination staff. The approved letter was then signed and printed and sent to the veteran. This relieved VBA of having to prepare the letter and also provided a quality check on DVA work prior to release. The documents move internally as electronic documents, reducing the need for printing and filing duplicate copies.

3. The revised VCAA letter also directed the veteran to return all information requested to DVA rather than VBA. With appropriate protocols to maintain evidence integrity, this eliminates these documents from the VBA mailroom, reducing VBA sorting and filing burdens while improving the DVA processing time.

Subsequent Results:

1. The cycle time for pilot cases continued well below the station average for all end products tracked.
2. The quality of all DVA submissions, including those not involved in the pilot, went up appreciably due to the impact of DVA Development staff enforcing stricter quality guidelines on field staff. DVA has developed a quality control metric to validate the observation.
3. An unanticipated result was the appeal rate for pilot cases is significantly below the VBA average. Of 616 cases decided in the initial test period, only nineteen appeals were actually filed.
4. VBA staff became more comfortable with DVA staff doing development as trust and mutual respect grew.

Current Status:

Changes in VBA personnel, priorities, and procedures within the VARO over the past two years have altered much of the original initiative. The VCAA letters are now issued by VARO staff without input from DVA staff. C-folders are no longer under DVA control and any developed evidence or correspondence now goes through the VBA mailroom rather than directly to DVA. DVA is still providing case management on development but it is somewhat more difficult. DVA stopped tracking timeliness data on claims in early 2006 when it became apparent there was no longer any significant way to influence the processing time.

The appeal rate for DVA cases remains low, and the quality of claims submitted remains high. DVA still tracks both appellate rates and quality metrics on submitted claims. DVA has retained all data gathered over the life of the project for reference and can make it available on request.

OBSERVATIONS ON TRIP INITIATIVE:

We at New York State DVA learned a great deal from this project and are grateful for the opportunity to have participated in it. From a personal standpoint, these are some of the positive things I have observed:

1. Properly trained and supported state and local government employees can effectively develop complete claim packages for veterans that meet VBA quality and VCAA standards.
2. Changes in VBA business practices can improve timeliness when integrated with organizations developing claims.
3. Case management of claims results in more timely filings, better outcomes for the veteran, and fewer appeals of decisions.
4. The need for state and VBA personnel to work closely on this initiative resulted in both agencies having a better understanding of each other.

These are some of the challenges presented by this initiative:

1. Doing this was hard – it required a concerted effort by both agencies' management to sustain it. None of the things in this initiative are included in the performance measures for a Regional Office Director. Pressure to process claims makes any change to existing processes at the local RO level a potential liability. Doing this was a risk for both the RO Director and the State Director.
2. The changes made in processing claims had no advantage for VBA employees – there were no "points" for participating.
3. Metrics for determining success in the initiative were not included in the normal VBA performance measures and remained the sole responsibility of DVA.
4. There is a tremendous duplication of effort in the current claim processing system, but eliminating it will require changes in VCAA requirements and improved communication between VBA and outside agencies developing claims.

CONCLUSION:

If we collectively can find a way to concentrate the efforts of VBA's 8500 claims processing staff on determining and rating veteran claims and the efforts of state and local government's 4000 veteran services staff on outreach and development of claims, veterans will be better served at the lowest possible cost to the nation.

VETERANS OF FOREIGN WARS OF THE UNITED STATES

STATEMENT OF

DENNIS M. CULLINAN, DIRECTOR
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

TO THE

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO

THE ROLE OF NATIONAL, STATE, AND COUNTY VETERANS SERVICE OFFICERS IN CLAIMS DEVELOPMENT

WASHINGTON, D.C. JULY 19, 2006

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the 2.4 million men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I appreciate the opportunity to offer our views on this most important topic.

The VFW traces its roots back to 1899 when veterans of the Spanish-American War (1898) and the Philippine Insurrection (1899-1902) founded local organizations to secure rights and benefits for their fellow servicemembers. Arriving home wounded and sick, they found no medical care or veterans' pension awaiting them, and they were left to care for themselves. Bonded together by a similar plight, many of these veterans formed the organizations that would later become the Veterans of Foreign Wars of the United States. Our mission then and now is to *"honor the dead by helping the living."*

Since then, the VFW's voice has been instrumental in assisting veterans and their families negotiate their way through the labyrinth of laws and policies enacted by Congress and implemented by the Department of Veterans Affairs (VA). One of our principle functions as a veterans' service organization is to offer free benefit counseling and claims processing assistance and expertise to veterans, their dependents and survivors.

Currently, over 272,000 veterans and survivors have chosen the VFW to help them with claims before VA. As a consequence, VFW Service Officers are involved in the claims process every step of the way: from the initial filing of a claim, through preparation and development, hearings and decisions. If a claimant is dissatisfied with a VA decision, we will continue our advocacy all the way to the Board of Veterans' Appeals.

VFW MEMORIAL BUILDING ● 200 MARYLAND AVE. N.E. ● WASHINGTON, D.C. 20002-5799
AREA CODE (202)-543-2239 ● FAX NUMBER (202)-543-6719

The job of a VFW Department Service Officer (DSO) or Claims Consultant is difficult and challenging. Each is charged with the daily responsibility of helping veterans and their families file for benefits under the complex system of the VA disability claims process. Within that process are complicated regulations and a formulated rating schedule. To make life more interesting, Congress regularly creates new programs while modifying existing ones; courts interpret and, hence modify, those laws and regulations stemming from them; and VA produces new guidance and instructions to those employees working in Regional Offices. One of the most frequently changing areas of veterans' benefits law is claims development; frequent changes require on-going education and a continuous learning environment for all our service officers.

The VFW training program has seen a complete renovation and reinvigoration over the past five years. VFW has a full-time training officer who oversees all centrally developed training. This position is currently filled by an individual who helped develop and advise VA field personnel on rating policy and practices for the Veterans Benefits Administration Compensation and Pension Service prior to joining the VFW.

The VFW provides strategic training to all its respective service officers. The strategy reinforces the principles of veterans' representation through accreditation by the VA General Counsel as outlined in Title 38 CFR. The training program is a subset of the overall VFW National Veterans Service (NVS) Strategic Plan. Training is the first "Critical Issue" in that strategic plan. Training is composed of four phases:

Phase	Type of Training	Duration of Training
I	Orientation for new Service Officers/Claims Consultants regarding the VA claims process	One week during first year
II	Visits to DSO's assist and monitor the operation of a service office. Mentoring by experienced staff is available to inexperienced service officers.	6-8 visits per year; mentoring throughout first year; otherwise, mentoring as needed
III – a	Proficiency (All accredited DSO's, Claims Consultants, and others)	One week annually
III - b	Skill level training (All accredited DSO's, Claims Consultants, and others)	One week annually (individuals are placed in one of three groups based on years of experience. Training is designed for the skill level of each group.)
IV	Continuing education	VFW pays for specialized classes tailored to enhance the skills/abilities of DSO.

Some of the topics covered during the week-long sessions include courses on how to prepare a claim, development of a claim, importance of reference material, medical terminology, how ratings are

created, decision-making process of rating personnel, special monthly compensation and the appeals process. The VFW perspective is highlighted as is the role of our service officer in a VA regional office. Testing is provided during each training session to assess the efficacy of training and knowledge of the trainee. It is also used to identify areas on which to focus future training.

What this means is that all new VFW Department Service Officers and Claims Consultants receive at least three-complete weeks of training during their first year of employment. In addition, each is assigned a fully qualified mentor who, if not working in the trainee's office, is constantly available by phone to help those with issues both routine and difficult. Finally, mentors and national training staff visit new Service Officers as needed to ensure that veterans are provided optimum service.

All other accredited personnel receive a minimum of two-weeks training each year.

Our centralized training regimen also ensures that Department Service Officers at all levels of experience and knowledge are confronted with changes and challenged to master the more complex and esoteric provisions of veterans benefit law.

All personnel who represent claims before the VA must also meet the VA's qualifications for Training, Responsibility, Involvement and Preparation of Claims (TRIP Program). All of our DSOs, Assistant Department Service Officers (ADSOs), Claims Representatives and staff have been TRIP trained and certified by the VA. Currently VFW has 61 accredited DSOs, 78 accredited Assistant DSOs and 39 accredited Claims Consultants/Representatives.

VFW also accredits certain state and county Service Officers to assist VFW constituents. Accreditation requirements for these officers include VA TRIP certification, evaluation of experience, VFW training, and testing. We are selective in the accreditation we extend to county and state service officers. They must either work in a VA regional office or be closely associated with VFW Department Service Officers. Further, we require that they attend our annual training to ensure that they maintain and improve their skills.

Finally, the NVS staff has representatives at the Board of Veterans' Appeals, Washington Regional Office, the Appeals Management Center and the Court of Appeals for Veterans Claims. We have a fully staffed benefits claims office at the VFW National Headquarters in Kansas City, Missouri. We also have Pre-Discharge Claims Representatives, who offer services referred to as Benefits Delivery at Discharge (BDD) and are located at the following military bases or serving multiple military bases in: Fort Bragg, Camp Lejeune, Camp Pendleton, Fort Campbell, Fort Lewis, Fort Hood, Las Vegas, and San Diego.

We are currently filling Service Officer positions at the Winston-Salem and Salt Lake City Regional Offices to review BDD claims and ratings in which VFW holds the Power of Attorney. The total number of VFW accredited representatives as of July 2006 was 734.

Along with comprehensive training which is consistent throughout the year, VFW has also implemented an electronic "Weekly Update" which is sent to all service officers within our system. The Update is intended to be a central source where those who are working claims can find new laws, court decisions, and changes in regulations and policy as it happens. Also included in the Updates are changes in VA procedural manual changes, VA Fast Letters and information from the Monday Morning Report issued by VA. The most technical documents and court cases are distributed to our

nationwide network of service officers through publications called Technical Information Bulletins (TIBs) and Service to Others (STOs).

All of these items are designed to encourage discussion with regional office staff to target areas of improvement, establish reasonable time limits for follow-up action and ease expectations of claimants.

The VFW's service officer program remains a top priority to the VFW and its leadership throughout the country. We believe that the value and effectiveness of our service officers and claims consultants takes constant education and attention to any and all changes affecting our veterans. Only by remaining diligent can we provide the best possible service to veterans and their beneficiaries across the United States.

Mr. Chairman and members of the subcommittee, this concludes the VFW's testimony. We again thank you for including us in this important discussion.

MEMORANDUM OF GIFT

This memorandum has been prepared to memorialize the making of a gift from [illegible], to the [illegible] VETERANS CONSULTATION GROUP, Lincoln, Nebraska.

I am a disabled veteran. I have for several years attempted to get a Veteran's Administration service connected disability.

I attempted to retain the services of the VETERANS CONSULTATION GROUP to assist me in the presentation of my case before the Department of Veterans Affairs and/or the Board of Veterans' Appeals in Washington, DC.

At the time I sought the assistance of the VETERANS CONSULTATION GROUP I was advised that federal law prohibited the charging of a fee for representation at the administrative level unless I first had a prior unfavorable decision at the Board of Veterans' Appeals level and retained the services of an representative within one year of that date.

In spite of the prohibition the, VETERANS CONSULTATION GROUP did accept my case and advised me at the time they would do so without compensation.

The Department of Veterans Affairs released benefits to me for service-connected disability for approximately **$80,812.00** in past due benefits.

I wish to make a gift to the [illegible] VETERANS CONSULTATION GROUP in the amount of **$16,162.00**.

The VETERANS CONSULTATION GROUP has advised me that they could not seek, request, demand or otherwise be entitled to any portion of my past due benefits, and that they would not attempt to ask for any compensation for their representation on my behalf.

On this date I have made to the VETERANS CONSULTATION GROUP a monetary gift which I do freely, voluntarily, and knowingly without duress, pressure or undue influence of any kind from any employee, agent or representative of the VETERANS CONSULTATION GROUP.

I made this gift to the VETERANS CONSULTATION GROUP out of a deep sense of gratitude and firm belief that without the assistance of the VETERANS CONSULTATION GROUP, I would not have received my disability benefits and that my making of such a gift to the VETERANS CONSULTATION GROUP that they would continue in their efforts to assist other disabled veterans who, like myself, are prohibited by law from compensating a consultant for representing me at the administrative level resulting in significant delays in the receipt of my benefits until such a time as an adverse decision is finally rendered by the Board of Veterans' Appeals.

This gift is being made to the VETERANS CONSULTATION GROUP based upon my belief that the VETERANS CONSULTATION GROUP had thoroughly evaluated, prepared and advocated my claim at the administrative level so as to ensure the earliest possible success of my claim at the expense of the VETERANS CONSULTATION GROUP of being able to charge me a fee, should there have been an adverse ruling at the Board of Veterans' Appeals level.

I recognize that if court action would have been needed, I would have gladly and willingly entered into a contingent fee agreement to pay a fee to the VETERANS CONSULTATION GROUP of twenty (20%) percent of any past-due benefits recovered as the result of that court action.

The efforts of the VETERANS CONSULTATION GROUP on my behalf and the willingness to undertake the representation of disabled veterans at the administrative level is not only of value to me as a result of my earlier favorable disposition of my claim, but or equal or greater value to me for the ongoing monthly benefits which I now receive as a result of the efforts of the VETERANS CONSULTATION GROUP.

At the execution of this memorandum the, VETERANS CONSULTATION GROUP advised me that they would not distribute until one week after the receipt of this gift in their office, and that any time prior to that week, I could retract or modify my gift to them and they would return to me all or any part of the entire gratuity upon such demand. If the gift has not been withdrawn or modified before the week has ended, it shall be thereafter considered an irrevocable gift to the VETERANS CONSULTATION GROUP.

_____
Signature

_____
Date

VETERANS CONSULTATION GROUP
P.O. Box 67013
Lincoln, NE 68506

Questions for the Record
The Honorable Jeff Miller, Chairman

Subcommittee on Disability Assistance and Memorial Affairs
House Committee on Veterans' Affairs

July 19, 2006

Hearing on the Role of National, State, and Local
Veterans Service Officers in Claims Development

Question 1: Please explain the 2002 VBA-New York State TRIP pilot initiative to improve claims development, as well as any actions that came from it.

Response: This initiative began in January 2003 as a result of discussions between the New York State Division of Veterans Affairs (NYSDVA) and the Buffalo Regional Office (RO) concerning the low percentage of New York veterans receiving compensation compared to the national average.

The initial concept involved original claims from first-time claimants. NYSDVA field offices would submit complete claim packages to the Buffalo RO, including all of the available medical evidence and documentation. The RO would obtain the veterans' service medical records and the Department of Veterans Affairs (VA) treatment reports. Reopened claims and claims for increase were to be added at some future date.

Modifications were made to the development procedures to resolve issues such as duplicate development letters to claimants, the requirement that letters be established and developed in MAP-D to allow for tracking, and the need for VA to ensure fulfillment of its statutory duty to develop for evidence in support of a claim for VA benefits. As a result of these modifications, NYSDVA did not become active in the claims development process until after the initial development letter was released to the veteran by the RO.

The Buffalo RO did report a better response time for receipt of evidence from claimants when NYSDVA followed up with them by phone to remind them to provide requested information to VA as soon as possible.

Since January 2006, no new claims have been accepted by the NYSDVA intake center at the Buffalo RO due to NYSDVA staffing issues. All claims being held in the intake center have been returned to the RO for processing. NYSDVA has not indicated when it might be able to resume the initiative.

Question 2: Please provide the Subcommittee with a detailed explanation on the implementation status of recommendation M-1 of the VA Claims Processing Task Force, which recommended VBA utilize veterans service organizations effectively. Specifically, what changes did VBA make to empower certified service officers?

Response: Recommendation M-1 was aimed at enhancing the partnership between VA and veterans service organizations (VSOs) by providing their members with training and expanded access to veterans' claims-related electronic records. The recommendation has been fully implemented.

The Training, Responsibilities, Involvement, and Preparation of Claims Program (TRIP) has three objectives: (1) to provide training to VSO personnel and State and local officials to build their expertise in the development of claims, (2) to provide a methodology for certification of skills, and (3) to provide training on VA computer systems and access to these systems based on those certified skills. Successful completion of TRIP training allows VSOs greater access to electronic claims records of veterans for whom they hold a power of attorney.

Accredited VSO members who are certified as having successfully completed TRIP training have wider access to electronic claims applications than those accredited representatives who are not TRIP certified. The training includes lessons on using and navigating the electronic records contained in these applications. With the additional information made available to them through this access, VSO representatives are in a much stronger position to assist veteran clients in developing their claims.

Question 3: In discussions concerning the backlog of claims, the assertion has been made that veterans who are represented by a service officer file for more disabilities than veterans who do not begin the process with VSO assistance. Is that accurate? If so, please explain.

Response: We have no data or evidence to support the assertion that veterans who are represented by a service officer file for more disabilities than veterans who do not begin the process with VSO assistance.

Question 4: To what extent do state, county, and national service officers submit fully developed and complete claims? If you do not have the data, please estimate it.

Response: Unfortunately, we have no data on this and no basis on which to provide an estimate. Service officers are generally conscientious in their work for veterans and seek to provide fully developed claims. There are, however, certain actions that must be performed within VA systems and/or by the regional office employees, including requests for service medical records from the Department of Defense (DoD), verification of service from DoD systems, and requests for compensation and pension (C&P) exams from the Veterans Health Administration (VHA) or contractors.

Question 5: What is VBA doing to increase information sharing with state and county service officers?

Response: The Veterans Benefit Administration (VBA) has created a partnership with State and county service officers through the Training, Responsibility, Involvement and Preparation of Claims Program (TRIP). The goals are to foster cooperation among VBA, VSOs, and claimants; to improve customer service, effectiveness, and efficiency; and to reduce duplication of effort. TRIP is comprised of a standardized, one-week training program for state and county service officers during which the fundamentals of VBA's development procedures are taught. Regional offices conduct TRIP on a quarterly basis and update the materials as needed to ensure the most accurate information is being relayed to VBA's partners.

In addition to TRIP, VBA regional office directors make sure that pertinent information is shared with State and county service officers through regular meetings with the VSO community. These meetings provide a structured forum to discuss issues affecting benefits programs. Minutes of these meetings are frequently disseminated to other State and county service officers by their representatives. Another avenue of sharing information with local service officers is through participation in State and county conferences and conventions. When invited, regional offices provide training or updates on issues affecting veterans benefit programs.

Question for the Record
The Honorable Shelley Berkley
Ranking Member
Subcommittee on Disability Assistance and Memorial Affairs
House Committee on Veterans' Affairs

July 19, 2006

Hearing on the role of National, State, and County Veterans' Service Organizations in Claims Processing

Question 1: If VA is fulfilling its duty to assist veterans, why do veterans who are represented receive so much more money per year than veterans who are not represented?

Response: The Department of Veterans Affairs (VA) makes every effort to ensure that it is in full compliance with its duty to assist in every case without regard to whether the claimant is represented by a veteran's service organization or attorney. This duty applies for initial claims for service connection as well as claims for increased compensation or more complex claims in which the veteran's disability picture may present difficult medical and legal issues.

While the Inspector General indicated in his report of May 19, 2005, *Review of State Variances in VA disability Compensation Payments* that one factor that may contribute to variance is the degree to which claimants in a particular state avail themselves of representation," there is, to date, no quantifiable evidence that representation is the key factor responsible for variation in the average annual compensation rate for veterans in any particular state. Factors that influence disability compensation payments are complex and intertwined. It is possible that the average annual compensation rate for all veterans includes a large number of veterans who filed for service connected compensation immediately after discharge from service, when VA is able to easily adjudicate their claims using only service medical records and a VA examination. In such cases, representation by a veteran's service organization or attorney would have little effect on the efficiency or completeness of adjudicatory actions. On the other hand, veterans whose conditions have worsened and present more complicated claims may feel it is necessary to retain representation to assist VA in more quickly obtaining all available medical records.

Because data is not yet available on the effect, if any, of representation on the average annual compensation rate, VA has contracted with the Institute for Defense Analyses (IDA) to conduct a scientifically sound study using statistical models of the major influences on compensation payments. It has identified more than 20 possible factors that might affect disability compensation. We expect a final report from IDA by the end of the calendar year, at which time we may be better able to evaluate the role representation plays in the disability compensation process.

Question 2: What types of evidence require the most labor-intensive actions to develop?

Response: Cases in which VA has to coordinate with an outside agency or for which special procedures exist are the most labor intensive.

Examples of such claims include the following:

a. Claims for service connection for post traumatic stress disorder that require verification of a stressor,
b. Claims requiring reconstructed dose estimates for nuclear test participants of military personnel who participated in the occupation of Hiroshima or Nagasaki,
c. Claims involving undiagnosed illness,
d. Claims associated with the Nehmer Agent Orange lawsuit,
e. Claims involving classified information

Any claim involving a medically complex issue or where the medical evidence is divergent often will require an expert medical opinion from VHA or outside of VA.

August 13, 2006

The Honorable Jeff Miller
Chairman
Subcommittee on Disability Assistance
and Memorial Affairs
335 Cannon House Office Building
Washington, DC 20515

Dear Chairman Miller:

Thank you for the opportunity to address questions raised by my testimony on July 19, 2006 before the Subcommittee on Disability Assistance and Memorial Affairs. I have included my responses below and would be happy to answer any additional questions you or members of the Subcommittee may have.

1. **How many years experience, on average, do PVA service officers have?**

The current experience level of our 59 trained National Service Officers (NSOs) is 8.2 years. Our National Service Officer Candidates average 1.3 years in training at this point This figure does not include any previous experience any of them may have as VA Staff or as service officers with other organizations. We do not track that figure, but it would certainly increase the average significantly. For example, 24 (39%) NSOs of the current 61 positions have some experience with either other Veterans Service Organizations (VSO) or with VA.

2. **To what extent do PVA service officers submit fully developed and complete claims? If you do not have the data, please estimate it.**

We do not maintain data on this. However, our training focuses on ensuring that each and every claim is developed to the fullest extent possible. Because VA law assigns effective dates of awards based on when the claim was submitted (in most instances), we may be required to submit an incomplete claim in order to preserve an effective date. We estimate that more than 50% of the claims we submit are developed fully, usually in the case of new service connection or new non-service connected pension.

3. **In your written statement, you suggest that county service officers are submitting claims that do not have merit in order to justify their budgets. Can that same premise be made of veterans service organizations that rely on membership dues?**

In our written statement, we stated that county veteran service officers (CVSO) are "political appointees" and the "appointees often" rely on the numbers of claims and appeals submitted to justify their budgets in a competitive county political environment. This statement comes from the direct experience we have because CVSOs often submit their claims through our national service offices or we hear through VA staff of instances where this appears to have happened. We cannot speak to claims generated by the work of other VSOs because we do not see their work unless the claimant changes representation. We have not heard of complaints about unmeritorious claims by other VSOs.

4. **What is the one thing the Veterans Benefits Administration could do to more effectively utilize your services?**

The Veterans Benefits Administration (VBA) could make serious improvements in claims processing for our clients by contacting our local NSO when more information or evidence is needed. VBA is incapable of properly informing the veteran of what is needed, what they need to do, and how the claims process works. By directly interacting with our NSOs, they would allow us to communicate directly with the veteran and we would be able to solve many issues without significant delay. For example, when the veteran informs us of the existence of medical evidence, we request it directly from the custodian of the record. When VA learns of additional evidence, they send a confusing letter, await a response, and do nothing with the claim until the evidence is received. We can usually get it quicker and screen it to ensure that it pertains to the issue at hand before submission to VA. This eliminates additional time and work on VA's part and provides better service to the claimant.

Sincerely,

Blake C. Ortner
Associate Legislative Director

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August 9, 2006

Chairman Jeff Miller
U.S. House of Representatives
Committee on Veterans' Affairs
Subcommittee on Disability Assistance
and Memorial Affairs
335 Cannon House Office Bldg.
Washington, DC 20515

Dear Chairman Miller:

This is in response to your letter of July 27, 2006. I want to thank you for giving me the opportunity to respond to the questions raised from your hearing on July 19, 2006. I have just received the questions this week, and solicited input from members of my Executive Committee members.

The questions and our responses are as follows:

1. **To what extent do county service officers submit fully developed and complete claims?**

   There are approximately 2400 County and State Veterans Service Officers across our nation. I can only speak for approximately 1,000 County Service Officers that have NACVSO (National Association of County Veterans Service Officers) training and accreditation. They are trained and encouraged to submit fully developed claims – ready to rate. We are successful in obtaining service medical records, private records and other documents needed to fully develop the claim. County Veterans Service Officers sit across the desk with the veteran and his or her dependents to determine what claims they are seeking and counsel them as to what claims should be filed. We gather the evidence and usually the County Service Officers pass the fully developed claim to a State Service Officer or Veteran Service Organization for review and representation at the Regional Office. If there are questions, the Service Organization can and should contact the County VSO so they can decide what other information is needed and what assistance is needed to obtain it. The State's or Veteran's Service Organization service representative will then represent the claimant at the Department of Veterans Affairs during processing until award of the entitlement sought. With better partnership between County Veterans Service Officer, State

Veterans Service Officers, service representatives of Veteran Service Organizations and the VA employees, veterans' claims would be processed more expeditiously and with fewer remands and appeals. County and State Veterans Service Officers need more remote access to the computer programs that VA uses in their adjudication and rating process. This supports our efforts to better support veterans, obtain timely information as to the status of claims, remove workload from VA employees and is provided for in our Standardized Training. We feel every person doing claims work should have training to insure that every veteran can get the same quality of assistance wherever they go. This will only happen when Congress mandates training and shares in the cost. There are counties in our states that fully support their veterans but their budgets are so low that there is no money to send their service officers for training. This emphasizes our continued need for Standardized Training.

The National Association of County Veterans Service Officers has supported legislation that provides assistance in getting training to every County Service Officer.

2. Please respond to the assertion that county service officers are submitting claims that do not have merit in order to justify their budgets.

I am very disappointed that a Veteran Service Organization would attack the County Veterans Service Officers in this manner. First, VA employees are Government Employees and in accordance with Title 38 must file, process and adjudicate any claim a person wants to submit. County Service Officers are no different, we are also government employees and must file any claim requested or demanded by the veteran, widow or dependent who may or may not be eligible for such benefit. [Example: "a pension claim from a non –war time veteran"; if a peacetime veteran comes to a County Veterans Service Office and demands to have a claim filed we must assist. He will however be advised of the regulation for eligibility for a VA pension and if he still chooses to file then we will comply, it is not our right to adjudicate the claim and deny filing. The County VSO may advise the State or Veteran Service Organization that we know this is a peacetime veteran so there will not be a lot of time expended in developing the case further. Once a County VSO or a Veterans Service Organization accepts the power of attorney (VA Form 21-22) they have the same obligation to follow through with the claim until the VA denies it.] We do not have the right to deny any veteran, widow or dependent the right to file a claim with the Department of Veterans Affairs.

County Veterans Service Officers are appointed in many ways. Some are appointed through a political process, some are hired through an interview process, some are hired by their local county commissioners or judges. Most who are members of our Association do an outstanding job. Furthermore, the avenue of obtaining their employment does not change the responsibilities of the job. In no case have we found a county service officer who files claims to enhance his/her salary or increase the amount of the annual budget. A CVSO is ethically required to assist all veterans, widows or dependents to file for any entitlement that the claimant wishes to claim. That is the law. The statement made by the PVA representative at the public hearing, " appointees often justify their existence and therefore their budgets, by the number of claims filed." is blatantly incorrect and cannot be substantiated. That statement demonstrates that the person who made the allegation does not know much about the quality of service that county and state service officers do for their veterans, widows and dependents, and the dedication and loyalty that is reflected daily in their work. I am sure if we searched long and hard we could find county veteran service officers who were not doing the job they were hired to do and whose quality of performance we would want to improve. I

dare say there are probably State or National Service Organizations (PVA included) and even VA employees about whom the same can be said. But, 99.9% of our Association members do a great job, for the right reason and provide great benefit to men and women who have served in this nation's military service (and their dependents) and who have earned the assistance available through the Department of Veterans Affairs. We will continue with our mission and focus to train and assist service officers with claims processing and outreach to our Veterans.

Respectfully submitted,

Ann Knowles, President
NACVSO

RESPONSE TO FOLLOW-UP QUESTIONS FOR
JOSEPH A. VIOLANTE
NATIONAL LEGISLATIVE DIRECTOR
DISABLED AMERICAN VETERANS
FROM THE HONORABLE JEFF MILLER
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
JULY 19, 2006 HEARING

Question One: How many years experience, on average, do DAV service officers have?

Answer: DAV has 20 staff at our National Headquarters, many of whom are responsible for overseeing our service and training programs, who have an average of 21 years of experience. We have 10 National Area Supervisors with an average of 20 years of experience. There are 56 National Service Office Supervisors who have, on average, 12 years of experience. There are 156 assistant supervisory, senior associate, and associate National Service Officers, who have an average of 9 years of experience. We have 21 Transition Service Officers with an average of 3 years experience. DAV also has 32 National Service Officer Trainees who have less than two years of experience.

Question Two: To what extent do DAV service officers submit fully developed and complete claims? If you do not have the data, please estimate it.

Answer: DAV National Service Officers provide free counseling and education to claimants in regards to VA benefits that they may be entitled to receive under title 38, United States Code.

When a claimant decides to file a claim for benefits and elects DAV as their representative, NSOs complete appropriate application forms and assemble available supporting evidence for submission to VA. In some cases, a veteran may file his or her claim directly with VA. If DAV has the power of attorney (POA), VA will notify us of the veteran's claim when the rating decision is sent to the veteran. If the veteran files his or her claim directly with VA and then executes a POA naming DAV, we receive notification of the veteran's POA.

Following the initial prompt submission of the claim for benefits and to ensure the effective date is preserved (*see* 38 U.S.C. § 5110) DAV and/or individual VA adjudicators may determine whether additional evidence and/or examinations are necessary under 38 U.S.C. § 5103A (VCAA) prior to rendering a decision.

The DAV provides assistance with the aforesaid development when permissible.

Question Three: What is the one thing the Veterans Benefits Administration could do to more effectively utilize your services?

Answer: One of the most important things that the Veterans Benefits Administration could do to more effectively utilize our services would be to thoroughly read our arguments in support of a veteran's claim for benefits and to take positive action on our recommendations to consider specific statutes and regulations, develop additional pertinent evidence or provide a medical examination, to mention a few examples.