

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO**  
**PROVIDED TO THE**  
**HOUSE COMMITTEE ON VETERANS' AFFAIRS**  
**SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS**  
**"U.S. DEPARTMENT OF VETERANS AFFAIRS FISCAL YEAR 2019 BUDGET:**  
**VETERANS BENEFITS ADMINISTRATION AND BOARD OF VETERANS'**  
**APPEALS"**  
**MARCH 15, 2018**

Chairman Bost, Ranking Member Esty, and Members of the Subcommittee:

The American Federation of Government Employees, AFL-CIO (AFGE) and its National VA Council (NVAC) appreciate the opportunity to submit a statement for the record for the March 15, 2018 hearing titled, "U.S. Department of Veterans Affairs Fiscal Year 2019 Budget: Veterans Benefits Administration and the Board of Veterans' Appeals." AFGE represents more than 700,000 employees in the federal and D.C. government, including 250,000 front line employees at the Department of Veterans Affairs providing comprehensive benefits, health care, and other critical services for veterans.

It is imperative that Congress provide Veterans Benefits Administration employees the resources and work environment they need to serve America's veterans -- to accurately process claims and ensure veterans get the benefits they have earned in a timely manner.

AFGE wishes to comment on several components of the budget for the Veterans Benefits Administration (VBA) and the Board of Veterans' Appeals ("Board") including:

**Staffing:**

Adequate staffing levels are essential to effectively serving veterans in the processing of claims. AFGE strongly supports the Independent Budget's (IB)<sup>1</sup> recommendation that in FY 2019 the VBA add 900 new full time equivalent employees (FTEs), including 500 FTEs to "address the pending and future appeals workload" and 350 FTEs to "address the backlog of dependency claims and other non-rating related work."<sup>2,3</sup> This includes hiring enough VBA staff to support the Rapid Appeals Modernization Program (RAMP) created by the Veterans Appeals Improvement and Modernization Act of 2017. Diverting current VBA staff to work on RAMP without backfilling the original positions will only exacerbate this problem. Additionally, AFGE supports the IB's recommendation for an additional 143 new FTE's in the Vocational Rehabilitation and Employment Service.

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<sup>1</sup> Independent Budget for the Dept. of Veterans Affairs: Fiscal Years 2019 and 2020, Feb. 2018.

<sup>2</sup> *Id.* at 10.

<sup>3</sup> *Id.*

### **Production standards:**

AFGE urges Congress to increase oversight over VA's continued use of unreasonable and counterproductive performance standards that have been applied to employees processing and rating of claims at VBA, as well as Board attorneys handling appeals. These standards harm veterans by grossly valuing quantity over quality and do not accurately measure employee performance. These standards force employees to treat Veterans like widgets instead of the warriors they are. Congress has mandated time and motion studies for VBA in the past to determine the proper workload for VBA staff, including those contained in the "Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016" (Pub. L. 114-315, Sec. 106(b)(1)(A)) and the "Veterans' Benefits Improvement Act of 2008" (Pub. L. 110-389, Sec. 226). Therefore, we ask the committee to perform its oversight role and ensure that VBA performs these studies and implements standards that best serve veterans and allow VBA staff to thrive. Furthermore, upon the conclusion of this study, we urge Congress to ensure that the VBA includes labor representatives of front line employees in all future performance standards reviews.

### **Compensation and Pension Exams:**

Compensation and Pension (C&P) Exams have long been performed by VA's own clinical staff, and over the past decade the Veterans Health Administration has expanded and strengthened its in-house C&P capacity at medical centers across the country. By professionally seeing veterans full time and giving thorough exams to veterans (without the profit incentive to rush through exams that exists among contractors), these VA in-house clinicians develop unique expertise that is not found anywhere in the private sector. Through this experience, these VA clinicians give two distinct benefits to the veterans they see. The first is the critical specialized experience as a VA clinician that enables them to conduct thorough and accurate C&P examinations, that in turn enables VBA employees to timely and accurately decide veterans' claim, thus reducing the likelihood a veteran will need a second exam. Second, as clinicians in a highly coordinated care setting, they have a heightened ability to notice physical and mental conditions of veterans that the veterans may not be aware of, and refer them to treating VA clinicians.

In the short term, AFGE urges the Committee to conduct oversight over the quality and timeliness of exams performed by contractors. In the long term, we recommend that Congress allocate sufficient funds to fully fund C&P exams within its budget, and stop the unnecessary and counterproductive contracting out of these exams.

Furthermore, AFGE opposes the Administration's proposal titled "Clarify Evidentiary Threshold for Ordering VA Examinations." This proposal would not "eliminate delays in claims processing" but merely raise the evidentiary standard to get an exam, increasing the burden on veterans and making it easier for the VA to deny them care. Reducing the number of eligible veterans is not a way to eliminate delays, it is an underhanded way to reduce veterans' benefits.

**Cost of Living Adjustment:**

AFGE stands in solidarity with Veteran Service Organizations in opposing this Cost of Living Adjustment (COLA) round down. The VA should not be in the business of taking money from certain veterans to pay for the expenses of other veterans. These service members, including over a third of all VA employees, have sacrificed more than enough for their country, and should not have the indignity of having their COLA's reduced.

**The National Work Queue:**

The National Work Queue (NWQ) was billed as a way to reduce the backlog of Veterans' claims in VBA. While well intentioned, the NWQ has left a lot to be desired in the effort to ensure efficient and accurate process of claims. By making some small and discrete changes to the NWQ, including requiring claims to be processed by Veteran Service Representatives (VSRs) and Rating Service Representatives (RVSRs) in the same regional office, VSRs and RVSRs would be better able to process claims in a collaborative work setting, and it would allow veterans and their advocates to more easily track the progress of their claims. AFGE asks the Disability and Memorial Affairs Subcommittee to follow up on its hearing from February 14<sup>th</sup>, 2017, and both hold another oversight hearing on the status of the NWQ, and commission a GAO report on the program's effectiveness, and what changes can be made to improve it.

Thank you.