

Ranking Member Daniel K . Akaka

OPENING STATEMENT

Senator Daniel K. Akaka
Ranking Member
Committee on Veterans' Affairs
United States Senate

Battling the Backlog:
Challenges Facing the VA Claims Adjudication and Appeal Process?

May 26, 2005

I am very pleased to welcome back Admiral Cooper before the Committee today. Mr. Epley, I understand that this will be your last time with us. Thank you for your service to our nation's veterans.

Former Chief Judge Kramer, I am very pleased that you have agreed to join us today to give us your special insight into the claims process and how it is working. We hope you have suggestions for improvement.

I additionally want to thank the rest of the panel members in advance for testifying before us today. As we all know, the claims process is very important to our nation's veterans. Our veterans deserve no less than quality workmanship done in a timely manner. Those of you on the second panel have a unique perspective on claims processing and I am happy that you are here to share it with us today.

We plan to use this hearing as an opportunity to hear all angles of the issue. This hearing will be broadly focused, hopefully touching on major areas of concern in the VA claims process. The information gathered at this hearing will be used as the basis for more narrowly tailored hearings in the future. Along with Chairman Craig, I look forward to building on what we learn today in subsequent hearings.

To date, in fiscal year 2005, forty three percent of the claims reaching the Board of Veterans Appeals are remanded. These remands worry me because of the additional time it adds to the process. Today I hope to hear about the causes of these remands and possible ways to eliminate the errors at the Regional Office level that are causing the high remand rate.

I also note, Admiral Cooper, that your testimony states that delays in remand processing grew as a result of the resource demands of the total growing workload. Admiral Cooper, I would like to work with you to appropriately address this situation.

I want to thank VA for the proactive steps it has made toward decreasing the delay and standardizing business processes through the creation of the Appeals Management Center and the Claims Processing Improvement Model, but we can all see that there is much more work to be done.

I want to make a few remarks about the recent VA Inspector General's Report. The report states that it is statistically impossible for each state to have virtually identical average payments and that there are numerous factors that affect payments by state. The report says VA must determine, "whether the magnitude of the variance from the highest average state payment to the lowest average state payment is within acceptable limits." I, for one, believe that it is not. The Inspector General states that some reasons for the payment differential are timeliness pressures, rater experience, and training. These all seem to be personnel and staffing issues that could be fixed if VA and Congress work together to allocate the necessary resources.

Another factor stated in the report is subjectivity in PTSD claims ratings. While some disabilities such as PTSD are more prone to subjective rating decisions, such subjectivity adds to inconsistent decisions. There must be common standards for rating PTSD to ensure fair treatment of our veterans - whether they live in New Mexico or Illinois, but these common standards should not overlook the varying degrees of disability caused by PTSD.

I am happy to know, Admiral Cooper, that you agreed with the review findings and recommendations of the report. I hope you will periodically inform the Committee on VBA's progress in correcting the problems within the claims process.

Thank you. I look forward to hearing your testimony.