

**NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
May 5-6, 2021
Virtual**

Resolution No. 10: Increased Use of Acceptable Clinical Evidence (ACE) Examinations as an Alternative to Compensation and Pension (C&P) Examinations

Origin: Veterans Affairs & Rehabilitation Commission

Submitted by: Veterans Affairs & Rehabilitation Commission

WHEREAS, The COVID-19 pandemic caused the Veterans Benefits Administration (VBA) to discontinue in-person Compensation and Pension (C&P) Examinations, effective April 2020; and

WHEREAS, Such discontinuance has caused a backlog of pending Examination Scheduling Requests (ESRs) that was more than 342,000 in February 2021; and

WHEREAS, The total number of pending C&P disability claims in the VBA system was more than 474,000 in February 2021, with about 211,000 in backlog status (pending 125+ days); and

WHEREAS, The Board of Veterans Appeals reported a backlog of more than 182,000 appeals at the end of fiscal year 2020's first quarter (December 31); and

WHEREAS, The current backlog of C&P Examinations, pending original claims and pending appeals has placed undue hardship on veterans, who continue to suffer from physical and mental conditions while waiting for their claims to be adjudicated, and undue financial stress on themselves and their families who could benefit from potential Department of Veterans Affairs (VA) benefits compensation; and

WHEREAS, Acceptable Clinical Evidence (ACE) Examinations are based on a review of medical records and history without an in-person clinical exam or testing, but may also include telephone or video interviews; and

WHEREAS, A large number of pending C&P Exams may be unnecessary because veterans have already been diagnosed and service-connected for the condition(s) at issue, or the current severity of service-connected conditions can be documented by acceptable clinical evidence; and

WHEREAS, In its report issued in November 2020, VA's Office of Inspector General encouraged the VBA to make greater use of ACE Exams in reducing the current exam backlog; and

WHEREAS, When C&P Exams are held up, the entire process of granting benefits to veterans is also held up and any potential benefit payments are delayed; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled virtually on May 5-6, 2021, That The American Legion urges the Veterans Benefits Administration to decrease the number of backlogged Compensation and Pension (C&P) Examinations through greater use of Acceptable Clinical Evidence (ACE) Examinations, in order to establish service connection for veterans' disabilities and to determine the current severity of such disabilities for Department of Veterans Affairs purposes.