

Senator Daniel K. Akaka Chairman

OPENING STATEMENT

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Chairman

Committee on Veterans' Affairs

United States Senate

Oversight Hearing: Performance and Structure of the  
United States Court of Appeals for Veterans Claims

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Aloha. This hearing continues the Committee's efforts to ensure that veterans' claims are processed and adjudicated in a timely and accurate manner. Our focus today will be on the performance and structure of the Court of Appeals for Veterans Claims. In the months to come, the Committee will hold hearings on other parts of the claims adjudication system, and on the overall VA disability system. The system has been the focus of much scrutiny in the past few months, as both the Veterans' Disability Benefits Commission and the President's Commission on Care for America's Wounded Warriors, commonly known as the Dole-Shalala Commission, released their final reports. Recommendations made by those Commissions were the subject of a hearing held by this Committee last month. I intend to explore the work of the Commissions in greater detail next Session.

Compensation is a fundamental way in which this nation honors those who served and sustained injuries or diseases as a result of that service. A delay in getting an injured or ill veteran the benefits he or she deserves, represents a fundamental failure of our country's moral obligation to veterans.

I am pleased that we are once again joined by Chief Judge Bill Greene. A few months ago, I had the opportunity to meet with Judge Greene in his Chambers, and I would like to thank him for being a most hospitable host. I appreciated the time the court and its staff took to meet with me and I look forward to expanding my understanding of the court's operations today. I recognize that the court has been dramatically transformed by the judges who now make up the bench. These judges have been on board for a significant period of time, and all indications are that the court is functioning smoothly. During my visit, I was struck by the space constraints of the court in its current location. Judge Greene, I hope that you will provide the Committee with an update on your progress in securing adequate space for the court.

For many veterans, the claims process can be arduous. By the time a claim reaches the Court of Appeals for Veterans Claims, a veteran may have spent years trying to navigate through the VA system, while awaiting final resolution of their claim. Veterans deserve to have their issues resolved fairly and in a reasonable amount of time. Ensuring the court has adequate staffing and resources and uses them in an efficient manner will go a long way to meeting these goals.

In addition, it is becoming increasingly clear that Congress must have accurate and timely data to legislate and appropriate effectively. Congress must know more than just data or numbers of

claims - we must have specific information on the workload pending before the court. We must also have a better understanding of the effectiveness of the representation before the court - all veterans who want representation should be afforded effective representation rather than attending court pro se.

Today I hope we will hear what is working well at the court, and what areas might be in need of additional oversight or legislative assistance. Several of the second panel witnesses have recommendations for improvements in the court's operation. I thank them for their insight and look forward to their suggestions.

Judge Greene, I hope to get a status update from you about the various means that you are utilizing for the court to reduce its pending caseload. I know that the court is exploring electronic case filing and case management, the use of a Joint Appendix, and dispute resolution. I hope to hear more about these efforts in your testimony this morning. I note that during Fiscal Year 2007, the court received 4,644 cases, and decided 4,877 cases. This is an all-time high for the court and I applaud its increased productivity.

In addition, I hope that you will expound on the legislative changes that you have recommended which might benefit the court and therefore this nation's veterans. The first proposal would expand the court by two judges, bringing the total judges on the bench to nine. The second proposal would limit access to the record on appeal in order to protect veterans' privacy. Judge Greene, I thank you for using Congress to improve the court's function. As you know, I view the court as a separate, independent entity from VA. I do, however, want to look for opportunities to collaborate. You have provided such opportunities here today, and I thank you.

I thank all of our witnesses for joining us today and I look forward to today's discussion.