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FOR THE RECORD

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS

WITH RESPECT TO

“Assessing Whether VA is on Track to Successfully Implement Appeals Reform”

WASHINGTON, DC

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Chairman Roe, Ranking Member Walz and members of the committee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to present the VFW's views on the Department of Veterans Affairs (VA) efforts to implement appeals reform.

The VFW fully understands and respects the magnitude of transformation that VA must accomplish over the next seven months to ensure the new appeal framework can be deployed on time and in accordance with the *Veterans Appeals Improvement and Modernization Act of 2017*. To date, we believe that VA has been very aggressive in seeking to develop new business processes to ensure the new framework succeeds. We have provided feedback along the way and will continue to have open communication with VA about the challenges of implementing such a systemic change in a very short period of time.

The VFW has seen several successes in the Rapid Appeals Modernization Program (RAMP) to this point. VA should be commended for deploying a system that improved workflow. However, as a veterans service organization (VSO) that represents more than 500,000 veterans in their claims and appeals, it is our duty to watch this process closely, identify deficiencies, and work with VA and Congress to fix them.

First, we are encouraged by the grant rate that VA is reporting for appeals that have gone through the Higher Level Review lane. To the VFW, this indicates that review officers are taking this program seriously, and are not afraid to correct decisions. The VFW has also noticed that newer appellants are more likely to opt into RAMP than to stay in the legacy system, which could still take years to navigate. Even when veterans receive denials under RAMP, they are notified in a timely manner and more clear and simplified options to seek further resolution. We saw one example of this in Florida where a veteran opted into Higher Level Review continued to be denied, but was given a rating decision within only a matter of weeks of opting into RAMP. With a new rating decision in hand that provided improved explanation of the law and evidence considered, both the veteran and the VFW service officer were better equipped to address the

veteran's appeal.

VFW has also seen success with, the underutilized, informal conference process. In Kansas, our representative has had success ensuring that the adjudicator has a clear understanding of the issues under appeal, which increase the likelihood of veterans receiving favorable decisions.

The VFW is pleased that VA was able to share draft regulations with VSOs very early in this process, soliciting VSO feedback. What we read at the time seemed very veteran-centric and gave us peace of mind. As the administrators of a national claims assistance program, we feel VA has made progress in improving collaboration which allows us to encourage our representatives in the field to recommend RAMP as a course of action for claimants. We are concerned, however, that VA is running behind on its proposed timeline for implementation. We anticipated that VA would publish its proposed regulations for public comment no later than July 1, 2018, with an expedited public comment period ending August 1, 2018. This timeline was critical to ensuring full implementation by February 2019. Unfortunately, the proposed regulations have yet to be published for public comment. We hope this does not skew the timeline significantly in meeting the statutory implementation deadline, since other implementation steps depend on the finalization of the regulations, such as the development of revised forms reflecting the options to appeal directly to the Board of Veterans Appeals (BVA).

With regard to processing, we do have concerns over consistency in the process. We have questions about how long it takes some VA offices to properly process RAMP paperwork. We have seen veterans whose claims were already certified to BVA, awaiting a hearing, receive a RAMP opt-in notice, even though they would be ineligible to participate. The paperwork to opt into RAMP is also confusing now that the program has been expanded. Originally, notice letters were sent with a coversheet filled out by VA that would route RAMP appeals to the Appeals Resource Center. Claimants choosing to opt in without having received a notice letter may not complete this section, as it states it is to be completed by VA personnel, and may therefore experience delays in establishing the claim.

VA's computer systems have also caused issues with implementation. For example, RAMP actions cannot be taken before actions on other claims are completed, or vice versa. These conflicts create unnecessary hurdles for claims processors to resolve in a process that is supposed to be simplified. IT concerns must also be addressed to allow claimants to pursue different issues in different lanes, for full implementation of appeals reform.

VA's adjudication numbers seem to also reinforce that processing is not as consistent as we need it to be. Though we have seen a significant increase in veterans who opt in, we have not seen a significant increase in RAMP decisions. This worries the VFW when it comes to full implementation. Will VA have the resources to process these new claims in a timely manner, or will we experience similar backlogs to what we saw at BVA, that led to calls for reform?

In speaking with our field representatives, we also have concerns over the quality of decisions we see in the supplemental claims lane. From VA's latest report, the grant rate through supplemental claims is only 26 percent, which is lower than the grant rate at BVA. One of our representatives expressed a concern that the quality review system at the local VA Regional

Office would actively discourage benefit grants through the supplemental claims lane. Since supplemental claims are considered by the same regional office that processed that original claim, the regional office would be reluctant to change the decisions because doing so would negatively affect its overall quality review.

When it comes to Higher Level Review, we do see a promising practice emerging, now that VBA has designated three new Decision Review Operations Centers (DROCs) to handle this workload. We believe that the DROCs can help ensure consistency in decision-making at the higher level, and mitigate some concerns about VAROs simply confirming prior decisions. However, we are interested to learn how the DROCs will be staffed and if VA believes the staffing level will be sufficient for the anticipated number of Higher Level Reviews.

Finally, with regard to duty to assist, we must remind the committee to continue asking questions about this critical legal protection for veterans. While everything we have seen to date indicates that VA is maintaining this obligation, we want to do everything in our power to ensure that no veteran slips through the cracks as new business processes emerge and standard practices within VA change.

Again, we understand the magnitude of VA's task. To ensure it can succeed, VA must be as proactive as they can be in informing the VSOs of changes and consulting us on new business processes. Historically, VA has changed its workflows and only informed stakeholders after the fact, not recognizing that this affects both the veterans they serve and VSO service providers who help veterans navigate these systems. For organizations like the VFW that orchestrate large-scale claims assistance operations, we are always available to provide practical expertise and advice on how process changes will affect workflow and customer experience.

Once fully implemented, we continue to believe that the new appeals framework will result in a cleaner, more understandable, and veteran-centric benefits system. We appreciate VA's diligence in everything they have accomplished to this point and we look forward to continuing to work with VA and this committee to make appeals modernization a success.