



Executive Summary: Testimony on VBA Technology

WWP welcomes the efficiencies that technology can bring to VA claims adjudication. But efficiency is not an end in itself. VA’s highest obligation must be to the veteran. It must accommodate those who – because of disability, hardship, remoteness or fear -- do not have online computer capability or cannot be expected to communicate through that modality. It should go without saying that those veterans should not be expected to accommodate VA.

Yet under a recent notice of proposed rulemaking, VA would discard current rules that aim to minimize the burden of initiating a claim and to allow benefits to be paid from the earliest possible date. It would abandon the longstanding pro-veteran policy that permits vets to file informal claims and provides benefits from the date that informal claim is filed. Instead, the rules’ change would push veterans to file claims electronically, and would penalize those who don’t. VA would have one rule for those who file electronically and a different, harsher rule for all others. The result is that the veteran who does not file online – whether because of disability, hardship, information security concerns, of sheer lack of access -- might lose thousands of dollars in benefits.

WWP has no problem with VBA’s deploying technology to streamline processes and make claims-adjudication more timely and efficient. But VA’s rule change would go far beyond that – too far -- penalizing veterans who for any number of legitimate reasons cannot or elect not to file claims online. The proposed rule change would turn longstanding policy on its head – shifting a burden onto the veteran. Simply put, VA’s proposal is unlawful – exceeding its authority in law. With its proposal, VA has effectively and unilaterally declared that “efficiency” trumps providing the veteran the benefits it owes him or her. If such a fundamental policy change is to be made, it is for Congress to make it, not the VA.

Several important interests are at stake here:

One: adherence to law.

Two: preserving a pro-claimant adjudication system;

Three: protecting veterans who, for reasons including disability, hardship, remoteness, or fear, do not have effective online computer access or cannot reasonably be expected to communicate through that modality;

And finally: preserving congressional prerogatives.

Given the importance of each of those interests, we ask the Subcommittee to press VA to withdraw its proposed rulemaking.

