

**STATEMENT OF  
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VETERANS BENEFITS ADMINISTRATION  
BEFORE THE SUBCOMMITTEES ON  
OVERSIGHT AND INVESTIGATIONS AND DISABILITY ASSISTANCE AND  
MEMORIAL AFFAIRS OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS**

**July 13, 2017**

**Opening Remarks**

Chairman Bost, Chairman Bergman, Ranking Members Esty and Kuster, and Members of the Subcommittees, thank you for the opportunity to discuss how the Department of Veterans Affairs (VA) processes Gulf War Veterans' disability compensation claims for undiagnosed illnesses or medically unexplained chronic multi-symptom illnesses. With me today is Dr. Patrick Joyce, Chief, Occupational Health Clinics, Washington VAMC, VHA. My testimony will provide an overview of VA's processing of these claims and our training and quality assurance efforts.

**Gulf War Illnesses**

Service connection for undiagnosed illnesses or medically unexplained chronic multi-symptom illnesses requires service in the Persian Gulf after August 2, 1990, and a qualifying chronic disability that rises to a compensable level of severity before December 31, 2021. To ensure Veterans who served in the Southwest Asia theater of operations continue to be entitled to benefits under the law, VA recently updated the regulation in 38 Code of Federal Regulations § 3.317 to extend the date for which service connection may be awarded for a qualifying Gulf War illness from December 31, 2016, to December 31, 2021.

A medically unexplained chronic multi-symptom illness means a diagnosed illness without conclusive pathophysiology or etiology. The objective signs and symptoms of these disabilities, as well as undiagnosed illnesses, include fatigue, skin conditions, headaches, muscle pain, joint pain, sleep disturbances, and cardiovascular symptoms, among others. The term "medically unexplained chronic multi-symptom illness" also covers diagnosed illness defined by a cluster of signs or symptoms, such

as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders (excluding structural gastrointestinal diseases).

Processing these types of claims requires a careful review of service treatment records, military personnel records, and post-service treatment records. Claims processors must carefully review the claimed disabilities and symptoms. Medical examinations are generally required where VA identifies these disability patterns to determine whether there is a medical explanation of the disabilities.

### **Gulf War Claims Processing**

In fiscal year (FY) 2016, approximately 18,681 Veterans who served in the Southwest Asia theater of operations received a rating decision for a claim for service connection for undiagnosed illnesses or chronic multi-symptom illnesses. From this number, 4,594 Veterans were awarded service connection for one or more undiagnosed illness or chronic medically unexplained multi-symptom illness. This equates to a grant (or approval) rate of 25 percent. When considering each type of claim, the approval rate for a medically unexplained chronic multi-symptom illness is 31 percent compared to 13 percent for an undiagnosed illness. It should be noted that when a Veteran claims an undiagnosed illness, if upon examination or if the medical evidence shows that symptoms can be attributed to a diagnosed condition, VA will service connect the diagnosed condition whenever possible rather than characterizing the claimed condition as undiagnosed. Therefore, the number of grants for undiagnosed illnesses or chronic multi-symptom illnesses do not reflect the actual number of Veterans service connected for known disabilities resulting from their Gulf War service.

### **Training**

VBA has developed a total of thirteen courses for claims processors that are focused on processing of claims for undiagnosed illnesses or chronic multi-symptom illnesses. Over the last year, VA Central Office mandated, as part of the FY 2017 National Training Curriculum for Rating Veterans Service Representatives, required training of four interactive lessons (eight hours) and one classroom-based course (two

hours) for a total of 10 hours of training. For Veterans Service Representatives, a two-hour required class was mandated as part of the National Training Curriculum. In addition, a new lesson titled, "Southwest Asia/Gulf War Claims Development" is currently being developed and is scheduled to launch in FY 2018.

VA has implemented a number of other initiatives to improve Gulf War claims processing. VBA is making necessary changes to improve the notification process, specifically to require that decision letters indicate that claimed issues were evaluated under both presumptive and direct service-connection methods. This change is scheduled to go into effect by the end of August 2017. VA has developed special tracking to specifically account for Gulf War claims. VA has also amended its Gulf War General Medical Examination template to include information for examiners on undiagnosed and chronic multi-symptom illnesses, as well as information on environmental exposures in the Gulf War.

### **Quality**

The Veterans Benefits Administration (VBA) is constantly looking for ways to improve the service it provides to America's Veterans, including this cohort of Veterans. VBA works with the Veterans Health Administration (VHA) in reviewing the research done by its Offices of Public Health and Research and Development, as well as the National Academy of Medicine's (formerly the Institute of Medicine) biennial update on Gulf War issues. VBA also works with VHA and the Department of Defense in joint workgroups that research occupational and environmental hazards coincident with military service. VBA collaborates with VHA to update training for its medical examiners, as well as VBA's contract medical examiners. Finally, VA continues to collaborate with the National Gulf War Resource Center (NGWRC) in bimonthly meetings.

VBA has a national quality review staff, as well as quality reviewers in its local regional offices, to ensure employees correctly process and decide claims for Gulf War illness. As agreed upon with NGWRC, VA conducted two distinct special-focused

reviews of decisions on claims for Gulf War-related illnesses in December 2015 and September 2016. The review in December 2015 focused on FY 2015 Gulf War illness cases and showed a 94-percent accuracy rate. The September 2016 review expanded the review to cases that involved claims for medically unexplained chronic multi-symptom illnesses over a 4-year period starting from FY 2011. This review showed an 89-percent accuracy rate.

### **Closing Remarks**

VA continues to improve the efficient, timely, and accurate processing of disability compensation claims involving service in the Gulf War. Although the science and medical aspects of undiagnosed illnesses and multi-symptom illnesses are complex, VA continues to review scientific evidence and medical literature to gain a better understanding of the impact of these illnesses on our Gulf War Veterans.

This concludes my testimony. I am pleased to address any questions you or other Members of the Subcommittees may have.