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American Legion presses VBA to improve work quality and timeliness

WASHINGTON (June 16, 2010) - The American Legion told Congress yesterday that, while the Veterans Benefits Administration has made some recent progress, it believes "there are clearly areas for improvement" in the way VBA processes disability claims for veterans.

"VBA has, to be fair, made many strides forward in recent history, but there are still many areas that must be addressed," said Ian de Planque, deputy director of The American Legion's veterans affairs and rehabilitation division, in his written testimony before a House subcommittee. "VBA struggles with the quality of work and timeliness, not only in the adjudication of claims but also in the implementation of internal regulatory changes and those directed by Congress."

In addition, de Planque said, the accuracy of VBA's work is suffering from the pressures of moving a high volume of disability claims through its own system -- a system that has serious flaws, according to a March 2009 report from the Dept. of Veterans Affairs Office of the Inspector General.

The OIG report found that VBA has been remiss in reviewing and analyzing its own systemic problems: while 20 reviews were planned for the grant/denial rates for veterans' disability claims, only two were conducted. "Furthermore," the report said, "VBA officials did not initiate either of the two planned evaluation reviews to analyze and improve the consistency of disability compensation ratings, and to reduce the variances between states."

"VBA is not following up on their own projected plans for analysis," de Planque told the House Subcommittee on Disability Assistance and Memorial Affairs. "Regardless of the potential of STAR (Systematic Technical Accuracy Review, introduced in October 1998), if it is not implemented as intended, it cannot hope to be an effective tool for correction. The exertion of outside pressure would seem essential to enforcing the application of the procedures in place."

The American Legion has already proposed three changes that would improve STAR: develop a system to track errors nationwide, use the gathered data to improve training programs, and strengthen the program's effectiveness with independent oversight.

If VBA is, indeed, gathering information on its own errors, "it does not appear to be used in any fashion for analysis to detect trends which could indicate larger, systemic problems," de Planque told the subcommittee, chaired by Rep. John Hall, D-N.Y.

While the OIG report estimated that nearly one-fourth of all claims processed by VBA contained mistakes, de Planque said the error rate at VA regional offices "is even higher," at least among veterans' claims being filed through American Legion service officers.

"During quality-review visits conducted by The American Legion, which encompass a weeklong review of operations in Regional Offices, VBA's error rate often reaches a third of all claims evaluated," he said.

Recent legislation passed by Congress has directed VBA to use measures already in place to expedite the claims process, such as granting interim disability ratings until veterans can submit more supporting documentation. Also -- instead of denying a claim outright -- well-documented health issues can be granted immediately while others that need more data can be deferred for later decisions.

"VBA, however, has been slow in implementing these types of ratings," de Planque said. "All of the good intentions of VA and Congress to improve the system for veterans are for naught if the measures are not implemented."

In his testimony, de Planque highlighted two areas where veterans are still experiencing substantial delays in getting their claims processed: the confirmation of stressors for post-traumatic stress disorder (PTSD), and three new presumptive conditions related to the herbicide Agent Orange: ischemic heart disease, Parkinson's disease, and B-cell leukemia.

De Planque told the subcommittee The American Legion fields dozens of calls every day "from concerned veterans, asking what progress is being made on the final implementation" of VA regulations that must be in place before disability benefits can be

awarded for the additional Agent Orange-related diseases.

While veterans qualify for back pay of benefits once VBA decides in their favor, de Planque reminded the subcommittee that veterans must also wait for the health care to treat their conditions.

“The effects of heart disease and Parkinson’s, when untreated, can be devastating. VA must act to move forward on this and grant these deserving veterans their claims with all due haste so they can receive the preventive health care they are entitled to,” de Planque said. “The time for delays has long since passed, and this must be a priority for resolution, with no more obstacles thrown in the way of these veterans.”

But VBA is making some progress, de Planque said, noting that nearly 40 pilot programs are being conducted, most of them aimed at improving operations of the benefits system. American Legion officials have observed several of the programs and gave them positive evaluations, according to de Planque.

The American Legion testimony’s main theme was that VBA needs to pay greater attention to detail in processing disability claims for veterans who have earned their benefits through honorable service in the military.

De Planque told the committee that “quick fixes” made by VBA in correcting its errors on claims “are fixes that not only save the veteran years of delays, they save [VBA] years of work. Get it done right the first time and there is no need to clog the system with second, third and fourth times.”

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