

**NINETY-EIGHTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Cincinnati, Ohio
August 30, 31, September 1, 2016**

Resolution No. 148: Oppose Legislation Authorizing Legion-Accredited Representatives to Develop Claims Directly on Behalf of the Department of Veterans Affairs

Origin: Maryland

Submitted by: Convention Committee on Veterans Affairs & Rehabilitation

WHEREAS, There are almost 23 million veterans of the Armed Forces of the United States; and
WHEREAS, Currently, there are approximately 685,686 veterans who have some type of action pending on their claims by the Department of Veterans Affairs (VA); and

WHEREAS, Approximately 405,938 of those claims are over six months old; and

WHEREAS, In addition, there is a growing backlog of pending appeals, which is now over 267,002 cases, as well as approximately 18,000 remanded cases at the Appeals Management Center; and

WHEREAS, Appeals are, by definition, among the oldest claims in the system and reflect the claimant's belief that they have not received a fair or proper decision; and

WHEREAS, The nation's veteran population is dying at a rate of over 1,300 veterans a day; and

WHEREAS, Proposed legislation to reduce the backlog of veteran's claims at VA was previously introduced in the United States House of Representatives; and

WHEREAS, Under currently proposed legislation, a pilot program, establishing an official federally funded arrangement between county veteran service officers and VA in five states (California, Florida, Ohio, South Carolina, and Texas), with the potential of expanding to other states upon the request of a county veterans service officer in such a state, would be created in order to eliminate the backlog of claims for veterans benefits; and

WHEREAS, Many county veterans service officers are, in fact, accredited representatives of The American Legion and employed by local municipalities; and

WHEREAS, The proposed legislation would allow the Secretary of Veterans Affairs to choose a county veterans service office for development of a claim based upon the office's geographical proximity to the claimant; and

WHEREAS, County veterans service officers are already working long hours to assist veterans and eligible dependents in the application for, administration of, or receipt of benefits under any federal, state, or county veterans benefits program; and

WHEREAS, The Secretary of Veterans Affairs, under this program, would refer claims to the county veterans service officer for specific development as specified by the Secretary; and

WHEREAS, Claims submitted to the county veterans service officer under this program would be treated, for receipt of claim purposes, as if submitted to VA; and

WHEREAS, VA referrals to a county service officer imply a dual role, that of advocate for the veteran and VA adjudicator of the veteran all at the same time; and

WHEREAS, This dual role would essentially make the county service officer a quasi-VA employee, creating an inherent conflict of interest between the county service officer's role as a veterans advocate and his/her function as a quasi-employee of VA; and

WHEREAS, VA referrals could jeopardize the veteran service officer confidentiality and even violate the Privacy Act and power of attorney relationship; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Cincinnati, Ohio, August 30, 31, September 1, 2016, That The American Legion adamantly oppose any federal legislation requiring an accredited representative of The American Legion to develop claims on behalf of the Secretary of Veterans Affairs under a contractual arrangement between VA and county or state government or under any other arrangement where the representative would be acting in an official capacity directly on behalf of the Secretary of Veterans Affairs.