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# United States Senate

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January 19, 2022

The Honorable Denis R. McDonough  
Secretary of Veterans Affairs  
U.S. Department of Veterans Affairs  
810 Vermont Avenue NW  
Washington, DC 20420

Dear Secretary McDonough,


Veterans may be at risk of losing their earned compensation and pension benefits as a result of administrative and mailing issues at the Department of Veterans Affairs (VA) and the Government Printing Office. Last fall, these issues created circumstances in which veterans and their families faced significant delays in receiving notification letters regarding their disability claims and the process for protesting decisions related to those claims. During this delay, VA told Congress that they were providing an extension to any veteran's response required by those letters. While we appreciate the response due-date extension, we urge you to reexamine the Department's plan to deal with these delayed notices so that claimants are not unfairly penalized.

At best, these letters provide updates, requiring no further action. At worst, however, these letters request responses within a specific timeframe. In those instances, if the claimant does not respond in a timely manner, the Department may take an adverse action and deny earned benefits, and the claimant and his or her family may forfeit benefits. Based on conversations with our states, we are concerned that claimants may have a delay in receiving their letters, leaving them minimal time to respond, while others may receive letters after the deadlines have already passed, leaving them confused as to what to do next.

In November of 2021, [the Department announced a 90-day extension](#) for letters dated between July 31 and December 31, 2021. Based on this announcement, Veterans Benefits Administration (VBA) would then "not take adverse action to deny, reduce or terminate benefits and services unless: 1) the claimant is contacted and there is documentation of their right to respond; 2) the requested information has been received; or 3) the response period has lapsed." We strongly urge VBA to reconsider this third option, in the best interest of your customer, the veteran. At a minimum, VA should hold claimants harmless so they are not unduly affected by a bureaucratic and governmental problem not of their own making.


Press releases and social media outreach do not guarantee contact with those who expect notices via mail. VBA should make every effort to establish positive interaction with impacted veterans; further extend or waive deadlines on behalf of the veteran; or provide other ways to reopen claims that VBA closes adversely due to notice and deadline issues. We thank you for looking into this matter and await your response.

Sincerely,



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Jon Tester  
Chairman  
Committee on Veterans' Affairs



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Jerry Moran  
Ranking Member  
Committee on Veterans' Affairs