

**NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
INDIANAPOLIS, INDIANA
MAY 9-10, 2001**

Resolution No. 3: The American Legion Policy On The Training Responsibility, Involvement And Preparation Of Claims (Trip) Initiative Levels I And II

Origin: NC 1999 Resolution No. 180 (California) Amended

Submitted By: Veterans Affairs and Rehabilitation Commission

WHEREAS, The Veterans Benefits Administration (VBA) has initiated the Training, Responsibility, Involvement, and Preparation of Claims (TRIP) Program, to assist service officers in developing benefit claims by providing them enhanced access to the VBA computer system; and

WHEREAS, Under TRIP training Levels I and II, service officers would receive training on the VBA computer system and VA claims development procedures, and would be required to pass a basic certification test for each phase in order to receive enhanced access to the VBA computer system; and

WHEREAS, Under this concept, VBA intends the service officers submit more completely developed claims, which could then be processed and adjudicated more expeditiously; and

WHEREAS, Current VBA office staffing is unable to keep up with the current workload and the backlog of pending claims and appeals is in excess of 518,000 cases; and

WHEREAS, In addition, several past Congressionally mandated studies of VBA have cited continuing problems resulting from inadequate staffing resources in the regional offices, limited progress on computer modernization, the lack of personal accountability in the adjudication system, and the general inability to follow the law and its own regulations; and

WHEREAS, As a result of the submittal of more completely developed claims by VSOs, VBA anticipates this will expedite the claims process, a positive step in favor of the veteran; and

WHEREAS, The American Legion is concerned that VBA continues with the implementation of TRIP without any formal legal opinions from the VA General Counsel as to the legalities of this program, nor have any proposed regulations or formal guidelines relating to the TRIP program and VSO "certification" been published; and

WHEREAS, It is the policy of The American Legion that matters of interpretation of law and the development and submission of evidence pertinent to a veteran's claim shall be the responsibility of The American Legion accredited representative; and

WHEREAS, The American Legion has expressed opposition to the inclusion of any TRIP guidelines on claims' development, which, if implemented, could put accredited representatives in a quasi-employee relationship with VA or which may be perceived as unethical or adversarial to the interest of the individual they are appointed to represent in accordance with 38 USC 5903 and 38 CFR 14.631; and

WHEREAS, 38 USC 5701 requires the VA Secretary to disclose all files, records, reports and other documents pertaining to any claim to the claimant's duly authorized representative; and

WHEREAS, Since the VA General Counsel already accredits these service officers in accordance with 38 CFR 14.629(a)(1)(iii), further certification by VBA as to their duties as accredited representatives, as a prerequisite to enhanced computer access under TRIP, Levels I and II, is unwarranted and unnecessary; now, therefore, be it

RESOLVED, By The National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, May 9-10, 2001, That The American Legion go on record as commending VBA for its efforts to assist accredited representatives in obtaining greater access to information and records in the VBA computer system through TRIP, Levels I and II; and, be it further

RESOLVED, That The American Legion urge VBA to make available Levels I and II training to enhance a service officer's access to and use of the VBA computer system without any requirements for input of information or procedural restrictions on the activities and responsibilities of the accredited representative in preparation, presentation, and prosecution of veterans' claims before the Department of Veterans Affairs; and, be it finally

RESOLVED, That The American Legion in utilizing the enhanced access to the VBA computer system afforded by TRIP, Levels I and II, shall not take any action that is incompatible with The American Legion service officer's role as the veteran's advocate and accredited representative.