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National Veterans Affairs and Rehabilitation Commission

1608 K Street, N.W. • Washington, D.C. 20006

K. Robert Lewis, Chairman - Connecticut

Peter S. Gaytan, Director - Maryland

41-08

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## DEPARTMENT OF VETERANS' AFFAIRS (VA) ADDRESSES MONTH OF DEATH DISCREPENCIES

WASHINGTON, DC—In mid December, 2008, Chairman of the Senate Veterans Affairs Committee, Senator Daniel Akaka, sent a letter to VA Secretary James Peake questioning the implementation of a Department of Veterans Affairs (VA) policy with regards to surviving spouses of veterans and the payment of benefits during the veterans' "month of death". Senator Akaka expressed concerns that because of an apparent glitch in VA systems, widows may have been denied millions of dollars in benefits over the last twelve years.

In 1996, the Veterans Benefits Improvement Act (PL 104-275) gave veterans' spouses the right to keep their partners' final month of benefits. It instructed VA to make changes as needed to comply with the law, which took effect for spouses of veterans who died after Dec. 31, 1996. What appears to be the problematic part is that VA's system was never updated. As a result many surviving spouses were either denied the final month of payment or asked to send the checks back. In many cases, if the checks were already deposited or spent, the U.S. Treasury moved to seize the money directly from their accounts.

Brad Mayes, Director of Compensation and Pension Service (C&P), stated that VA had been working with Akaka's office on this issue, and will continue to do so. He further stated that VA is presently stepping up their outreach to reach spouses who may have been affected by this VA oversight, and to ensure that they receive the proper benefits due to them. VA is providing a fully staffed phone call center, reachable at 1-800-827-1000, to attempt to rectify the situation for those affected. Surviving spouses can call the number and VA will immediately begin the process of checking to ensure eligibility and delivering payments to those who need it.

As the automated system was apparently not changed when the changes went into place in 1996, VA is fighting through a backlog of information to determine who has been denied benefits over a 12 year period. This is made even more difficult by the fact

that VA is in the process of shifting data collection and storage to a “virtual VA” mode through “paperless” initiatives such as VETSNET.

VA has asked Veterans’ Service Organizations (VSOs) to reach out to their constituencies and help those affected by this situation to make contact with VA and begin the process of receiving the compensation that they are entitled to. Any surviving spouses who feel that they may have been affected by this error on the part of VA should contact the 1-800-827-1000 phone number as soon as possible. American Legion service officers are also strongly encouraged to check their files for any surviving spouse that may have been adversely impacted by this glitch.

If you have any questions or concerns, please contact Ian de Planque, Assistant Director for Claims Service, VA&R, at [ideplanque@legion.org](mailto:ideplanque@legion.org) or (202) 861-2700, Ext. 1604.

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