



Washington Headquarters
1300 I Street, NW, Suite 400 West
Washington, DC 20005
tel 202-554-3501
dav.org

**STATEMENT OF
JOSEPH LEMAY
ASSOCIATE NATIONAL LEGISLATIVE DIRECTOR
FOR THE RECORD OF THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
JUNE 24, 2025**

Chairman Luttrell, Ranking Member McGarvey and Members of the Subcommittee:

Thank you for inviting DAV (Disabled American Veterans) to submit testimony for the record of this legislative hearing. As you know, DAV is a congressionally chartered and Department of Veterans Affairs (VA) accredited veterans service organization. We provide meaningful claims support free of charge to more than 1 million veterans, family members, caregivers, and survivors. We are pleased to provide our views on the bills under consideration by the Subcommittee.

H.R. 659, the Veterans Law Judge Experience Act of 2025

H.R. 659, the Veterans Law Judge Experience Act, would direct the Chairman of the Board of Veterans' Appeals to give hiring priority to attorneys with three or more years of professional legal experience in veterans law.

According to the Board's Fiscal Year 2024 Annual Report, the Board employs 1,060 attorneys supporting 132 Veterans Law Judges. Many of these attorneys are currently in training. If more of them entered the Board with prior veterans law experience, training time could be reduced, thereby improving the Board's overall output and efficiency.

DAV supports H.R. 659, in accordance with Resolution No. 54, which calls for the hiring of additional attorneys to help address the appeals backlog.

H.R. 2055, the Caring for Survivors Act of 2025

H.R. 2055, the Caring for Survivors Act of 2025, would enhance financial support for eligible survivors of veterans who were rated totally disabled at the time of death. Specifically, the bill proposes to increase the Dependency and Indemnity Compensation (DIC) amount to 55% of the veteran's monthly compensation rate. Based on current rates, this adjustment would result in an approximate increase of \$6,860 in annual benefits for surviving spouses.

In addition, the legislation would strengthen the program to provide benefits for some survivors whose spouses died before meeting DIC's 10-year eligibility requirement. Currently, survivors of veterans who die before they reach 10 years as a 100% totally disabled veteran do not qualify for any DIC benefit, even if the veteran died after being totally disabled for 9 years and 11 months. H.R. 2055 would address this gap by providing a graduated benefit to survivors of veterans who were totally disabled for at least five years equivalent to 50% of the full DIC benefit amount, increasing proportionally each additional year by 10% until reaching 100% after 10 years.

By aligning DIC benefits more closely with those provided to survivors of federal civil service retirees, this bill represents a meaningful step toward equity and modernization in veterans' survivor compensation.

DAV strongly supports H.R. 2055 in accordance with DAV Resolution No. 25, which advocates for the improvement and reform of DIC benefits, and Resolution No. 142, which calls for a reduction in the current 10-year eligibility requirement.

H.R. 2701, the Fallen Servicemembers Religious Heritage Restoration Act

H.R. 2701, the Fallen Servicemembers Religious Heritage Restoration Act, requires the American Battle Monuments Commission to identify and research graves incorrectly marked for American-Jewish servicemembers. The commission partners along with non-profit organizations would locate affected graves, notify descendants, and ensure corrections are made to accurately reflect religious heritage.

This legislation takes an important step in appropriately honoring fallen service members, ensuring their heritage is memorialized with accuracy and respect. While DAV does not have a formal resolution on this specific matter, we have no concerns regarding the remarking of these grave sites.

H.R. 2721, the Honoring Our Heroes Act of 2025

Under current law, the VA only provides a headstone or marker for veterans who died on or before November 1, 1990, if their grave is unmarked. For those who passed away after that date, VA will provide a government-issued headstone or marker—regardless of whether there's already a private one in place.

The Honoring Our Heroes Act aims to close this gap and ensure all veterans receive the recognition they deserve. This important legislation directs the VA to launch a pilot program to offer headstones or markers for veterans who died before November 1, 1990—even if their graves are already marked. Families would be required to apply for these honors within two years of the law's enactment.

We support H.R. 2721, in accordance with DAV Resolution No. 104, as an important step to ensure that the sacrifices of all generations of veterans are equally honored.

H.R. 3123, the Ernest Peltz Accrued Veterans Benefits Act

This legislation aims to ensure that pension benefits accrued but unpaid at the time of a veteran's death are appropriately distributed to eligible survivors or, when applicable, to the veteran's estate. Timely and fair distribution of these benefits during a family's most vulnerable period would provide critical financial support and help ease the burden of loss. By addressing this gap in the claims process, the legislation upholds the principle that earned benefits should not be delayed or forfeited due to administrative barriers or unfortunate timing.

DAV believes this legislation could be further strengthened by including a provision that directs the VA to automatically assess and, when appropriate, award survivor's pension benefits at the time accrued benefits are paid without requiring a separate application. In most cases, VA already has verified information on the veteran's household income, and assets as part of the original pension determination. Eliminating the need for survivors to submit redundant claims would reduce delays, ease burdens on grieving families, and better align with VA's ongoing efforts to modernize and streamline benefit delivery.

Although DAV does not have a specific resolution on this measure, we have no objection to its advancement and support the effort to improve the delivery of benefits to survivors.

H.R. 3627, the Justice for America's Veterans and Survivors Act of 2025

The VA's annual suicide prevention report currently lacks crucial information about whether veterans who died by suicide had service-connected disabilities. It also fails to account for other service-related causes of death. This gap in data significantly limits the VA's ability to develop targeted, evidence-based strategies to support veterans' mental health and prevent future tragedies. Research has consistently shown that veterans with service-connected mental health conditions face a higher risk of suicide.

H.R. 3627 would require the VA to provide an annual report to Congress detailing both primary and secondary causes of death among veterans, with specific attention to service-connected conditions and suicide.

The Justice for America's Veterans and Survivors Act would give the VA and Congress the tools they need to develop and implement more effective mental health initiatives and suicide prevention programs. We support this legislation, as it is consistent with DAV Resolution No. 224, which calls for program improvement in the VA's mental health services and suicide prevention efforts.

H.R. 3833, the Veterans' Caregiver Appeals Modernization Act of 2025

H.R. 3833, the Caregiver Appeals Modernization Act proposes the development and deployment of a unified, digital system—modeled after the Veterans Benefits Management System (VBMS)—specifically for managing caregiver claims and appeals. This system would incorporate capabilities for application processing, document storage, and decision tracking, and must be accessible to staff across the Veterans Health Administration (VHA) and the Board of Veterans Appeals (Board). Additionally, VA would be required to draw on lessons learned from the implementation of VBMS and provide comprehensive training for all employees involved in adjudicating caregiver-related claims and appeals.

Currently, the Caregiver Record Management Application (CARMA) serves as the VA's primary data system for administering applications and appeals under VA's Program of Comprehensive Assistance for Family Caregivers (PCAFC). Maintained by VHA, CARMA is used by Caregiver Support Coordinators (CSCs) to track eligibility determinations, approvals, denials, and ongoing reviews of caregiver status.

Although CARMA functions adequately for initial determinations, it is not fully integrated with the Veterans Benefits Administration (VBA) and the Board. CARMA also does not provide access for accredited Veterans Service Organizations (VSO) representatives working on caregiver applications or appeals.

We support the intent of this legislation but do have concerns about whether mandating the creation of a new digital system, focused just on connecting PCAFC appeals and the Board is the best way forward. CARMA already affords access to Board employees, though it does not directly connect with the Board's digital system, Caseflow, nor does it directly interface with VBMS. It is our understanding that VHA is currently working on expanding its Health Benefits Management System (HBMS) to better integrate with other IT systems, which could potentially link CARMA to VBMS, though we are not aware of a plan to do so.

At this time, we are not certain whether it would be better for VA to create a new digital system for caregiver appeals, modify CARMA to better align with other existing IT systems for appeals, integrate the functions of CARMA into VBMS, or focus on further development of the HBMS system. We recommend that VHA work directly with VBA to develop an IT modernization plan for caregiver appeals that maximizes the potential for having a single integrated and interoperable system for all health care and benefit appeals. Regardless of which IT solution is ultimately chosen, it must ensure full access for VSO representatives.

Critically, the bill would also ensure that if a veteran passes away during the appeals process, the family caregiver remains eligible to receive any unpaid stipends owed at the time of the veteran's death. DAV strongly supports this provision of the legislation, consistent with DAV Resolution No. 343, which urges comprehensive support for caregivers of severely wounded, injured, and ill veterans of all eras.

H.R. 3834, the Protecting Veteran's Claim Options Act

Under Title 38 U.S.C. § 5108, if the VA has previously denied a claim, it must reopen the claim when the claimant submits new and relevant evidence. “New” means the evidence was not previously submitted to VA decision-makers, and “relevant” means it pertains to a fact necessary to establish the claim and could help substantiate it.

This statute creates a pathway for veterans to seek another review of a denied claim—provided they can present additional evidence that is both new and relevant. However, this standard also serves as a gatekeeping mechanism: if a claimant does not submit new and relevant evidence, the VA and the Board of Veterans' Appeals (Board) may refuse to reconsider the claim and decline to evaluate its merits.

H.R. 3834, the Protecting Veteran's Claim Options Act proposes changes to two key principles regarding the Board. First, it redefines the Board's jurisdiction over Supplemental Claims by clarifying that it cannot deny an appeal solely because the appellant failed to present new and relevant evidence. This ensures that veterans' appeals will not be dismissed purely on procedural grounds when brought before the Board.

Second, this bill expands the Board's jurisdiction to consider evidence in the first instance. Currently, when a case is remanded to the Board by the Court of Appeals for Veterans Claims (Court), the Board typically limits its review to the record already considered. This proposal would allow the Board to include and evaluate new evidence submitted by the appellant or their representative within 90 days of the Court's remand, ensuring a more complete and efficient review.

Based on DAV Resolution No. 306, we support H.R. 3834, as it represents meaningful reform to the appeals process. It preserves the statutory requirement for new and relevant evidence at the initial claim level, while protecting veterans at the appellate level by ensuring the Board must consider their cases—even in the absence of such evidence. Furthermore, by granting the Board jurisdiction to consider new evidence submitted within 90 days of a Court remand, this proposal eliminates unnecessary delays and empowers the Board to issue decisions based on the full and most recent record.

H.R. 3835, the Veterans Appeals Efficiency Act of 2025

This legislation proposes targeted reforms to improve the efficiency and transparency of the VA appeals process for veterans' benefits. The proposed changes affect key components within the Board, the Veterans Benefits Administration (VBA), and the Court. The bill includes seven primary elements:

Annual Reporting Requirements

While the VA Secretary is currently required to submit an annual report, this proposal mandates that specific data be included from the Board, including:

- Average processing time for remanded claims;
- Number of motions to advance appeals on the docket—categorized by grants, denials, and justifications; and
- Number of dismissed appeals, with an explicit breakdown of dismissals resulting from the appellant's death, including cases flagged as suicides.

These requirements aim to improve oversight, foster transparency, expose inefficiencies, and highlight cases affected by veteran suicides.

Guidelines for Advancing Appeals

Although the Board is statutorily required to adjudicate cases in docket order, 38 U.S.C. § 7107 allows for cases to be expedited when appellants are seriously ill or face severe financial hardship. This proposal calls for the development of standardized criteria to determine what qualifies as acceptable evidence for advancing a case and sets clear procedures for filing such motions. The intent is to promote fairness, prevent arbitrary prioritization, and ensure consistent application.

Claims Tracking Enhancements

The legislation would require VA to utilize technology and data systems to track the following categories within the Board and VBA:

- Continuously pursued claims (e.g., timely supplemental claims post-denial);
- Unassigned claims within the National Work Queue;
- Expedited cases under VA policy;
- Remanded cases from the Board;
- Board hearing backlogs;
- Noncompliance with remand instructions—particularly concerning the duty to assist;
- Supplemental claims following final decisions; and
- Death notifications, categorized by fiduciary assignment status.

Improved tracking could strengthen root cause analysis of delays, pinpoint systemic inefficiencies, and enhance compliance monitoring.

BVA Reforms and Claim Aggregation Authority

The legislation would grant the Board Chairman authority to aggregate appeals that share common legal or factual issues. “Aggregate” encompasses processes such as joinder, consolidation, intervention, class actions, or any similar multiparty procedure.

For example, this would allow multiple claims related to per- and polyfluoroalkyl substance (PFAS) exposure to be resolved together, potentially reducing redundancy and improving consistency.

However, this proposal raises several serious concerns:

- Complex or medically intensive cases could delay the resolution of bundled claims.
- Individual nuances may be overlooked during collective review.
- Weaker claims could adversely affect the perception and outcomes of stronger claims.
- Appellants may face restrictions if they wish to withdraw or revise individual claims within a group.

Critical Concern:

There is currently no clear process for appellants or their accredited representatives to opt out of claim aggregation. No veteran should be forced into a process that may not serve their best interest. Opt-out procedures must be clearly defined and guaranteed.

Remand Compliance Authority

The Board must ensure substantial compliance with all remand instructions. If new evidence submitted after a remand resolves the issue or renders the remand unnecessary, the agency of original jurisdiction may waive the requirement to return the case—*but only* if this waiver is formally included in the Board's decision.

Expanded Jurisdiction for the Court

The legislation would also extend the Court's jurisdiction to include covered proceedings involving class certification motions, even when claims are not yet finalized—provided a Notice of Disagreement or supplemental claim has been filed.

While intended to facilitate the resolution of recurring legal issues through class actions, we have several concerns:

- Granting jurisdiction prior to final VA decisions may disrupt the administrative process and cause judicial inefficiencies.
- Managing large class actions could overburden Court resources and delay unrelated appeals.
- Jurisdictional questions and class certification before claim finality could lead to procedural confusion.
- Allowing early judicial involvement undermines the principle of exhausting administrative remedies.

It remains unclear how VBA will manage coordination with the Court during these proceedings. We question how VBA will handle the administrative management of cases under the Court's expanded jurisdiction, particularly before final agency decisions are issued.

Limited Remands

The Court would be authorized to issue "limited remands," returning specific legal or factual questions to the Board while retaining jurisdiction. The Court would establish rules covering:

- When and how parties may request a limited remand;
- Timeframes for the Board to respond to the remand;
- Conditions for the Court to initiate a remand on its own; and
- Notification requirements once the Board issues a decision on the remanded issue.

This provision intends to resolve specific issues more efficiently but introduces additional judicial complexity that must be carefully regulated.

Studies and Use of Technology

The Board would be required to conduct a study, including through artificial intelligence (AI) and other technologies, to identify frequently recurring questions of law and fact and to evaluate whether precedential decisions would reduce duplicative appeals.

Independent Review via FFRDC

Within 30 days, the VA must contract a Federally Funded Research and Development Center (FFRDC) to conduct an independent feasibility study on:

- The Board's potential to issue binding precedential decisions; and
- Appropriate rules and procedures for claim aggregation.

The FFRDC must consult with veterans service organizations (VSOs), veterans' and survivor advocacy groups, legal experts, and the Administrative Conference of the United States. However, the VA would be required to begin implementing the FFRDC's recommendations within 90 days—without input from Congress or stakeholders.

We have serious concerns with this provision as it risks bypassing Congressional oversight, effectively delegating governmental decision-making authority to the FFRDC.

Precedential Authority

Granting the Board authority to issue binding precedents presents significant risks:

- Entrenchment of flawed decisions that may take years to correct;
- Reduced flexibility to adapt to unique or evolving circumstances;
- Slow correction process, requiring higher-level judicial intervention;
- Inconsistent interpretation at regional VBA offices; and
- Risk of institutional bias toward the agency's interests.

The legislation is not clear on how many Board judges would be required to participate in a precedential decision. The Court currently requires a panel of at least three judges for precedential opinions—will similar safeguards apply and how would this affect the Board's workflow and appeals backlog?

The Veterans Appeals Efficiency Act aims to provide a comprehensive and forward-thinking vision for improving VA's appeals process; however, several provisions raise substantial concerns and unanswered questions:

- **Claim Aggregation:** Clear opt-out provisions are essential to protect appellant autonomy.
- **Expanded Jurisdiction:** Premature judicial involvement could disrupt the appeals process.
- **Precedential Authority:** The risks of entrenched precedent and lack of oversight must be addressed.
- **FFRDC Implementation:** Granting an outside entity de facto legislative authority is inappropriate and must be reconsidered.
- **Workload Impacts:** Additional responsibilities must not exacerbate existing backlogs at the Board or Court.

Given the scope of these unresolved issues, DAV cannot support the Veterans Appeals Efficiency Act in its current form.

H.R. 3854, the Modernizing All Veterans and Survivors Claims Processing Act

The Modernizing All Veterans and Survivors Claims Processing Act seeks to enhance the efficiency and accuracy of veterans' claims processing by implementing automation tools. The VA would be required to develop a comprehensive plan within 180 days to automate the retrieval of service and health records, compile relevant evidence, provide decision support, facilitate information sharing between federal agencies, and assist in generating claim-related correspondence. The plan must assess the feasibility, benefits, and necessary modifications for these tools, identify unmet requirements, and outline a deployment timeline. The legislation prioritizes deployment of these tools with highest priority given to the Pension and Fiduciary Service and the Education Service. The legislation requires that the automation tool for generating correspondence must be available to all relevant program offices within one year.

Additionally, the bill requires the National Work Queue (or its successor) to automatically flag and assign a claims processor to review certain changes to benefits for children of veterans to ensure those benefits are properly aligned with family changes. It also mandates the VA submit a plan to Congress within 180 days to ensure all documents in VBMS are accurately labeled at entry to prevent lost evidence and delays.

DAV supports this legislation in accordance with Resolution Nos. 51 and 306, which call for meaningful reforms in the claims process and the adoption of modern IT solutions to better serve veterans. In implementing this legislation, it will be crucial for VA to prioritize strong data safeguards to protect sensitive veteran information, ensuring that personal and financial details remain secure. Maintaining uninterrupted VBMS access for veterans and VSOs is equally essential, preventing delays in services that many rely on.

Furthermore, incorporating VSO consultation during the system design and rollout process will leverage frontline expertise, resulting in a more effective and user-friendly system. These additional considerations will help ensure that the bill's implementation meets the highest standards of security, accessibility, and practicality.

H.R 3951, the Rural Veterans' Improved Access to Benefits Act of 2025

The Rural Veterans Improved Access to Benefits Act expands temporary licensure eligibility for VA-contracted medical disability examiners. Under this bill, examiners must hold a current, unrestricted license with no practice restrictions, ensuring qualified professionals can provide timely and effective assessments for veterans in rural areas. The temporary licensure authority would be extended to January 5, 2031.

Additionally, the bill broadens eligibility criteria by replacing specific professions with the general term "health care professionals," allowing greater flexibility in provider selection. These changes would enable more medical examiners to conduct evaluations, ultimately reducing wait times and improving service availability for veterans who need timely assessments.

DAV supports H.R. 3951 in alignment with Resolution No. 42, which calls for ensuring veterans in rural or remote areas have sufficient access to care.

To further strengthen this legislation, DAV recommends the committee consider several additional improvements to ensure the quality of medical disability evaluations. First, the temporary licensure authority should be made permanent to provide long-term stability and prevent future disruptions in access to qualified examiners, particularly in rural areas. Second, all contracted medical disability examiners should be required to complete training equivalent to that provided to Veterans Health Administration (VHA)

providers before conducting compensation and pension (C&P) exams. This would help ensure consistency, clinical competence, and adherence to VA standards. Finally, the VA should establish accountability measures to capture examiner errors, including mechanisms to track and address repeated mistakes that could delay or unfairly impact veterans' claims.

H.R. 3983, the Veterans Claims Quality Improvement Act of 2025

This bill establishes a comprehensive, multi-pronged strategy to enhance the quality, consistency, and accountability of the VA in processing claims through the VBA and appeals through the Board.

Addressing Avoidable Deferrals

The first component in the bill aims to reduce avoidable deferrals—instances where claims are delayed due to preventable errors or oversights by VBA employees, often within the National Work Queue. These delays unnecessarily hinder claim resolution. The bill would require the VA to notify employees when they are responsible for an avoidable deferral. By increasing employee awareness of repeated deferrals, the legislation seeks to improve efficiency and promote greater accountability.

Review of Office of General Counsel (OGC) Opinions

The bill mandates a study and report on the use of binding legal opinions issued by the VA's OGC, which serve as precedent in claims and appeals adjudication. The report will examine inconsistencies in the application of OGC opinions—particularly in appeals—and must be submitted within one year.

Quality Assurance at the Board of Veterans' Appeals

Although the Board currently operates a quality assurance program through its Office of Appeals Integrity, this bill imposes new requirements to address shortcomings identified in the Government Accountability Office's (GAO) November 29, 2023 testimony before this Subcommittee. The GAO found that the Board lacked written procedures for calculating its accuracy rate, managing error data, and verifying its accuracy metrics.

The enhanced quality assurance framework will:

- Notify decision drafters of court remands;
- Provide training and incentives to encourage review of court decisions;
- Use technology, including artificial intelligence (AI), to track:
 - Frequency of decision errors;
 - Remands and reversals by the Court of Appeals for Veterans Claims;
 - Trends associated with individual Board members.

The Board's annual report would be required to include a detailed analysis of error trends, root causes of remands, and weaknesses in the adjudication process.

While we agree that the Board's quality assurance program must address the gaps identified by GAO, it is not clear how staff would be incentivized to review court decisions or why the review of court decisions is not formally incorporated into the mandatory training program described below.

Training and Performance Reviews

A critical component of the bill is a new training mandate for Board members and staff. This training will focus on timely and accurate adjudication and include feedback mechanisms, reviews of errors, and analyses of court remands. The effectiveness of the training must be evaluated using a recognized model such as the Kirkpatrick Model, with annual assessments of its impact and results.

The bill also revises performance evaluations for Veterans Law Judges (VLJs). Instead of receiving a performance review panel every three years, VLJs will now be evaluated annually, allowing for more timely identification and correction of errors. Importantly, the performance of VLJs may no longer be used as a basis for evaluating the staff who draft their decisions.

Transparency and Accountability in Remands

The final component of the bill strengthens the transparency and accountability of Board remand decisions. Each remand must clearly explain the reason(s) for the remand, including whether the VA failed to meet its duty to assist or notify under 38 U.S.C. §§ 5103 and 5103A. Additionally:

- A copy of the remand decision must be sent to the VBA employee responsible for the error to reinforce accountability.
- The Board annual report must include categorized remand reasons, distinguishing between rating decisions made before and after the February 19, 2019, implementation of the Appeals Modernization Act (AMA).
- The VBA and Board are required to jointly develop a plan to improve remand quality and reduce avoidable remands.

While we have noted some concerns—particularly regarding the incentivization and integration of court decision reviews into training—we support this robust, multi-faceted initiative to improve the quality, consistency, and accountability of the claims and appeals process. In alignment with DAV Resolution No. 306, this legislation would be a significant and thoughtful step forward in strengthening veterans' benefits and appeals adjudication.

This concludes my statement for the record.