Resolution No. 4: Appropriate Procedures for Compensation & Pension Examinations  
Origin: Veterans Affairs & Rehabilitation Commission  
Submitted by: Veterans Affairs & Rehabilitation Commission

WHEREAS, The reliance of the Veterans Benefits Administration (VBA) on contracted compensation & pension (C&P) examinations has increased substantially since 2016, when it awarded 12 contracts to five private firms for up to $6.8 billion; and

WHEREAS, An October 2018 report from the Government Accountability Office (GAO) concluded that such medical providers contracted to conduct C&P exams are not meeting the accuracy and timeliness standards set forth by the Department of Veterans Affairs (VA); and

WHEREAS, C&P exams fulfill essential functions for VA disability claims and appeals, such as establishing service connection for veterans’ disabilities and evaluating their severity for the purpose of VA disability compensation; and

WHEREAS, It is reasonable to expect VA to schedule C&P exams only when they are needed, and to notify veterans of their appointments for such examinations in an appropriate and effective manner; and

WHEREAS, It has been reported to The American Legion that C&P exams have been scheduled unnecessarily for veterans whose conditions are already diagnosed and being treated by VA; and

WHEREAS, When VA-contracted providers contact veterans on their home phones, no caller ID appears; thus, veterans often do not take the call and they are subsequently penalized by VA with a “no show” at their scheduled C&P exam; and

WHEREAS, Such “no show” determinations often result in the denial of benefits to America’s veterans; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled virtually on October 14-15, 2020, That The American Legion urge the Department of Veterans Affairs (VA) to alleviate the scheduling of unnecessary compensation & pension (C&P) exams; and, be it further

RESOLVED, That VA-contracted medical providers contact veterans telephonically in a manner that will identify the caller to the veteran; and, be it further

RESOLVED, That VA and VA contractors refrain from assigning “no show” determinations in veterans’ medical records until such veterans have been contacted via their primary phone numbers, secondary phone numbers and/or email; and, be it further

RESOLVED, That the Veterans Benefits Administration establish notification, grievance and a national hotline for veterans who experience inappropriate procedures and standards with contracted medical examiners during the compensation and pension process; and, be it finally

RESOLVED, That The American Legion supports the use of disability benefits questionnaires and advocates that a VA diagnosis of a veteran(s) condition be recognized in order to avoid subsequent and duplicate medical testing by an contracted medical examiner concerning an established medical condition.