

**STATEMENT OF RONALD B. ABRAMS**

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BEFORE THE  
HOUSE SUBCOMMITTEE ON DISABILITY ASSISTANCE & MEMORIAL  
AFFAIRS  
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**Adjudicating VA's Most Complex Disability Claims: Ensuring Quality, Accuracy  
and Consistency on Complicated Issues**

**EXECUTIVE SUMMARY**

**In general there are three types of complex claims:**

- (1) some claims, by their very nature, are very complicated;
- (2) some claims can become complex as they are developed by VA or as evidence from the claimant is submitted; and
- (3) some claims can become complex because of VA error.

**Examples**

- (1) Inherently complicated – claims involving special monthly compensation;
- (2) claims that can become complicated such as claims for direct and presumptive service connection; and
- (3) claims that VA errors make complex (claims that are not properly adjudicated and prematurely denied).

**Non-Adversarial claims adjudication process**

- (1) Complex claims have a higher error rate;
- (2) there is an ex parte and non-adversarial claims resolution process at the regional office and before the BVA;
- (3) the most egregious VA errors are a result of premature adjudications;
- (4) the current error rate is somewhere between 30 and 40%;
- (5) it is unrealistic to assume that the accuracy rate at the VA regional offices will ever approach 98%;
- (6) many claims that should be adjudicated (or at least invited) are ignored by VA adjudicators;

**The most common errors are:**

- (1) premature denials;
- (2) under evaluation of mental conditions;
- (3) under evaluation of joint disabilities;
- (4) failure to consider presumptive service connection; and
- (5) failure to inform VA medical examiners what facts have been accepted as true by VA adjudicators.

**Solutions**

- (1) The VA should be required to submit to an independent quality review;
- (2) Make VA raters and Decision Review Officers accountable for the quality of their work;
- (3) Hire more VA adjudicators; and
- (4) The adjudication culture at the VAROs needs to be changed.