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DEPARTMENT OF VETERANS AFFAIRS  
BEFORE THE COMMITTEE ON VETERANS' AFFAIRS  
SUBCOMMITTEE ON TECHNOLOGY MODERNIZATION  
U.S. HOUSE OF REPRESENTATIVES**

**"REEXAMINING VA.GOV"**

**DECEMBER 4, 2023**

Good afternoon, Chairman Rosendale, Ranking Member Cherfilus-McCormick, and distinguished Members of the Subcommittee. Thank you for the opportunity to testify today about the Department of Veterans Affairs (VA) VA.gov website. I am accompanied today by Mr. Paul Shute, Assistant Deputy Under Secretary, Automated Benefits Delivery, Veterans Benefits Administration, Mr. Raymond Tellez, Executive Director, Office of Business Integration, Veterans Benefits Administration, and Mr. Charles Worthington, VA's Chief Technology Officer, Office of Information and Technology.

VA is committed to providing Veterans with a seamless digital experience and the VA.gov platform strives to provide that digital front door. Nearly 14 million Veterans and others access VA.gov for information and resources each month. VA.gov provides Veterans with an online platform to learn about, apply for, and manage their VA benefits and healthcare. As an update to our September hearing, the Department would like to share our progress on the recent VA.gov issues.

## **REMEDIATION**

**Disability Compensation Claim Submission Errors:** Earlier this year, we identified approximately 32,000 claims that were not correctly established due to a technological issue. Since our last update to the Committee, VA has established 25,257 disability claim submissions through a series of automated claims establishments along with correspondence to each impacted Veteran. VA is reviewing the record of every affected Veteran to ensure no claimant has been negatively impacted by this system failure. To provide full transparency, even if the review does not result in a change to benefit entitlement, claimants will receive notice when the review is complete, citing the considered documents and evidence. For all affected living and deceased Veterans, the date of claim will reflect the date of the earliest failed submission. As of November 28, 2023, 89.4% of the 25,257 established disability claims have been decided. In order to prevent similar issues in the future, VA established a backup procedure in January 2023, and further refined procedures for claims submissions that encounter this error to be routed as a package, with all documents submitted by the claimant, to VA's centralized mail portal for processing. VA will capture any claim that failed submission

and route for processing in a timely manner. The remaining identified claims are expected to be batch-established in December 2023.

**Dependency Submission Claim Errors:** In August 2023, VA identified 45,903 Veterans who had filed a request to update their dependency status online and did not have those claims successfully processed. In October 2023, VA completed analysis of all electronic dependency submissions since 2011 and identified over 81,000 Veterans who filed a request to update their dependency status online and did not have those submissions successfully processed (an update to the 45,903 Veterans provided above). VA is reviewing all affected dependency claims submissions to ensure no claimant has been negatively impacted by this error in VA.gov. This includes a review for a potential overpayment to the claimant and mitigation of debts attributed to the failed submission. As of November 28, 2023, VA has established 70,406 dependency reviews and has completed 37.5% dependency reviews, providing decision notice to the Veteran. Approximately 10,000 dependency claims are targeted for a December 2023 batch claims establishment. Moving forward, all dependency claims submissions that encounter an error will be routed to VA's centralized mail portal for processing to capture any future claims that may fail.

**PACT Act Intent to File (ITF) Issue:** 38 C.F.R § 3.114 incentivizes claimants to file their claim or ITF as soon as possible after enactment of a law or policy establishing eligibility for benefits by providing for the maximum retroactive benefit available. If a claim or ITF is received within one year from the effective date of an enacted law or change in the way VA addresses an issue, benefits may be authorized from the effective date of the law or VA issue change. Most Veterans and survivors who applied for benefits or who submitted an ITF by August 14, 2023, if granted, would have their benefits backdated to August 10, 2022. Due to the record-high PACT Act claims submissions leading up to the August 2023 submission deadline, the backend VA.gov system experienced an abnormal increase in "timeout" errors indicating VA.gov was unable to process the Veterans' Intents to File (ITF) and prevented some Veterans from completing a disability claim application. In response to this error, VA published a notice in the Federal Register recognizing VA.gov submissions received through August 14, 2023, as received by VA on August 8, 2023, preserving the most favorable effective date for the claim. Additionally, VA temporarily enhanced the call center Interactive Voice Response to prioritize ITF calls from Veterans during business hours. This enhancement also allowed Veterans afterhours access to provide personal identifiable information, enabling VA to call them back to complete the ITF process. The VA.gov technology issue was resolved in September 2023. VA contacted all affected users by email to assure them their ITF was received in VA's Veterans Benefits Management System (VBMS). VA identified 429 Intent to File submissions needing establishment, which were batch-processed in September 2023.

**Notice of Disagreement Issue:** In September 2023, VA identified a technical issue on VA.gov by noting a drop of about 900 appeals from the normal VA.gov submission volume. VA investigated the issue and quickly deployed a fix. It was determined that about 3,152 Veterans visiting the site may have been impacted by the

inability to load a webpage that's part of the VA.gov Notice Of Disagreement form. VA will contact the impacted Veterans to ensure they were able to successfully submit their appeal without any impact to their appeal date.

## **REVIEWS AND IMPROVEMENTS**

As this Subcommittee is aware, IT solutions are constantly evolving and changing, and software issues can arise. The Department acknowledges, however, the unacceptable time it took to proactively identify these issues with VA.gov. VA is taking all necessary steps to prevent similar issues in the future, and, if issues do arise, to identify and fix those issues quickly. We are also conducting a full review of all VA.gov processing systems to ensure we have comprehensive error handling in place.

From a technical perspective, VA's Office of Information and Technology (OIT) has implemented a "Code Yellow" process to ensure that we can more accurately observe and monitor potential issues in VA.gov. The goals of Code Yellow include monitoring the health of the most important applications and features on VA.gov and making these monitors accessible in one place. Additionally, Code Yellow ensures a government employee is aware of any significant issue within 24 hours of detection.

So far, this effort has led to 56 automatic monitors being consolidated onto a unified "watch tower," where the health of VA.gov can be discerned in a single place. So far, 80% of VA.gov's most important features are represented on this watch tower, and VA expects to complete automatic monitors on the remaining top features by the end of Quarter 1 in Fiscal Year 2024. OIT has also established standard operating procedures that ensure alerts on the watch tower are triaged as they happen.

In addition, VA is investing in modernizing our claims and appeals processing infrastructure to ensure a seamless, error-free experience for Veterans, their families, caregivers and survivors on VA.gov. Even as we work to incorporate monitoring, the root causes of these issues stem from many different failure points in VA's legacy infrastructure. Using funding from the Toxic Exposures Fund, OIT is continuing to modernize and de-layer this infrastructure, which will reduce the number of failure points and make the remaining ones more fault tolerant. VA will resolve these issues, prevent them from happening in the future, address them more quickly when needed and most importantly, make sure that all impacted Veterans get the benefits and services that they deserve as quickly as possible.

## **ONGOING MODERNIZATION**

Finally, while not directly related to previous VA.gov issues, I would like to take this opportunity to address the recent notification concerning the VA.gov pension application interactive online form (VA Form 21P-527EZ) being temporarily unavailable from November 8, 2023, through January 31, 2024. Leveraging PACT Act funding, VA is updating the interactive form to ensure it matches the current paper version of the form. The current interactive form did not match the paper form, so based on end user

feedback we decided to temporarily disable the interactive form until it has been updated to avoid unnecessary confusion or processing delays. Veterans, their families, and accredited representatives who attempt to apply online are now redirected to download the current form and submit a completed application using VA QuickSubmit, AccessVA's online alternative to fax or mail documents to the centralized mail portal. All Veterans with a pension application in progress via the discontinued application will automatically have an Intent to File (ITF) saved to their record to preserve the earliest possible effective date.

## **CONCLUSION**

Chairman Rosendale, Ranking Member Cherfilus-McCormick and Members of the Subcommittee, thank you for the opportunity to appear before you today. As previously mentioned, VA.gov is the digital front door, and Veterans need to have confidence and trust their benefits and services are available, accurate, and secure. I look forward to continuing working with this Subcommittee to address our greatest priorities and the challenges we face in our digital transformation. This concludes my testimony, and I look forward to answering your questions.