

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

**Resolution No. 236: Department of Veterans Affairs to Provide Interim Benefits for Pending Claims Over 90 Days**

**Origin: New York**

**Submitted by: Convention Committee on Veterans Affairs & Rehabilitation**

WHEREAS, The American Legion, while supporting the Department of Veterans Affairs (VA) in its efforts to provide support to military veterans of the United States of America, recognizes the growing backlog of claims for disability and compensation submitted by military veterans; and

WHEREAS, The American Legion has continued to press the VA to improve both the efficiency and accuracy with which veterans' claims are processed; and

WHEREAS, Testimony by The American Legion before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs, United States House of Representatives informed Congress that the VA continues to be inefficient and inaccurate in processing veterans' claims for disability and compensation; and

WHEREAS, Veterans who have filed compensation and pension claims with the Veterans Benefits Administration and disagree with the decisions of the Regional Offices are entitled to appeal these decisions to the Board of Veterans Appeals; and

WHEREAS, The Regional Offices take anywhere from 76.6 to 361.7 days to produce a rating decision; and

WHEREAS, Although the Board of Veterans' Appeals has authority to complete the development of cases, it remands approximately 25% of cases appealed back to the Regional Offices for additional development, thereby delaying consideration of the veteran's claims; and

WHEREAS, Another government agency, the Internal Revenue Service (I.R.S), must pay interest on delayed refunds of more than 45 days from the due date of the return; and

WHEREAS, The rate of interest the I.R.S. uses changes every three months to reflect the prime interest rate then in effect; 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 shall support any legislation to pay on a non-refundable basis in an amount to be determined by Congress for each day, from the date of original submission, for any claim decided after the 125 day limit; and, be it further**

**RESOLVED, That the action taken by Congress can include, but is not limited to, a nominal grant or interest that will be at the same rate as used by the Internal Revenue Service when their refunds are delayed more than 45 days; and, be it finally**

**RESOLVED, That The American Legion urge Congress to establish interim benefits for veterans awaiting action on claims for service connected disabilities if no action is taken by the Department of Veterans Affairs within the first 125 days of the claim's submission.**