

## **Executive Summary of Written Testimony of Kelli Kordich**

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House Committee on Veterans' Affairs  
Subcommittee on Oversight and Investigations  
"Metrics, Measurements, and Mismanagement in the Board of Veterans' Appeals"

September 10, 2014

- This testimony addresses six points. It describes the "Old Case" list, the Administrative Investigation Board (AIB), the "Rocket Docket" program, Perverse Incentives, Confusion in Case Management, and Counting Cases Multiple Times.
- Reports show that at least since 2012 and as recently as August 2014, Board management held cases in their possession for well in excess of 100 days to over a year. Most of the appeals' languishing the longest were either simply awaiting review for signature, or just waiting to be assigned to an attorney. Rather than addressing the issue of delays, the front office manipulated the Board's electronic record keeping system and shifted cases around to others in the Chairman's Office and by removing the front office from the report.
- In January 2013 an Administrative Investigation Board (AIB) was convened by the VA General Counsel to investigate fraud, waste, abuse of power, and discrimination at the Board. Not all witnesses were called and ultimately the AIB was disbanded without reason and without indication as to what the AIB did with the transcripts of those who testified.
- The "Rocket Docket" program was used to meet the Board's production numbers at the expense of veterans. The appeals of those veterans with large cases or with more than two issues were not included in the screening process and management allowed approximately 100 cases to be decided under this program out of docket order, in violation of statute.
- Perverse incentives were initiated to squeeze out more cases when management changed the production goals of judges mid-year and retroactively and by eliminating the credit given judges for VHA/IME opinions.
- The Board is also scrambling to get cases out of case storage that have old docket numbers which had been allowed to languish, by literally forcing them into the hands of judges in order to transfer responsibility in the event questions are asked.
- To meet the production goal of 55,170, the Board counts non-final remands and in some cases has counted the same underlying appeal three times when reporting its production, thereby manipulating the production numbers reported to VA and Congress.