

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to submit my written statement regarding the Philadelphia and Oakland: Systemic Failures and Mismanagement.

Since 2012 I've teamed up with Kristen Ruell to provide the VA OIG as well as members of congress details and evidence regarding systemic failures and mismanagement. When we first submitted our concern to OIG we wanted to remain anonymous because we were afraid of retaliation from our peers and management. Regardless our identities were revealed since at the time the whistleblower protection act was not taken seriously. Since we were afraid that we were going to lose our jobs we contacted the media to stay on the radar. After being a voice that's being heard whistleblowers from the VARO would secretly provide us with information since they too are afraid of retaliation.

For the record I would like to provide this written statement as a status report, additional findings after the release of the VA OIG report and my personal opinions.

I've selected 6 questions for this written statement that I have firsthand knowledge of obtained from the VA OIG Report Review of Alleged Data Manipulation and Mismanagement at the VA Regional Office Philadelphia, Pennsylvania dated April 15, 2015.

Did VARO staff misapply Fast Letter 13-10, "Guidance on Date of Claim Issues" and enter incorrect dates of claims in the electronic record?

Although the guidance under Fast Letter 13-10 was terminated effective June 27, 2014. Older dates of claims can be hidden in the VBA systems using the End Product (EP) EP 930 for Service Connected Compensation and EP 937 for Non-Service Connected Pension or Death Compensation and DIC Claims with an earlier effective date.

For VA Service Connected Compensation Claims the following End Products are used once it's established in the VBA System, handled by the Veterans Service Center (VSC):

- EP 010 - Initial Disability Compensation Claims - Eight Issues or More
- EP 110 - Initial Disability Compensation Claims - Seven Issues or Less
- EP 020 - Reopened Claims - Compensation

For VA Non-Service Connected Pension Benefits or Death Compensation and DIC Claims are used once it's established in the VBA System, handled by the Pension Management Center (PMC):

- EP 197 - Initial Death Pension Claims
- EP 127 - Reopened Claims -Pension
- EP 147 - Initial Death Compensation and DIC Claims
- EP 029 - Reopened Death Compensation and DIC Claims

As of last week the VSC was instructed to provide justification to management upon establishing an old date of claim, under the normal end product codes EP 010, 110, and 020. However, establishing an EP

930 to hide older date of claims are still being applied in the VSC and PMC (under EP 937). This makes it look like the VARO has accomplished their goal on eliminating older claims.

Due to the pressure of achieving production points to justify an employee's workload, most employees would top sheet a Veteran's physical claim folder or electronic claim folder upon completion of a claim. Top sheeting is reviewing only new documents beyond the active date of claim.

Old claims that are not address are usually identify if a Veteran submits a Notice of Disagreement and request for a Decision Review Officer Review (DRO Review). This election forces the Decision Review Officer to review the Veteran's entire physical claim folder and electronic folder prior to providing the Statement of the Case or an Amended Decision of the issue on disagreement. Since the DRO Review forces an entire review of the Veteran's record, top sheeting cannot be applied, so finding old claims in the Appeals Team due to a DRO Review is common.

Once an old claim is identified it is then sent back to the VSC or PMC to be established under the proper End Product (EP) designation and date of claim.

The following questions should be asked and looked into are:

- Do both VSC and PMC use the correct date of claim when an old unprocessed clam is discovered by the Appeals Team (or randomly appear out of nowhere in the VARO)?
- As well as what is the oldest claim in the VARO's inventory and how was it discovered?

If the VARO is saying that they do not have claims categorized as old pending in their inventory or that they have reached their goal of eliminating old claims. Someone is lying to the VA Central Office or Congress.

This information was acquired from multiple anonymous whistleblowers reporting the information to me because they were concerned that the problem still continues and while I process claims in the Appeals Team.

Did VARO staff process Board of Veterans' Appeals claims out of order by "cherry picking" the easy cases?

Since I've been transferred to the VSC Appeals Team in November 2014. I do agree with OIG's findings That they did not substantiate the allegation that VARO staff processed less complicated appealed claims by "cherry picking" easy cases out of docket order. It is true that Philadelphia VARO does not have control over appealed claims under the jurisdiction of the Board of Veterans' Appeals. As such, VARO staff could not influence how the Board of Veterans' Appeals controlled or managed its workload.

However due to the pressure of achieving production points to justify an employee's workload. Cherry picking is common in the VSC and PMC main floors for regular cases. Most employees do have the integrity to work older or harder cases in their workload regardless of the point system. But there's always those who would rather work on the easy cases to get by and save their jobs since unmeasured time is usually frowned upon by management. To regulate this issue some responsible Coaches (Team Supervisors) would conduct monthly projects to eliminate older cases forcing the employees to initiate an action on a pending claim.

Cherry picking does occur but this applies to other VAROs as well. There are many factors on why this occurs in our work environment but it takes a responsible Supervisor to identify the issue and take action.

Did VARO staff timely process Notices of Disagreement for appealed claims?

Since I've been transferred to the VSC Appeals Team in November 2014, I have firsthand experience on how the workload is managed regarding the Notice of Disagreements.

As listed by the OIG report the delay is due to the following reasons:

- Disorganized Storage of NODs - Changed due to the Centralized Mail Center
- Increased Appealed Claims Workload - Currently Occurring
- Misrouted Mail - Currently Occurring

OIG recommended the following:

- The VARO implement a plan to ensure and effectively monitor staff enter appealed claims in Veterans Appeals Control and Locator System within 7 days to ensure accurate and timely reporting to stakeholders.
- The VARO Office Director implement a plan to ensure efficient operations when processing appealed claims, to include determining if additional staffing is required to process approximately 700 appealed claims from another VA Regional Office.

Based on my experience working with the VSC Appeal Team the Notice of Disagreement delay is ongoing. Currently the major issue with the delay are the following:

- Centralized Mail Scan Delay: The timeframe for the scan facilities to upload the Notice of Disagreements into the VBA portals is not instant upon receiving the documents. They are unable to keep up with the volume of incoming mail.

- VARO Intake Processing Center Backlog: Once the Notice of Disagreements are scanned they are uploaded into an electronic portal on which Claims Assistants in the Intake Processing Center (IPC) are tasked to identify, establish an End Product (EP 170) in VBMS for tracking purposes and assign the case to the Appeals Team. Many of the Claims Assistants in IPC are not familiar with VACOLS or the Appeals Process so only a select few are knowledgeable on updating VACOLS.
- Under Staffed in the Appeal Team: The Appeals Team is under staffed and unable to keep up with the incoming Notice of Disagreements. In addition to each Veterans Service Representatives (VSR) primary duty, most are assigned special duties to include handling attorney fee cases, verifying herbicide exposure, posttraumatic stress stressors and locating missing service records. The special duties take up more time than the primary duties so getting back to the normal workload can vary depending on the amount it takes to complete the special duties. In addition, the team must also undertake high priority cases which needs attention as soon as possible such as Whitehouse Inquiries, Congressional Inquiries, Homeless and Terminal Cases.

The major question that should be asked is what is the national average on how many days it takes for the Notice of Disagreements to be placed into VACOLS once it is received?

Also where does the Philadelphia VSC and PMC Appeals Team rank regarding the delay of the Notice of Disagreements being placed in VACOLS?

There is no way at this point for NODs to be placed into VACOLS within 7 days as required. The only way this is requirement obtainable is if the following changes are applied:

- The scan station must upload the NOD into the portals on the same day or within 3 days upon receiving the document.
- Combine the PMC and VSC Intake Processing Center to prevent misrouted scanned mail.
- Increase the amount of Claims Assistants to help alleviate the incoming workload of the VARO.
- Train all Claims Assistants on how to update VACOLS and gain basic knowledge of the Appeals Process equivalent to a Veteran Service Representative (VSR).
- Increase the staff in the Appeal Teams as soon as possible.
- Have Special Duties such as Military Records Specialist and Attorney Fee Coordinator VSRs in the Appeals Team focus only on those duties so that the regular workflow of appeals is not interrupted.

For the Record my current Supervisor and Assistant Supervisor at the VSC Appeals Team have been very proactive on managing our workload regardless of our limitations.

Did VARO management ignore benefits-related inquiries and veterans' claims submitted through VBA's Inquiry Routing and Information System at the Pension Call Center?

Both Kristen and I was informed about this issue by an anonymous employee. Due to the hostility of PMC management towards recognized whistleblowers, the employee did not want to be identified for the possibility of retaliation. We advised the employee to provide this information to the OIG along with us.

As of last week I conducted a follow up with the anonymous employee regarding the 31,410 pending inquiries. I was informed to date no action have been taken on the pending inquiries via IRIS.

OIG selected judgment sample of only 30 inquiries from this listing to review. Based on the report they just mentioned that they are inquiries. But the truth is majority of the report of contact via IRIS are informal claims which can grant the Veterans with an earlier effective date. Due to this they all must be properly reviewed to check if the VARO owes Veterans additional payments based on an earlier effective dated generated by the informal claim. As well as identify and take actions on death notifications of beneficiaries at a timely manner to prevent improper payments beyond the termination date.

The VARO was tasked to fix this issue and USB concurred with their recommendations and reported the Philadelphia PMC had fewer than 300 inquiries pending as of March 15, 2015.

There is something clearly wrong with this answer. An IRIS if not printed can easily be deleted electronically with leaving no trace.

The big question is if the anonymous employee informed me that no action have been taken on the 31,410 IRIS "inquiries" how is it that it has been reduced to 300 inquiries by March 15, 2015?

In addition to the big question who reviewed them? Did OIG save a control list of the IRIS inquiries to verify if the PMC conducted the correct actions?

The questions raised by the anonymous employee are:

Of the 31,410 IRISes that have been responded to, how many times was a phone call made, per the Veteran's request?

How many times was a letter sent to a Veteran?

Why does the PMC disregard the Veterans request for the type of contact they want?

Damage control was done and a follow up is needed. People who were tasked to conduct the review must be questioned and the data must be presented and hopefully OIG has a control list to cross-reference the PMC's response.

Did VARO management fail to prioritize the merging of duplicate claim records that resulted in improper payments and instruct staff to waive associated overpayments?

When I was a Claims Assistant in PMC Triage I was assigned the duty of fixing duplicate records and other various record issues. I've always been told that duplicate records are not a priority and that upper management told us to focus on our regular work. I then got promoted to the VSC as a Veterans Service Representative (VSR), I was then informed that no one really knew how to fix duplicate records in the VSC so I was assigned to help VSC with their duplicate records issues. I've done it for approximately 2 years while also tasked to work my regular workload and my Military Records Specialist duties for brokered cases and then the NEHMER project.

According to the report the USB advised OIG that Hines Information Technology Center (ITC) staff generate monthly cumulative reports on a national level identifying duplicate payments in VBA's corporate database. However, VARO staff OIG interviewed were unaware these reports existed.

The question is where is this report that HINES provided the VARO? The funny thing is we're the ones who notified upper management to contact HINES when we had our DUPC meetings.

In 2012 Kristen and I worked together to reveal that duplicate records can indeed created duplicate payments and later down the line Kristen revealed that the duplicate payments were not being recouped properly my PMC. We submitted this information to OIG in 2012. We never got a proper response regarding what we reported until we resubmitted our findings along with other mismanagement concerns in 2014.

From experience working with duplicate records for years, double payments will not occur as much in the VSC compared to the PMC. Since VSC requires the Veteran's Service Treatment Records and Personnel Records to complete a claim. PMC on the other hand had a habit of authorizing payments on pension claims without a social security number, verified service dates and correct dependent information.

The OIG visited the VARO in June 2014 we asked them what happened to our initial report in 2012? They informed us that it come out inconclusive. We were never asked on how we found the duplicate payments until June 2014. Our previous report was just pushed to the side without any effort on contacting us to obtain more information. It was case closed in 2012 with no notification. In 2012 Kristen and I also wanted to remain anonymous but someone from the OIG revealed our identities to management so we had no choice but to contact the media to protect our jobs.

So the second time we reported the issue I've created two charts for OIG on June 24, 2014 to assist them on locating duplicate records with duplicate payments. I'm not sure how in-depth their investigation was because the number of duplicate records on the report is the number that I've provided them.

No one at the VARO looks for duplicate records they only come across it and then it's forwarded to me to fix. When the VARO was assigned the NEHMER project I reviewed the incoming spreadsheet and identified duplicate records. I've compiled a list for management and I was told that we didn't have to worry about those duplicate records because it didn't affect the Veteran's payments. Since this was a court Order Project an NVLSP project I felt that that response that I've received was not right so I sent that list to OIG as well.

I was then relieved of my duties fixing duplicate records once I provided the VSC IPC my procedures and templates. I was then transferred away from the main VSC floor and assigned to the Appeals Team. The duty of duplicate records in the VSC is now being handled by one person as a fulltime position. Which I've been asking for and suggested since 2011. I've submitted multiple suggestions on how to fix the problem at the VARO before it got worse and they were both denied and never reached VACO. I then gave up on submitting suggestions to human resources.

When I was transferred to VSC no one compiled an inventory list of identified duplicate records so I created one for the D1BC and requested the VSC to create one as well. Since then we were able to gain an approximate count of duplicate records in the VSC. The PMC on the other hand was not allowed to create a list of their duplicate records. I was informed by multiple employees in the PMC. This very questionable since when I left the PMC there were about 1500 to 2000 duplicate records floating around unattended. The reason for this is because the Philadelphia PMC covers pension claims for the whole entire east coast of the US. Fortunately one employee compiled a list but only 150 was identified since that employee took it upon himself like me to make an inventory list for tracking purposes. I'm not sure who is handling duplicate records in the PMC since the last person was promoted.

There are a lot of steps at the VARO level to fix duplicate records. There are hardly any updated procedures that is easily accessible to end users. I've made one for the VSC since I kept on calling the National Service Desk to gain new procedures that the VARO is not aware of. The PMC is still new to VBMS so the new employees who are assigned the duty probably does not know to transfer the electronic documents first prior to a merge. If a duplicate record is merged and steps are missed electronic documents ends up getting lost in a location in VBMS that can only be accessed by using a special search feature. I don't believe that this information was ever relayed to PMC.

Duplicate records have increased nationwide because the VA Form 21-526EZ, ebenefits, and the new VA Form 21-0966 Intent to file form does not require the Veteran to provide his or her service number. A lot of Veterans with service numbers have claim numbers in the VBA system already. This will create more double payments and headaches to all of the VAROs.

How serious is the VA taking duplicate records now? I'm not really sure I hope that after this hearing there will be some changes.

Did VARO staff mishandle military file mail?

Kristen and I reported this practice in 2012 this too was dismissed until it was raised again in 2014. The question is will the VARO keep doing it? Will whistleblowers keep reporting it?

The sad new is VBMS has an unassigned document location, so instead of physical documents being lost now electronic documents are being lost too. The unassigned document list in VBMS is hardly reviewed and it's equivalent to military file mail. This is nationwide not just at our VARO.

Since Kristen and I revealed multiple issues to OIG, congress and the media we've been categorized as the snitches of the VARO. A lot of coworkers and members of management would say that we are just out there to give our building a bad reputation. Which I don't understand because most of the people who complain about the issues that's going on in the building would not step up because they are comfortable of having a "it is what it is" mentality. A lot of our co-workers would say just keep your mouth shut, no matter what you do it's going to get covered up. Well we made it this far, I really do hope our efforts will bring some changes not only for our VARO but the whole nation.

For the record the Philadelphia VA Regional Office has a lot of amazing employees who would go above and beyond for a Veteran in need. A lot of us believe on our mission "To care for him who shall have borne the battle and for his widow, and his orphan."